

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2008

EIGHTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 10, 2008

The House of Representatives convened at 11:00 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by Deacon Nathan Allen, St. Agnes Catholic Church, St. Paul, Minnesota.

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	Lesch	Olson	Slocum
Anderson, S.	Dittrich	Hilstrom	Liebling	Otremba	Solberg
Anzelc	Dominguez	Hilty	Lieder	Ozment	Swails
Atkins	Doty	Holberg	Lillie	Paulsen	Thao
Beard	Drazkowski	Hoppe	Loeffler	Paymar	Tillberry
Benson	Eastlund	Hornstein	Madore	Pelowski	Tingelstad
Berns	Eken	Hortman	Magnus	Peppin	Tschumper
Bigham	Erhardt	Hosch	Mahoney	Peterson, A.	Urdahl
Bly	Erickson	Howes	Marquart	Peterson, N.	Wagenius
Brod	Faust	Huntley	Masin	Peterson, S.	Walker
Brown	Finstad	Jaros	McFarlane	Poppe	Ward
Brynaert	Fritz	Johnson	McNamara	Rukavina	Wardlow
Buesgens	Gardner	Juhnke	Moe	Ruud	Welti
Bunn	Garofalo	Kahn	Morgan	Sailer	Westrom
Carlson	Gottwalt	Kalin	Morrow	Scalze	Winkler
Clark	Greiling	Knuth	Mullery	Seifert	Wollschlager
Cornish	Gunther	Koenen	Murphy, E.	Sertich	Zellers
Davnie	Hackbarth	Kohls	Murphy, M.	Severson	Spk. Kelliher
Dean	Hamilton	Kranz	Nelson	Shimanski	
DeLaForest	Hansen	Laine	Nornes	Simon	
Demmer	Hausman	Lanning	Norton	Simpson	
Dettmer	Haws	Lenczewski	Olin	Slawik	

A quorum was present.

Anderson, B., and Smith were excused.

Emmer and Thissen were excused until 11:45 a.m. Mariani was excused until 11:50 a.m. Ruth was excused until 12:25 p.m.

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

Due to the resignation of the House Chaplain Paul Rogers, effective December 4, 2007, the Speaker announced that the next order of business was the election of a House Chaplain.

ELECTION OF OFFICER

The name of the Reverend Richard D. Buller was placed in nomination for House Chaplain by Peterson, S. The nomination was seconded by Hamilton.

There being no further nominations, the Speaker declared the nominations closed.

The roll was called on the election of the House Chaplain and the following voted for the nominee:

Abeler	Dettmer	Haws	Lanning	Nornes	Simon
Anderson, S.	Dill	Heidgerken	Lenczewski	Norton	Simpson
Anzelc	Dittrich	Hilstrom	Lesch	Olin	Slawik
Atkins	Dominguez	Hilty	Liebling	Olson	Slocum
Beard	Doty	Holberg	Lieder	Otremba	Solberg
Benson	Drazkowski	Hoppe	Lillie	Ozment	Swails
Berns	Eastlund	Hornstein	Loeffler	Paulsen	Thao
Bigham	Eken	Hortman	Madore	Pelowski	Tillberry
Bly	Erhardt	Hosch	Magnus	Peppin	Tingelstad
Brod	Erickson	Howes	Mahoney	Peterson, A.	Tschumper
Brown	Faust	Huntley	Marquart	Peterson, N.	Urdahl
Brynaert	Fritz	Jaros	Masin	Peterson, S.	Wagenius
Buesgens	Gardner	Johnson	McFarlane	Poppe	Walker
Bunn	Garofalo	Juhnke	McNamara	Rukavina	Ward
Carlson	Gottwalt	Kahn	Moe	Ruud	Wardlow
Clark	Greiling	Kalin	Morgan	Sailer	Welti
Cornish	Gunther	Knuth	Morrow	Scalze	Westrom
Davnie	Hackbarth	Koenen	Mullery	Seifert	Winkler
Dean	Hamilton	Kohls	Murphy, E.	Sertich	Wollschlager
DeLaForest	Hansen	Kranz	Murphy, M.	Severson	Zellers
Demmer	Hausman	Laine	Nelson	Shimanski	Spk. Kelliher

The nominee, having received a majority of the votes cast, was declared duly elected House Chaplain.

OATH OF OFFICE

The oath of office was administered to the House Chaplain-elect by the Speaker.

REPORTS OF CHIEF CLERK

S. F. No. 2471 and H. F. No. 1066, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Fritz moved that the rules be so far suspended that S. F. No. 2471 be substituted for H. F. No. 1066 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2796 and H. F. No. 2617, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Bly moved that S. F. No. 2796 be substituted for H. F. No. 2617 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2910 and H. F. No. 3517, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Davnie moved that the rules be so far suspended that S. F. No. 2910 be substituted for H. F. No. 3517 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

H. F. No. 2554, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 12; adding a provision to allow the legislature or presiding officers to call a special session.

Reported the same back with the following amendments:

Page 1, line 15, delete the first "both houses" and insert "the house of representatives and a majority of the members elected to the senate"

Page 1, line 17, after the period, insert "A special session called by the legislature may not exceed seven legislative days. A bill may be passed on the day prescribed for adjournment of the special session."

Page 2, line 4, after "session" insert "for up to seven days" and delete "its members" and insert "the members of each house of the legislature"

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.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 2573, A bill for an act relating to agriculture; modifying prohibited uses of pesticide; amending Minnesota Statutes 2006, section 18B.07, subdivision 2.

Reported the same back with the following amendments:

Page 2, delete lines 28 to 31 and insert:

"(h) Except for public health purposes, it is a violation of this chapter to apply for hire a pesticide to the incorrect site or to a site where an application has not been requested, ordered, or contracted for by the property owner or lawful manager or property manager of the site, notwithstanding that the application is done in a manner consistent with the label or labeling."

With the recommendation that when so amended the bill pass.

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2777, A bill for an act relating to environment; modifying disposition of solid waste management tax revenue; appropriating money; amending Minnesota Statutes 2006, section 297H.13, subdivision 2.

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

The report was adopted.

Lieder from the Transportation Finance Division to which was referred:

H. F. No. 2967, A bill for an act relating to traffic regulations; providing for trailer brakes; imposing penalties for forging or possessing false commercial motor vehicle inspection decal; providing that officer may require weighing and inspection of truck weighing more than 10,000 pounds; amending Minnesota Statutes 2006, sections 169.67, subdivision 3; 169.781, subdivision 5; 169.85, subdivision 1.

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

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 2987, A bill for an act relating to motor fuels; modifying definition of biodiesel; increasing minimum biodiesel content; creating tiered biodiesel content goal; appropriating money; amending Minnesota Statutes 2006, section 239.77, as amended; Minnesota Statutes 2007 Supplement, section 296A.01, subdivision 8a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 239.77, as amended by Laws 2007, chapter 62, sections 3 and 4, is amended to read:

239.77 BIODIESEL CONTENT MANDATE.

Subdivision 1. **Biodiesel fuel.** "Biodiesel fuel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural and other plant oils or animal fats ~~and~~; that meets American Society For Testing and Materials specification D6751-07 for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels; and that is manufactured by a person certified by the BQ-9000 National Biodiesel Accreditation Program.

Subd. 2. **Minimum content.** (a) Except as otherwise provided in this section, all diesel fuel sold or offered for sale in Minnesota for use in internal combustion engines must contain at least ~~2.0 percent~~ the stated percentage of biodiesel fuel oil by volume: on and after the following dates:

(1)	<u>September 29, 2005</u>	<u>2 percent</u>
(2)	<u>May 1, 2009</u>	<u>5 percent</u>
(3)	<u>May 1, 2012</u>	<u>10 percent</u>
(4)	<u>May 1, 2015</u>	<u>20 percent</u>

The minimum content levels in clauses (3) and (4) are effective during the months of April, May, June, July, August, September, and October only. The minimum content for the remainder of the year is five percent. However, if the commissioners of agriculture, commerce, and pollution control determine, after consultation with the biodiesel task force and other technical experts, that an American Society for Testing and Materials specification or equivalent federal standard exists for the specified biodiesel blend level in those clauses that adequately addresses technical issues associated with Minnesota's cold weather and publish a notice in the State Register to that effect, the commissioners may allow the specified biodiesel blend level in those clauses to be effective year-round.

(b) The minimum content levels in paragraph (a), clauses (3) and (4), become effective on the date specified only if the commissioners of agriculture, commerce, and pollution control publish notice in the State Register and provide written notice to the chairs of the house of representatives and senate committees with jurisdiction over agriculture, commerce, and transportation policy and finance, at least 270 days prior to the date of each scheduled increase, that all of the following conditions have been met and the state is prepared to move to the next scheduled minimum content level:

(1) an American Society for Testing and Materials specification or equivalent federal standard exists for the next minimum diesel-biodiesel blend;

(2) a sufficient supply of biodiesel is available and the amount of biodiesel produced in this state is equal to at least 50 percent of anticipated demand at the next minimum content level; and

(3) adequate blending infrastructure and regulatory protocol are in place in order to promote biodiesel quality and avoid any potential economic disruption.

(c) The commissioners of agriculture, commerce, and pollution control must consult with the biodiesel task force when assessing and certifying conditions in paragraph (b), and in general must seek the guidance of the biodiesel task force regarding biodiesel labeling, enforcement, and other related issues.

(d) During a period of biodiesel fuel shortage or a problem with biodiesel quality that negatively affects the availability of biodiesel fuel, the commissioner of commerce may temporarily suspend the minimum content requirement in subdivision 2 until there is sufficient biodiesel fuel, as defined in subdivision 1, available to fulfill the minimum content requirement.

(e) By February 1, 2012, and periodically thereafter, the commissioner of commerce shall determine the wholesale diesel price at various pipeline and refinery terminals in the region, and the biodiesel price determined after the \$1 per gallon federal credit is subtracted at biodiesel plants in the region. The commissioner shall report wholesale price differences to the governor who, after consultation with the commissioners of commerce and agriculture, may by executive order adjust the biodiesel mandate if a price disparity reported by the commissioner will cause economic hardship to retailers of diesel fuel in this state. Any adjustment must be for a specified period of time, after which the percentage of biodiesel fuel to be blended into diesel fuel returns to the amount required in subdivision 2. The biodiesel mandate must not be adjusted to less than five percent.

Subd. 3. **Exceptions.** (a) The minimum content ~~requirement~~ requirements of subdivision 2 ~~does~~ do not apply to fuel used in the following equipment:

- (1) motors located at an electric generating plant regulated by the Nuclear Regulatory Commission;
- (2) railroad locomotives; and
- (3) off-road taconite and copper mining equipment and machinery.

(b) The exemption in paragraph (a), clause (1), expires 30 days after the Nuclear Regulatory Commission has approved the use of biodiesel fuel in motors at electric generating plants under its regulation.

Subd. 4. **Disclosure.** A refinery or terminal shall provide, at the time diesel fuel is sold or transferred from the refinery or terminal, a bill of lading or shipping manifest to the person who receives the fuel. For biodiesel-blended products, the bill of lading or shipping manifest must disclose biodiesel content, stating volume percentage, gallons of biodiesel per gallons of petroleum diesel base-stock, or an ASTM "Bxx" designation where "xx" denotes the volume percent biodiesel included in the blended product. This subdivision does not apply to sales or transfers of biodiesel blend stock between refineries, between terminals, or between a refinery and a terminal.

Sec. 2. Minnesota Statutes 2007 Supplement, section 296A.01, subdivision 8a, is amended to read:

Subd. 8a. **Biodiesel fuel.** "~~Biodiesel fuel" means a renewable, biodegradable, mono-alkyl ester combustible liquid fuel derived from agricultural plant oils or animal fats and that meets American Society for Testing and Materials specification D6751-07 for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.~~ has the meaning given in section 239.77, subdivision 1.

Sec. 3. **PROPOSAL; PETROLEUM INSPECTION FEE REVENUE.**

The commissioners of finance, commerce, and pollution control must develop and submit to the legislature as part of their next biennial budget request a proposal for eliminating, to the extent feasible, redundant fuel inspections and dedicating all revenue from the petroleum inspection fee levied on petroleum products under Minnesota Statutes, section 239.101, subdivision 3, to the Weights and Measures Division of the Department of Commerce. All additional funding appropriated to the Weights and Measures Division under this proposal must be used for increased and enhanced fuel quality assurance enforcement activities and equipment and for educational activities focused on the handling, distribution, and use of biodiesel fuel.

Sec. 4. **BIO-BASED DIESEL ALTERNATIVES.**

(a) By January 1, 2011, the commissioners of agriculture, commerce, and pollution control shall jointly review the technology, economics, and operational characteristics associated with bio-based diesel alternatives and shall make recommendations concerning their use in Minnesota to the governor and the chairs of the house of representatives and senate committees with jurisdiction over agriculture and energy finance.

(b) For the purposes of this section, "bio-based diesel alternatives" means alternatives to petroleum diesel fuel that are warranted for use in a standard diesel engine without modification and derived from a biological resource.

Sec. 5. **APPROPRIATION.**

\$1,000,000 is appropriated in fiscal year 2009 from the general fund to the commissioner of agriculture. \$500,000 is for cold-weather biodiesel blending infrastructure grants to fuel terminals that serve Minnesota. \$500,000 must be used to support the algae-to-biofuels research project at the University of Minnesota and the Metropolitan Council."

Amend the title as follows:

Page 1, line 3, before "appropriating" insert "requiring notice, a proposal, and recommendations to the legislature;"

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

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2998, A bill for an act relating to natural resources; authorizing free lifetime state park permits for totally and permanently disabled veterans; amending Minnesota Statutes 2006, sections 85.053, by adding a subdivision; 85.055, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 85.053, is amended by adding a subdivision to read:

Subd. 10. **Free entrance; permanently and totally disabled veterans.** The commissioner shall allow free entrance to state parks and state recreation areas for any veteran with a total and permanent service-connected disability who presents each year a copy of their determination letter to a park attendant or commissioner's designee for an annual park permit. For the purposes of this section, "veteran with a total and permanent service-connected disability" means a resident who has a total and permanent service-connected disability as adjudicated by the United States Veterans Administration or by the retirement board of one of the several branches of the armed forces."

Delete the title and insert:

"A bill for an act relating to natural resources; authorizing free entrance to state parks for totally and permanently disabled veterans; amending Minnesota Statutes 2006, section 85.053, by adding a subdivision."

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

The report was adopted.

Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 3112, A bill for an act relating to insurance; creating statewide health insurance pool for school district employees; appropriating money; amending Minnesota Statutes 2006, sections 3.971, subdivision 6; 13.203; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

The report was adopted.

Lieder from the Transportation Finance Division to which was referred:

H. F. No. 3128, A bill for an act relating to transportation; permitting deputy registrar office to be moved in city of New Prague.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **DEPUTY REGISTRAR OF MOTOR VEHICLES OFFICE MOVE.**

Notwithstanding Minnesota Statutes, section 168.33; Minnesota Rules, parts 7406.0350 and 7406.0355, or successor rules; or any other rules adopted by the commissioner of public safety limiting sites for the office of deputy registrar based on (1) moving the deputy registrar office to a new location, (2) the distance to an existing deputy registrar office, or (3) the annual volume of transactions processed by any deputy registrar, the commissioner of public safety shall by May 31, 2008, grant a variance to the State Bank of New Prague to move its office of deputy registrar within the limits of the city of New Prague from Scott County to Le Sueur County, with full authority to function as a registration and motor vehicle tax collection deputy registrar. All other provisions regarding the operation of a deputy registrar of motor vehicles under Minnesota Statutes, section 168.33, and Minnesota Rules, chapter 7406, apply to the office. The office move must take place by December 31, 2008.

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 3146, A bill for an act relating to consumer protection; modifying restrictions on the collection and use of Social Security numbers; amending Minnesota Statutes 2006, section 325E.59, subdivision 3, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 325E.59, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 325E.59, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) A person or entity, not including a government entity, may not do any of the following:

(1) publicly post or publicly display in any manner an individual's Social Security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public;

(2) print an individual's Social Security number on any card required for the individual to access products or services provided by the person or entity;

(3) require an individual to transmit the individual's Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted, except as required by titles XVIII and XIX of the Social Security Act and by Code of Federal Regulations, title 42, section 483.20;

(4) require an individual to use the individual's Social Security number to access an Internet Web site, unless a password or unique personal identification number or other authentication device is also required to access the Internet Web site;

(5) print a number that the person or entity knows to be an individual's Social Security number on any materials that are mailed to the individual, unless state or federal law requires the Social Security number to be on the document to be mailed. If, in connection with a transaction involving or otherwise relating to an individual, a person or entity receives a number from a third party, that person or entity is under no duty to inquire or otherwise determine whether the number is or includes that individual's Social Security number and may print that number on materials mailed to the individual, unless the person or entity receiving the number has actual knowledge that the number is or includes the individual's Social Security number;

(6) assign or use a number as the primary account identifier that is identical to or incorporates an individual's complete Social Security number, except in conjunction with an employee or member retirement or benefit plan; or

(7) sell Social Security numbers obtained from individuals in the course of business.

Notwithstanding clauses (1) to (5), Social Security numbers may be included in applications and forms sent by mail, including documents sent as part of an application or enrollment process, or to establish, amend, or terminate an account, contract, or policy, or to confirm the accuracy of the Social Security number. Nothing in this paragraph authorizes inclusion of a Social Security number on the outside of a mailing or in the bulk mailing of a credit card solicitation offer.

(b) A person or entity, not including a government entity, must restrict access to individual Social Security numbers it holds so that only employees or agents who require access to records containing the numbers in order to perform their job duties have access to the numbers, except as required by titles XVIII and XIX of the Social Security Act and by Code of Federal Regulations, title 42, section 483.20.

(c) This section applies only to the use of Social Security numbers on or after July 1, 2008.

EFFECTIVE DATE. This section is effective July 1, 2008.

Sec. 2. Minnesota Statutes 2006, section 325E.59, subdivision 3, is amended to read:

Subd. 3. **Coordination with other law.** (a) This section does not prevent the collection, use, or release of a Social Security number as ~~required~~ authorized by state or federal law or the use of a Social Security number for internal verification or administrative purposes.

(b) This section does not prevent the release of a Social Security number as part of a consumer report as defined in United States Code, title 15, section 1681a, paragraph (d), or in a request for such a report, that is furnished as a result of a transaction initiated by a consumer with the consumer's consent, furnished to a consumer's current or prospective employer with the consumer's consent, or furnished to a court or law enforcement agency.

EFFECTIVE DATE. This section is effective July 1, 2008."

Delete the title and insert:

"A bill for an act relating to consumer protection; modifying restrictions on the collection and use of Social Security numbers; amending Minnesota Statutes 2006, section 325E.59, subdivision 3; Minnesota Statutes 2007 Supplement, section 325E.59, subdivision 1."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety and Civil Justice.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3217, A bill for an act relating to crimes; including false police and fire emergency calls as misdemeanor offense; amending Minnesota Statutes 2006, section 609.78, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 16, before "makes" insert "intentionally"

With the recommendation that when so amended the bill pass.

The report was adopted.

Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 3222, A bill for an act relating to human services; clarifying certain asset transfers; amending medical assistance preferred drug list; creating a cause of action for certain asset transfers; changing medical assistance lien provisions; modifying a children's pilot program; establishing a statewide health information exchange; allowing certain claims against an estate; amending Minnesota Statutes 2006, sections 256B.056, subdivision 4a; 256B.0571, subdivisions 8, 15, by adding a subdivision; 256B.0595, by adding subdivisions; 256B.0625, subdivision 13g; 256B.075, subdivision 2; 524.3-803; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 256B.055, subdivision 14, is amended to read:

Subd. 14. **Persons detained by law.** (a) Medical assistance may be paid for an inmate of a correctional facility who is conditionally released as authorized under section 241.26, 244.065, or 631.425, if the individual does not require the security of a public detention facility and is housed in a halfway house or community correction center, or under house arrest and monitored by electronic surveillance in a residence approved by the commissioner of corrections, and if the individual meets the other eligibility requirements of this chapter.

(b) An individual who is enrolled in medical assistance, and who is charged with a crime and incarcerated for less than 12 months shall be suspended from eligibility at the time of incarceration until the individual is released. Upon release, medical assistance eligibility is reinstated without reapplication using a reinstatement process and form, if the individual is otherwise eligible.

(c) An individual, regardless of age, who is considered an inmate of a public institution as defined in Code of Federal Regulations, title 42, section ~~435.1009~~ 435.1010, is not eligible for medical assistance.

Sec. 2. Minnesota Statutes 2006, section 256B.056, subdivision 2, is amended to read:

Subd. 2. **Homestead exclusion and homestead equity limit for institutionalized persons residing in a long-term care facility.** ~~(a)~~ The homestead shall be excluded for the first six calendar months of a person's stay in a long-term care facility and shall continue to be excluded for as long as the recipient can be reasonably expected to return to the homestead. For purposes of this subdivision, "reasonably expected to return to the homestead" means the recipient's attending physician has certified that the expectation is reasonable, and the recipient can show that the cost of care upon returning home will be met through medical assistance or other sources. The homestead shall continue to be excluded for persons residing in a long-term care facility if it is used as a primary residence by one of the following individuals:

- (1) the spouse;
- (2) a child under age 21;
- (3) a child of any age who is blind or permanently and totally disabled as defined in the supplemental security income program;
- (4) a sibling who has equity interest in the home and who resided in the home for at least one year immediately before the date of the person's admission to the facility; or
- (5) a child of any age, ~~or, subject to federal approval,~~ a grandchild of any age, who resided in the home for at least two years immediately before the date of the person's admission to the facility, and who provided care to the person that permitted the person to reside at home rather than in an institution.

~~(b) Effective for applications filed on or after July 1, 2006, and for renewals after July 1, 2006, for persons who first applied for payment of long-term care services on or after January 2, 2006, the equity interest in the homestead of an individual whose eligibility for long-term care services is determined on or after January 1, 2006, shall not exceed \$500,000, unless it is the lawful residence of the individual's spouse or child who is under age 21, blind, or disabled. The amount specified in this paragraph shall be increased beginning in year 2011, from year to year based on the percentage increase in the Consumer Price Index for all urban consumers (all items; United States city average), rounded to the nearest \$1,000. This provision may be waived in the case of demonstrated hardship by a process to be determined by the secretary of health and human services pursuant to section 6014 of the Deficit Reduction Act of 2005, Public Law 109-171.~~

Sec. 3. Minnesota Statutes 2006, section 256B.056, is amended by adding a subdivision to read:

Subd. 2a. Home equity limit for medical assistance payment of long-term care services. (a) Effective for requests of medical assistance payment of long-term care services filed on or after July 1, 2006, and for renewals on or after July 1, 2006, for persons who received payment of long-term care services under a request filed on or after January 1, 2006, the equity interest in the home of a person whose eligibility for long-term care services is determined on or after January 1, 2006, shall not exceed \$500,000, unless it is the lawful residence of the person's spouse or child who is under age 21, or a child of any age who is blind or permanently and totally disabled as defined in the Supplemental Security Income program. The amount specified in this paragraph shall be increased beginning in year 2011, from year to year based on the percentage increase in the Consumer Price Index for all urban consumers (all items; United States city average), rounded to the nearest \$1,000.

(b) For purposes of this subdivision, a "home" means any real or personal property interest, including an interest in an agricultural homestead as defined under section 273.124, subdivision 1, that, at the time of the request for medical assistance payment of long-term care services, is the primary dwelling of the person or was the primary dwelling of the person before receipt of long-term care services began outside of the home.

(c) A person denied or terminated from medical assistance payment of long-term care services because the person's home equity exceeds the home equity limit may seek a waiver based upon a hardship by filing a written request with the county agency. Hardship is an imminent threat to the person's health and well-being that is demonstrated by documentation of no alternatives for payment of long-term care services. The county agency shall make a decision regarding the written request to waive the home equity limit within 30 days if all necessary information has been provided. The county agency shall send the person and the person's representative a written notice of decision on the request for a demonstrated hardship waiver that also advises the person of appeal rights under the fair hearing process of section 256.045.

Sec. 4. Minnesota Statutes 2006, section 256B.056, subdivision 4a, is amended to read:

Subd. 4a. Asset verification. For purposes of verification, the value of an individual is not required to make a good faith effort to sell a life estate that is not excluded under subdivision 2 and the life estate shall be considered deemed not salable unless the owner of the remainder interest intends to purchase the life estate, or the owner of the life estate and the owner of the remainder sell the entire property. This subdivision applies only for the purpose of determining eligibility for medical assistance, and does not apply to the valuation of assets owned by either the institutional spouse or the community spouse under section 256B.059, subdivision 2.

Sec. 5. Minnesota Statutes 2006, section 256B.056, subdivision 11, is amended to read:

Subd. 11. Treatment of annuities. (a) Any individual applying for or seeking recertification of eligibility for person requesting medical assistance payment of long-term care services shall provide a complete description of any interest either the individual person or the individual's person's spouse has in annuities on a form designated by the department. The form shall include a statement that the state becomes a preferred remainder beneficiary of annuities or similar financial instruments by virtue of the receipt of medical assistance payment of long-term care services. The individual person and the individual's person's spouse shall furnish the agency responsible for determining eligibility with complete current copies of their annuities and related documents for review as part of the application process on disclosure forms provided by the department as part of their application and complete the form designating the state as the preferred remainder beneficiary for each annuity in which the person or the person's spouse has an interest.

(b) The disclosure form shall include a statement that the department becomes the remainder beneficiary under the annuity or similar financial instrument by virtue of the receipt of medical assistance. The disclosure form department shall include a provide notice to the issuer of the department's right under this section as a preferred

remainder beneficiary under the annuity or similar financial instrument for medical assistance furnished to the individual person or the individual's person's spouse, and ~~require the issuer to provide confirmation that a remainder beneficiary designation has been made and to notify the county agency when there is a change in the amount of the income or principal being withdrawn from the annuity or other similar financial instrument at the time of the most recent disclosure required under this section. The individual and the individual's spouse shall execute separate disclosure forms for each annuity or similar financial instrument that they are required to disclose under this section and in which they have an interest.~~ provide notice of the issuer's responsibilities as provided in paragraph (c).

(c) An issuer of an annuity or similar financial instrument who receives notice ~~on a disclosure form of the state's right to be named a preferred remainder beneficiary~~ as described in paragraph (b) shall provide confirmation to the requesting agency that ~~a remainder beneficiary designating the state has been made and a preferred remainder beneficiary.~~ The issuer shall also notify the county agency when there is a change in the amount of income or principal being withdrawn from the annuity or other similar financial instrument or a change in the state's preferred remainder beneficiary designation under the annuity or other similar financial instrument occurs. The county agency shall provide the issuer with the name, address, and telephone number of a unit within the department that the issuer can contact to comply with this paragraph.

(d) "Preferred remainder beneficiary" for purposes of this subdivision and sections 256B.0594 and 256B.0595 means the state is a remainder beneficiary in the first position in an amount equal to the amount of medical assistance paid on behalf of the institutionalized person, or is a remainder beneficiary in the second position if the institutionalized person designates and is survived by a remainder beneficiary who is (1) a spouse who does not reside in a medical institution, (2) a minor child, or (3) a child of any age who is blind or permanently and totally disabled as defined in the Supplemental Security Income program. Notwithstanding this paragraph, the state is the remainder beneficiary in the first position if the spouse or child disposes of the remainder for less than fair market value.

(e) For purposes of this subdivision, "institutionalized person" and "long-term care services" have the meanings given in section 256B.0595, subdivision 1, paragraph (h).

(f) For purposes of this subdivision, "medical institution" means a skilled nursing facility, intermediate care facility, intermediate care facility for persons with developmental disabilities, nursing facility, or inpatient hospital.

Sec. 6. Minnesota Statutes 2006, section 256B.057, subdivision 1, is amended to read:

Subdivision 1. **Infants and pregnant women.** (a)(1) An infant less than one year of age or a pregnant woman who has written verification of a positive pregnancy test from a physician or licensed registered nurse is eligible for medical assistance if countable family income is equal to or less than 275 percent of the federal poverty guideline for the same family size. ~~A pregnant woman who has written verification of a positive pregnancy test from a physician or licensed registered nurse is eligible for medical assistance if countable family income is equal to or less than 200 percent of the federal poverty guideline for the same family size.~~ For purposes of this subdivision, "countable family income" means the amount of income considered available using the methodology of the AFDC program under the state's AFDC plan as of July 16, 1996, as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193, except for the earned income disregard and employment deductions.

(2) For applications processed within one calendar month prior to the effective date, eligibility shall be determined by applying the income standards and methodologies in effect prior to the effective date for any months in the six-month budget period before that date and the income standards and methodologies in effect on the effective date for any months in the six-month budget period on or after that date. The income standards for each month shall be added together and compared to the applicant's total countable income for the six-month budget period to determine eligibility.

(b)(1) [Expired, 1Sp2003 c 14 art 12 s 19]

(2) For applications processed within one calendar month prior to July 1, 2003, eligibility shall be determined by applying the income standards and methodologies in effect prior to July 1, 2003, for any months in the six-month budget period before July 1, 2003, and the income standards and methodologies in effect on the expiration date for any months in the six-month budget period on or after July 1, 2003. The income standards for each month shall be added together and compared to the applicant's total countable income for the six-month budget period to determine eligibility.

(3) An amount equal to the amount of earned income exceeding 275 percent of the federal poverty guideline, up to a maximum of the amount by which the combined total of 185 percent of the federal poverty guideline plus the earned income disregards and deductions allowed under the state's AFDC plan as of July 16, 1996, as required by the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA), Public Law 104-193, exceeds 275 percent of the federal poverty guideline will be deducted for pregnant women and infants less than one year of age.

(c) Dependent care and child support paid under court order shall be deducted from the countable income of pregnant women.

(d) An infant born on or after January 1, 1991, to a woman who was eligible for and receiving medical assistance on the date of the child's birth shall continue to be eligible for medical assistance without redetermination until the child's first birthday, as long as the child remains in the woman's household.

Sec. 7. Minnesota Statutes 2006, section 256B.0571, subdivision 8, is amended to read:

Subd. 8. **Program established.** (a) The commissioner, in cooperation with the commissioner of commerce, shall establish the Minnesota partnership for long-term care program to provide for the financing of long-term care through a combination of private insurance and medical assistance.

(b) An individual who meets the requirements in this paragraph is eligible to participate in the partnership program. The individual must:

(1) be a Minnesota resident at the time coverage first became effective under the partnership policy;

(2) be a beneficiary of a partnership policy that (i) is issued on or after the effective date of the state plan amendment implementing the partnership program in Minnesota, ~~or~~ (ii) qualifies as a partnership policy under the provisions of subdivision 8a, or (iii) if permitted under subdivision 17, qualifies for a partnership program established by another state under United States Code, title 42, section 1396p(b)(1)(C), and is either issued on or after the effective date of the state plan amendment implementing the partnership program in the state of issuance or qualifies for an exchange under the requirements of the partnership program in that state; and

(3) have exhausted all of the benefits under the partnership policy as described in this section. Benefits received under a long-term care insurance policy before July 1, 2006, do not count toward the exhaustion of benefits required in this subdivision.

Sec. 8. Minnesota Statutes 2006, section 256B.0571, subdivision 9, is amended to read:

Subd. 9. **Medical assistance eligibility.** (a) Upon ~~application request~~ for medical assistance program payment of long-term care services by an individual who meets the requirements described in subdivision 8, the commissioner shall determine the individual's eligibility for medical assistance according to paragraphs (b) to (i).

(b) After determining assets subject to the asset limit under section 256B.056, subdivision 3 or 3c, or 256B.057, subdivision 9 or 10, the commissioner shall allow the individual to designate assets to be protected from recovery under subdivisions 13 and 15 up to the dollar amount of the benefits utilized under the partnership policy. Designated assets shall be disregarded for purposes of determining eligibility for payment of long-term care services.

(c) The individual shall identify the designated assets and the full fair market value of those assets and designate them as assets to be protected at the time of initial application for medical assistance. The full fair market value of real property or interests in real property shall be based on the most recent full assessed value for property tax purposes for the real property, unless the individual provides a complete professional appraisal by a licensed appraiser to establish the full fair market value. The extent of a life estate in real property shall be determined using the life estate table in the health care program's manual. Ownership of any asset in joint tenancy shall be treated as ownership as tenants in common for purposes of its designation as a disregarded asset. The unprotected value of any protected asset is subject to estate recovery according to subdivisions 13 and 15.

(d) The right to designate assets to be protected is personal to the individual and ends when the individual dies, except as otherwise provided in subdivisions 13 and 15. It does not include the increase in the value of the protected asset and the income, dividends, or profits from the asset. It may be exercised by the individual or by anyone with the legal authority to do so on the individual's behalf. It shall not be sold, assigned, transferred, or given away.

(e) If the dollar amount of the benefits utilized under a partnership policy is greater than the full fair market value of all assets protected at the time of the application for medical assistance long-term care services, the individual may designate additional assets that become available during the individual's lifetime for protection under this section. The individual must make the designation in writing ~~to the county agency no later than the last date on which the individual must report a change in circumstances to the county agency, as provided for under the medical assistance program~~ ten days from the date the designation is requested by the county agency. Any excess used for this purpose shall not be available to the individual's estate to protect assets in the estate from recovery under section 256B.15 or 524.3-1202, or otherwise.

(f) This section applies only to estate recovery under United States Code, title 42, section 1396p, subsections (a) and (b), and does not apply to recovery authorized by other provisions of federal law, including, but not limited to, recovery from trusts under United States Code, title 42, section 1396p, subsection (d)(4)(A) and (C), or to recovery from annuities, or similar legal instruments, subject to section 6012, subsections (a) and (b), of the Deficit Reduction Act of 2005, Public Law 109-171.

(g) An individual's protected assets owned by the individual's spouse who applies for payment of medical assistance long-term care services shall not be protected assets or disregarded for purposes of eligibility of the individual's spouse solely because they were protected assets of the individual.

(h) Assets designated under this subdivision shall not be subject to penalty under section 256B.0595.

(i) The commissioner shall otherwise determine the individual's eligibility for payment of long-term care services according to medical assistance eligibility requirements.

Sec. 9. Minnesota Statutes 2006, section 256B.0571, subdivision 15, is amended to read:

Subd. 15. **Limitation on liens.** (a) An individual's interest in real property shall not be subject to a medical assistance lien under sections 514.980 to 514.985 or a notice of potential claim lien arising under section 256B.15 while and to the extent it is protected under subdivision 9. An individual's interest in real property that exceeds the value protected under subdivision 9 is subject to a lien for recovery.

(b) Medical assistance liens under sections 514.980 to 514.985 or liens arising under ~~notices of potential claims~~ section 256B.15 against an individual's interests in real property in the individual's estate that are designated as protected under subdivision 13, paragraph (b), shall be released to the extent of the dollar value of the protection applied to the interest.

(c) If an interest in real property is protected from a lien for recovery of medical assistance paid on behalf of the individual under paragraph (a) or (b), no lien for recovery of medical assistance paid on behalf of that individual shall be filed against the protected interest in real property after it is distributed to the individual's heirs or devisees.

Sec. 10. Minnesota Statutes 2006, section 256B.0571, is amended by adding a subdivision to read:

Subd. 17. **Reciprocal agreements.** The commissioner may enter into an agreement with any other state with a partnership program under United States Code, title 42, section 1396p(b)(1)(C), for reciprocal recognition of qualified long-term care insurance policies purchased under each state's partnership program. The commissioner shall notify the secretary of the United States Department of Health and Human Services if the commissioner declines to enter into a national reciprocal agreement.

Sec. 11. Minnesota Statutes 2006, section 256B.058, is amended to read:

256B.058 TREATMENT OF INCOME OF INSTITUTIONALIZED SPOUSE.

Subdivision 1. **Income not available.** The income described in subdivisions 2 and 3 shall be deducted from an institutionalized spouse's monthly income and is not considered available for payment of the monthly costs of an institutionalized ~~person~~ spouse in the institution after ~~the person has been~~ determined eligible for medical assistance.

Subd. 2. **Monthly income allowance for community spouse.** (a) For an institutionalized spouse ~~with a spouse residing in the community~~, monthly income may be allocated to the community spouse as a monthly income allowance for the community spouse. Beginning with the first full calendar month the institutionalized spouse is in the institution, the monthly income allowance is not considered available to the institutionalized spouse for monthly payment of costs of care in the institution as long as the income is made available to the community spouse.

(b) The monthly income allowance is the amount by which the community spouse's monthly maintenance needs allowance under paragraphs (c) and (d) exceeds the amount of monthly income otherwise available to the community spouse.

(c) The community spouse's monthly maintenance needs allowance is the lesser of \$1,500 or 122 percent of the monthly federal poverty guideline for a family of two plus an excess shelter allowance. The excess shelter allowance is for the amount of shelter expenses that exceed 30 percent of 122 percent of the federal poverty guideline line for a family of two. Shelter expenses are the community spouse's expenses for rent, mortgage payments including principal and interest, taxes, insurance, required maintenance charges for a cooperative or condominium that is the community spouse's principal residence, and the standard utility allowance under section 5(e) of the federal Food Stamp Act of 1977. If the community spouse has a required maintenance charge for a cooperative or condominium, the standard utility allowance must be reduced by the amount of utility expenses included in the required maintenance charge.

If the community or institutionalized spouse establishes that the community spouse needs income greater than the monthly maintenance needs allowance determined in this paragraph due to exceptional circumstances resulting in significant financial duress, the monthly maintenance needs allowance may be increased to an amount that provides needed additional income.

(d) The percentage of the federal poverty guideline used to determine the monthly maintenance needs allowance in paragraph (c) is increased to 133 percent on July 1, 1991, and to 150 percent on July 1, 1992. Adjustments in the income limits due to annual changes in the federal poverty guidelines shall be implemented the first day of July following publication of the annual changes. The \$1,500 maximum must be adjusted January 1, 1990, and every January 1 after that by the same percentage increase in the Consumer Price Index for all urban consumers (all items; United States city average) between the two previous Septembers.

(e) If a court has entered an order against an institutionalized spouse for monthly income for support of the community spouse, the community spouse's monthly income allowance under this subdivision shall not be less than the amount of the monthly income ordered.

Subd. 3. **Family allowance.** (a) A family allowance determined under paragraph (b) is not considered available to the institutionalized spouse for monthly payment of costs of care in the institution.

(b) The family allowance is equal to one-third of the amount by which 122 percent of the monthly federal poverty guideline for a family of two exceeds the monthly income for that family member.

(c) For purposes of this subdivision, the term family member only includes a minor or dependent child as defined in the Internal Revenue Code, dependent parent, or dependent sibling of the institutionalized or community spouse if the sibling resides with the community spouse.

(d) The percentage of the federal poverty guideline used to determine the family allowance in paragraph (b) is increased to 133 percent on July 1, 1991, and to 150 percent on July 1, 1992. Adjustments in the income limits due to annual changes in the federal poverty guidelines shall be implemented the first day of July following publication of the annual changes.

Subd. 4. **Treatment of income.** (a) No income of the community spouse will be considered available to an eligible institutionalized spouse, beginning the first full calendar month of institutionalization, except as provided in this subdivision.

(b) In determining the income of an institutionalized spouse or community spouse, after the institutionalized spouse has been determined eligible for medical assistance, the following rules apply.

(1) For income that is not from a trust, availability is determined according to items (i) to (v), unless the instrument providing the income otherwise specifically provides:

(i) if payment is made solely in the name of one spouse, the income is considered available only to that spouse;

(ii) if payment is made in the names of both spouses, one-half of the income is considered available to each;

(iii) if payment is made in the names of one or both spouses together with one or more other persons, the income is considered available to each spouse according to the spouse's interest, or one-half of the joint interest is considered available to each spouse if each spouse's interest is not specified;

(iv) if there is no instrument that establishes ownership, one-half of the income is considered available to each spouse; and

(v) either spouse may rebut the determination of availability of income by showing by a preponderance of the evidence that ownership interests are different than provided above.

(2) For income from a trust, income is considered available to each spouse as provided in the trust. If the trust does not specify an amount available to either or both spouses, availability will be determined according to items (i) to (iii):

(i) if payment of income is made only to one spouse, the income is considered available only to that spouse;

(ii) if payment of income is made to both spouses, one-half is considered available to each; and

(iii) if payment is made to either or both spouses and one or more other persons, the income is considered available to each spouse in proportion to each spouse's interest, or if no such interest is specified, one-half of the joint interest is considered available to each spouse.

Sec. 12. Minnesota Statutes 2006, section 256B.059, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For purposes of this section and ~~section~~ sections 256B.058 and 256B.0595, the terms defined in this subdivision have the meanings given them.

(b) "Community spouse" means the spouse of an institutionalized spouse.

(c) "Spousal share" means one-half of the total value of all assets, to the extent that either the institutionalized spouse or the community spouse had an ownership interest at the time of the first continuous period of institutionalization.

(d) "Assets otherwise available to the community spouse" means assets individually or jointly owned by the community spouse, other than assets excluded by subdivision 5, paragraph (c).

(e) "Community spouse asset allowance" is the value of assets that can be transferred under subdivision 3.

(f) "Institutionalized spouse" means a person who is:

(1) in a hospital, nursing facility, or intermediate care facility for persons with developmental disabilities, or receiving home and community-based services under section 256B.0915 ~~or 256B.49~~, and is expected to remain in the facility or institution or receive the home and community-based services for at least 30 consecutive days; and

(2) married to a person who is not in a hospital, nursing facility, or intermediate care facility for persons with developmental disabilities, and is not receiving home and community-based services under section 256B.0915 or 256B.49.

(g) "For the sole benefit of" means no other individual or entity can benefit in any way from the assets or income at the time of a transfer or at any time in the future.

(h) "Continuous period of institutionalization" means a 30-consecutive-day period of time in which a person is expected to stay in a medical or long-term care facility, or receive home and community-based services that would qualify for coverage under the elderly waiver (EW) or alternative care (AC) programs. For a stay in a facility, the 30-consecutive-day period begins on the date of entry into a medical or long-term care facility. For receipt of home and community-based services, the 30-consecutive-day period begins on the date that the following conditions are met:

(1) the person is receiving services that meet the nursing facility level of care determined by a long-term care consultation;

(2) the person has received the long-term care consultation within the past 60 days;

(3) the services are paid by the EW program under section 256B.0915 or the AC program under section 256B.0913 or would qualify for payment under the EW or AC programs if the person were otherwise eligible for either program, and but for the receipt of such services the person would have resided in a nursing facility; and

(4) the services are provided by a licensed provider qualified to provide home and community-based services.

Sec. 13. Minnesota Statutes 2006, section 256B.059, subdivision 1a, is amended to read:

Subd. 1a. **Institutionalized spouse.** The provisions of this section apply only when a spouse ~~is institutionalized for a~~ begins the first continuous period ~~beginning~~ of institutionalization on or after October 1, 1989.

Sec. 14. Minnesota Statutes 2006, section 256B.0594, is amended to read:

256B.0594 PAYMENT OF BENEFITS FROM AN ANNUITY.

When payment becomes due under an annuity that names the department a remainder beneficiary ~~as described in section 256B.056, subdivision 11,~~ the issuer shall request and the department shall, within 45 days after receipt of the request, provide a written statement of the total amount of the medical assistance paid or confirmation that any family member designated as a remainder beneficiary meets requirements for qualification as a beneficiary in the first position. Upon timely receipt of the written statement of the amount of medical assistance paid, the issuer shall pay the department an amount equal to the lesser of the amount due the department under the annuity or the total amount of medical assistance paid on behalf of the individual or the individual's spouse. Any amounts remaining after the issuer's payment to the department shall be payable according to the terms of the annuity or similar financial instrument. The county agency or the department shall provide the issuer with the name, address, and telephone number of a unit within the department the issuer can contact to comply with this section. The requirements of section 72A.201, subdivision 4, clause (3), shall not apply to payments made under this section until the issuer has received final payment information from the department, if the issuer has notified the beneficiary of the requirements of this section at the time it initially requests payment information from the department.

Sec. 15. Minnesota Statutes 2006, section 256B.0595, subdivision 1, is amended to read:

Subdivision 1. **Prohibited transfers.** (a) For transfers of assets made on or before August 10, 1993, if ~~a~~ an ~~institutionalized~~ person or the ~~institutionalized~~ person's spouse has given away, sold, or disposed of, for less than fair market value, any asset or interest therein, except assets other than the homestead that are excluded under the supplemental security program, within 30 months before or any time after the date of institutionalization if the person has been determined eligible for medical assistance, or within 30 months before or any time after the date of the first approved application for medical assistance if the person has not yet been determined eligible for medical assistance, the person is ineligible for long-term care services for the period of time determined under subdivision 2.

(b) Effective for transfers made after August 10, 1993, ~~a~~ an ~~institutionalized~~ person, ~~a~~ an ~~institutionalized~~ person's spouse, or any person, court, or administrative body with legal authority to act in place of, on behalf of, at the direction of, or upon the request of the ~~institutionalized~~ person or ~~institutionalized~~ person's spouse, may not give away, sell, or dispose of, for less than fair market value, any asset or interest therein, except assets other than the homestead that are excluded under the supplemental security income program, for the purpose of establishing or maintaining medical assistance eligibility. This applies to all transfers, including those made by a community spouse after the month in which the institutionalized spouse is determined eligible for medical assistance. For purposes of determining eligibility for long-term care services, any transfer of such assets within 36 months before or any time after an institutionalized person ~~applies for~~ requests medical assistance ~~payment of long-term care services,~~ or 36 months before or any time after a medical assistance recipient becomes an institutionalized person, for less than fair market value may be considered. Any such transfer is presumed to have been made for the purpose of establishing or maintaining medical assistance eligibility and the ~~institutionalized~~ person is ineligible for long-term care services for the period of time determined under subdivision 2, unless the institutionalized person

furnishes convincing evidence to establish that the transaction was exclusively for another purpose, or unless the transfer is permitted under subdivision 3 or 4. In the case of payments from a trust or portions of a trust that are considered transfers of assets under federal law, or in the case of any other disposal of assets made on or after February 8, 2006, any transfers made within 60 months before or any time after an institutionalized person ~~applies for~~ requests medical assistance payment of long-term care services and within 60 months before or any time after a medical assistance recipient becomes an institutionalized person, may be considered.

(c) This section applies to transfers, for less than fair market value, of income or assets, including assets that are considered income in the month received, such as inheritances, court settlements, and retroactive benefit payments or income to which the institutionalized person or the institutionalized person's spouse is entitled but does not receive due to action by the institutionalized person, the institutionalized person's spouse, or any person, court, or administrative body with legal authority to act in place of, on behalf of, at the direction of, or upon the request of the institutionalized person or the institutionalized person's spouse.

(d) This section applies to payments for care or personal services provided by a relative, unless the compensation was stipulated in a notarized, written agreement which was in existence when the service was performed, the care or services directly benefited the person, and the payments made represented reasonable compensation for the care or services provided. A notarized written agreement is not required if payment for the services was made within 60 days after the service was provided.

(e) This section applies to the portion of any asset or interest that ~~a~~ an institutionalized person, ~~a~~ an institutionalized person's spouse, or any person, court, or administrative body with legal authority to act in place of, on behalf of, at the direction of, or upon the request of the institutionalized person or the institutionalized person's spouse, transfers to any annuity that exceeds the value of the benefit likely to be returned to the institutionalized person or institutionalized person's spouse while alive, based on estimated life expectancy ~~using the life expectancy tables employed by the supplemental security income program to determine the value of an agreement for services for life as determined according to the current actuarial tables published by the Office of the Chief Actuary of the Social Security Administration.~~ The commissioner may adopt rules reducing life expectancies based on the need for long-term care. This section applies to an annuity ~~described in this paragraph~~ purchased on or after March 1, 2002, that:

(1) is not purchased from an insurance company or financial institution that is subject to licensing or regulation by the Minnesota Department of Commerce or a similar regulatory agency of another state;

(2) does not pay out principal and interest in equal monthly installments; or

(3) does not begin payment at the earliest possible date after annuitization.

(f) Effective for transactions, including the purchase of an annuity, occurring on or after February 8, 2006, ~~the purchase of an annuity~~ by or on behalf of an individual institutionalized person who has applied for or is receiving long-term care services or the individual's institutionalized person's spouse shall be treated as the disposal of an asset for less than fair market value unless the department is named ~~as the~~ a preferred remainder beneficiary in first position for an amount equal to at least the total amount of medical assistance paid on behalf of the individual or the individual's spouse; or the department is named as the remainder beneficiary in second position for an amount equal to at least the total amount of medical assistance paid on behalf of the individual or the individual's spouse after the individual's community spouse or minor or disabled child and is named as the remainder beneficiary in the first position if the community spouse or a representative of the minor or disabled child disposes of the remainder for less than fair market value as described in section 256B.056, subdivision 11. Any subsequent change to the designation of the department as a preferred remainder beneficiary shall result in the annuity being treated as a disposal of assets for less than fair market value. The amount of such transfer shall be the maximum amount the individual institutionalized person or the individual's institutionalized person's spouse could receive from the annuity or similar financial instrument. Any change in the amount of the income or principal being withdrawn from the annuity or other similar financial instrument at the time of the most recent disclosure shall be deemed to be a transfer of assets

for less than fair market value unless the ~~individual~~ institutionalized person or the ~~individual's~~ institutionalized person's spouse demonstrates that the transaction was for fair market value. In the event a distribution of income or principal has been improperly distributed or disbursed from an annuity or other retirement planning instrument of an institutionalized person or the institutionalized person's spouse, a cause of action exists against the individual receiving the improper distribution for the cost of medical assistance services provided or the amount of the improper distribution, whichever is less.

(g) Effective for transactions, including the purchase of an annuity, occurring on or after February 8, 2006, ~~the purchase of an annuity~~ by or on behalf of an ~~individual~~ institutionalized person applying for or receiving long-term care services shall be treated as a disposal of assets for less than fair market value unless it is:

(i) an annuity described in subsection (b) or (q) of section 408 of the Internal Revenue Code of 1986; or

(ii) purchased with proceeds from:

(A) an account or trust described in subsection (a), (c), or (p) of section 408 of the Internal Revenue Code;

(B) a simplified employee pension within the meaning of section 408(k) of the Internal Revenue Code; or

(C) a Roth IRA described in section 408A of the Internal Revenue Code; or

(iii) an annuity that is irrevocable and nonassignable; is actuarially sound as determined in accordance with actuarial publications of the Office of the Chief Actuary of the Social Security Administration; and provides for payments in equal amounts during the term of the annuity, with no deferral and no balloon payments made.

(h) For purposes of this section, long-term care services include services in a nursing facility, services that are eligible for payment according to section 256B.0625, subdivision 2, because they are provided in a swing bed, intermediate care facility for persons with developmental disabilities, and home and community-based services provided pursuant to sections 256B.0915, 256B.092, and 256B.49. For purposes of this subdivision and subdivisions 2, 3, and 4, "institutionalized person" includes a person who is an inpatient in a nursing facility or in a swing bed, or intermediate care facility for persons with developmental disabilities or who is receiving home and community-based services under sections 256B.0915, 256B.092, and 256B.49.

(i) This section applies to funds used to purchase a promissory note, loan, or mortgage unless the note, loan, or mortgage:

(1) has a repayment term that is actuarially sound;

(2) provides for payments to be made in equal amounts during the term of the loan, with no deferral and no balloon payments made; and

(3) prohibits the cancellation of the balance upon the death of the lender.

In the case of a promissory note, loan, or mortgage that does not meet an exception in clauses (1) to (3), the value of such note, loan, or mortgage shall be the outstanding balance due as of the date of the ~~individual's application~~ institutionalized person's request for medical assistance payment of long-term care services.

(j) This section applies to the purchase of a life estate interest in another ~~individual's~~ person's home unless the purchaser resides in the home for a period of at least one year after the date of purchase.

Sec. 16. Minnesota Statutes 2006, section 256B.0595, subdivision 2, is amended to read:

Subd. 2. **Period of ineligibility.** (a) For any uncompensated transfer occurring on or before August 10, 1993, the number of months of ineligibility for long-term care services shall be the lesser of 30 months, or the uncompensated transfer amount divided by the average medical assistance rate for nursing facility services in the state in effect on the date of application. The amount used to calculate the average medical assistance payment rate shall be adjusted each July 1 to reflect payment rates for the previous calendar year. The period of ineligibility begins with the month in which the assets were transferred. If the transfer was not reported to the local agency at the time of application, and the applicant received long-term care services during what would have been the period of ineligibility if the transfer had been reported, a cause of action exists against the transferee for the cost of long-term care services provided during the period of ineligibility, or for the uncompensated amount of the transfer, whichever is less. ~~The action may be brought by the state or the local agency responsible for providing medical assistance under chapter 256G.~~ The uncompensated transfer amount is the fair market value of the asset at the time it was given away, sold, or disposed of, less the amount of compensation received.

(b) For uncompensated transfers made after August 10, 1993, the number of months of ineligibility for long-term care services shall be the total uncompensated value of the resources transferred divided by the average medical assistance rate for nursing facility services in the state in effect on the date of application. The amount used to calculate the average medical assistance payment rate shall be adjusted each July 1 to reflect payment rates for the previous calendar year. The period of ineligibility begins with the first day of the month after the month in which the assets were transferred except that if one or more uncompensated transfers are made during a period of ineligibility, the total assets transferred during the ineligibility period shall be combined and a penalty period calculated to begin on the first day of the month after the month in which the first uncompensated transfer was made. If the transfer was reported to the local agency after the date that advance notice of a period of ineligibility that affects the next month could be provided to the recipient and the recipient received medical assistance services or the transfer was not reported to the local agency, and the applicant or recipient received medical assistance services during what would have been the period of ineligibility if the transfer had been reported, a cause of action exists against the transferee for ~~the cost of medical assistance~~ that portion of long-term care services provided during the period of ineligibility, or for the uncompensated amount of the transfer, whichever is less. ~~The action may be brought by the state or the local agency responsible for providing medical assistance under chapter 256G.~~ The uncompensated transfer amount is the fair market value of the asset at the time it was given away, sold, or disposed of, less the amount of compensation received. Effective for transfers made on or after March 1, 1996, involving persons who apply for medical assistance on or after April 13, 1996, no cause of action exists for a transfer unless:

(1) the transferee knew or should have known that the transfer was being made by a person who was a resident of a long-term care facility or was receiving that level of care in the community at the time of the transfer;

(2) the transferee knew or should have known that the transfer was being made to assist the person to qualify for or retain medical assistance eligibility; or

(3) the transferee actively solicited the transfer with intent to assist the person to qualify for or retain eligibility for medical assistance.

(c) For uncompensated transfers made on or after February 8, 2006, the period of ineligibility:

(1) for uncompensated transfers by or on behalf of individuals receiving medical assistance payment of long-term care services, begins on the first day of the month in which following advance notice can be given following of the penalty period, but no later than the first day of the month in which assets have been transferred for less than fair market value, that follows three full calendar months from the date of the report or discovery of the transfer; or

(2) for uncompensated transfers by individuals requesting medical assistance payment of long-term care services, begins the date on which the individual is eligible for medical assistance under the Medicaid state plan and would otherwise be receiving long-term care services based on an approved application for such care but for the application of the penalty period, ~~whichever is later; and which does not occur~~

(3) cannot begin during any other period of ineligibility.

(d) If a calculation of a penalty period results in a partial month, payments for long-term care services shall be reduced in an amount equal to the fraction.

(e) In the case of multiple fractional transfers of assets in more than one month for less than fair market value on or after February 8, 2006, the period of ineligibility is calculated by treating the total, cumulative, uncompensated value of all assets transferred during all months on or after February 8, 2006, as one transfer.

Sec. 17. Minnesota Statutes 2006, section 256B.0595, subdivision 3, is amended to read:

Subd. 3. **Homestead exception to transfer prohibition.** (a) An institutionalized person is not ineligible for long-term care services due to a transfer of assets for less than fair market value if the asset transferred was a homestead and:

(1) title to the homestead was transferred to the individual's:

(i) spouse;

(ii) child who is under age 21;

(iii) blind or permanently and totally disabled child as defined in the supplemental security income program;

(iv) sibling who has equity interest in the home and who was residing in the home for a period of at least one year immediately before the date of the individual's admission to the facility; or

(v) son or daughter who was residing in the individual's home for a period of at least two years immediately before the date of ~~the individual's admission to the facility~~ the individual became an institutionalized person, and who provided care to the individual that, as certified by the individual's attending physician, permitted the individual to reside at home rather than receive care in an institution or facility;

(2) a satisfactory showing is made that the individual intended to dispose of the homestead at fair market value or for other valuable consideration; or

(3) the local agency grants a waiver of a penalty resulting from a transfer for less than fair market value because denial of eligibility would cause undue hardship for the individual, based on imminent threat to the individual's health and well-being. Whenever an applicant or recipient is denied eligibility because of a transfer for less than fair market value, the local agency shall notify the applicant or recipient that the applicant or recipient may request a waiver of the penalty if the denial of eligibility will cause undue hardship. With the written consent of the individual or the personal representative of the individual, a long-term care facility in which an individual is residing may file an undue hardship waiver request, on behalf of the individual who is denied eligibility for long-term care services on or after July 1, 2006, due to a period of ineligibility resulting from a transfer on or after February 8, 2006. In evaluating a waiver, the local agency shall take into account whether the individual was the victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, and other factors relevant to a determination of hardship. If the local agency does not approve a hardship waiver, the local agency shall issue a written notice to the individual stating the reasons for the denial and the process for appealing the local agency's decision.

(b) When a waiver is granted under paragraph (a), clause (3), a cause of action exists against the person to whom the homestead was transferred for that portion of long-term care services ~~granted~~ provided within:

(1) 30 months of a transfer made on or before August 10, 1993;

(2) 60 months if the homestead was transferred after August 10, 1993, to a trust or portion of a trust that is considered a transfer of assets under federal law;

(3) 36 months if transferred in any other manner after August 10, 1993, but prior to February 8, 2006; or

(4) 60 months if the homestead was transferred on or after February 8, 2006,

or the amount of the uncompensated transfer, whichever is less, together with the costs incurred due to the action. ~~The action shall be brought by the state unless the state delegates this responsibility to the local agency responsible for providing medical assistance under chapter 256G.~~

Sec. 18. Minnesota Statutes 2006, section 256B.0595, subdivision 4, is amended to read:

Subd. 4. **Other exceptions to transfer prohibition.** An institutionalized person who has made, or whose spouse has made a transfer prohibited by subdivision 1, is not ineligible for long-term care services if one of the following conditions applies:

(1) the assets were transferred to the individual's spouse or to another for the sole benefit of the spouse; or

(2) the institutionalized spouse, prior to being institutionalized, transferred assets to a spouse, provided that the spouse to whom the assets were transferred does not then transfer those assets to another person for less than fair market value. (At the time when one spouse is institutionalized, assets must be allocated between the spouses as provided under section 256B.059); or

(3) the assets were transferred to the individual's child who is blind or permanently and totally disabled as determined in the supplemental security income program; or

(4) a satisfactory showing is made that the individual intended to dispose of the assets either at fair market value or for other valuable consideration; or

(5) the local agency determines that denial of eligibility for long-term care services would work an undue hardship and grants a waiver of a penalty resulting from a transfer for less than fair market value based on an imminent threat to the individual's health and well-being. Whenever an applicant or recipient is denied eligibility because of a transfer for less than fair market value, the local agency shall notify the applicant or recipient that the applicant or recipient may request a waiver of the penalty if the denial of eligibility will cause undue hardship. With the written consent of the individual or the personal representative of the individual, a long-term care facility in which an individual is residing may file an undue hardship waiver request, on behalf of the individual who is denied eligibility for long-term care services on or after July 1, 2006, due to a period of ineligibility resulting from a transfer on or after February 8, 2006. In evaluating a waiver, the local agency shall take into account whether the individual was the victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, whether the individual has taken any action to prevent the designation of the department as a remainder beneficiary on an annuity as described in section 256B.056, subdivision 11, and other factors relevant to a determination of hardship. The local agency shall make a determination within 30 days of the receipt of all necessary information needed to make such a determination. If the local agency does not approve a hardship waiver, the local agency shall issue a written notice to the individual stating the reasons for the denial and the process for appealing the local agency's decision. When a waiver is granted, a cause of action exists against the person to whom the assets were transferred for that portion of long-term care services ~~granted~~ provided within:

- (i) 30 months of a transfer made on or before August 10, 1993;
- (ii) 60 months of a transfer if the assets were transferred after August 30, 1993, to a trust or portion of a trust that is considered a transfer of assets under federal law;
- (iii) 36 months of a transfer if transferred in any other manner after August 10, 1993, but prior to February 8, 2006; or
- (iv) 60 months of any transfer made on or after February 8, 2006,

or the amount of the uncompensated transfer, whichever is less, together with the costs incurred due to the action: ~~The action shall be brought by the state unless the state delegates this responsibility to the local agency responsible for providing medical assistance under this chapter; or~~

(6) for transfers occurring after August 10, 1993, the assets were transferred by the person or person's spouse:
(i) into a trust established for the sole benefit of a son or daughter of any age who is blind or disabled as defined by the Supplemental Security Income program; or (ii) into a trust established for the sole benefit of an individual who is under 65 years of age who is disabled as defined by the Supplemental Security Income program.

"For the sole benefit of" has the meaning found in section 256B.059, subdivision 1.

Sec. 19. Minnesota Statutes 2006, section 256B.0595, is amended by adding a subdivision to read:

Subd. 8. Cause of action; transfer prior to death. (a) A cause of action exists against a transferee who receives assets for less than fair market value, either:

(1) from a person who was a recipient of medical assistance and who made an uncompensated transfer that was known to the county agency but a penalty period could not be implemented under this section due to the death of the person; or

(2) from a person who was a recipient of medical assistance who made an uncompensated transfer that was not known to the county agency and the transfer was made with the intent to hinder, delay, or defraud the state or local agency from recovering as allowed under section 256B.15. In determining intent under this clause consideration may be given, among other factors, to whether:

- (i) the transfer was to a family member;
 - (ii) the transferor retained possession or control of the property after the transfer;
 - (iii) the transfer was concealed;
 - (iv) the transfer included the majority of the transferor's assets;
 - (v) the value of the consideration received was not reasonably equivalent to the fair market value of the property;
and
 - (vi) the transfer occurred shortly before the death of the transferor.
- (b) No cause of action exists under this subdivision unless:

(1) the transferee knew or should have known that the transfer was being made by a person who was receiving medical assistance as described in section 256B.15, subdivision 1, paragraph (b); and

(2) the transferee received the asset without providing a reasonable equivalent fair market value in exchange for the transfer.

(c) The cause of action is for the uncompensated amount of the transfer or the amount of medical assistance paid on behalf of the person, whichever is less. The uncompensated transfer amount is the fair market value of the asset at the time it was given away, sold, or disposed of, less the amount of the compensation received.

Sec. 20. Minnesota Statutes 2006, section 256B.0595, is amended by adding a subdivision to read:

Subd. 9. **Filing cause of action; limitation.** (a) The county of financial responsibility under chapter 256G may bring a cause of action under any or all of the following:

(1) subdivision 1, paragraph (f);

(2) subdivision 2, paragraphs (a) and (b);

(3) subdivision 3, paragraph (b);

(4) subdivision 4, clause (5); and

(5) subdivision 8

on behalf of the claimant who must be the commissioner.

(b) Notwithstanding any other law to the contrary, a cause of action under subdivision 2, paragraph (a) or (b) or subdivision 8, must be commenced within six years of the date the local agency determines that a transfer was made for less than fair market value. Notwithstanding any other law to the contrary, a cause of action under subdivision 3, paragraph (b), or subdivision 4, clause (5), must be commenced within six years of the date of approval of a waiver of the penalty period for a transfer for less than fair market value based on undue hardship.

Sec. 21. Minnesota Statutes 2006, section 256B.0625, subdivision 13g, is amended to read:

Subd. 13g. **Preferred drug list.** (a) The commissioner shall adopt and implement a preferred drug list by January 1, 2004. The commissioner may enter into a contract with a vendor ~~or one or more states~~ for the purpose of participating in a ~~multistate~~ preferred drug list and supplemental rebate program. The commissioner shall ensure that any contract meets all federal requirements and maximizes federal financial participation. The commissioner shall publish the preferred drug list annually in the State Register and shall maintain an accurate and up-to-date list on the agency Web site.

(b) The commissioner may add to, delete from, and otherwise modify the preferred drug list, after consulting with the Formulary Committee and appropriate medical specialists and providing public notice and the opportunity for public comment.

(c) The commissioner shall adopt and administer the preferred drug list as part of the administration of the supplemental drug rebate program. Reimbursement for prescription drugs not on the preferred drug list may be subject to prior authorization, unless the drug manufacturer signs a supplemental rebate contract.

(d) For purposes of this subdivision, "preferred drug list" means a list of prescription drugs within designated therapeutic classes selected by the commissioner, for which prior authorization based on the identity of the drug or class is not required.

(e) The commissioner shall seek any federal waivers or approvals necessary to implement this subdivision.

Sec. 22. Minnesota Statutes 2007 Supplement, section 256B.0625, subdivision 49, is amended to read:

Subd. 49. **Community health worker.** (a) Medical assistance covers the care coordination and patient education services provided by a community health worker if the community health worker has:

(1) received a certificate from the Minnesota State Colleges and Universities System approved community health worker curriculum; or

(2) at least five years of supervised experience with an enrolled physician, registered nurse, or advanced practice registered nurse, or at least five years of supervised experience by a certified public health nurse operating under the direct authority of an enrolled unit of government.

Community health workers eligible for payment under clause (2) must complete the certification program by January 1, 2010, to continue to be eligible for payment.

(b) Community health workers must work under the supervision of a medical assistance enrolled physician, registered nurse, or advanced practice registered nurse, or work under the supervision of a certified public health nurse operating under the direct authority of an enrolled unit of government.

Sec. 23. Minnesota Statutes 2006, section 256B.075, subdivision 2, is amended to read:

Subd. 2. **Fee-for-service.** (a) The commissioner shall develop and implement a disease management program for medical assistance and general assistance medical care recipients who are not enrolled in the prepaid medical assistance or prepaid general assistance medical care programs and who are receiving services on a fee-for-service basis. The commissioner may contract with an outside organization to provide these services.

(b) The commissioner shall seek any federal approval necessary to implement this section and to obtain federal matching funds.

(c) The commissioner shall develop and implement a pilot intensive care management program for medical assistance children with complex and chronic medical issues ~~who are not able to participate in the metro-based U Special Kids program due to geographic distance.~~

Sec. 24. **[256B.0948] STATEWIDE HEALTH INFORMATION EXCHANGE.**

Subdivision 1. **Commissioner's authority to join and participate.** The commissioner of human services has the authority to join and participate as a member in a legal entity developing and operating a statewide health information exchange that shall meet the following criteria:

(1) the legal entity must meet all constitutional and statutory requirements to allow the commissioner to participate including, without limitation, the Minnesota Constitution, article X, section 1; and

(2) the commissioner or the commissioner's designated representative must have the right to participate in the governance of the legal entity under the same terms and conditions and subject to the same requirements as any other member in the legal entity and in that role shall act to advance state interests and lessen the burdens of government.

Subd. 2. **Development expenses.** Notwithstanding chapter 16C, the commissioner may pay the state's prorated share of development-related expenses of the legal entity retroactively from October 29, 2007, regardless of the date the commissioner joins the legal entity as a member.

Sec. 25. Minnesota Statutes 2006, section 256B.15, subdivision 4, is amended to read:

Subd. 4. **Other survivors.** (a) If the decedent who was single or the surviving spouse of a married couple is survived by one of the following persons, a claim exists against the estate payable first from the value of the nonhomestead property included in the estate and the personal representative shall make, execute, and deliver to the county agency a lien against the homestead property in the estate for any unpaid balance of the claim to the claimant as provided under this section:

~~(a)~~ (1) a sibling who resided in the decedent medical assistance recipient's home at least one year before the decedent's institutionalization and continuously since the date of institutionalization; or

~~(b)~~ (2) a son or daughter or a grandchild who resided in the decedent medical assistance recipient's home for at least two years immediately before the parent's or grandparent's institutionalization and continuously since the date of institutionalization, and who establishes by a preponderance of the evidence having provided care to the parent or grandparent who received medical assistance, that the care was provided before institutionalization, and that the care permitted the parent or grandparent to reside at home rather than in an institution.

(b) For purposes of this subdivision, "institutionalization" means receiving care: (1) in a nursing facility or swing bed, or intermediate care facility for persons with developmental disabilities; or (2) through home and community-based services under section 256B.0915, 256B.092, or 256B.49.

Sec. 26. Minnesota Statutes 2006, section 256B.69, subdivision 6, is amended to read:

Subd. 6. **Service delivery.** (a) Each demonstration provider shall be responsible for the health care coordination for eligible individuals. Demonstration providers:

(1) shall authorize and arrange for the provision of all needed health services including but not limited to the full range of services listed in sections 256B.02, subdivision 8, and 256B.0625 in order to ensure appropriate health care is delivered to enrollees, notwithstanding section 256B.0621, demonstration providers that provide nursing home and community-based services under this section shall provide relocation service coordination to enrolled persons age 65 and over;

(2) shall accept the prospective, per capita payment from the commissioner in return for the provision of comprehensive and coordinated health care services for eligible individuals enrolled in the program;

(3) may contract with other health care and social service practitioners to provide services to enrollees; and

(4) shall institute recipient grievance procedures according to the method established by the project, utilizing applicable requirements of chapter 62D. Disputes not resolved through this process shall be appealable to the commissioner as provided in subdivision 11.

(b) Demonstration providers must comply with the standards for claims settlement under section 72A.201, subdivisions 4, 5, 7, and 8, when contracting with other health care and social service practitioners to provide services to enrollees. A demonstration provider must pay a clean claim, as defined in Code of Federal Regulations, title 42, section 447.45(b), within 30 business days of the date of acceptance of the claim.

Sec. 27. Minnesota Statutes 2006, section 256B.69, subdivision 27, is amended to read:

Subd. 27. **Information for persons with limited English-language proficiency.** Managed care contracts entered into under this section and sections 256D.03, subdivision 4, paragraph (c), and 256L.12 must require demonstration providers to ~~inform enrollees that upon request the enrollee can obtain a certificate of coverage in the following languages: Spanish, Hmong, Laotian, Russian, Somali, Vietnamese, or Cambodian. Upon request, the demonstration provider must provide the enrollee with a certificate of coverage in the specified language of preference~~ provide language assistance to enrollees that ensures meaningful access to its programs and services according to Title VI of the Civil Rights Act and federal regulations adopted under that law or any guidance from the United States Department of Health and Human Services.

Sec. 28. Minnesota Statutes 2007 Supplement, section 256D.03, subdivision 3, is amended to read:

Subd. 3. **General assistance medical care; eligibility.** (a) General assistance medical care may be paid for any person who is not eligible for medical assistance under chapter 256B, including eligibility for medical assistance based on a spenddown of excess income according to section 256B.056, subdivision 5, or MinnesotaCare as defined in paragraph (b), except as provided in paragraph (c), and:

(1) who is receiving assistance under section 256D.05, except for families with children who are eligible under Minnesota family investment program (MFIP), or who is having a payment made on the person's behalf under sections 256I.01 to 256I.06; or

(2) who is a resident of Minnesota; and

(i) who has gross countable income not in excess of 75 percent of the federal poverty guidelines for the family size, using a six-month budget period and whose equity in assets is not in excess of \$1,000 per assistance unit. General assistance medical care is not available for applicants or enrollees who are otherwise eligible for medical assistance but fail to verify their assets. Enrollees who become eligible for medical assistance shall be terminated and transferred to medical assistance. Exempt assets, the reduction of excess assets, and the waiver of excess assets must conform to the medical assistance program in section 256B.056, subdivision 3, with the following exception: the maximum amount of undistributed funds in a trust that could be distributed to or on behalf of the beneficiary by the trustee, assuming the full exercise of the trustee's discretion under the terms of the trust, must be applied toward the asset maximum;

(ii) who has gross countable income above 75 percent of the federal poverty guidelines but not in excess of 175 percent of the federal poverty guidelines for the family size, using a six-month budget period, whose equity in assets is not in excess of the limits in section 256B.056, subdivision 3c, and who applies during an inpatient hospitalization; or

(iii) the commissioner shall adjust the income standards under this section each July 1 by the annual update of the federal poverty guidelines following publication by the United States Department of Health and Human Services.

(b) Effective for applications and renewals processed on or after September 1, 2006, general assistance medical care may not be paid for applicants or recipients who are adults with dependent children under 21 whose gross family income is equal to or less than 275 percent of the federal poverty guidelines who are not described in paragraph (e).

(c) Effective for applications and renewals processed on or after September 1, 2006, general assistance medical care may be paid for applicants and recipients who meet all eligibility requirements of paragraph (a), clause (2), item (i), for a temporary period beginning the date of application. Immediately following approval of general assistance medical care, enrollees shall be enrolled in MinnesotaCare under section 256L.04, subdivision 7, with covered services as provided in section 256L.03 for the rest of the six-month general assistance medical care eligibility period, until their six-month renewal.

(d) To be eligible for general assistance medical care following enrollment in MinnesotaCare as required by paragraph (c), an individual must complete a new application.

(e) Applicants and recipients eligible under paragraph (a), clause (1); ~~who are exempt from the MinnesotaCare enrollment requirements in this subdivision if they:~~

(1) have applied for and are awaiting a determination of blindness or disability by the state medical review team or a determination of eligibility for Supplemental Security Income or Social Security Disability Insurance by the Social Security Administration; ~~who~~

(2) fail to meet the requirements of section 256L.09, subdivision 2; ~~who~~

(3) are homeless as defined by United States Code, title 42, section 11301, et seq.; ~~who~~

(4) are classified as end-stage renal disease beneficiaries in the Medicare program; ~~who~~

(5) are enrolled in private health care coverage as defined in section 256B.02, subdivision 9; ~~who~~

(6) are eligible under paragraph (j); ~~or who~~

(7) receive treatment funded pursuant to section 254B.02 ~~are exempt from the MinnesotaCare enrollment requirements of this subdivision; or~~

(8) reside in the Minnesota sex offender program defined in chapter 246B.

(f) For applications received on or after October 1, 2003, eligibility may begin no earlier than the date of application. For individuals eligible under paragraph (a), clause (2), item (i), a redetermination of eligibility must occur every 12 months. Individuals are eligible under paragraph (a), clause (2), item (ii), only during inpatient hospitalization but may reapply if there is a subsequent period of inpatient hospitalization.

(g) Beginning September 1, 2006, Minnesota health care program applications and renewals completed by recipients and applicants who are persons described in paragraph (c) and submitted to the county agency shall be determined for MinnesotaCare eligibility by the county agency. If all other eligibility requirements of this subdivision are met, eligibility for general assistance medical care shall be available in any month during which MinnesotaCare enrollment is pending. Upon notification of eligibility for MinnesotaCare, notice of termination for eligibility for general assistance medical care shall be sent to an applicant or recipient. If all other eligibility requirements of this subdivision are met, eligibility for general assistance medical care shall be available until enrollment in MinnesotaCare subject to the provisions of paragraphs (c), (e), and (f).

(h) The date of an initial Minnesota health care program application necessary to begin a determination of eligibility shall be the date the applicant has provided a name, address, and Social Security number, signed and dated, to the county agency or the Department of Human Services. If the applicant is unable to provide a name, address, Social Security number, and signature when health care is delivered due to a medical condition or disability, a health care provider may act on an applicant's behalf to establish the date of an initial Minnesota health care program application by providing the county agency or Department of Human Services with provider identification and a temporary unique identifier for the applicant. The applicant must complete the remainder of the application and provide necessary verification before eligibility can be determined. The county agency must assist the applicant in obtaining verification if necessary.

(i) County agencies are authorized to use all automated databases containing information regarding recipients' or applicants' income in order to determine eligibility for general assistance medical care or MinnesotaCare. Such use shall be considered sufficient in order to determine eligibility and premium payments by the county agency.

(j) General assistance medical care is not available for a person in a correctional facility unless the person is detained by law for less than one year in a county correctional or detention facility as a person accused or convicted of a crime, or admitted as an inpatient to a hospital on a criminal hold order, and the person is a recipient of general assistance medical care at the time the person is detained by law or admitted on a criminal hold order and as long as the person continues to meet other eligibility requirements of this subdivision.

(k) General assistance medical care is not available for applicants or recipients who do not cooperate with the county agency to meet the requirements of medical assistance.

(l) In determining the amount of assets of an individual eligible under paragraph (a), clause (2), item (i), there shall be included any asset or interest in an asset, including an asset excluded under paragraph (a), that was given away, sold, or disposed of for less than fair market value within the 60 months preceding application for general assistance medical care or during the period of eligibility. Any transfer described in this paragraph shall be presumed to have been for the purpose of establishing eligibility for general assistance medical care, unless the individual furnishes convincing evidence to establish that the transaction was exclusively for another purpose. For purposes of this paragraph, the value of the asset or interest shall be the fair market value at the time it was given away, sold, or disposed of, less the amount of compensation received. For any uncompensated transfer, the number of months of ineligibility, including partial months, shall be calculated by dividing the uncompensated transfer amount by the average monthly per person payment made by the medical assistance program to skilled nursing facilities for the previous calendar year. The individual shall remain ineligible until this fixed period has expired. The period of ineligibility may exceed 30 months, and a reapplication for benefits after 30 months from the date of the transfer shall not result in eligibility unless and until the period of ineligibility has expired. The period of ineligibility begins in the month the transfer was reported to the county agency, or if the transfer was not reported, the month in which the county agency discovered the transfer, whichever comes first. For applicants, the period of ineligibility begins on the date of the first approved application.

(m) When determining eligibility for any state benefits under this subdivision, the income and resources of all noncitizens shall be deemed to include their sponsor's income and resources as defined in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, title IV, Public Law 104-193, sections 421 and 422, and subsequently set out in federal rules.

(n) Undocumented noncitizens and nonimmigrants are ineligible for general assistance medical care. For purposes of this subdivision, a nonimmigrant is an individual in one or more of the classes listed in United States Code, title 8, section 1101(a)(15), and an undocumented noncitizen is an individual who resides in the United States without the approval or acquiescence of the United States Citizenship and Immigration Services.

(o) Notwithstanding any other provision of law, a noncitizen who is ineligible for medical assistance due to the deeming of a sponsor's income and resources, is ineligible for general assistance medical care.

(p) Effective July 1, 2003, general assistance medical care emergency services end.

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

Sec. 29. Minnesota Statutes 2006, section 524.3-803, is amended to read:

524.3-803 LIMITATIONS ON PRESENTATION OF CLAIMS.

(a) All claims as defined in section 524.1-201(6), against a decedent's estate which arose before the death of the decedent, including claims of the state and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, if not barred earlier by other statute of limitations, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented as follows:

(1) in the case of a creditor who is only entitled, under the United States Constitution and under the Minnesota Constitution, to notice by publication under section 524.3-801, within four months after the date of the court administrator's notice to creditors which is subsequently published pursuant to section 524.3-801;

(2) in the case of a creditor who was served with notice under section 524.3-801(c), within the later to expire of four months after the date of the first publication of notice to creditors or one month after the service;

(3) within the later to expire of one year after the decedent's death, or one year after June 16, 1989, whether or not notice to creditors has been published or served under section 524.3-801, provided, however, that in the case of a decedent who died before June 16, 1989, no claim which was then barred by any provision of law may be deemed to have been revived by the amendment of this section. Claims authorized by section 246.53, 256B.15, or 256D.16 must not be barred after one year as provided in this clause.

(b) All claims against a decedent's estate which arise at or after the death of the decedent, including claims of the state and any subdivision thereof, whether due or to become due, absolute or contingent, liquidated or unliquidated, are barred against the estate, the personal representative, and the heirs and devisees of the decedent, unless presented as follows:

(1) a claim based on a contract with the personal representative, within four months after performance by the personal representative is due;

(2) any other claim, within four months after it arises.

(c) Nothing in this section affects or prevents:

(1) any proceeding to enforce any mortgage, pledge, or other lien upon property of the estate;

(2) any proceeding to establish liability of the decedent or the personal representative for which there is protection by liability insurance, to the limits of the insurance protection only;

(3) the presentment and payment at any time within one year after the decedent's death of any claim arising before the death of the decedent that is referred to in section 524.3-715, clause (18), although the same may be otherwise barred under this section; or

(4) the presentment and payment at any time before a petition is filed in compliance with section 524.3-1001 or 524.3-1002 or a closing statement is filed under section 524.3-1003, of:

(i) any claim arising after the death of the decedent that is referred to in section 524.3-715, clause (18), although the same may be otherwise barred hereunder;

(ii) any other claim, including claims subject to clause (3), which would otherwise be barred hereunder, upon allowance by the court upon petition of the personal representative or the claimant for cause shown on notice and hearing as the court may direct."

Delete the title and insert:

"A bill for an act relating to human services; amending health care services provisions; making changes to general assistance medical care, medical assistance, and MinnesotaCare; modifying claims, liens, and treatment of assets; establishing a statewide information exchange; amending Minnesota Statutes 2006, sections 256B.056, subdivisions 2, 4a, 11, by adding a subdivision; 256B.057, subdivision 1; 256B.0571, subdivisions 8, 9, 15, by adding a subdivision; 256B.058; 256B.059, subdivisions 1, 1a; 256B.0594; 256B.0595, subdivisions 1, 2, 3, 4, by adding subdivisions; 256B.0625, subdivision 13g; 256B.075, subdivision 2; 256B.15, subdivision 4; 256B.69, subdivisions 6, 27; 524.3-803; Minnesota Statutes 2007 Supplement, sections 256B.055, subdivision 14; 256B.0625, subdivision 49; 256D.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 256B."

With the recommendation that when so amended the bill pass.

The report was adopted.

Hilstrom from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 3238, A bill for an act relating to waters; providing for sustainable water use; requiring conservation rate structures; requiring drinking water emergency management plan; requiring disclosure of contaminated wells; requiring sharing groundwater information; creating Pollution Control Agency ombudsman for groundwater pollution education and assistance; extending the expiration date for the Metropolitan Area Water Supply Advisory Committee; amending Minnesota Statutes 2006, sections 103G.101, subdivision 1; 103G.291, by adding a subdivision; 103I.236; 473.1565, subdivision 2; Minnesota Statutes 2007 Supplement, section 103G.291, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 103G; 103H; 116.

Reported the same back with the following amendments:

Page 2, line 34, after the period, insert "The rate structure must consider each residential unit as an individual user in multiple-family dwellings."

Page 3, line 6, after "users" insert ", as of the effective date of this act,"

Page 3, delete section 4

Page 3, line 30, after "Agency" insert "and with the Metropolitan Council"

Page 4, line 17, delete "be contaminated" and insert "exceed state health standards"

Page 5, after line 28, insert:

"Sec. 7. Minnesota Statutes 2007 Supplement, section 473.1565, subdivision 1, is amended to read:

Subdivision 1. **Planning activities.** (a) The Metropolitan Council must carry out planning activities addressing the water supply needs of the metropolitan area as defined in section 473.121, subdivision 2. The planning activities must include, at a minimum:

(1) development and maintenance of a base of technical information needed for sound water supply decisions including surface and groundwater availability analyses, water demand projections, water withdrawal and use impact analyses, modeling, and similar studies, subject to any applicable requirements under section 103H.176;

(2) development and periodic update of a metropolitan area master water supply plan, prepared in cooperation with and subject to the approval of the commissioner of natural resources, that:

(i) provides guidance for local water supply systems and future regional investments;

(ii) emphasizes conservation, interjurisdictional cooperation, and long-term sustainability; and

(iii) addresses the reliability, security, and cost-effectiveness of the metropolitan area water supply system and its local and subregional components;

(3) recommendations for clarifying the appropriate roles and responsibilities of local, regional, and state government in metropolitan area water supply;

(4) recommendations for streamlining and consolidating metropolitan area water supply decision-making and approval processes; and

(5) recommendations for the ongoing and long-term funding of metropolitan area water supply planning activities and capital investments.

(b) The council must carry out the planning activities in this subdivision in consultation with the Metropolitan Area Water Supply Advisory Committee established in subdivision 2."

Renumber the sections in sequence

Correct the title numbers accordingly

Amend the title as follows:

Page 1, line 3, delete "requiring drinking water emergency management plan;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 3240, A bill for an act relating to veterans; authorizing the placement of a plaque in the court of honor on the Capitol grounds to honor Mexican-American veterans of the United States armed forces.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **PURPOSE.**

The legislature and members of AMVETS Mexican-American Post 5 wish to honor Mexican-American veterans and Minnesota veterans of all nationalities, ethnic groups, and subgroups who have served honorably and bravely in the United States armed forces at any time since the founding of this great nation, by erecting an honorary plaque for them in the veterans court of honor on the Capitol Mall.

Sec. 2. **PLAQUE HONORING MEXICAN-AMERICAN VETERANS.**

A memorial plaque may be placed in the court of honor on the Capitol grounds to recognize the valiant service of all Mexican-American veterans and Minnesota veterans of all other nationalities, ethnic groups, and subgroups who have honorably and bravely served in the United States armed forces, during both peacetime and war, since the founding of this great nation. The plaque must be furnished by the AMVETS Mexican-American Post 5 and must be approved by the commissioner of veterans affairs and the Capitol Area Architectural and Planning Board.

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

Delete the title and insert:

"A bill for an act relating to veterans; authorizing the placement of a plaque in the court of honor on the Capitol grounds to honor Mexican-American veterans and Minnesota's veterans of all other nationalities, ethnic groups, and subgroups who have served honorably and bravely at any time in the United States Armed Forces."

With the recommendation that when so amended the bill pass.

The report was adopted.

Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 3254, A bill for an act relating to health; changing provisions for health professional educational loan forgiveness program; expanding access to dental care services; amending Minnesota Statutes 2006, sections 144.1501, subdivisions 1, 2, by adding subdivisions; 256B.037, subdivisions 1, 1b, 4, by adding subdivisions; repealing Minnesota Statutes 2006, section 256B.037, subdivisions 1a, 1c, 2, 5, 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 144.1501, is amended by adding a subdivision to read:

Subd. 7. **Dental school student scholarship program.** The commissioner may award up to three scholarships each year to:

(1) internationally trained dental students who enroll in the Program for Advanced Standing Students at the University of Minnesota School of Dentistry and who agree upon graduation from the program and licensure in Minnesota to provide dental services through a nonprofit organization, community clinic, or federally qualified community health center for a period of at least three years; or

(2) current dental school students who agree after graduation to provide dental services in Minnesota through a nonprofit organization, community clinic, or federally qualified community health center for a period of at least three years.

Scholarships awarded under the program must be at least \$30,000 each year that the graduates provide care under the scholarship agreement.

Sec. 2. **COMMUNITY DENTAL HEALTH COORDINATOR.**

The commissioner of health shall study the feasibility of the creation and use of community dental health coordinators to help provide dental care access and education to specific populations in need of dental care under state programs. The commissioner shall consider the education and training requirements of this new position as developed by the American Dental Association and the success of this position in other states piloting the use of community dental health coordinators. The commissioner shall report to the legislature by January 2009 on whether the state should consider certification or registration of community dental health coordinators in Minnesota.

Sec. 3. **PUBLIC DENTAL COVERAGE PROGRAM STUDY.**

(a) The commissioner of human services shall undertake a study to determine whether alternative approaches to offering dental coverage to public programs enrollees would result in:

(1) improved access to dental care;

(2) cost savings to providers and the department; and

(3) improved quality and outcomes of care.

Alternatives considered shall include moving to a single dental plan administrator, retaining the current model, and other innovative approaches. Issues relating to chronic disease management, medical and dental interface, plan payment approaches, and provider payment should also be addressed. The report must make a recommendation on whether to alter the current approach to contracting for dental services, and include a detailed plan on how to implement any changes. The commissioner shall consult with dentists, safety net dental providers, dental plans, health plans and county-based purchasing organizations, patients and advocates, and other interested parties in developing their findings and recommendations.

(b) By December 15, 2008, the commissioner of human services shall report findings and recommendations to the chairs of the house of representatives and senate committees having jurisdiction over health and human services policy and finance.

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

Sec. 4. **REPEALER.**

Laws 2003, First Special Session chapter 5, section 11, is repealed."

Delete the title and insert:

"A bill for an act relating to health; establishing dental school student scholarship program; requiring a study on community dental health coordinator and public dental coverage program; amending Minnesota Statutes 2006, section 144.1501, by adding a subdivision; repealing Laws 2003, First Special Session chapter 5, section 11."

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

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 3263, A bill for an act relating to education; integrating instruction about the contributions of Minnesota American Indian tribes and communities into teacher preparation and licensing requirements; appropriating money; amending Minnesota Statutes 2006, section 122A.09, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 124D; 127A.

Reported the same back with the following amendments:

Page 3, line 21, delete "COMMITTEES" and insert "COMMITTEE"

Page 3, line 23, delete "create one or"

Page 3, line 24, delete "more" and insert "establish an" and delete "committees" and insert "committee"

Page 3, line 31, delete "Each" and insert "The"

Page 4, line 1, delete "Each" and insert "The"

Page 4, line 3, delete "each" and insert "the"

Page 4, line 6, delete "Indians" and insert "Indian" and after "must" insert "coordinate department efforts to"

Page 4, line 19, delete "coordinate department" and insert "provide"

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

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 3292, A bill for an act relating to education; managing school trust fund lands; improving the returns for school trust fund lands; redefining the mission of the Permanent School Fund Advisory Committee; providing a report; amending Minnesota Statutes 2006, sections 84.027, by adding a subdivision; 127A.30.

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

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 3293, A bill for an act relating to environment; requiring the Pollution Control Agency to analyze cumulative pollution effects in an area prior to issuing a permit; amending Minnesota Statutes 2006, section 116.07, subdivision 4a.

Reported the same back with the following amendments:

Page 1, delete lines 18 to 21 and insert:

"After July 1, 2008, the agency may not issue a permit to a facility without analyzing and considering the cumulative levels and effects of past and current environmental pollution from all sources on the environment and residents of the geographic area within which the facility's emissions are likely to be deposited, provided that the facility is located in a community in a city of the first class in Hennepin County that meets all of the following conditions:

(1) is within a half mile of a site designated by the federal government as an EPA superfund site;

(2) a majority of the population are low-income persons of color and American Indians;

(3) a disproportionate percent of the children have childhood lead poisoning, asthma, or other environmentally related health problems;

(4) is located in a city that has experienced 13 air quality alert days of dangerous air quality for sensitive populations between February 2007 and February 2008; and

(5) is located near the junctions of several heavily trafficked state and county highways and two one-way streets which carry both truck and auto traffic."

With the recommendation that when so amended the bill pass.

The report was adopted.

Rukavina from the Higher Education and Work Force Development Policy and Finance Division to which was referred:

H. F. No. 3295, A bill for an act relating to economic development; clarifying conflict of interest rules for local economic development authorities; providing criminal penalties; amending Minnesota Statutes 2006, section 469.098.

Reported the same back with the following amendments:

Page 3, after line 2, insert:

"Subd. 7. **Exceptions.** The exceptions in section 471.88 apply to this section.

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

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 3297, A bill for an act relating to the military; changing eligibility for brevet promotion; amending Minnesota Statutes 2006, section 192.20.

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

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 3298, A bill for an act relating to the military; repealing authorization for the state Persian Gulf War ribbon; repealing Minnesota Statutes 2006, section 190.17.

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

The report was adopted.

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

H. F. No. 3309, A bill for an act relating to state government; codifying the transfer of employee relations duties to the Department of Finance and other agencies; amending Minnesota Statutes 2006, sections 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 16A.055, subdivision 1; 16B.87, subdivision 1; 43A.04, subdivisions 1, 9; 43A.044; 43A.05, subdivisions 1, 6; 43A.06, subdivisions 1, 3; 43A.08, subdivision 1a; 43A.17, subdivision 8;

43A.183, subdivisions 3, 4, 5; 43A.23, subdivision 2; 43A.30, subdivisions 4, 5; 43A.311; 43A.48; 176.541, subdivisions 2, 3, 4, 6; 176.571; 176.572; 176.581; 176.591, subdivision 3; 176.603; 176.611, subdivisions 2, 2a, 3a; 356.215, subdivision 2a; Minnesota Statutes 2007 Supplement, sections 16B.04, subdivision 2; 43A.50, subdivisions 1, 2; 136F.42, subdivision 1; 353.03, subdivision 3; repealing Minnesota Statutes 2006, sections 43A.03; 176.5401.

Reported the same back with the following amendments:

Page 5, after line 2, insert:

"Sec. 8. Minnesota Statutes 2006, section 43A.04, subdivision 2, is amended to read:

Subd. 2. **Executive direction.** The commissioner shall direct all departmental services, appoint employees and may enter into contracts to carry out the provisions of this chapter. The commissioner may appoint one deputy with principal responsibility for employee relations. The deputy shall serve in the unclassified service."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "permitting appointment of a deputy for employee relations;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 3328, A bill for an act relating to natural resources; creating a Minnesota forests for the future program; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Page 1, line 24, after "recreation" insert ", including all nonmotorized and motorized vehicle use, including all-terrain vehicles, off-road motorcycles, and snowmobiles"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 3344, A bill for an act relating to veterans; changing veteran's preference provisions; amending Minnesota Statutes 2006, sections 43A.11, subdivision 7; 197.455, subdivision 8.

Reported the same back with the following amendments:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2006, section 43A.11, subdivision 1, is amended to read:

Subdivision 1. **Creation.** Recognizing that training and experience in the military services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily assessed by examination, a veteran's preference shall be available pursuant to this section and section 197.455 to a veteran as defined in section 197.447."

Page 1, line 19, delete "the higher rated"

Page 1, line 20, delete "person" and insert "among the top half of qualifying persons"

Page 2, line 2, delete "and 2" and insert "to 3"

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 3361, A bill for an act relating to agriculture; changing certain payment provisions for certain agricultural chemical corrective action costs; amending Minnesota Statutes 2006, section 18E.04, subdivision 2.

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

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 3362, A bill for an act relating to agriculture; authorizing certain administrative actions related to pesticide and fertilizer regulation; amending Minnesota Statutes 2006, section 18D.305, subdivision 2.

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

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 3364, A bill for an act relating to Minnesota Public Facilities Authority; providing for wastewater infrastructure funding; providing for guarantee of certain government building debt; providing a credit enhanced bond program; appropriating money; amending Minnesota Statutes 2006, section 446A.12, subdivision 1; Minnesota Statutes 2007 Supplement, sections 446A.072, subdivisions 3, 5a; 446A.086; proposing coding for new law in Minnesota Statutes, chapter 446A.

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

The report was adopted.

Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 3376, A bill for an act relating to human services; amending the MFIP work participation program; changing MFIP child care assistance provisions; making technical changes; amending Minnesota Statutes 2006, sections 13.02, subdivision 3a; 13.82, subdivision 1; 119B.011, subdivision 17; 119B.03, subdivisions 1, 6; 119B.09, subdivision 1; 119B.125, by adding a subdivision; 119B.21, subdivision 10; 246.13, subdivision 2; 256E.30, subdivision 1; 256E.35, subdivision 7; 256J.24, subdivision 5; 256J.425, subdivision 1; 256J.54, subdivisions 2, 5; 256J.545; Minnesota Statutes 2007 Supplement, sections 119B.125, subdivision 2; 119B.13, subdivisions 1, 7; 119B.21, subdivision 5; 119B.231, subdivision 5; 245C.08, subdivision 2; 256E.35, subdivision 2; 256J.20, subdivision 3; 256J.575, subdivision 1; 256J.626, subdivision 7; 256J.95, subdivision 3; repealing Minnesota Statutes 2006, section 256K.25.

Reported the same back with the following amendments:

Page 2, line 10, after "2009" insert "and yearly thereafter"

Page 2, line 16, strike "the four quarterly measurements" and insert "12 consecutive months"

Page 2, line 23, after "within" insert "or above"

Page 2, line 30, strike "the four quarterly measurements" and insert "12 consecutive months"

Page 2, line 35, after "within" insert "or above"

Page 3, delete lines 4 to 36

Page 4, delete lines 1 to 6

Page 4, line 7, reinstate "~~(b)~~" and delete "~~(c)~~" and after "2009" insert "and yearly thereafter"

Page 4, line 11, strike "four quarterly measurements" and insert "12 consecutive months"

Page 4, line 18, after "within" insert "or above"

Page 4, line 23, strike "four quarterly"

Page 4, line 24, strike "measurements" and insert "12 consecutive months"

Page 4, line 28, after "within" insert "or above"

Page 4, delete lines 32 to 35

Page 5, delete lines 1 to 32

Page 5, line 33, reinstate "(e)" and delete "(e)"

Page 6, line 1, reinstate the stricken language and delete the new language

Page 7, after line 7, insert:

"Sec. 2. Minnesota Statutes 2006, section 119B.09, subdivision 9, is amended to read:

Subd. 9. **Licensed and legal nonlicensed family child care providers; assistance.** Licensed and legal nonlicensed family child care providers and their employees are not eligible to receive child care assistance subsidies under this chapter for their own children or children in their family during the hours they are providing child care or being paid to provide child care. Child care providers and their employees are eligible to receive child care assistance subsidies for their children when they are engaged in other activities that meet the requirements of this chapter and for which child care assistance can be paid. The hours for which the provider or their employee receives a child care subsidy for their own children must not overlap with the hours the provider provides child care services."

Page 16, line 25, after the semicolon, insert "or"

Page 16, line 26, after "nonlicensed" insert "or" and delete "child" and insert ", friend, and neighbor" and delete "; or" and insert a period

Page 16, delete line 27

Page 20, after line 3, insert:

"Sec. 3. Minnesota Statutes 2007 Supplement, section 256J.49, subdivision 13, is amended to read:

Subd. 13. **Work activity.** "Work activity" means any activity in a participant's approved employment plan that leads to employment. For purposes of the MFIP program, this includes activities that meet the definition of work activity under the participation requirements of TANF. Work activity includes:

(1) unsubsidized employment, including work study and paid apprenticeships or internships;

(2) subsidized private sector or public sector employment, including grant diversion as specified in section 256J.69, on-the-job training as specified in section 256J.66, ~~the self-employment investment demonstration program (SEID) as specified in section 256J.65~~, paid work experience, and supported work when a wage subsidy is provided;

(3) unpaid work experience, including community service, volunteer work, the community work experience program as specified in section 256J.67, unpaid apprenticeships or internships, and supported work when a wage subsidy is not provided. Unpaid work experience is only an option if the participant has been unable to obtain or maintain paid employment in the competitive labor market, and no paid work experience programs are available to the participant. Unless a participant consents to participating in unpaid work experience, the participant's employment plan may only include unpaid work experience if including the unpaid work experience in the plan will meet the following criteria:

(i) the unpaid work experience will provide the participant specific skills or experience that cannot be obtained through other work activity options where the participant resides or is willing to reside; and

(ii) the skills or experience gained through the unpaid work experience will result in higher wages for the participant than the participant could earn without the unpaid work experience;

(4) job search including job readiness assistance, job clubs, job placement, job-related counseling, and job retention services;

(5) job readiness education, including English as a second language (ESL) or functional work literacy classes as limited by the provisions of section 256J.531, subdivision 2, general educational development (GED) course work, high school completion, and adult basic education as limited by the provisions of section 256J.531, subdivision 1;

(6) job skills training directly related to employment, including education and training that can reasonably be expected to lead to employment, as limited by the provisions of section 256J.53;

(7) providing child care services to a participant who is working in a community service program;

(8) activities included in the employment plan that is developed under section 256J.521, subdivision 3; and

(9) preemployment activities including chemical and mental health assessments, treatment, and services; learning disabilities services; child protective services; family stabilization services; or other programs designed to enhance employability.

Sec. 4. Minnesota Statutes 2006, section 256J.521, subdivision 4, is amended to read:

Subd. 4. **Self-employment.** (a) Self-employment activities may be included in an employment plan contingent on the development of a business plan which establishes a timetable and earning goals that will result in the participant exiting MFIP assistance. Business plans must be developed with assistance from an individual or organization with expertise in small business as approved by the job counselor.

(b) Participants with an approved plan that includes self-employment must meet the participation requirements in section 256J.55, subdivision 1. Only hours where the participant earns at least minimum wage shall be counted toward the requirement. Additional activities and hours necessary to meet the participation requirements in section 256J.55, subdivision 1, must be included in the employment plan.

(c) Employment plans which include self-employment activities must be reviewed every three months. Participants who fail, without good cause, to make satisfactory progress as established in the business plan must revise the employment plan to replace the self-employment with other approved work activities.

~~(d) The requirements of this subdivision may be waived for participants who are enrolled in the self-employment investment demonstration program (SEID) under section 256J.65, and who make satisfactory progress as determined by the job counselor and the SEID provider."~~

Page 21, delete section 6

Page 23, delete sections 1 and 2

Page 24, delete section 4

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, delete "MFIP"

Correct the title numbers accordingly

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

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 3378, A bill for an act relating to gambling; clarifying definition of gambling device; repealing a provision relating to manufacture of gambling devices or components for shipment to other jurisdictions; amending Minnesota Statutes 2006, section 609.75, subdivision 4; repealing Minnesota Statutes 2006, section 349.40.

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

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 3390, A bill for an act relating to public health; adding nutrition as a required academic standard; requiring a BMI monitoring program for children and youth; establishing a statewide health improvement program; establishing a health, nutrition, and physical education advisory council; requiring reports; appropriating money; amending Minnesota Statutes 2007 Supplement, section 120B.021, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120B; 145.

Reported the same back with the following amendments:

Page 2, line 23, delete "120B.0215" and insert "145.987"

Page 2, line 24, delete "commissioners of education and" and insert "commissioner of" and after "health" insert "in consultation with the commissioner of education" and delete "collaboratively"

Page 3, lines 32 to 33, delete "ADVISORY COUNCIL" and insert "WORK GROUP"

Page 4, line 1, delete "an advisory council" and insert "a work group"

Page 4, lines 1, 3, 4, 13, 26, and 32, delete "advisory council" and insert "work group"

Page 4, delete line 9

Page 4, line 10, delete "(iv)" and insert "(iii)"

Page 4, line 11, delete "(v)" and insert "(iv)"

Page 4, line 12, delete "(vi)" and insert "(v)"

Page 4, delete line 24 and insert:

"(viii) the Minnesota School Nutrition Association may appoint one member; and"

Page 4, line 25, delete "(viii)" and insert "(ix)"

Page 4, line 31, after the period, insert "The recommendations shall include cost estimates for curriculum standards implementation."

Page 5, line 1, delete "advisory council" and insert "work group"

Renumber the sections in sequence and correct internal references

Amend the title as follows:

Page 1, line 5, delete "advisory council" and insert "work group"

Correct the title numbers accordingly

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

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3391, A bill for an act relating to health care reform; increasing affordability and continuity of care for state health care programs; modifying health care provisions; providing subsidies for employee share of employer-subsidized insurance; establishing the Minnesota Health Insurance Exchange; requiring certain employers to offer Section 125 Plan; establishing the Health Care Transformation Commission; creating an affordability standard; requiring mandated reports; appropriating money; amending Minnesota Statutes 2006, sections 62A.65, subdivision 3; 62E.141; 62L.12, subdivisions 2, 4; 256.01, by adding subdivisions; 256B.061; 256B.69, by adding a subdivision; 256D.03, by adding a subdivision; 256L.05, by adding a subdivision; 256L.06, subdivision 3; 256L.07, subdivision 3; 256L.15, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 13.46, subdivision 2; 256B.056, subdivision 10; 256L.03, subdivisions 3, 5; 256L.04, subdivisions 1, 7; 256L.05, subdivision 3a; 256L.07, subdivision 1; 256L.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256B; proposing coding for new law as Minnesota Statutes, chapter 62U; repealing Minnesota Statutes 2006, section 256L.15, subdivision 3.

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

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 3397, A bill for an act relating to lawful gambling; making changes to expenditure restrictions; modifying bingo games and prizes; making clarifying and technical changes to lawful gambling; amending Minnesota Statutes 2006, section 349.213, subdivisions 1, 3; Minnesota Statutes 2007 Supplement, sections 349.15, subdivision 1; 349.17, subdivision 8; 349.211, subdivisions 2, 2a, 2c, 3, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 349.12, subdivision 18, is amended to read:

Subd. 18. **Gambling equipment.** "Gambling equipment" means: bingo hard cards or paper sheets, linked bingo paper sheets, devices for selecting bingo numbers, electronic bingo devices, pull-tabs, jar tickets, paddlewheels, paddlewheel tables, paddletickets, paddleticket cards, tipboards, tipboard tickets, promotional tickets that mimic a pull-tab or tipboard, and pull-tab dispensing devices.

Sec. 2. Minnesota Statutes 2006, section 349.12, subdivision 31, is amended to read:

Subd. 31. **Promotional ticket.** A pull-tab or tipboard ticket created and printed by a licensed manufacturer with the words "no purchase necessary" and "for promotional use only" and for which no consideration is given is a promotional ticket.

Sec. 3. Minnesota Statutes 2007 Supplement, section 349.15, subdivision 1, is amended to read:

Subdivision 1. **Expenditure restrictions.** Gross profits from lawful gambling may be expended only for lawful purposes or allowable expenses as authorized by the membership of the conducting organization at a monthly meeting of the organization's membership. Provided that no more than 70 percent of the gross profit from bingo, and no more than 60 percent of the gross profit from other forms of lawful gambling, may be expended biennially during the term of the license for allowable expenses related to lawful gambling, except that for the period of July 1, 2008, to June 30, 2009, no more than 75 percent of the gross profit from bingo, and no more than 65 percent of the gross profit from other forms of lawful gambling, may be expended for allowable expenses related to lawful gambling. For licenses issued after June 30, 2006, compliance with this subdivision will be measured on a biennial basis that is concurrent with the term of the license. Compliance with this subdivision is a condition for the renewal of any license beginning on July 1, 2008. For licenses renewed with an effective date between July 1, 2006, and June 30, 2008, an organization shall carry forward an amount equal to 15 percent of any positive allowable expense carryover amount. This balance must be used to offset any future negative expense balance at the time of license renewal.

Sec. 4. Minnesota Statutes 2006, section 349.15, is amended by adding a subdivision to read:

Subd. 5. **Civil penalty.** (a) If an organization exceeds the expense limitation contained in subdivision 1, the board may suspend the organization's license or impose a civil penalty as follows:

(1) up to five percent of the reimbursement amount for the first violation;

(2) up to ten percent of the reimbursement amount for a second consecutive violation; and

(3) up to 25 percent of the reimbursement amount for subsequent consecutive violations.

(b) In determining any suspension or penalty for a violation of subdivision 1, the board must consider any unique factors or extraordinary circumstances that directly caused the organization to exceed the expense limitation. Unique factors or extraordinary circumstances include, but are not limited to, the purchase of capital assets necessary to conduct lawful gambling; road or other construction causing impaired access to the lawful gambling premise; and flood, tornado, or other catastrophe that had a direct impact on the continuing lawful gambling operation.

(c) Notwithstanding section 349.151, subdivision 4, paragraph (a), clause (10), the board may impose a civil penalty under this subdivision that exceeds \$500.

Sec. 5. Minnesota Statutes 2006, section 349.161, subdivision 1, is amended to read:

Subdivision 1. **Prohibited acts; licenses required.** (a) No person may:

(1) sell, offer for sale, or furnish gambling equipment for use within the state other than for lawful gambling exempt or excluded from licensing, except to an organization licensed for lawful gambling;

(2) sell, offer for sale, or furnish gambling equipment for use within the state without having obtained a distributor license or a distributor salesperson license under this section except that an organization authorized to conduct bingo by the board may loan bingo hard cards and devices for selecting bingo numbers to another organization authorized to conduct bingo;

(3) sell, offer for sale, or furnish gambling equipment for use within the state that is not purchased or obtained from a manufacturer or distributor licensed under this chapter; or

(4) sell, offer for sale, or furnish gambling equipment for use within the state that has the same serial number as another item of gambling equipment of the same type sold or offered for sale or furnished for use in the state by that distributor.

(b) No licensed distributor salesperson may sell, offer for sale, or furnish gambling equipment for use within the state without being employed by a licensed distributor or owning a distributor license.

Sec. 6. Minnesota Statutes 2006, section 349.161, subdivision 5, is amended to read:

Subd. 5. **Prohibition.** (a) No distributor, distributor salesperson, or other employee of a distributor, may also be a wholesale distributor of alcoholic beverages or an employee of a wholesale distributor of alcoholic beverages.

(b) No distributor, distributor salesperson, or any representative, agent, affiliate, or other employee of a distributor, may: (1) be involved in the conduct of lawful gambling by an organization; (2) keep or assist in the keeping of an organization's financial records, accounts, and inventories; or (3) prepare or assist in the preparation of tax forms and other reporting forms required to be submitted to the state by an organization.

(c) No distributor, distributor salesperson, or any representative, agent, affiliate, or other employee of a distributor may provide a lessor of gambling premises any compensation, gift, gratuity, premium, or other thing of value.

(d) No distributor, distributor salesperson, or any representative, agent, affiliate, or other employee of a distributor may provide an employee or agent of the organization any compensation, gift, gratuity, premium, or other thing of value greater than \$25 per organization in a calendar year.

(e) No distributor, distributor salesperson, or any representative, agent, affiliate, or other employee of a distributor may participate in any gambling activity at any gambling site or premises where gambling equipment purchased from that distributor or distributor salesperson is being used in the conduct of lawful gambling.

(f) No distributor, distributor salesperson, or any representative, agent, affiliate, or other employee of a distributor may alter or modify any gambling equipment, except to add a "last ticket sold" prize sticker.

(g) No distributor, distributor salesperson, or any representative, agent, affiliate, or other employee of a distributor may: (1) recruit a person to become a gambling manager of an organization or identify to an organization a person as a candidate to become gambling manager for the organization; or (2) identify for an organization a potential gambling location.

(h) No distributor or distributor salesperson may purchase gambling equipment for resale to a person for use within the state from any person not licensed as a manufacturer under section 349.163, except for gambling equipment returned from an organization licensed under section 349.16, or exempt or excluded from licensing under section 349.166.

(i) No distributor or distributor salesperson may sell gambling equipment, except gambling equipment identified as a promotional ticket, to any person for use in Minnesota other than (i) a licensed organization or organization excluded or exempt from licensing, or (ii) the governing body of an Indian tribe.

(j) No distributor or distributor salesperson may sell or otherwise provide a pull-tab or tipboard deal with the symbol required by section 349.163, subdivision 5, paragraph (d), visible on the flare to any person other than in Minnesota to a licensed organization or organization exempt from licensing.

Sec. 7. Minnesota Statutes 2006, section 349.1641, is amended to read:

349.1641 LICENSES; SUMMARY SUSPENSION.

The board may (1) summarily suspend the license of an organization that is more than three months late in filing a tax return or in paying a tax required under chapter 297E and may keep the suspension in effect until all required returns are filed and required taxes are paid; ~~and~~ (2) summarily suspend for not more than 90 days any license issued by the board or director for what the board determines are actions detrimental to the integrity of lawful gambling in Minnesota; and (3) summarily suspend the license of a gambling manager who has failed to receive the training required under section 349.167, subdivision 4, clause (2), and may keep the suspension in effect until the gambling manager passes an examination prepared and administered by the board. The examination does not qualify as continuing education credit for the next calendar year. The board must notify the licensee at least 14 days before suspending the license under this section. If a license is summarily suspended under this section, a contested case hearing on the merits must be held within 20 days of the issuance of the order of suspension, unless the parties agree to a later hearing date. The administrative law judge's report must be issued within 20 days after the close of the hearing record. In all cases involving summary suspension, the board must issue its final decision within 30 days after receipt of the report of the administrative law judge and subsequent exceptions and argument under section 14.61. When an organization's license is suspended under this section, the board shall within three days notify all municipalities in which the organization's gambling premises are located and all licensed distributors in the state.

Sec. 8. Minnesota Statutes 2006, section 349.167, subdivision 2, is amended to read:

Subd. 2. **Gambling managers; licenses.** A person may not serve as a gambling manager for an organization unless the person possesses a valid gambling manager's license issued by the board. In addition to the disqualifications in section 349.155, subdivision 3, the board may not issue a gambling manager's license to a person applying for the license who:

- (1) has not complied with subdivision 4, ~~clause~~ clauses (1) and (2);
- (2) within the five years before the date of the license application, has committed a violation of law or board rule that resulted in the revocation of a license issued by the board;
- (3) has ever been convicted of a criminal violation involving fraud, theft, tax evasion, misrepresentation, or gambling; or
- (4) has engaged in conduct the board determines is contrary to the public health, welfare, or safety or the integrity of lawful gambling.

A gambling manager's license runs concurrent with the organization's license unless the gambling manager's license is suspended or revoked. The annual fee for a gambling manager's license is \$100.

Sec. 9. Minnesota Statutes 2006, section 349.167, subdivision 4, is amended to read:

Subd. 4. **Training of gambling managers.** ~~The board shall by rule require~~ All persons licensed as gambling managers ~~to must receive periodic training in laws and rules governing lawful gambling. The rules must contain to comply with~~ the following requirements:

(1) each gambling manager must receive training within the last six months before being issued a new license, except that in the case of the death, disability, resignation, or termination of a gambling manager, a replacement gambling manager must receive the training within 90 days of being issued a license;

(2) each gambling manager ~~applying for a renewal of a license must have received~~ receive continuing education training, ~~as required by board rule, at least once during each calendar year of the two-year license period, or pass a gambling manager examination as required in subdivision 7; and~~

(3) the training required by this subdivision may be provided by a person authorized by the board to provide the training. Before authorizing a person to provide training, the board must determine that:

(i) the provider and all of the provider's personnel conducting the training are qualified to do so;

(ii) the curriculum to be used fully and accurately covers all elements of lawful gambling law and rules that the board determines are necessary for a gambling manager to know and understand;

(iii) the fee to be charged for participants in the training sessions is fair and reasonable; and

(iv) the training provider has an adequate system for documenting completion of training.

The board or the director may provide the training required by this subdivision using employees of the board.

Sec. 10. Minnesota Statutes 2006, section 349.167, subdivision 7, is amended to read:

Subd. 7. **Gambling manager examination.** Each applicant for a new gambling manager's license, ~~and each renewing applicant that has failed to receive training as required in subdivision 4,~~ must pass an examination prepared and administered by the board that tests the applicant's knowledge of the responsibilities of gambling managers, and of gambling procedures, laws, and rules before being issued the license. In the case of the death, disability, resignation, or termination of a gambling manager, a replacement gambling manager must pass the examination within 90 days of being issued a gambling manager's license. The board shall revoke the replacement gambling manager's license if the replacement gambling manager fails to pass the examination as required in this subdivision.

Sec. 11. Minnesota Statutes 2006, section 349.17, subdivision 7, is amended to read:

Subd. 7. **Bar bingo.** An organization may conduct bar bingo subject to the following restrictions:

(1) the bingo is conducted at a site the organization owns or leases and which has a license for the sale of intoxicating beverages on the premises under chapter 340A;

(2) the bingo is conducted using only bingo paper sheets purchased from a licensed distributor; ~~and~~

(3) no rent may be paid for a bar bingo occasion-; and

(4) the lessor's immediate family and employees may participate if they are not involved with the sale or operation of bar bingo.

Sec. 12. Minnesota Statutes 2007 Supplement, section 349.17, subdivision 8, is amended to read:

Subd. 8. **Linked bingo games.** (a) A licensed organization may conduct or participate in not more than two linked bingo games per occasion, one of which may be a progressive game in which a portion of the prize is carried over from one occasion to another until won by a player achieving a bingo within a predetermined amount of bingo numbers called.

(b) Each participating licensed organization shall contribute to each prize awarded in a linked bingo game in an amount not to exceed \$300.

(c) An electronic bingo device as defined in section 349.12, subdivision 12a, may be used for a linked bingo game.

(d) The board may adopt rules to:

(1) specify the manner in which a linked bingo game must be played and how the linked bingo prizes must be awarded;

(2) specify the records to be maintained by a linked bingo game provider;

(3) require the submission of periodic reports by the linked bingo game provider and specify the content of the reports;

(4) establish the qualifications required to be licensed as a linked bingo game provider; and

(5) any other matter involving the operation of a linked bingo game.

Sec. 13. Minnesota Statutes 2006, section 349.18, subdivision 1, is amended to read:

Subdivision 1. **Lease or ownership required; rent limitations.** (a) An organization may conduct lawful gambling only on premises it owns or leases. Leases must be on a form prescribed by the board. The term of the lease may not begin before the effective date of the premises permit and must expire on the same day that the premises permit expires. Leases approved by the board must specify that the board may authorize an organization to withhold rent from a lessor for a period of up to 90 days if the board determines that illegal gambling occurred on the premises and that the lessor or its employees participated in the illegal gambling or knew of the gambling and did not take prompt action to stop the gambling. The lease must authorize the continued tenancy of the organization without the payment of rent during the time period determined by the board under this paragraph. Copies of all leases must be made available to employees of the board and the Division of Alcohol and Gambling Enforcement on request. The board may prescribe by rule limits on the amount of rent which an organization may pay to a lessor for premises leased for bingo. Any rule adopted by the board limiting the amount of rent to be paid may only be effective for leases entered into, or renewed, after the effective date of the rule.

(b) Rent paid by an organization for leased premises for the conduct of pull-tabs, tipboards, and paddlewheels is subject to the following limits:

(1) for booth operations, including booth operations where a pull-tab dispensing device is located, booth operations where a bar operation is also conducted, and booth operations where both a pull-tab dispensing device is located and a bar operation is also conducted, the maximum rent is:

(i) in any month where the organization's gross profit at those premises does not exceed \$4,000, up to \$400; and

(ii) in any month where the organization's gross profit at those premises exceeds \$4,000, up to \$400 plus not more than ten percent of the gross profit for that month in excess of \$4,000;

(2) for bar operations, including bar operations where a pull-tab dispensing device is located but not including bar operations subject to clause (1), and for locations where only a pull-tab dispensing device is located:

(i) in any month where the organization's gross profit at those premises does not exceed \$1,000, up to \$200; and

(ii) in any month where the organization's gross profit at those premises exceeds \$1,000, up to \$200 plus not more than 20 percent of the gross profit for that month in excess of \$1,000;

(3) a lease not governed by clauses (1) and (2) must be approved by the board before becoming effective;

(4) total rent paid to a lessor from all organizations from leases governed by clause (1) may not exceed \$1,750 per month. Total rent paid to a lessor from all organizations from leases governed by clause (2) may not exceed \$2,500 per month.

(c) Rent paid by an organization for leased premises for the conduct of bingo is subject to either of the following limits at the option of the parties to the lease:

(1) not more than ten percent of the monthly gross profit from all lawful gambling activities held during bingo occasions excluding bar bingo or at a rate based on a cost per square foot not to exceed 110 percent of a comparable cost per square foot for leased space as approved by the director; and

(2) no rent may be paid for bar bingo.

(d) Amounts paid as rent under leases are all-inclusive. No other services or expenses provided or contracted by the lessor may be paid by the organization, including, but not limited to, trash removal, janitorial and cleaning services, snow removal, lawn services, electricity, heat, security, security monitoring, storage, other utilities or services, and, in the case of bar operations, cash shortages, unless approved by the director. Any other expenditure made by an organization that is related to a leased premises must be approved by the director. An organization may not provide any compensation or thing of value to a lessor or the lessor's employees from any fund source other than its gambling account. Rent payments may not be made to an individual.

(e) Notwithstanding paragraph (b), an organization may pay a lessor for food or beverages or meeting room rental if the charge made is comparable to similar charges made to other individuals or groups.

(f) No entity other than the licensed organization may conduct any activity within a booth operation on a leased premises.

(g) Employees of a lessor not involved in the conduct of lawful gambling on the premises or nongambling employees of an organization conducting lawful gambling on the premises may participate in lawful gambling on the premises provided if pull-tabs or tipboards are sold, the organization posts the major prizes awarded.

(h) A gambling employee may purchase pull-tabs or tipboards at the site of the employee's place of employment provided:

(1) the organization posts the major prizes for pull-tab or tipboard games; and

(2) the employee is not involved in the sale of pull-tabs or tipboards at that site.

(i) At a leased site where an organization uses a paddlewheel consisting of ~~30~~ 32 numbers or less or a tipboard consisting of ~~30~~ 32 tickets or less, tickets may be sold throughout the permitted premises, but winning tickets must be redeemed, the paddlewheel must be located, and the tipboard seal must be opened within the leased premises.

Sec. 14. Minnesota Statutes 2006, section 349.19, subdivision 10, is amended to read:

Subd. 10. **Pull-tab records.** (a) The board shall by rule require a licensed organization to require each winner of a pull-tab prize of \$50 or more to present identification in the form of a driver's license, Minnesota identification card, or other identification the board deems sufficient to allow the identification and tracing of the winner. The rule must require the organization to retain winning pull-tabs of \$50 or more, and the identification of the winner of the pull-tab, for 3-1/2 years.

(b) An organization must maintain separate cash banks for each deal of pull-tabs unless (1) ~~two or more deals are commingled in the licensed organization uses~~ a pull-tab dispensing device, or (2) the organization uses a cash register, of a type approved by the board, which records all sales of pull-tabs by separate deals.

(c) The board shall:

(1) by rule adopt minimum technical standards for cash registers that may be used by organizations, and shall approve for use by organizations any cash register that meets the standards; and

(2) before allowing an organization to use a cash register that commingles receipts from several different pull-tab games in play, adopt rules that define how cash registers may be used and that establish a procedure for organizations to reconcile all pull-tab games in play at the end of each month.

Sec. 15. Minnesota Statutes 2006, section 349.191, subdivision 1a, is amended to read:

Subd. 1a. **Credit and sales to delinquent organizations.** (a) If a distributor or linked bingo game provider does not receive payment in full from an organization within ~~35~~ 30 days of the day immediately following the date of the invoice, the distributor or linked bingo game provider must notify the board in writing of the delinquency on the next business day.

(b) If a distributor or linked bingo game provider who has notified the board under paragraph (a) has not received payment in full from the organization within 60 days of the notification under paragraph (a), the distributor or linked bingo game provider must notify the board of the continuing delinquency.

(c) On receipt of a notice under paragraph (a), the board shall order all distributors and linked bingo game providers that until further notice from the board, they may sell gambling equipment to the delinquent organizations only on a cash basis with no credit extended. On receipt of a notice under paragraph (b), the board shall order all distributors and linked bingo game providers not to sell any gambling equipment to the delinquent organization.

(d) No distributor or linked bingo game provider may extend credit or sell gambling equipment to an organization in violation of an order under paragraph (c) until the board has authorized such credit or sale.

Sec. 16. Minnesota Statutes 2006, section 349.191, subdivision 1b, is amended to read:

Subd. 1b. **Credit and sales to delinquent distributors.** (a) If a manufacturer does not receive payment in full from a distributor within ~~35~~ 30 days of the day immediately following the date of invoice, the manufacturer must notify the board in writing of the delinquency on the next business day.

(b) If a manufacturer who has notified the board under paragraph (a) has not received payment in full from the distributor within 60 days of the notification under paragraph (a), the manufacturer must notify the board of the continuing delinquency.

(c) On receipt of a notice under paragraph (a), the board shall order all manufacturers that until further notice from the board, they may sell gambling equipment to the delinquent distributor only on a cash basis with no credit extended. On receipt of a notice under paragraph (b), the board shall order all manufacturers not to sell any gambling equipment to the delinquent distributor.

(d) No manufacturer may extend credit or sell gambling equipment to a distributor in violation of an order under paragraph (c) until the board has authorized such credit or sale.

Sec. 17. Minnesota Statutes 2007 Supplement, section 349.211, subdivision 2, is amended to read:

Subd. 2. **Progressive bingo games.** Except as provided in subdivision 1a, a prize of up to \$2,000 may be awarded for a progressive bingo game, including a cover-all game. The prize for a progressive bingo game may start at \$500 and be increased by up to \$100 for each occasion during which the progressive bingo game is played. A consolation prize of up to \$200 for a progressive bingo game may be awarded in each occasion during which the progressive bingo game is played and the accumulated prize is not won. ~~The total amount awarded in progressive bingo game prizes in any calendar year may not exceed \$48,000.~~

Sec. 18. Minnesota Statutes 2007 Supplement, section 349.211, subdivision 2a, is amended to read:

Subd. 2a. **Pull-tab prizes.** The maximum prize which may be awarded for any single pull-tab is \$599 for \$2 and under pull-tabs, \$899 for \$3 pull-tabs, \$1,199 for \$4 pull-tabs, and \$1,499 for \$5 pull-tabs, not including any cumulative or carryover prizes. Cumulative or carryover prizes in a pull-tab game shall not exceed \$2,500. An organization may not sell any pull-tab for more than \$5.

Sec. 19. Minnesota Statutes 2007 Supplement, section 349.211, subdivision 2c, is amended to read:

Subd. 2c. **Tipboard prizes.** The maximum prize which may be awarded for a tipboard ticket is \$599 for \$2 and under tipboard tickets, \$899 for \$3 tipboard tickets, \$1,199 for \$4 tipboard tickets, and \$1,499 for \$5 tipboard tickets, not including any cumulative or carryover prizes. Cumulative or carryover prizes in tipboard games shall not exceed \$2,500. An organization may not sell any tipboard ticket for more than \$5.

Sec. 20. Minnesota Statutes 2007 Supplement, section 349.211, is amended by adding a subdivision to read:

Subd. 2d. **Raffle prizes.** The board may not impose an annual limit on the value of raffle prizes awarded by licensed organizations but the total value of an individual raffle prize may not exceed \$50,000.

Sec. 21. Minnesota Statutes 2007 Supplement, section 349.211, subdivision 3, is amended to read:

Subd. 3. **Other gambling.** The board by rule shall establish a schedule of prize limits for all other forms of gambling consistent with the purposes set out in section 349.11. The schedule may include daily ~~and annual~~ prize limits and prize limits for each game, raffle or operation of a gambling device.

Sec. 22. Minnesota Statutes 2007 Supplement, section 349.211, subdivision 4, is amended to read:

Subd. 4. **Prize value.** (a) Merchandise prizes must be valued at their fair market value. For purposes of sections 349.11 to 349.22 "prizes" do not include free plays awarded.

(b) Merchandise prizes for a paddlewheel consisting of ~~30~~ 32 numbers or less or a tipboard consisting of ~~30~~ 32 tickets or less may be paid for by the organization up to 30 days after the prize is received by the organization.

Sec. 23. Minnesota Statutes 2006, section 349.2113, is amended to read:

349.2113 PRIZE PAYOUT LIMIT.

On or after January 1, 2004, a licensed organization may not put into play a pull-tab or tipboard ~~deal game~~ that provides for a prize payout of greater than 85 percent of the ideal gross of the ~~deal game~~.

Sec. 24. **LAWFUL GAMBLING STUDY AND REPORT.**

The Gambling Control Board shall review operational and regulatory procedures, accounting functions, tax structure, and recent trends in lawful purpose contributions and allowable expenses incurred by licensed charitable organizations relating to lawful gambling activities. The board must seek public input including comment from licensees and professionals working in the lawful gambling industry. The board must provide a report with recommendations and proposed legislation, if any, to the chairs of the legislative standing committees with jurisdiction over lawful gambling by January 15, 2009.

Sec. 25. **EFFECTIVE DATE.**

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to lawful gambling; modifying bingo games, pull-tabs, tipboards, raffles, and prizes; modifying certain provisions of lawful gambling; modifying certain gambling manager provisions; providing for civil penalties; requiring a study and report on lawful gambling; amending Minnesota Statutes 2006, sections 349.12, subdivisions 18, 31; 349.15, by adding a subdivision; 349.161, subdivisions 1, 5; 349.1641; 349.167, subdivisions 2, 4, 7; 349.17, subdivision 7; 349.18, subdivision 1; 349.19, subdivision 10; 349.191, subdivisions 1a, 1b; 349.2113; Minnesota Statutes 2007 Supplement, sections 349.15, subdivision 1; 349.17, subdivision 8; 349.211, subdivisions 2, 2a, 2c, 3, 4, by adding a subdivision."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety and Civil Justice.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 3411, A bill for an act relating to motor fuels; updating standards for petroleum products; amending Minnesota Statutes 2006, section 296A.01, subdivisions 19, 35; Minnesota Statutes 2007 Supplement, sections 239.761; 239.77, subdivision 1; 296A.01, subdivisions 7, 8, 8a, 14, 20, 23, 24, 25, 26, 28.

Reported the same back with the following amendments:

Page 1, before line 7, insert:

"Section 1. Minnesota Statutes 2006, section 239.751, is amended by adding a subdivision to read:

Subd. 8. Use of number to advertise grade of gasoline. If a number is used to advertise or identify a grade of gasoline, that number can only be less than or equal to the octane of the gasoline being advertised or identified."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "providing for use of number to advertise grade of gasoline;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 3429, A bill for an act relating to waters; providing for administrative penalty orders; providing civil penalties; requiring an implementation plan; providing a rulemaking exemption; proposing coding for new law in Minnesota Statutes, chapter 103G.

Reported the same back with the following amendments:

Page 4, line 32, delete "a" and insert "the related"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety and Civil Justice.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3438, A bill for an act relating to health; changing provisions for handling genetic information; amending Minnesota Statutes 2006, section 13.386, subdivision 3; Minnesota Statutes 2007 Supplement, section 144.125, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 22, before "specimens" insert "blood"

Page 2, line 33, delete the second "and"

Page 2, line 34, before the period, insert "; and (5) the ability to seek private testing"

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

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 3472, A bill for an act relating to education; providing for a plan to reduce the achievement gap.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **SCHOOL DISTRICT PLANS TO IMPROVE STUDENTS' ACADEMIC ACHIEVEMENT.**

Subdivision 1. District academic achievement plan; priorities. (a) A school district experiencing disparities in academic achievement is encouraged to develop a short- and long-term plan encompassing one through four years to significantly improve students' academic achievement that uses concrete measures to eliminate differences in academic performance among groups of students defined by race, ethnicity, and income. The plan must:

(1) reflect a research-based understanding of high-performing educational systems and best educational practices;

(2) include innovative and practical strategies and programs, whether existing or new, that supplement district initiatives to increase students' academic achievement under state and federal educational accountability requirements; and

(3) contain valid and reliable measures of student achievement that the district uses to demonstrate the efficacy of the district plan to the education commissioner.

(b) A district must address the elements under section 2, paragraph (a), to the extent those elements are implicated in the district's plan.

(c) A district must identify in its plan the strategies and programs the district has implemented and found effective in improving students' academic achievement.

(d) The district must include with the plan the amount of expenditures necessary to implement the plan. The district must indicate how current resources are used to implement the plan, including, but not limited to, state-limited English proficiency aid under Minnesota Statutes, section 124D.65; integration revenue under Minnesota Statutes, section 124D.86; early childhood family education revenue under Minnesota Statutes, section 124D.135; school readiness aid under Minnesota Statutes, section 124D.16; basic skills revenue under Minnesota Statutes, section 126C.10, subdivision 4; extended time revenue under Minnesota Statutes, section 126C.10, subdivision 2a; and alternative compensation revenue under Minnesota Statutes, section 122A.415.

Subd. 2. **Plan.** (a) A school district by October 1, 2008, must submit its plan in electronic format to the commissioner, consistent with subdivision 1.

(b) The commissioner must analyze the commonalities and differences of the district plans and the effective strategies and programs districts have implemented to improve students' academic achievement, and submit the analysis and underlying data to the advisory task force on improving students' academic achievement under section 2 by November 1, 2008, and also report the substance of the analysis to the education policy and finance committees of the legislature by January 1, 2009.

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

Sec. 2. **ADVISORY TASK FORCE ON IMPROVING STUDENTS' ACADEMIC ACHIEVEMENT.**

(a) An advisory task force on improving students' academic achievement is established to review the plans submitted to the education commissioner under section 1 and recommend to the education committees of the legislature a proposal for improving students' academic achievement and eliminating differences in academic performance among groups of students defined by race, ethnicity, and income. The task force members must at least consider how the following education-related issues impact the educational achievement of low-income students and students of color:

(1) rigorous preparation and coursework and how to (i) effectively invest in early childhood and parent education, (ii) increase academic rigor and high expectations on elementary and secondary students in schools serving a majority of low-income students and students of color, and (iii) provide parents, educators, and community members with meaningful opportunities to collaborate in educating students in schools serving a majority of low-income students and students of color;

(2) professional development for educators and how to (i) provide stronger financial and professional incentives to attract and retain experienced, bilingual, and culturally competent teachers and administrators in schools serving a majority of low-income students and students of color, (ii) recruit and retain teachers of color, and (iii) develop and include cultural sensitivity and interpersonal and pedagogical skills training that teachers need for effective intercultural teaching;

(3) English language learners and how to (i) use well-designed tests, curricula, and English as a second language programs and services as diagnostic tools to develop effective student interventions, (ii) monitor students' language capabilities, (iii) provide academic instruction in English that supports students' learning and is appropriate for students' level of language proficiency, and (iv) incorporate the perspectives and contributions of ethnic and racial groups, consistent with Minnesota Statutes, section 120B.022, subdivision 1, paragraph (b);

(4) special education and how to (i) incorporate linguistic and cultural sensitivity into special education diagnosis and referral, (ii) increase the frequency and quality of prereferral interventions, and (iii) decrease the number of minority and nonnative English-speaking students inappropriately placed in special education;

(5) GRAD tests and how to (i) incorporate linguistic and cultural sensitivity into the reading and math GRAD tests and (ii) develop interventions to meet students' learning needs; and

(6) valid and reliable data and how to use data on student on-time graduation rates, student dropout rates, documented disciplinary actions, and completed and rigorous course work indicators to determine how well-prepared low-income students and students of color are for postsecondary academic and career opportunities.

The task force also must examine the findings of a 2008 report by Minnesota superintendents on strategies for creating a world-class educational system to establish priorities for improving students' academic achievement. The task force may consider other related matters at its discretion.

(b) The commissioner of education must convene the first meeting of the advisory task force on improving students' academic achievement by July 1, 2008. The task force members must adopt internal procedures and standards for subsequent meetings. The task force is composed of the following members:

(1) a representative from a Twin Cities metropolitan area school district, a suburban school district, a school district located in a regional center, and a rural school district, all four representatives appointed by the state demographer based on identified concentrations of low performing low-income students and students of color;

(2) a faculty member of a teacher preparation program at the University of Minnesota's College of Education and Human Development appointed by the college dean or the dean's designee;

(3) a faculty member from the urban teachers program at Metropolitan State University appointed by the university president or the president's designee;

(4) a faculty member from a MnSCU teacher preparation program located outside the Twin Cities metropolitan area appointed by the university president or the president's designee;

(5) a classroom teacher appointed by Education Minnesota;

(6) an expert in early childhood care and education appointed by a state early childhood organization;

(7) a member from each state council representing a community of color appointed by the respective council;

(8) a curriculum specialist with expertise in providing language instruction for nonnative English speakers appointed by a state curriculum organization;

(9) a special education teacher appointed by a state organization of special education educators;

(10) a parent of color appointed by a state parent-teacher organization;

(11) a district testing director appointed by a recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers; and

(12) a Minnesota Department of Education staff person with expertise in school desegregation matters appointed by the education commissioner or the commissioner's designee.

A majority of task force members, at their discretion, may invite other representatives of interested public or nonpublic organizations, Minnesota's communities of color, and stakeholders in local and state educational equity to become task force members. A majority of task force members must be persons of color.

(c) 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. By February 15, 2009, the task force must submit a written proposal to the education policy and finance committees of the legislature on how to significantly improve students' academic achievement.

(d) The advisory task force expires on February 16, 2009.

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

With the recommendation that when so amended the bill pass.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3474, A bill for an act relating to mortgages; redemption period; providing for notice of sale; amending Minnesota Statutes 2006, section 582.032, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 582.032, subdivision 7, is amended to read:

Subd. 7. **Hearing; evidence; order.** At the hearing on the summons and complaint or order to show cause, the court shall enter an order reducing the mortgagor's redemption period as provided in subdivision 2 or 3, as applicable, if evidence is presented supporting the allegations in the complaint or motion and no appearance is made to oppose the relief sought. An affidavit by the sheriff or a deputy sheriff of the county in which the mortgaged premises are located, or of a building inspector, zoning administrator, housing official, or other municipal or county official having jurisdiction over the mortgaged premises, stating that the mortgaged premises are not actually occupied and further setting forth any of the following supporting facts, is prima facie evidence of abandonment:

(1) windows or entrances to the premises are boarded up or closed off, or multiple window panes are broken and unrepaired;

(2) doors to the premises are smashed through, broken off, unhinged, or continuously unlocked;

(3) gas, electric, or water service to the premises has been terminated;

(4) rubbish, trash, or debris has accumulated on the mortgaged premises;

(5) the police or sheriff's office has received at least two reports of trespassers on the premises, or of vandalism or other illegal acts being committed on the premises; or

(6) the premises are deteriorating and are either below or are in imminent danger of falling below minimum community standards for public safety and sanitation.

An affidavit of the party foreclosing the mortgage or holding the sheriff's certificate, or one of their agents or contractors, stating any of the above supporting facts, and that the affiant has changed locks on the mortgaged premises under section 582.031 and that for a period of ten days no party having a legal possessory right has requested entrance to the premises, is also prima facie evidence of abandonment. Either affidavit described above, or an affidavit from any other person having knowledge, may state facts supporting any other allegations in the complaint or motion and is prima facie evidence of the same. Written statements of the mortgagor, the mortgagor's personal representatives or assigns, including documents of conveyance, which indicate a clear intent to abandon the

premises, are conclusive evidence of abandonment. In the absence of affidavits or written statements, or if rebuttal evidence is offered by the defendant or a party lawfully claiming through the defendant, the court may consider any competent evidence, including oral testimony, concerning any allegation in the complaint or motion. A defendant's failure to appear at the hearing after service of process in compliance with subdivision 6 is conclusive evidence of abandonment by the defendant. An order entered under this section must contain a legal description of the mortgaged premises."

Delete the title and insert:

"A bill for an act relating to mortgages; providing for abandonment of premises under certain circumstances; amending Minnesota Statutes 2006, section 582.032, subdivision 7."

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

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3476, A bill for an act relating to landlord and tenant; providing for certain notices relating to foreclosure; amending Minnesota Statutes 2006, sections 504B.151; 504B.178, subdivision 8; 504B.285, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 14, delete "Attornment" and insert "Transfer of tenancy"

Page 2, line 15, delete "attorn to" and insert "become the tenant of"

Page 2, line 19, delete "attorns" and insert "becomes the tenant of the holder"

Page 2, line 20, delete "provides and the tenant receives" and insert "mails, by first class mail to the tenant at the property address."

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

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3483, A bill for an act relating to police officers; permitting police officers to be represented by an attorney and a union representative at disciplinary hearing; amending Minnesota Statutes 2006, section 626.89, subdivision 9.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 626.89, subdivision 9, is amended to read:

Subd. 9. **Presence of attorney ~~or~~ and union representative.** The officer whose formal statement is taken has the right to have ~~an attorney or a union representative of the officer's choosing or an attorney retained by the officer, or both,~~ present during the session. The officer may request the presence of ~~an~~ the attorney or the union representative, or both, at any time before or during the session. When a request under this subdivision is made, no formal statement may be taken until a reasonable opportunity is provided for the officer to obtain the presence of the attorney or the union representative."

With the recommendation that when so amended the bill pass.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 3515, A bill for an act relating to environment; providing for publication of adjustments to costs announced by the Petroleum Tank Release Compensation Board; amending Minnesota Statutes 2006, section 115C.07, subdivision 3.

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

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3516, A bill for an act relating to data practices; providing for certain data practices relating to foreclosure; requiring a report; amending Minnesota Statutes 2006, section 58.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 580.

Reported the same back with the following amendments:

Page 1, line 9, after "A" insert "transaction agent" is the

Page 2, line 7, delete "following" and after "information" insert "required by this section"

Page 2, line 34, delete ", and expire July 31, 2013"

Amend the title as follows:

Page 1, line 2, delete "data practices; providing for certain data practices relating" and insert "mortgage foreclosure; providing specification of certain information about a premises subject"

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

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 3540, A bill for an act relating to solid waste; amending the definition of mixed municipal solid waste; defining reuse; establishing principles of product stewardship; requiring recycling of construction and demolition waste in state buildings; requiring a study; requiring a resource recovery facility to recover and recycle metals; setting recycling goals for certain construction and demolition projects; regulating waste management charges; setting standards for compost containers; establishing eligibility of waste management activities as greenhouse gas offset projects; exempting certain equipment from the state sales tax; regulating charges for nonmixed municipal solid waste; allowing residents to decline to receive local telephone directories; requiring a model ordinance; establishing a task force; providing penalties; appropriating money; amending Minnesota Statutes 2006, sections 115A.03, subdivisions 21, 32a, by adding a subdivision; 115A.93, subdivisions 3, 3a; 115A.9301; 297A.68, subdivision 24; 297H.02, subdivision 2; 297H.04; Minnesota Statutes 2007 Supplement, section 216B.241, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 16B; 115A; 325E; repealing Minnesota Statutes 2006, sections 115A.175; 115A.18; 115A.19; 115A.191; 115A.192; 115A.194; 115A.195; 115A.20; 115A.24; 115A.28, subdivision 3; 115A.30; 115A.301; 115A.31; 115A.55, subdivision 4; 115A.5501, subdivision 1; 115A.551, subdivision 7; Minnesota Statutes 2007 Supplement, sections 115A.193; 115A.28, subdivision 2.

Reported the same back with the following amendments:

Page 4, line 2, delete "making capital investments" and insert "promoting stewardship programs,"

Page 4, line 3, delete "in buildings and infrastructure"

Page 5, delete section 7

Page 5, line 12, delete "...." and insert "1,000"

Pages 5 to 8, delete sections 9 to 11

Page 8, line 15, after "waste" insert "collected in the seven-county metropolitan area and" and delete everything after "facility"

Page 9, delete sections 14 to 16

Page 11, line 22, delete ".. point" and insert "12-point"

Page 11, line 30, after the period, insert "The telephone number, mailing address, and e-mail address must remain active for at least three years."

Page 12, after line 8, insert:

"(e) A person publishing a telephone directory may ask a resident requesting to be entered into the "Do Not Receive" registry for only the resident's name, address, and telephone number.

(f) A resident may not be charged a fee to be entered into the "Do Not Receive" registry."

Page 12, line 18, delete "develop" and insert "arrange for the development of" and after "ordinance" insert "for counties"

Page 12, delete section 19 and insert:

"Sec. 12. **REPORT ON 2020 GOALS.**

By January 1, 2009, the commissioner shall, after obtaining input from counties inside and outside the seven-county metropolitan area, recycling and composting facilities, waste haulers, environmental organizations, and other interested parties, submit a report to the chairs and ranking minority members of the senate and house committees with primary jurisdiction over solid waste policy, that recommends options for achieving the following goals by 2020:

(1) an increase in county recycling rates to 60 percent of the weight of total solid waste generation; and

(2) the diversion, prior to delivery to landfills and waste-to-energy plants, and recycling and reuse of an amount of source-separated compostable materials equal to 15 percent of total solid waste generation.

The report must also contain estimates of the economic costs of implementing the strategies."

Page 13, delete section 20

Page 13, line 27, delete "115A.31;"

Page 13, line 29, after "are" insert "repealed."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, delete everything after the first semicolon and insert "modifying the Waste Management Act; modifying definitions; establishing principles of product stewardship; requiring recycling of construction and demolition waste; setting standards for compost containers; establishing eligibility of waste management activities as greenhouse gas offset projects; allowing residents to decline to receive local telephone directories; requiring a model ordinance; providing civil penalties; requiring a study;"

Page 1, delete lines 3 to 11

Page 1, line 12, delete everything before "amending"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Energy Finance and Policy Division.

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 3545, A bill for an act relating to environment; requiring reporting of purchases and sales of certain gases; requiring disclosure of leakage rates of air conditioners in motor vehicles; requiring the use of certain refrigerants in mobile air conditioners under certain circumstances; prohibiting the sale of certain refrigerants; requiring a report; amending Minnesota Statutes 2006, sections 13.7411, by adding a subdivision; 115.071, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 216H.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 115.071, subdivision 1, is amended to read:

Subdivision 1. **Remedies available.** The provisions of sections 103F.701 to 103F.761, this chapter and chapters 114C, 115A, and 116, and sections 216H.10 to 216H.15, 325E.10 to 325E.1251, and 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued by the agency thereunder or under any other law now in force or hereafter enacted for the prevention, control, or abatement of pollution may be enforced by any one or any combination of the following: criminal prosecution; action to recover civil penalties; injunction; action to compel performance; or other appropriate action, in accordance with the provisions of said chapters and this section.

Sec. 2. **[216H.10] DEFINITIONS.**

Subdivision 1. **Applicability.** For purposes of sections 216H.10 to 216H.15, the following terms have the meanings given.

Subd. 2. **Agency.** "Agency" means the Pollution Control Agency.

Subd. 3. **Carbon dioxide equivalent.** "Carbon dioxide equivalent" means the quantity of carbon dioxide that has the same global warming potential as a given amount of another greenhouse gas.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of the Pollution Control Agency.

Subd. 5. **Global warming.** "Global warming" means the observed and predicted increase in the temperature of the atmosphere near the earth's surface and the oceans.

Subd. 6. **Global warming potential or GWP.** "Global warming potential" or "GWP" means a quantitative measure of the potential of an emission of a greenhouse gas to contribute to global warming over a 100-year period expressed in terms of the equivalent emission of carbon dioxide needed to produce the same 100-year warming effect, as reported in Fourth Assessment Report: Climate Change 2007, International Panel on Climate Change.

Subd. 7. **High-GWP greenhouse gas.** "High-GWP greenhouse gas" means hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Subd. 8. **Mobile air conditioner.** "Mobile air conditioner" means mechanical vapor compression refrigeration equipment used to cool the passenger compartment of a motor vehicle.

Subd. 9. **Motor vehicle.** "Motor vehicle" has the meaning given in section 168.011, subdivision 4.

Subd. 10. **New motor vehicle.** "New motor vehicle" has the meaning given in section 80E.03, subdivision 7.

Subd. 11. **Refrigerant.** "Refrigerant" means a substance used, sold for use, or designed and intended for use in a mobile air conditioner to transfer heat out of the space being cooled.

Sec. 3. **[216H.11] HIGH-GWP GREENHOUSE GAS REPORTING.**

Subdivision 1. **Gas manufacturers.** Beginning October 1, 2008, and each year thereafter, a manufacturer of a high-GWP greenhouse gas must report to the agency the total amount of each high-GWP greenhouse gas sold to a purchaser in this state during the previous year.

Subd. 2. **Purchases.** Beginning October 1, 2008, and each year thereafter, a person in this state who purchases 100 metric tons or more carbon dioxide equivalent of a high-GWP greenhouse gas must report to the agency, on a form prescribed by the commissioner, the total amount of each high-GWP greenhouse gas purchased during the previous year and the purpose for which the gas was used.

Sec. 4. **[216H.12] MOBILE AIR CONDITIONER LEAKAGE RATES; DISCLOSURE.**

Subdivision 1. **Leakage disclosure.** Beginning January 1, 2009, a manufacturer selling or offering for sale a new motor vehicle in this state containing a mobile air conditioner that uses the high-GWP greenhouse gas HFC-134a (1,1,1,2-tetrafluoroethane) as a refrigerant must, 90 days prior to the initial sale or offer for sale, report to the commissioner the leakage rate, in grams of refrigerant per year, for the type of mobile air conditioner contained in that make, model, and model year. The leakage rate must be calculated using the information provided in the most recently published version of the Society of Automotive Engineers International document J2727, "HFC-134a Mobile Air Conditioning System Emission Chart." The method by which the leakage rate is calculated, accounting for each component of the air conditioning unit, must also be reported to the commissioner.

Subd. 2. **Posting.** Beginning January 1, 2009, the agency and the Office of the Attorney General must post on their Web sites:

(1) the leakage rate disclosed by a manufacturer under subdivision 1 for each model and make of new motor vehicle sold or offered for sale in this state; and

(2) the following statement: "Vehicle air conditioning systems can leak refrigerants that contribute to global warming. Some leak more than others. You can use the information provided in the chart to compare information about the global warming effects of refrigerant leakage from different makes and models when making a decision to purchase a vehicle."

Sec. 5. **[216H.13] MOTOR VEHICLE SALES; REQUIREMENT.**

Two years after the commissioner of commerce has determined that a manufacturer has sold or offered for sale at least 1,000 units of a motor vehicle containing an air conditioner that uses a refrigerant with a GWP less than 150, the manufacturer may not sell or offer for sale as a new vehicle in this state a substantially equivalent make and model of the motor vehicle that contains an air conditioner that uses a refrigerant with a GWP of 150 or greater.

Sec. 6. **[216H.14] MOBILE AIR CONDITIONER REFRIGERANT; RESTRICTION.**

After July 1, 2008, no person may buy or sell a refrigerant designed to be used in a mobile air conditioner in a container holding less than 15 pounds of refrigerant.

Sec. 7. **[216H.15] ENFORCEMENT.**

Sections 216H.10 to 216H.14 may be enforced under sections 115.071 and 116.072.

Sec. 8. **REPORT.**

By February 1, 2009, the commissioner of the Pollution Control Agency shall submit a report to the chairs and ranking minority members of the senate and house committees with primary jurisdiction over environmental policy that identifies the uses and emissions sources of hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride in this state and suggests options for reducing or eliminating those uses and emissions and the costs of implementing those options.

Sec. 9. **EFFECTIVE DATE.**

Sections 1 to 8 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to environment; requiring reporting of purchases and sales of certain gases; requiring disclosure of leakage rates of air conditioners in motor vehicles; requiring the use of certain refrigerants in mobile air conditioners under certain circumstances; prohibiting the sale of certain refrigerants; requiring a report; amending Minnesota Statutes 2006, section 115.071, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 216H."

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

The report was adopted.

Eken from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 3547, A bill for an act relating to game and fish; modifying report requirements for game and fish fund; modifying disposition of pheasant habitat improvement account; modifying wild turkey management account; modifying hunting and fishing licensing and taking provisions; authorizing rulemaking; amending Minnesota Statutes 2006, sections 97A.015, by adding a subdivision; 97A.055, subdivision 4b; 97A.075, subdivisions 4, 5; 97A.311, subdivision 5; 97A.431, subdivision 2; 97A.433, subdivision 2; 97A.434, subdivision 2; 97A.475, subdivision 5; 97A.485, subdivision 6; 97B.015, subdivision 5; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.301, subdivision 6; 97B.721; 97C.355, subdivisions 4, 7a; 97C.401, subdivision 2; Minnesota Statutes 2007 Supplement, sections 97A.055, subdivision 4; 97A.405, subdivision 2; 97A.441, subdivision 7; 97A.475, subdivisions 2, 3, 11, 12; 97B.328; 97C.355, subdivisions 2, 8; repealing Minnesota Statutes 2006, section 97A.411, subdivision 2; Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 17.4981, is amended to read:

17.4981 GENERAL CONDITIONS FOR REGULATION OF AQUATIC FARMS.

(a) Aquatic farms are licensed to culture private aquatic life. Cultured aquatic life is not wildlife. Aquatic farms must be licensed and given classifications to prevent or minimize impacts on natural resources. The purpose of sections 17.4981 to 17.4997 is to:

- (1) prevent public aquatic life from entering an aquatic farm;
- (2) prevent release of nonindigenous or exotic species into public waters without approval of the commissioner;
- (3) protect against release of disease pathogens to public waters;
- (4) protect existing natural aquatic habitats and the wildlife dependent on them; and

(5) protect private aquatic life from unauthorized taking or harvest.

(b) Private aquatic life that is legally acquired and possessed is an article of interstate commerce and may be restricted only as necessary to protect state fish and water resources.

(c) The commissioner of natural resources shall report to the legislature, in odd-numbered years, the proposed license and other fees that would make aquaculture self-sustaining. The fees shall not cover the costs of other programs. The commissioner shall encourage fish farming in man-made ponds and develop best management practices for aquaculture to ensure the long-term sustainability of the program.

Sec. 2. Minnesota Statutes 2007 Supplement, section 17.4984, subdivision 1, is amended to read:

Subdivision 1. **License required.** (a) A person or entity may not operate an aquatic farm without first obtaining an aquatic farm license from the commissioner.

(b) Applications for an aquatic farm license must be made on forms provided by the commissioner.

(c) Licenses are valid for five years and are transferable upon notification to the commissioner.

(d) The commissioner shall issue an aquatic farm license on payment of the required license fee under section 17.4988.

(e) A license issued by the commissioner is not a determination of private property rights, but is only based on a determination that the licensee does not have a significant detrimental impact on the public resource.

(f) By January 15, 2008, the commissioner shall report to the senate and house of representatives committees on natural resource policy and finance on policy recommendations regarding aquaculture.

(g) The commissioner shall not issue or renew a license to raise minnows in a natural water body if the natural water body is the subject of a protective easement or other interest in land that was acquired with funding from federal waterfowl stamp proceeds or migratory waterfowl stamp proceeds under section 97A.075, subdivision 2, or if the natural water body was the subject of any other development, restoration, maintenance, or preservation project funded under section 97A.075, subdivision 2.

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

Sec. 3. Minnesota Statutes 2006, section 84.027, subdivision 15, is amended to read:

Subd. 15. **Electronic transactions.** (a) The commissioner may receive an application for, sell, and issue any license, stamp, permit, pass, sticker, duplicate safety training certification, registration, or transfer under the jurisdiction of the commissioner by electronic means, including by telephone. Notwithstanding section 97A.472, electronic and telephone transactions may be made outside of the state. The commissioner may:

(1) provide for the electronic transfer of funds generated by electronic transactions, including by telephone;

(2) assign an identification number to an applicant who purchases a hunting or fishing license or recreational vehicle registration by electronic means, to serve as temporary authorization to engage in the activity requiring a license or registration until the license or registration is received or expires;

(3) charge and permit agents to charge a fee of individuals who make electronic card transactions ~~and in person using an electronic licensing system agent~~ and of individuals who make transactions by telephone or Internet, including issuing fees and an additional transaction fee not to exceed \$3.50. An electronic licensing system agent charging a fee of individuals making an electronic card transaction in person must post a sign informing individuals of the fee. The sign must be near the point of payment, clearly visible, and include the amount of the fee;

(4) establish, by written order, an electronic licensing system commission to be paid by revenues generated from all sales made through the electronic licensing system. The commissioner shall establish the commission in a manner that neither significantly overrecovers nor underrecovers costs involved in providing the electronic licensing system; and

(5) adopt rules to administer the provisions of this subdivision.

(b) The fees established under paragraph (a), clause (3), and the commission established under paragraph (a), clause (4), are not subject to the rulemaking procedures of chapter 14 and section 14.386 does not apply.

(c) Money received from fees and commissions collected under this subdivision, including interest earned, is annually appropriated from the game and fish fund and the natural resources fund to the commissioner for the cost of electronic licensing.

Sec. 4. Minnesota Statutes 2006, section 85.46, subdivision 1, is amended to read:

Subdivision 1. **Pass in possession.** (a) Except as provided in paragraph (b), while riding, leading, or driving a horse on horse trails and associated day use areas on state trails, in state parks, in state recreation areas, and in state forests, a person 16 years of age or over shall carry in immediate possession ~~and visibly display on person or horse tack;~~ a valid horse trail pass. The pass must be available for inspection by a peace officer, a conservation officer, or an employee designated under section 84.0835.

(b) A valid horse pass is not required under this section for a person riding, leading, or driving a horse only on the portion of a horse trail that is owned by the person or the person's spouse, child, or parent.

Sec. 5. Minnesota Statutes 2006, section 97A.015, is amended by adding a subdivision to read:

Subd. 44a. **Shelter.** "Shelter" means any structure set on the ice of state waters to provide shelter.

Sec. 6. Minnesota Statutes 2007 Supplement, section 97A.055, subdivision 4, is amended to read:

Subd. 4. **Game and fish annual reports.** (a) By December 15 each year, the commissioner shall submit to the legislative committees having jurisdiction over appropriations and the environment and natural resources reports on each of the following:

(1) the amount of revenue from the following and purposes for which expenditures were made:

(i) the small game license surcharge under section 97A.475, subdivision 4;

(ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision 5, clause (1);

(iii) the trout and salmon stamp under section 97A.475, subdivision 10;

(iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2);

(v) the ~~turkey stamp~~ wild turkey management account under section ~~97A.475, subdivision 5, clause (3)~~ 97A.075, subdivision 5; and

(vi) the deer license donations and surcharges under section 97A.475, subdivisions 3, paragraph (b), and 3a;

(2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c), and the purposes for which these amounts were spent;

(3) money credited to the game and fish fund under this section and purposes for which expenditures were made from the fund;

(4) outcome goals for the expenditures from the game and fish fund; and

(5) summary and comments of citizen oversight committee reviews under subdivision 4b.

(b) The report must include the commissioner's recommendations, if any, for changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

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

Sec. 7. Minnesota Statutes 2006, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. **Citizen oversight subcommittees.** (a) The commissioner shall appoint subcommittees of affected persons to review the reports prepared under subdivision 4; review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following subcommittees, each comprised of at least three affected persons:

(1) a Fisheries Operations Subcommittee to review fisheries funding, excluding activities related to trout and salmon stamp funding;

(2) a Wildlife Operations Subcommittee to review wildlife funding, excluding activities related to migratory waterfowl, pheasant, and turkey stamp funding and excluding review of the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c);

(3) a Big Game Subcommittee to review the report required in subdivision 4, paragraph (a), clause (2);

(4) an Ecological Services Operations Subcommittee to review ecological services funding;

(5) a subcommittee to review game and fish fund funding of enforcement, support services, and Department of Natural Resources administration;

(6) a subcommittee to review the trout and salmon stamp report and address funding issues related to trout and salmon;

(7) a subcommittee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;

(8) a subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants; and

(9) a subcommittee to review the report on the ~~turkey stamp~~ wild turkey management account and address funding issues related to wild turkeys.

(c) The chairs of each of the subcommittees shall form a Budgetary Oversight Committee to coordinate the integration of the subcommittee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; provide a forum to address issues that transcend the subcommittees; and submit a report for any subcommittee that fails to submit its report in a timely manner.

(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance.

(e) Each subcommittee shall choose its own chair, except that the chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of any of the subcommittees.

(f) The Budgetary Oversight Committee must make recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance for outcome goals from expenditures.

(g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the Budgetary Oversight Committee and subcommittees do not expire until June 30, 2010.

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

Sec. 8. Minnesota Statutes 2006, section 97A.075, subdivision 4, is amended to read:

Subd. 4. **Pheasant stamp.** (a) Ninety percent of the revenue from pheasant stamps must be credited to the pheasant habitat improvement account. Money in the account may be used only for:

(1) the development, restoration, and maintenance of suitable habitat for ringnecked pheasants on public and private land including the establishment of nesting cover, winter cover, and reliable food sources;

(2) reimbursement of landowners for setting aside lands for pheasant habitat;

(3) reimbursement of expenditures to provide pheasant habitat on public and private land;

(4) the promotion of pheasant habitat development and maintenance, including promotion and evaluation of government farm program benefits for pheasant habitat; and

(5) the acquisition of lands suitable for pheasant habitat management and public hunting.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clause (1), (3), or (5), or to specific promotional or evaluative activities under paragraph (a), clause (4); or

(2) any personnel costs, except that prior to July 1, ~~2009~~ 2019, personnel may be hired to provide technical and promotional assistance for private landowners to implement conservation provisions of state and federal programs.

Sec. 9. Minnesota Statutes 2006, section 97A.075, subdivision 5, is amended to read:

Subd. 5. **Turkey stamps account.** (a) ~~Ninety percent of the revenue from turkey stamps~~ \$4.50 from each turkey license sold must be credited to the wild turkey management account. Money in the account may be used only for:

(1) the development, restoration, and maintenance of suitable habitat for wild turkeys on public and private land including forest stand improvement and establishment of nesting cover, winter roost area, and reliable food sources;

(2) acquisitions of, or easements on, critical wild turkey habitat;

(3) reimbursement of expenditures to provide wild turkey habitat on public and private land;

(4) trapping and transplantation of wild turkeys; and

(5) the promotion of turkey habitat development and maintenance, population surveys and monitoring, and research.

(b) Money in the account may not be used for:

(1) costs unless they are directly related to a specific parcel of land under paragraph (a), clauses (1) to (3), a specific trap and transplant project under paragraph (a), clause (4), or to specific promotional or evaluative activities under paragraph (a), clause (5); or

(2) any permanent personnel costs.

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

Sec. 10. Minnesota Statutes 2006, section 97A.311, subdivision 5, is amended to read:

Subd. 5. **Refunds.** (a) The commissioner may issue a refund on a license, not including any issuing fees paid under section 97A.485, subdivision 6, if:

(1) the licensee dies before the opening of the licensed season. The original license and a copy of the death certificate must be provided to the commissioner; ~~or~~

(2) the licensee is unable to participate in the licensed activity because the licensee is called to active military duty or military leave is canceled during the entire open season of the licensed activity. The original license and a copy of the military orders or notice of cancellation of leave must be provided to the commissioner; or

(3) the licensee purchased two identical licenses for the same license season in error.

(b) This subdivision does not apply to lifetime licenses.

Sec. 11. Minnesota Statutes 2007 Supplement, section 97A.405, subdivision 2, is amended to read:

Subd. 2. **Personal possession.** (a) A person acting under a license or traveling from an area where a licensed activity was performed must have in personal possession either: (1) the proper license, if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation, if the license has been sold to the person by electronic means but the actual license has not been issued and received.

(b) If possession of a license or a license identification number is required, a person must exhibit, as requested by a conservation officer or peace officer, either: (1) the proper license if the license has been issued to and received by the person; or (2) the proper license identification number or stamp validation and a valid state driver's license, state identification card, or other form of identification provided by the commissioner, if the license has been sold to the person by electronic means but the actual license has not been issued and received. A person charged with violating the license possession requirement shall not be convicted if the person produces in court or the office of the arresting officer, the actual license previously issued to that person, which was valid at the time of arrest, or satisfactory proof that at the time of the arrest the person was validly licensed. Upon request of a conservation officer or peace officer, a licensee shall write the licensee's name in the presence of the officer to determine the identity of the licensee.

(c) If the actual license has been issued and received, a receipt for license fees, a copy of a license, or evidence showing the issuance of a license, including the license identification number or stamp validation, does not entitle a licensee to exercise the rights or privileges conferred by a license.

(d) A license issued electronically and not immediately provided to the licensee shall be mailed to the licensee within 30 days of purchase of the license. A pictorial ~~turkey~~, migratory waterfowl, pheasant, or trout and salmon stamp shall be provided to the licensee after purchase of a stamp validation only if the licensee pays an additional \$2 fee. A pictorial turkey stamp may be purchased for a \$2 fee.

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

Sec. 12. Minnesota Statutes 2006, section 97A.431, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** Persons eligible for a moose license shall be determined under this section and commissioner's rule. A person is eligible for a moose license only if the person:

(1) is a resident; and

~~(2) is at least age 16 before the season opens; and~~

~~(3) (2) has not been issued a moose license for any of the last five seasons or after January 1, 1991.~~

Sec. 13. Minnesota Statutes 2006, section 97A.433, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** Persons eligible for an elk license shall be determined under this section and commissioner's rule. A person is eligible for an elk license only if the person:

(1) is a resident; and

~~(2) is at least age 16 before the season opens; and~~

~~(3) (2) has never been issued an elk license.~~

Sec. 14. Minnesota Statutes 2006, section 97A.434, subdivision 2, is amended to read:

Subd. 2. **Eligibility.** Eligibility for a prairie chicken license shall be determined by this section and by rule adopted by the commissioner. A person is eligible for a prairie chicken license only if the person:

~~(1) is a resident; and~~

~~(2) was born before January 1, 1980, or possesses a firearms safety certificate.~~

Sec. 15. Minnesota Statutes 2006, section 97A.435, subdivision 4, is amended to read:

Subd. 4. **Separate selection of eligible licensees.** (a) The commissioner may conduct a separate selection for up to 20 percent of the turkey licenses to be issued for any area. Only persons who are owners or tenants of and who live on at least 40 acres of land in the area, and their family members, are eligible applicants for turkey licenses for the separate selection. The qualifying land may be noncontiguous. Persons who are unsuccessful in a separate selection must be included in the selection for the remaining licenses. Persons who obtain a license in a separate selection must allow public turkey hunting on their land during that turkey season. A license issued under this subdivision is restricted to the permit area where the qualifying land is located.

(b) The commissioner may by rule establish criteria for determining eligible family members under this subdivision.

(c) The commissioner shall presume that an applicant under this subdivision is eligible in order to ensure the timely processing of applications. An applicant that knowingly makes a false statement or a license agent that knowingly issues a license to an ineligible person is subject to the penalty provisions under section 97A.311.

Sec. 16. Minnesota Statutes 2007 Supplement, section 97A.441, subdivision 7, is amended to read:

Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may issue, without a fee, a license to take an antlerless deer to a ~~person~~ resident who is an owner or tenant of at least 80 acres of agricultural land, as defined in section 97B.001, in deer permit areas that have deer archery licenses to take additional deer under section 97B.301, subdivision 4. A person may receive only one license per year under this subdivision. For properties with co-owners or cotenants, only one co-owner or cotenant may receive a license under this subdivision per year. The license issued under this subdivision is restricted to land leased for agricultural purposes or owned by the holder of the license within the permit area where the qualifying land is located. The holder of the license may transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an additional license for taking deer and may take an additional deer under that license.

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clauses (4) and (13).

Sec. 17. Minnesota Statutes 2007 Supplement, section 97A.451, subdivision 3, is amended to read:

Subd. 3. **Residents under age 16; small game.** (a) A resident under age 16 ~~may not~~ must obtain a small game license ~~but may~~ in order to take small game by firearms or bow and arrow without ~~a license~~ paying the applicable fees under section 97A.475, subdivisions 2, 4, and 5, if the resident is:

- (1) age 14 or 15 and possesses a firearms safety certificate;
- (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;
- (3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied by a parent or guardian who possesses a small game license that was not obtained using an apprentice hunter validation; or
- (4) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license, but may not register fisher, otter, bobcat, or pine marten unless the resident is at least age five. Any fisher, otter, bobcat, or pine marten taken by a resident under age five must be included in the limit of the accompanying parent or guardian.

(c) A resident under age 12 may apply for a turkey license and may take a turkey without a firearms safety certificate if the resident is accompanied by an adult parent or guardian who has a firearms safety certificate.

Sec. 18. Minnesota Statutes 2006, section 97A.451, subdivision 4, is amended to read:

Subd. 4. **Persons Residents under age 16; big game.** ~~A person resident under the age of 16 may not obtain a license to take big game unless the person possesses a firearms safety certificate. A person under the age of 14 must be accompanied by a parent or guardian to hunt big game.~~ by firearms or bow and arrow if the resident obtains a license to take big game and is:

(1) age 14 or 15 and possesses a firearms safety certificate;

(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;

(3) age 13, 14, or 15, possesses an apprentice hunter validation, and is accompanied by a parent or guardian who possesses a big game license that was not obtained using an apprentice hunter validation;

(4) age 12 and is accompanied by a parent or guardian. A resident age 12 or under is not required to possess a firearms safety certificate under section 97B.020 to take big game; or

(5) age 10 or 11 and is under the direct supervision of a parent or guardian where the parent is within immediate reach and the youth obtains a license without paying the fee.

Sec. 19. Minnesota Statutes 2006, section 97A.451, is amended by adding a subdivision to read:

Subd. 4a. **Nonresidents under age 16; big game.** (a) A nonresident under age 16 may obtain a big game license at the applicable resident fee under section 97A.475, subdivision 2, if the nonresident is:

(1) age 14 or 15 and possesses a firearms safety certificate;

(2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;

(3) age 12 and is accompanied by a parent or guardian. A nonresident age 12 or under is not required to possess a firearms safety certificate under section 97B.020 to take big game; or

(4) age 10 or 11 and is under the direct supervision of a parent or guardian where the parent is within immediate reach.

Sec. 20. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 2, is amended to read:

Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents only, are:

(1) for persons age 18 or over and under age 65 to take small game, \$12.50;

(2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;

- (3) to take turkey, ~~\$18~~ \$23;
- (4) for persons age 18 or over to take deer with firearms, \$26;
- (5) for persons age 18 or over to take deer by archery, \$26;
- (6) to take moose, for a party of not more than six persons, \$310;
- (7) to take bear, \$38;
- (8) to take elk, for a party of not more than two persons, \$250;
- (9) multizone license to take antlered deer in more than one zone, \$52;
- (10) to take Canada geese during a special season, \$4;
- (11) all season license to take three deer throughout the state in any open deer season, except as restricted under section 97B.305, \$78;
- (12) all-firearm season license to take two deer throughout the state in any open firearms deer season, except as restricted under section 97B.305, \$52;
- (13) to take prairie chickens, \$20;
- ~~(13)~~ (14) for persons at least age 12 and under age 18 to take deer with firearms during the muzzle-loader season or during the regular firearms season in any open zone or time period, \$13; and
- ~~(14)~~ (15) for persons at least age 12 and under age 18 to take deer by archery, \$13.

EFFECTIVE DATE. The amendment to clause (3) is effective March 1, 2009.

Sec. 21. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 3, is amended to read:

Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued to nonresidents, are:

- (1) for persons age 18 and older to take small game, \$73;
- (2) for persons age 18 and older to take deer with firearms, \$135;
- (3) for persons age 18 and older to take deer by archery, \$135;
- (4) to take bear, \$195;
- (5) to take turkey, ~~\$73~~ \$78;
- (6) to take raccoon or bobcat, \$155;
- (7) multizone license to take antlered deer in more than one zone, \$270;
- (8) to take Canada geese during a special season, \$4;

(9) for persons at least age 12 and under age 18 to take deer with firearms during the muzzle-loader season or during the regular firearms season in any open zone or time period, \$13; and

(10) for persons at least age 12 and under age 18 to take deer by archery, \$13.

(b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph (a), clauses (1) to (7). An additional commission may not be assessed on this surcharge.

EFFECTIVE DATE. The amendment to paragraph (a), clause (5), is effective March 1, 2009.

Sec. 22. Minnesota Statutes 2006, section 97A.475, subdivision 5, is amended to read:

Subd. 5. **Hunting stamps.** Fees for the following stamps and stamp validations are:

(1) migratory waterfowl stamp, \$7.50; and

(2) pheasant stamp, \$7.50; ~~and~~

~~(3) turkey stamp validation, \$5.~~

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

Sec. 23. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 11, is amended to read:

Subd. 11. **Fish houses ~~and~~, dark houses, or shelters; residents.** Fees for the following licenses for a resident are:

(1) annual for a fish house ~~or~~, dark house, or shelter that is not rented, \$11.50;

(2) annual for a fish house ~~or~~, dark house, or shelter that is rented, \$26;

(3) three-year for a fish house ~~or~~, dark house, or shelter that is not rented, \$34.50; and

(4) three-year for a fish house ~~or~~, dark house, or shelter that is rented, \$78.

Sec. 24. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 12, is amended to read:

Subd. 12. **Fish houses or shelters; nonresident.** Fees for fish house or shelter licenses for a nonresident are:

(1) annual, \$33;

(2) seven consecutive days, \$19; and

(3) three-year, \$99.

Sec. 25. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 16, is amended to read:

Subd. 16. **Resident bear hunting guides outfitters.** (a) The fee for a resident bear hunting outfitter license ~~to guide bear hunters~~ is \$82.50 and is available only to a Minnesota resident individual.

(b) The fee for a resident master bear hunting outfitter license is \$165. The fee to add an additional person under the license is \$82.50 per person.

Sec. 26. Minnesota Statutes 2006, section 97A.485, subdivision 6, is amended to read:

Subd. 6. **Licenses to be sold and issuing fees.** (a) Persons authorized to sell licenses under this section must issue the following licenses for the license fee and the following issuing fees:

(1) to take deer or bear with firearms and by archery, the issuing fee is \$1;

(2) Minnesota sporting, the issuing fee is \$1; and

(3) to take small game, to take fish by angling or by spearing, and to trap fur-bearing animals, the issuing fee is \$1;

(4) for a stamp validation that is not issued simultaneously with a license, an issuing fee of 50 cents may be charged at the discretion of the authorized seller;

(5) for ~~stamps~~ stamp validations issued simultaneously with a license, there is no fee;

(6) for licenses, seals, tags, or coupons issued without a fee under section 97A.441 or 97A.465, an issuing fee of 50 cents may be charged at the discretion of the authorized seller;

(7) for lifetime licenses, there is no fee; and

(8) for all other licenses, permits, renewals, or applications or any other transaction through the electronic licensing system under this chapter or any other chapter when an issuing fee is not specified, an issuing fee of 50 cents may be charged at the discretion of the authorized seller.

~~(b) An issuing fee may not be collected for issuance of a trout and salmon stamp if a stamp validation is issued simultaneously with the related angling or sporting license. Only one issuing fee may be collected when selling more than one trout and salmon stamp in the same transaction after the end of the season for which the stamp was issued.~~

(c) The agent shall keep the issuing fee as a commission for selling the licenses.

(d) The commissioner shall collect the issuing fee on licenses sold by the commissioner.

(e) A license, except stamps, must state the amount of the issuing fee and that the issuing fee is kept by the seller as a commission for selling the licenses.

(f) For duplicate licenses, including licenses issued without a fee, the issuing fees are:

(1) for licenses to take big game, 75 cents; and

(2) for other licenses, 50 cents.

(g) The commissioner may issue one-day angling licenses in books of ten licenses each to fishing guides operating charter boats upon receipt of payment of all license fees, excluding the issuing fee required under this section. Copies of sold and unsold licenses shall be returned to the commissioner. The commissioner shall refund the charter boat captain for the license fees of all unsold licenses. Copies of sold licenses shall be maintained by the commissioner for one year.

Sec. 27. Minnesota Statutes 2006, section 97B.015, subdivision 5, is amended to read:

Subd. 5. **Firearms safety certificate.** The commissioner shall issue a firearms safety certificate to a person that satisfactorily completes the required course of instruction. A person must be at least age 11 to take the firearms safety course and may receive a firearms safety certificate, but the certificate is not valid for hunting until the year the person reaches age 12. A person who is age 11 and has a firearms safety certificate may purchase a ~~deer, bear, turkey, or prairie chicken~~ license to take big game that will become be valid when for hunting during the entire regular season for which the license is valid if the person reaches will reach age 12 during that calendar year. A firearms safety certificate issued to a person under age 12 by another state as provided in section 97B.020 is not valid for hunting in Minnesota until the person reaches age 12. The form and content of the firearms safety certificate shall be prescribed by the commissioner.

Sec. 28. Minnesota Statutes 2007 Supplement, section 97B.036, is amended to read:

97B.036 CROSSBOW HUNTING DURING FIREARMS ~~DEER~~ SEASON.

Notwithstanding section 97B.035, subdivisions 1 and 2, a person may take deer, bear, or turkey by crossbow during the respective regular firearms ~~deer season~~ seasons. The transportation requirements of section 97B.051 apply to crossbows during the regular firearms deer, bear, or turkey season. Crossbows must meet the requirements of section 97B.106, subdivision 2. A person taking deer, bear, or turkey by crossbow under this section must have a valid firearms ~~deer~~ license to take the respective game.

Sec. 29. Minnesota Statutes 2006, section 97B.041, is amended to read:

97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.

A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm that is in a case or in a closed trunk of a motor vehicle;

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle ~~and only short, long, and long rifle cartridges that are caliber of .22 inches containing only .17 caliber rimfire cartridges, .22 short, long, or long rifle cartridges, or .22 magnum caliber cartridges;~~

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader during that season.

EFFECTIVE DATE. This section is effective August 1, 2008.

Sec. 30. Minnesota Statutes 2006, section 97B.106, subdivision 1, is amended to read:

Subdivision 1. **Qualifications for crossbow permits.** (a) The commissioner may issue a special permit, without a fee, to take big game, small game, or rough fish with a crossbow to a person that is unable to hunt or take rough fish by archery because of a permanent or temporary physical disability. A crossbow permit issued under this section also allows the permittee to use a bow with a mechanical device that draws, releases, or holds the bow at full draw as provided in section 97B.035, subdivision 1, paragraph (a).

(b) To qualify for a crossbow permit under this section, a temporary disability must render the person unable to hunt or fish by archery for a minimum of two years after application for the permit is made. The permanent or temporary disability must be established by medical evidence, and the inability to hunt or fish by archery for the required period of time must be verified in writing by a licensed physician or chiropractor.

(c) The person must obtain the appropriate license.

Sec. 31. Minnesota Statutes 2006, section 97B.211, subdivision 1, is amended to read:

Subdivision 1. **Possession of firearms prohibited.** ~~Except when hunting bear,~~ A person may not take ~~big game~~ deer by archery while in possession of a firearm.

Sec. 32. Minnesota Statutes 2006, section 97B.301, subdivision 6, is amended to read:

Subd. 6. **Residents or nonresidents under age 18 may take deer of either sex.** A resident or nonresident under the age of 18 may take a deer of either sex except in those antlerless permit areas and seasons where no antlerless permits are offered. In antlerless permit areas where no antlerless permits are offered, the commissioner may provide a limited number of youth either sex permits to residents or nonresidents under age 18, under the procedures provided in section 97B.305, and may give preference to residents or nonresidents under the age of 18 that have not previously been selected. This subdivision does not authorize the taking of an antlerless deer by another member of a party under subdivision 3.

Sec. 33. Minnesota Statutes 2006, section 97B.301, is amended by adding a subdivision to read:

Subd. 8. **All-firearm season deer license.** (a) A resident may obtain an all-firearm season deer license that authorizes the resident to hunt during the regular firearms and muzzle-loader seasons. The all-firearm season license is valid for taking two deer, no more than one of which may be a legal buck.

(b) The all-firearm season deer license is valid for taking antlerless deer as prescribed by the commissioner.

(c) The commissioner shall issue two tags when issuing a license under this subdivision.

Sec. 34. Minnesota Statutes 2007 Supplement, section 97B.328, is amended to read:

97B.328 BAITING PROHIBITED.

Subdivision 1. **Hunting with aid of bait or feed prohibited.** ~~(a)~~ A person may not hunt deer:

(1) with the aid or use of bait or feed; or

(2) in the vicinity of bait or feed if the person knows or has reason to know that bait or feed is present; ~~or.~~

~~(3) in the vicinity of where the person has placed bait or caused bait to be placed within the previous ten days.~~

~~(b) This restriction does not apply to:~~

Subd. 2. **Removal of bait.** An area is considered baited for ten days after the complete removal of all bait or feed.

Subd. 3. **Definition.** For purposes of this section, "bait or feed" includes grains, fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer and that has been placed by a person. Liquid scents, salt, and minerals are not bait or feed.

~~(4) Food resulting from normal or accepted farming, forest management, wildlife food plantings, orchard management, or other similar land management activities; or~~ is not bait or feed.

Subd. 4. **Exception for bait or feed on adjacent land.** ~~(2) A person otherwise in compliance with this section who is hunting on the person's own private or public property, when that is adjacent to property where bait or feed is present is not in violation of this section if the person has not participated in, been involved with, or agreed to baiting or feeding wildlife on the adjacent land owned by another person property.~~

Sec. 35. Minnesota Statutes 2006, section 97B.405, is amended to read:

97B.405 COMMISSIONER MAY LIMIT NUMBER OF BEAR HUNTERS.

(a) The commissioner may limit the number of persons that may hunt bear in an area, if it is necessary to prevent an overharvest or improve the distribution of hunters. The commissioner may establish, by rule, a method, including a drawing, to impartially select the hunters for an area. The commissioner shall give preference to hunters that have previously applied and have not been selected.

(b) In the case of a drawing, the commissioner shall allow a person to apply for a permit in more than one area at the same time and rank the person's choice of area. A person applying for a permit shall submit the applicable license fee under section 97A.475 with the application. If a person is not selected for a bear hunting permit, the person may elect to have the license fee refunded or held and applied to a future license or permit.

Sec. 36. Minnesota Statutes 2006, section 97B.431, is amended to read:

97B.431 BEAR HUNTING ~~GUIDES~~ OUTFITTERS.

(a) A person may not place bait for bear, or guide hunters to take bear, for compensation without a bear hunting guide outfitter license. A bear hunting guide outfitter is not required to have a license to take bear unless the guide outfitter is attempting to shoot a bear. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses.

(b) The commissioner shall establish a resident master bear hunting outfitter license under which one person serves as the bear hunting outfitter and one other person is eligible to guide and bait bear. Additional persons may be added to the license and are eligible to guide and bait bear under the license, provided the additional fee under section 97A.475, subdivision 16, is paid for each person added. The commissioner shall adopt rules for qualifications for issuance and administration of the licenses.

Sec. 37. Minnesota Statutes 2006, section 97B.621, subdivision 3, is amended to read:

Subd. 3. **Nighttime hunting restrictions.** To take raccoons between one-half hour after sunset and one-half hour before sunrise, a person:

- (1) must be on foot;
- (2) may use an artificial light only if hunting with dogs;
- (3) may not use a rifle other than one of a .22 inch caliber with .22 short, long, or long rifle, rimfire ammunition; and
- (4) may not use shotgun shells with larger than No. 4 shot.

Sec. 38. Minnesota Statutes 2006, section 97B.711, subdivision 1, is amended to read:

Subdivision 1. **Seasons for certain upland game birds.** (a) The commissioner may, by rule, prescribe an open season in designated areas between September 16 and January 3 for:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken;
- (6) gray partridge;
- (7) bob-white quail; and
- (8) turkey.

(b) The commissioner may by rule prescribe an open season for turkey in the spring.

(c) The commissioner shall allow a four-week open season for turkey in the fall for the area designated as turkey permit area 601 as of the 2008 season.

Sec. 39. Minnesota Statutes 2006, section 97B.721, is amended to read:

97B.721 LICENSE ~~AND STAMP VALIDATION~~ REQUIRED TO TAKE TURKEY; TAGGING AND REGISTRATION REQUIREMENTS.

(a) Except as provided in paragraph (b) or section 97A.405, subdivision 2, a person may not take a turkey without possessing a turkey license ~~and a turkey stamp validation.~~

(b) ~~The requirement in paragraph (a) to have a turkey stamp validation does not apply to persons under age 18.~~ An unlicensed adult age 18 or older may assist a licensed wild turkey hunter. The unlicensed adult may not shoot or possess a firearm or bow while assisting a hunter under this paragraph and may not charge a fee for the assistance.

(c) The commissioner may by rule prescribe requirements for the tagging and registration of turkeys.

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

Sec. 40. Minnesota Statutes 2006, section 97C.001, subdivision 3, is amended to read:

Subd. 3. **Seasons, limits, and other requirements.** The commissioner may, in accordance with the procedures in subdivision 2 or by rule under chapter 14, establish open seasons, limits, methods, and other requirements for taking fish on experimental waters. Notwithstanding the limits on seasons in section 97C.395, subdivision 1, the commissioner may extend the end of a season for up to two weeks to take a fish species in an experimental water when the harvest level for the species in that season is less than the harvest goal of the experimental regulations.

Sec. 41. Minnesota Statutes 2006, section 97C.005, subdivision 3, is amended to read:

Subd. 3. **Seasons, limits, and other rules.** The commissioner may, in accordance with the procedures in subdivision 2, paragraphs (c) and (e), or by rule under chapter 14, establish open seasons, limits, methods, and other requirements for taking fish on special management waters. Notwithstanding the limits on seasons in section 97C.395, subdivision 1, the commissioner may extend the end of a season for up to two weeks to take a fish species in a special management water when the harvest level for the species in that season is less than the harvest goal of the special management regulations.

Sec. 42. **[97C.303] CONSERVATION ANGLING LICENSE.**

Subdivision 1. **Availability.** The commissioner shall make available a conservation angling license according to this section. Conservation angling licenses shall be offered for resident and nonresident individuals, resident married couples, nonresident married couples valid for 14 consecutive days, and nonresident families.

Subd. 2. **Daily and possession limits.** Daily and possession limits for fish taken under a conservation angling license are one-half the daily and possession limits for the corresponding fish taken under a standard angling license, rounded down to the next whole number if necessary.

Subd. 3. **License fee.** The fee for a conservation angling license issued under this section is two-thirds of the corresponding standard angling license fee under section 97A.475, subdivision 6 or 7, rounded to the nearest whole dollar.

Sec. 43. Minnesota Statutes 2006, section 97C.315, subdivision 1, is amended to read:

Subdivision 1. **Lines.** An angler may ~~not use more than one line except:~~

~~(1) two lines may be used to take fish through the ice; and~~

~~(2) the commissioner may, by rule, authorize the use of two lines in areas designated by the commissioner in Lake Superior.~~

Sec. 44. Minnesota Statutes 2007 Supplement, section 97C.355, subdivision 2, is amended to read:

Subd. 2. **License required.** A person may not ~~take fish from~~ leave a dark house ~~or~~, fish house ~~that is left, or shelter~~ unattended on the ice ~~overnight~~ unless the house is licensed and has a license tag attached to the exterior in a readily visible location, except as provided in this subdivision. The commissioner must issue a tag with a dark house or fish house license, marked with a number to correspond with the license and the year of issue. A dark house or fish house license is not required of a resident on boundary waters where the adjacent state does not charge a fee for the same activity.

Sec. 45. Minnesota Statutes 2006, section 97C.355, subdivision 4, is amended to read:

Subd. 4. **Distance between houses.** A person may not erect a dark house ~~or~~, fish house, or shelter within ten feet of an existing dark house ~~or~~, fish house, or shelter.

Sec. 46. Minnesota Statutes 2006, section 97C.355, subdivision 7, is amended to read:

Subd. 7. **Dates and times houses may remain on ice.** (a) ~~Except as provided in paragraph (d),~~ A shelter, including a fish house or dark house, may not be on the ice unattended between 12:00 a.m. and one hour before sunrise after ~~the following dates:~~

(1) ~~the last day of February~~ first Monday in March, for state waters south of a line starting at the Minnesota-North Dakota border and formed by rights-of-way of U.S. Route No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border; and

(2) the third Monday in March 15, for other state waters.

A shelter, including a fish house or dark house, on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by rule, change the dates in this paragraph for any part of state waters. Copies of the rule must be conspicuously posted on the shores of the waters as prescribed by the commissioner.

(b) A conservation officer must confiscate a fish house, dark house, or shelter in violation of paragraph (a). The officer may remove, burn, or destroy the house or shelter. The officer shall seize the contents of the house or shelter and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner.

~~(c) When the last day of February, under paragraph (a), clause (1), or March 15, under paragraph (a), clause (2), falls on a Saturday, a shelter, including a fish house or dark house, may be on the ice between 12:00 a.m. and one hour before sunrise until 12:00 a.m. the following Monday.~~

~~(d) A person may have a shelter, including a fish house or dark house, on the ice between 12:00 a.m. and one hour before sunrise on waters within the area prescribed in paragraph (a), clause (2), but the house or shelter may not be unattended during those hours.~~

Sec. 47. Minnesota Statutes 2006, section 97C.355, subdivision 7a, is amended to read:

Subd. 7a. **Houses left overnight.** A fish house ~~or~~, dark house, or shelter left on the ice overnight must be marked with reflective material on each side of the house structure. The reflective material must measure a total area of no less than two square inches on each side of the house structure. ~~Violation of this subdivision is not subject to subdivision 8 or section 97A.301.~~

Sec. 48. Minnesota Statutes 2007 Supplement, section 97C.355, subdivision 8, is amended to read:

Subd. 8. **Confiscation of unlawful structures; civil penalty.** (a) Structures on the ice in violation of this section may be confiscated and disposed of, retained by the division, or sold at the highest price obtainable, in a manner prescribed by the commissioner.

(b) In addition to other penalties provided by law, the owner of a structure left on the ice in violation of this section is subject to a civil penalty under section 115A.99.

(c) This subdivision also applies to structures left on state public access sites for more than 48 hours past the deadlines specified in subdivision 7.

Sec. 49. Minnesota Statutes 2006, section 97C.371, subdivision 4, is amended to read:

Subd. 4. **Open season.** The open season for spearing through the ice is ~~December 1~~ November 15 to the ~~last second~~ Sunday in ~~February~~ March.

Sec. 50. Minnesota Statutes 2006, section 97C.395, subdivision 1, is amended to read:

Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling are as follows:

(1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend to the last Sunday in February;

(2) for lake trout, from January 1 to October 31;

(3) for lake trout on lakes entirely or partly within the Boundary Waters Canoe Area Wilderness, from the Saturday nearest January 1 to March 31;

(4) for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by rule except as provided in section 97C.415, subdivision 2; and

~~(4)~~ (5) for salmon, as prescribed by the commissioner by rule.

(b) The commissioner shall close the season in areas of the state where fish are spawning and closing the season will protect the resource.

Sec. 51. **UNCASED FIREARMS REPORT.**

(a) The commissioner of natural resources shall submit a report to the legislature by January 1, 2009, on uncased firearms that answers the questions listed below.

(1) How many other states have laws like Minnesota's governing uncased firearms?

(2) Are there any studies that prove that uncased firearms laws like Minnesota's reduce firearm-related accidents?

(3) Is there evidence that more accidents occur loading and unloading firearms and putting firearms in and out of cases than would occur if the firearms were not required to be cased?

(4) Are there any studies to prove that having a cased gun law reduces other criminal violations? For example, there are thousands of tickets written for uncased guns every year; is this the activity the state is trying to stop or is the state trying to reduce other crimes? Is there any proof that by issuing tickets Minnesota is stopping other crimes?

(5) If the state cannot verify that it is reducing accidents or reducing other criminal violations by writing uncased gun tickets, why is the state writing them?

(6) If the state is reducing other wildlife crimes such as shooting from the roadway, how is it doing this?

(b) The report must comply with Minnesota Statutes, sections 3.195 and 3.197, and be submitted to the chairs of the house and senate committees with jurisdiction over the environment and natural resources. The commissioner may include additional information that the commissioner feels is important to this issue.

Sec. 52. COCK PHEASANT BAG LIMIT; RULEMAKING.

The commissioner of natural resources shall amend Minnesota Rules, part 6234.0400, subpart 2, to allow a person to take up to three cock pheasants per day after the 16th day of the pheasant season. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rule and Minnesota Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

Sec. 53. BEAR HUNTING PERMIT DRAWING; RULEMAKING.

The commissioner of natural resources shall adopt rules to comply with the changes made to Minnesota Statutes, section 97B.405. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

Sec. 54. WILD TURKEY HUNTING MANAGEMENT RECOMMENDATIONS.

The commissioner of natural resources, in consultation with the National Wild Turkey Federation, shall, by January 15, 2009, provide the legislature with recommendations for future management of hunting wild turkeys in Minnesota.

Sec. 55. REPEALER.

Minnesota Statutes 2006, section 97A.411, subdivision 2, and Minnesota Rules, parts 6232.0200, subpart 4; and 6232.0300, subpart 4, are repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying aquatic farm provisions; authorizing certain fees; modifying horse pass requirements; modifying report requirements for game and fish fund; modifying disposition of pheasant habitat improvement account; modifying wild turkey management account; modifying hunting and fishing licensing and taking provisions; requiring reports; providing for rulemaking; amending Minnesota Statutes 2006, sections 17.4981; 84.027, subdivision 15; 85.46, subdivision 1; 97A.015, by adding a subdivision; 97A.055, subdivision 4b; 97A.075, subdivisions 4, 5; 97A.311, subdivision 5; 97A.431, subdivision 2; 97A.433, subdivision 2; 97A.434, subdivision 2; 97A.435, subdivision 4; 97A.451, subdivision 4, by adding a subdivision; 97A.475, subdivision 5; 97A.485, subdivision 6; 97B.015, subdivision 5; 97B.041; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.301, subdivision 6, by adding a subdivision; 97B.405; 97B.431; 97B.621, subdivision 3; 97B.711, subdivision 1; 97B.721; 97C.001, subdivision 3; 97C.005, subdivision 3; 97C.315, subdivision 1; 97C.355, subdivisions 4, 7, 7a; 97C.371, subdivision 4; 97C.395, subdivision 1; Minnesota Statutes 2007 Supplement, sections 17.4984, subdivision 1; 97A.055, subdivision 4; 97A.405, subdivision 2; 97A.441, subdivision 7; 97A.451, subdivision 3; 97A.475, subdivisions 2, 3, 11, 12, 16; 97B.036; 97B.328; 97C.355, subdivisions 2, 8; proposing coding for new law in Minnesota Statutes, chapter 97C; repealing Minnesota Statutes 2006, section 97A.411, subdivision 2; Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 3564, A bill for an act relating to human services; amending child welfare and child support provisions; adopting a new Interstate Compact for the Placement of Children and repealing the old compact; regulating child and adult adoptions; directing the commissioner to adopt rules; amending Minnesota Statutes 2006, sections 13.46, by adding subdivisions; 256.87, subdivision 5; 259.20, subdivision 1; 259.21, by adding a subdivision; 259.22, subdivision 2; 259.23, subdivision 2; 259.43; 259.52, subdivision 2; 259.53, subdivisions 3, 5; 259.59, subdivisions 1, 2; 259.67, subdivisions 2, 3, by adding a subdivision; 259.75, subdivision 5; 259.89, subdivisions 1, 2, 4, by adding a subdivision; 260.795, subdivision 3; 260C.001, subdivision 2; 260C.007, subdivisions 5, 6, 13; 260C.171, subdivision 2; 260C.178, subdivision 1; 260C.212, subdivision 7, by adding a subdivision; 260C.325, subdivisions 1, 3; 518A.42, subdivision 1; 518A.46, subdivision 5; 524.2-114; 541.04; 548.09, by adding a subdivision; 550.01; 626.556, subdivision 7; Minnesota Statutes 2007 Supplement, sections 259.41, subdivision 1; 259.53, subdivision 2; 259.57, subdivision 1; 259.67, subdivision 4; 260C.163, subdivision 1; 260C.209, subdivisions 1, 2, by adding a subdivision; 260C.212, subdivision 4; 626.556, subdivision 10a; Laws 2007, chapter 147, article 2, section 56; proposing coding for new law in Minnesota Statutes, chapters 259; 260; repealing Minnesota Statutes 2006, sections 260.851; 260B.241; 260C.207; 548.091, subdivision 3b; Minnesota Rules, part 9560.0092.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

CHILD WELFARE

Section 1. Minnesota Statutes 2007 Supplement, section 245C.14, subdivision 1, is amended to read:

Subdivision 1. **Disqualification from direct contact.** (a) The commissioner shall disqualify an individual who is the subject of a background study from any position allowing direct contact with persons receiving services from the license holder or entity identified in section 245C.03, upon receipt of information showing, or when a background study completed under this chapter shows any of the following:

(1) a conviction of, admission to, or Alford plea to one or more crimes listed in section 245C.15, regardless of whether the conviction or admission is a felony, gross misdemeanor, or misdemeanor level crime;

(2) ~~a preponderance of the clear and convincing evidence indicates the individual has committed an act or acts that meet the definition of any of the crimes listed in section 245C.15, regardless of whether the preponderance of the clear and convincing evidence is for a felony, gross misdemeanor, or misdemeanor level crime. An arrest record, police report, or criminal complaint alone does not meet the standard for clear and convincing evidence;~~ or

(3) an investigation results in an administrative determination listed under section 245C.15, subdivision 4, paragraph (b).

(b) No individual who is disqualified following a background study under section 245C.03, subdivisions 1 and 2, may be retained in a position involving direct contact with persons served by a program or entity identified in section 245C.03, unless the commissioner has provided written notice under section 245C.17 stating that:

(1) the individual may remain in direct contact during the period in which the individual may request reconsideration as provided in section 245C.21, subdivision 2;

(2) the commissioner has set aside the individual's disqualification for that program or entity identified in section 245C.03, as provided in section 245C.22, subdivision 4; or

(3) the license holder has been granted a variance for the disqualified individual under section 245C.30.

Sec. 2. Minnesota Statutes 2007 Supplement, section 245C.15, subdivision 2, is amended to read:

Subd. 2. **15-year disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a felony-level violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (false representation; concealment of facts); 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud); 609.165 (felon ineligible to possess firearm); 609.21 (criminal vehicular homicide and injury); 609.215 (suicide); 609.223 or 609.2231 (assault in the third or fourth degree); repeat offenses under 609.224 (assault in the fifth degree); 609.229 (crimes committed for benefit of a gang); 609.2325 (criminal abuse of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.255 (false imprisonment); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.27 (coercion); 609.275 (attempt to coerce); 609.466 (medical assistance fraud); 609.498, subdivision 1 or 1b (aggravated first degree or first degree tampering with a witness); 609.52 (theft); 609.521 (possession of shoplifting gear); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.562 (arson in the second degree); 609.563 (arson in the third degree); 609.582 (burglary); 609.59 (possession of burglary tools); 609.611 (insurance fraud); 609.625 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery; offering a forged check); 609.635 (obtaining signature by false pretense); 609.66 (dangerous weapons); 609.67 (machine guns and short-barreled shotguns); 609.687 (adulteration); 609.71 (riot); 609.713 (terroristic threats); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; repeat offenses under 617.241 (obscene materials and performances; distribution and exhibition prohibited; penalty); 624.713 (certain persons not to possess firearms); chapter 152 (drugs; controlled substance); or a felony-level conviction involving alcohol or drug use.

(b) An individual is disqualified under section 245C.14 if less than 15 years has passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

(c) For foster care and family child care an individual is disqualified under section 245C.14 if less than 15 years has passed since the individual's voluntary termination of the individual's parental rights under section 260C.301, subdivision 1, paragraph (b), or 260C.301, subdivision 3.

(d) An individual is disqualified under section 245C.14 if less than 15 years has passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of the offenses listed in paragraph (a).

(e) If the individual studied commits one of the offenses listed in paragraph (a), but the sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is disqualified but the disqualification look-back period for the offense is the period applicable to the gross misdemeanor or misdemeanor disposition.

(f) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on a ~~preponderance of~~ clear and convincing evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

Sec. 3. Minnesota Statutes 2007 Supplement, section 245C.15, subdivision 3, is amended to read:

Subd. 3. **Ten-year disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) less than ten years have passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a gross misdemeanor-level violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (false representation; concealment of facts); 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud); 609.21 (criminal vehicular homicide and injury); 609.221 or 609.222 (assault in the first or second degree); 609.223 or 609.2231 (assault in the third or fourth degree); 609.224 (assault in the fifth degree); 609.224, subdivision 2, paragraph (c) (assault in the fifth degree by a caregiver against a vulnerable adult); 609.2242 and 609.2243 (domestic assault); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report maltreatment of a vulnerable adult); 609.265 (abduction); 609.275 (attempt to coerce); 609.324, subdivision 1a (other prohibited acts; minor engaged in prostitution); 609.33 (disorderly house); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.466 (medical assistance fraud); 609.52 (theft); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.582 (burglary); 609.59 (possession of burglary tools); 609.611 (insurance fraud); 609.631 (check forgery; offering a forged check); 609.66 (dangerous weapons); 609.71 (riot); 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); repeat offenses under 609.746 (interference with privacy); 609.749, subdivision 2 (harassment; stalking); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; 617.241 (obscene materials and performances); 617.243 (indecent literature, distribution); 617.293 (harmful materials; dissemination and display to minors prohibited); or violation of an order for protection under section 518B.01, subdivision 14.

(b) An individual is disqualified under section 245C.14 if less than ten years has passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

(c) An individual is disqualified under section 245C.14 if less than ten years has passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in paragraph (a).

(d) If the individual studied commits one of the offenses listed in paragraph (a), but the sentence or level of offense is a misdemeanor disposition, the individual is disqualified but the disqualification lookback period for the offense is the period applicable to misdemeanors.

(e) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on a ~~preponderance of~~ clear and convincing evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

Sec. 4. Minnesota Statutes 2007 Supplement, section 245C.15, subdivision 4, is amended to read:

Subd. 4. **Seven-year disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) less than seven years has passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a misdemeanor-level violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (false representation; concealment of facts); 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud); 609.21 (criminal vehicular homicide and injury); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree);

609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report maltreatment of a vulnerable adult); 609.2672 (assault of an unborn child in the third degree); 609.27 (coercion); violation of an order for protection under 609.3232 (protective order authorized; procedures; penalties); 609.466 (medical assistance fraud); 609.52 (theft); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.611 (insurance fraud); 609.66 (dangerous weapons); 609.665 (spring guns); 609.746 (interference with privacy); 609.79 (obscene or harassing telephone calls); 609.795 (letter, telegram, or package; opening; harassment); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; 617.293 (harmful materials; dissemination and display to minors prohibited); or violation of an order for protection under section 518B.01 (Domestic Abuse Act).

(b) An individual is disqualified under section 245C.14 if less than seven years has passed since a determination or disposition of the individual's:

(1) failure to make required reports under section 626.556, subdivision 3, or 626.557, subdivision 3, for incidents in which: (i) the final disposition under section 626.556 or 626.557 was substantiated maltreatment, and (ii) the maltreatment was recurring or serious; or

(2) substantiated serious or recurring maltreatment of a minor under section 626.556, a vulnerable adult under section 626.557, or serious or recurring maltreatment in any other state, the elements of which are substantially similar to the elements of maltreatment under section 626.556 or 626.557 for which: (i) there is a preponderance of evidence that the maltreatment occurred, and (ii) the subject was responsible for the maltreatment.

(c) An individual is disqualified under section 245C.14 if less than seven years has passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota Statutes.

(d) An individual is disqualified under section 245C.14 if less than seven years has passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in paragraphs (a) and (b).

(e) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on ~~a preponderance of clear and convincing~~ evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

(f) An individual is disqualified under section 245C.14 if less than seven years has passed since the individual was disqualified under section 256.98, subdivision 8.

Sec. 5. Minnesota Statutes 2006, section 245C.24, subdivision 2, is amended to read:

Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in ~~paragraph~~ paragraphs (b) ~~and (c)~~, the commissioner may not set aside the disqualification of any individual disqualified pursuant to this chapter, regardless of how much time has passed, if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision 1.

(b) ~~For~~ An individual in the chemical dependency field who was:

(1) disqualified for a crime or conduct listed under section 245C.15, subdivision 1, ~~and;~~

(2) whose disqualification was set aside prior to July 1, 2005, the commissioner must consider granting; and

(3) was granted a variance pursuant to section 245C.30 for the license holder for a program dealing primarily with adults. A request for reconsideration evaluated under this paragraph must include a letter of recommendation from the license holder that was subject to the prior set aside decision addressing the individual's quality of care to children or vulnerable adults and the circumstances of the individual's departure from that service under this section prior to August 1, 2008, is eligible to request a set-aside under paragraph (c).

(c) For any individual who was disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and whose disqualification was set aside prior to July 1, 2005, the commissioner must consider granting a set-aside pursuant to section 245C.22. An employer who hires any individual who provides in-home services shall monitor service provision with the client by telephone at least quarterly.

(d) For an individual who was disqualified for an offense under section 609.66, subdivision 1e, that was committed when the individual was a minor, and more than seven years has passed since the incident, during which time the individual has attended and graduated from college, the commissioner may consider setting aside the disqualification for a children's residential facility licensed by the Department of Corrections.

EFFECTIVE DATE. This section is effective August 1, 2008.

Sec. 6. Minnesota Statutes 2007 Supplement, section 245C.24, subdivision 3, is amended to read:

Subd. 3. **Ten-year bar to set aside disqualification.** (a) The commissioner may not set aside the disqualification of an individual in connection with a license to provide family child care for children, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home if: (1) less than ten years has passed since the discharge of the sentence imposed, if any, for the offense; or (2) when disqualified based on a preponderance of clear and convincing evidence determination under section 245C.14, subdivision 1, paragraph (a), clause (2), or an admission under section 245C.14, subdivision 1, paragraph (a), clause (1), and less than ten years has passed since the individual committed the act or admitted to committing the act, whichever is later; and (3) the individual has committed a violation of any of the following offenses: sections 609.165 (felon ineligible to possess firearm); criminal vehicular homicide under 609.21 (criminal vehicular homicide and injury); 609.215 (aiding suicide or aiding attempted suicide); felony violations under 609.223 or 609.2231 (assault in the third or fourth degree); 609.229 (crimes committed for benefit of a gang); 609.713 (terroristic threats); 609.235 (use of drugs to injure or to facilitate crime); 609.24 (simple robbery); 609.255 (false imprisonment); 609.562 (arson in the second degree); 609.71 (riot); 609.498, subdivision 1 or 1b (aggravated first degree or first degree tampering with a witness); burglary in the first or second degree under 609.582 (burglary); 609.66 (dangerous weapon); 609.665 (spring guns); 609.67 (machine guns and short-barreled shotguns); 609.749, subdivision 2 (gross misdemeanor harassment; stalking); 152.021 or 152.022 (controlled substance crime in the first or second degree); 152.023, subdivision 1, clause (3) or (4) or subdivision 2, clause (4) (controlled substance crime in the third degree); 152.024, subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree); 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report); 609.265 (abduction); 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree); 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree); 609.268 (injury or death of an unborn child in the commission of a crime); repeat offenses under 617.23 (indecent exposure); 617.293 (disseminating or displaying harmful material to minors); a felony-level conviction involving alcohol or drug use, a gross misdemeanor offense under 609.324, subdivision 1 (other prohibited acts); a gross misdemeanor offense under 609.378 (neglect or endangerment of a child); a gross misdemeanor offense under 609.377 (malicious punishment of a child); 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); or 624.713 (certain persons not to possess firearms).

(b) The commissioner may not set aside the disqualification of an individual if less than ten years have passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a) as each of these offenses is defined in Minnesota Statutes.

(c) The commissioner may not set aside the disqualification of an individual if less than ten years have passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in paragraph (a).

Sec. 7. Minnesota Statutes 2007 Supplement, section 245C.27, subdivision 1, is amended to read:

Subdivision 1. **Fair hearing when disqualification is not set aside.** (a) If the commissioner does not set aside a disqualification of an individual under section 245C.22 who is disqualified on the basis of ~~a preponderance of clear~~ and convincing evidence that the individual committed an act or acts that meet the definition of any of the crimes listed in section 245C.15; for a determination under section 626.556 or 626.557 of substantiated maltreatment that was serious or recurring under section 245C.15; or for failure to make required reports under section 626.556, subdivision 3; or 626.557, subdivision 3, pursuant to section 245C.15, subdivision 4, paragraph (b), clause (1), the individual may request a fair hearing under section 256.045, unless the disqualification is deemed conclusive under section 245C.29.

(b) The fair hearing is the only administrative appeal of the final agency determination for purposes of appeal by the disqualified individual. The disqualified individual does not have the right to challenge the accuracy and completeness of data under section 13.04.

(c) Except as provided under paragraph (e), if the individual was disqualified based on a conviction or admission to any crimes listed in section 245C.15, subdivisions 1 to 4, or for a disqualification under section 256.98, subdivision 8, the reconsideration decision under section 245C.22 is the final agency determination for purposes of appeal by the disqualified individual and is not subject to a hearing under section 256.045. If the individual was disqualified based on a judicial determination, that determination is treated the same as a conviction for purposes of appeal.

(d) This subdivision does not apply to a public employee's appeal of a disqualification under section 245C.28, subdivision 3.

(e) Notwithstanding paragraph (c), if the commissioner does not set aside a disqualification of an individual who was disqualified based on both ~~a preponderance of clear and convincing~~ evidence and a conviction or admission, the individual may request a fair hearing under section 256.045, unless the disqualifications are deemed conclusive under section 245C.29. The scope of the hearing conducted under section 256.045 with regard to the disqualification based on a conviction or admission shall be limited solely to whether the individual poses a risk of harm, according to section 256.045, subdivision 3b. In this case, the reconsideration decision under section 245C.22 is not the final agency decision for purposes of appeal by the disqualified individual.

Sec. 8. Minnesota Statutes 2006, section 245C.29, subdivision 2, is amended to read:

Subd. 2. **Conclusive disqualification determination.** (a) Unless otherwise specified in statute, a determination that:

(1) the information the commissioner relied upon to disqualify an individual under section 245C.14 was correct based on serious or recurring maltreatment;

(2) ~~a preponderance of the~~ clear and convincing evidence shows that the individual committed an act or acts that meet the definition of any of the crimes listed in section 245C.15. A police report or criminal complaint alone does not meet this standard; or

(3) the individual failed to make required reports under section 626.556, subdivision 3, or 626.557, subdivision 3, is conclusive if:

(i) the commissioner has issued a final order in an appeal of that determination under section 245A.08, subdivision 5, or 256.045, or a court has issued a final decision;

(ii) the individual did not request reconsideration of the disqualification under section 245C.21; or

(iii) the individual did not request a hearing on the disqualification under section 256.045 or chapter 14.

(b) When a licensing action under section 245A.05, 245A.06, or 245A.07 is based on the disqualification of an individual in connection with a license to provide family child care, foster care for children in the provider's own home, or foster care services for adults in the provider's own home, that disqualification shall be conclusive for purposes of the licensing action if a request for reconsideration was not submitted within 30 calendar days of the individual's receipt of the notice of disqualification.

(c) If a determination that the information relied upon to disqualify an individual was correct and is conclusive under this section, and the individual is subsequently disqualified under section 245C.15, the individual has a right to request reconsideration on the risk of harm under section 245C.21. Subsequent determinations regarding the risk of harm shall be made according to section 245C.22 and are not subject to another hearing under section 256.045 or chapter 14.

Sec. 9. Minnesota Statutes 2006, section 256.045, subdivision 3, is amended to read:

Subd. 3. **State agency hearings.** (a) State agency hearings are available for the following: (1) any person applying for, receiving or having received public assistance, medical care, or a program of social services granted by the state agency or a county agency or the federal Food Stamp Act whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid; (2) any patient or relative aggrieved by an order of the commissioner under section 252.27; (3) a party aggrieved by a ruling of a prepaid health plan; (4) except as provided under chapter 245C, any individual or facility determined by a lead agency to have maltreated a vulnerable adult under section 626.557 after they have exercised their right to administrative reconsideration under section 626.557; (5) any person whose claim for foster care payment according to a placement of the child resulting from a child protection assessment under section 626.556 is denied or not acted upon with reasonable promptness, regardless of funding source; (6) any person to whom a right of appeal according to this section is given by other provision of law; (7) an applicant aggrieved by an adverse decision to an application for a hardship waiver under section 256B.15; (8) an applicant aggrieved by an adverse decision to an application or redetermination for a Medicare Part D prescription drug subsidy under section 256B.04, subdivision 4a; (9) except as provided under chapter 245A, an individual or facility determined to have maltreated a minor under section 626.556, after the individual or facility has exercised the right to administrative reconsideration under section 626.556; or (10) except as provided under chapter 245C, an individual disqualified under sections 245C.14 and 245C.15, on the basis of serious or recurring maltreatment; ~~a preponderance of the clear and convincing~~ clear and convincing evidence that the individual has committed an act or acts that meet the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under section 626.556, subdivision 3, or 626.557, subdivision 3. Hearings regarding a maltreatment determination under clause (4) or (9) and a disqualification under this clause in which the basis for a disqualification is serious or recurring maltreatment, which has not been set aside under sections 245C.22 and 245C.23, shall be consolidated into a single fair hearing.

In such cases, the scope of review by the human services referee shall include both the maltreatment determination and the disqualification. The failure to exercise the right to an administrative reconsideration shall not be a bar to a hearing under this section if federal law provides an individual the right to a hearing to dispute a finding of maltreatment. Individuals and organizations specified in this section may contest the specified action, decision, or final disposition before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action, decision, or final disposition, or within 90 days of such written notice if the applicant, recipient, patient, or relative shows good cause why the request was not submitted within the 30-day time limit.

The hearing for an individual or facility under clause (4), (9), or (10) is the only administrative appeal to the final agency determination specifically, including a challenge to the accuracy and completeness of data under section 13.04. Hearings requested under clause (4) apply only to incidents of maltreatment that occur on or after October 1, 1995. Hearings requested by nursing assistants in nursing homes alleged to have maltreated a resident prior to October 1, 1995, shall be held as a contested case proceeding under the provisions of chapter 14. Hearings requested under clause (9) apply only to incidents of maltreatment that occur on or after July 1, 1997. A hearing for an individual or facility under clause (9) is only available when there is no juvenile court or adult criminal action pending. If such action is filed in either court while an administrative review is pending, the administrative review must be suspended until the judicial actions are completed. If the juvenile court action or criminal charge is dismissed or the criminal action overturned, the matter may be considered in an administrative hearing.

For purposes of this section, bargaining unit grievance procedures are not an administrative appeal.

The scope of hearings involving claims to foster care payments under clause (5) shall be limited to the issue of whether the county is legally responsible for a child's placement under court order or voluntary placement agreement and, if so, the correct amount of foster care payment to be made on the child's behalf and shall not include review of the propriety of the county's child protection determination or child placement decision.

(b) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services is not a party and may not request a hearing under this section, except if assisting a recipient as provided in subdivision 4.

(c) An applicant or recipient is not entitled to receive social services beyond the services prescribed under chapter 256M or other social services the person is eligible for under state law.

(d) The commissioner may summarily affirm the county or state agency's proposed action without a hearing when the sole issue is an automatic change due to a change in state or federal law.

Sec. 10. Minnesota Statutes 2006, section 256.045, subdivision 3b, is amended to read:

Subd. 3b. **Standard of evidence for maltreatment and disqualification hearings.** (a) The state human services referee shall determine that maltreatment has occurred if a preponderance of evidence exists to support the final disposition under sections 626.556 and 626.557. For purposes of hearings regarding disqualification, the state human services referee shall affirm the proposed disqualification in an appeal under subdivision 3, paragraph (a), clause (9), if ~~a preponderance of the evidence shows the individual has:~~

(1) a preponderance of the evidence shows the individual has committed maltreatment under section 626.556 or 626.557, which is serious or recurring;

(2) clear and convincing evidence shows the individual has committed an act or acts meeting the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or

(3) a preponderance of the evidence shows the individual has failed to make required reports under section 626.556 or 626.557, for incidents in which the final disposition under section 626.556 or 626.557 was substantiated maltreatment that was serious or recurring.

(b) If the disqualification is affirmed, the state human services referee shall determine whether the individual poses a risk of harm in accordance with the requirements of section 245C.16, and whether the disqualification should be set aside or not set aside. In determining whether the disqualification should be set aside, the human services referee shall consider all of the characteristics that cause the individual to be disqualified, including those characteristics that were not subject to review under paragraph (a), in order to determine whether the individual poses a risk of harm. A decision to set aside a disqualification that is the subject of the hearing constitutes a determination that the individual does not pose a risk of harm and that the individual may provide direct contact services in the individual program specified in the set aside. If a determination that the information relied upon to disqualify an individual was correct and is conclusive under section 245C.29, and the individual is subsequently disqualified under section 245C.14, the individual has a right to again request reconsideration on the risk of harm under section 245C.21. Subsequent determinations regarding risk of harm are not subject to another hearing under this section.

(c) The state human services referee shall recommend an order to the commissioner of health, education, or human services, as applicable, who shall issue a final order. The commissioner shall affirm, reverse, or modify the final disposition. Any order of the commissioner issued in accordance with this subdivision is conclusive upon the parties unless appeal is taken in the manner provided in subdivision 7. In any licensing appeal under chapters 245A and 245C and sections 144.50 to 144.58 and 144A.02 to 144A.46, the commissioner's determination as to maltreatment is conclusive, as provided under section 245C.29.

Sec. 11. Minnesota Statutes 2006, section 259.20, subdivision 1, is amended to read:

Subdivision 1. **Policy and purpose.** The policy of the state of Minnesota and the purpose of sections 259.20 to 259.69 is to ensure:

(1) that the best interests of ~~children~~ adopted persons are met in the planning and granting of adoptions; and

(2) that laws and practices governing adoption recognize the diversity of Minnesota's population and the diverse needs of persons affected by adoption.

Sec. 12. Minnesota Statutes 2006, section 259.21, is amended by adding a subdivision to read:

Subd. 2a. **Adult adoption.** "Adult adoption" means the adoption of a person at least 18 years of age.

Sec. 13. Minnesota Statutes 2006, section 259.22, subdivision 2, is amended to read:

Subd. 2. **Children Persons who may be adopted.** No petition for adoption shall be filed unless the ~~child~~ person sought to be adopted has been placed by the commissioner of human services, the commissioner's agent, or a licensed child-placing agency. The provisions of this subdivision shall not apply if

(a) the ~~child~~ person to be adopted is over 14 years of age;

(b) the child is sought to be adopted by an individual who is related to the child, as defined by section 245A.02, subdivision 13;

(c) the child has been lawfully placed under the laws of another state while the child and petitioner resided in that other state;

(d) the court waives the requirement of this subdivision in the best interests of the child or petitioners, provided that the adoption does not involve a placement as defined in section 259.21, subdivision 8; or

(e) the child has been lawfully placed under section 259.47.

Sec. 14. Minnesota Statutes 2006, section 259.23, subdivision 2, is amended to read:

Subd. 2. **Contents of petition.** The petition shall be signed by the petitioner and, if married, by the spouse. It shall be verified, and filed in duplicate. The petition shall allege:

(a) The full name, age and place of residence of petitioner, and if married, the date and place of marriage;

(b) The date petitioner acquired physical custody of the child and from what person or agency;

(c) The date of birth of the ~~child~~ person to be adopted, if known, and the state and county where born;

(d) The name of the child's parents, if known, and the guardian if there be one;

(e) The actual name of the ~~child~~ person to be adopted, if known, and any known aliases;

(f) The name to be given the ~~child~~ person to be adopted if a change of name is desired;

(g) The description and value of any real or personal property owned by the ~~child~~ person to be adopted;

(h) That the petitioner desires that the relationship of parent and child be established between petitioner and the ~~child, and that it is to the person to be adopted and that adoption is in the best interests of the child for the child~~ person to be adopted by the petitioner.

In agency placements, the information required in clauses (d) and (e) shall not be required to be alleged in the petition but shall be transmitted to the court by the commissioner of human services or the agency.

Sec. 15. **[259.241] ADULT ADOPTION.**

(a) Any adult person may be adopted, regardless of his or her residence. A resident of Minnesota may petition the court of record having jurisdiction of adoption proceedings to adopt an individual who has reached the age of 18 years or older.

(b) The consent of the person to be adopted shall be the only consent necessary, according to section 259.24. The consent of an adult in his or her own adoption is invalid if the adult is considered to be a vulnerable adult under section 626.5572, subdivision 21, or if the person consenting to the adoption is determined not competent to give consent.

(c) The decree of adoption establishes a parent-child relationship between the adopting parent or parents and the person adopted, including the right to inherit, and also terminates the parental rights and sibling relationship between the adopted person and the adopted person's birth parents and siblings according to section 259.59.

(d) If the adopted person requests a change of name, the adoption decree shall order the name change.

Sec. 16. Minnesota Statutes 2007 Supplement, section 259.41, subdivision 1, is amended to read:

Subdivision 1. **Study required before placement; certain relatives excepted.** (a) An approved adoption study; completed background study, as required under section 245C.33; and written report must be completed before the child is placed in a prospective adoptive home under this chapter, except as allowed by section 259.47, subdivision 6. In an agency placement, the report must be filed with the court at the time the adoption petition is filed. In a direct adoptive placement, the report must be filed with the court in support of a motion for temporary preadoptive custody under section 259.47, subdivision 3, or, if the study and report are complete, in support of an emergency order under section 259.47, subdivision 6. The study and report shall be completed by a licensed child-placing agency and must be thorough and comprehensive. The study and report shall be paid for by the prospective adoptive parent, except as otherwise required under section 256.01, subdivision 2, paragraph (h), 259.67, or 259.73.

(b) A placement for adoption with an individual who is related to the child, as defined by section 245A.02, subdivision 13, is ~~not subject to this section except as~~ the background study required by sections 245C.33 and 259.53, subdivision 2, paragraph (c), by subdivision 2, paragraph (a), clause (1), items (i) and (ii), and subdivision 3. In the case of a stepparent adoption, a background study must be completed on the stepparent and any children as required under subdivision 3, paragraph (b), except that a child of the stepparent does not need to have a background study complete if they are a sibling through birth or adoption of the person being adopted. The local social services agency of the county in which the prospective adoptive parent lives must initiate a background study unless a child-placing agency has been involved with the adoption. The local social service agency may charge a reasonable fee for the background study. If a placement is being made the background study must be completed prior to placement pursuant to section 259.29, subdivision 1, paragraph (c). Background study results must be filed with the adoption petition according to section 259.22, except in an adult adoption where an adoption study and background study are not needed.

(c) In the case of a licensed foster parent seeking to adopt a child who is in the foster parent's care, any portions of the foster care licensing process that duplicate requirements of the home study may be submitted in satisfaction of the relevant requirements of this section.

Sec. 17. Minnesota Statutes 2006, section 259.43, is amended to read:

259.43 BIRTH PARENT HISTORY; COMMISSIONER'S FORM.

In any adoption under this chapter, except a stepparent ~~or an adult adoption under section 259.241,~~ a birth parent or an agency, ~~if an agency placement,~~ shall provide a prospective adoptive parent with a complete, thorough, detailed, and current social and medical history of the ~~birth families child being adopted,~~ if information is known after reasonable inquiry. Each ~~birth-family child social and medical history~~ must be provided on a form or forms prepared by the commissioner and must include background and health history specific to the child, the child's birth parents, and the child's other birth relatives. Applicable background and health information about the child includes: the child's current health condition, behavior, and demeanor; placement history; education history; sibling information; and birth, medical, dental, and immunization information. Redacted copies of pertinent records, assessments, and evaluations shall be attached to the child's social and medical history. Applicable background information about the child's birth parents and other birth relatives includes: general background information; education and employment history; physical health and mental health history; and reasons for the child's placement. The child's social and medical history shall be completed in a manner so that the completed form protects the identities of all individuals described in it. The commissioner shall make the form available to agencies and court administrators for public distribution. The birth-family child's social and medical history must be provided to the prospective adoptive family prior to adoptive placement, provided to the Department of Human Services with application for adoption assistance, if applicable, and filed with the court when the adoption petition is filed, or, In a direct adoptive placement, the child's social and medical history must be filed with the court with the motion for temporary preadoptive custody.

Sec. 18. Minnesota Statutes 2006, section 259.52, subdivision 2, is amended to read:

Subd. 2. **Requirement to search registry before adoption petition can be granted; proof of search.** No petition for adoption may be granted unless the agency supervising the adoptive placement, the birth mother of the child, or, in the case of a stepparent or relative adoption, the county agency responsible for the report required under section 259.53, subdivision 1, requests that the commissioner of health search the registry to determine whether a putative father is registered in relation to a child who is or may be the subject of an adoption petition. The search required by this subdivision must be conducted no sooner than 31 days following the birth of the child. A search of the registry may be proven by the production of a certified copy of the registration form or by a certified statement of the commissioner of health that after a search no registration of a putative father in relation to a child who is or may be the subject of an adoption petition could be located. The filing of a certified copy of an order from a juvenile protection matter under chapter 260C containing a finding that certification of the requisite search of the Minnesota Fathers' Adoption Registry was filed with the court in that matter shall also constitute proof of search. Certification that the fathers' adoption registry has been searched must be filed with the court prior to entry of any final order of adoption. In addition to the search required by this subdivision, the agency supervising the adoptive placement, the birth mother of the child, or, in the case of a stepparent or relative adoption, the ~~county~~ social services agency responsible for the report under section 259.53, subdivision 1, or the responsible social services agency that is a petitioner in a juvenile protection matter under chapter 260C may request that the commissioner of health search the registry at any time.

Sec. 19. Minnesota Statutes 2006, section 259.53, subdivision 3, is amended to read:

Subd. 3. **Reports and records.** (a) The contents of all reports and records of the commissioner of human services, local social services agency, or child-placing agency bearing on the suitability of the proposed adoptive home and the child to each other shall not be disclosed either directly or indirectly to any person other than the commissioner of human services, the child's guardian ad litem appointed under: (1) section 260C.163 when the guardian's appointment continues under section 260C.317, subdivision 3, paragraph (b); or (2) section 259.65 or a judge of the court having jurisdiction of the matter, except as provided in paragraph (b).

(b) A judge of the court having jurisdiction of the matter shall upon request disclose to a party to the proceedings or the party's counsel any portion of a report or record that relates only to the suitability of the proposed adoptive parents. In this disclosure, the judge may withhold the identity of individuals providing information in the report or record. When the judge is considering whether to disclose the identity of individuals providing information, the agency with custody of the report or record shall be permitted to present reasons for or against disclosure.

Sec. 20. Minnesota Statutes 2007 Supplement, section 259.57, subdivision 1, is amended to read:

Subdivision 1. **Findings; orders.** Upon the hearing,

(a) if the court finds that it is in the best interests of the ~~child~~ person to be adopted that the petition be granted, a decree of adoption shall be made and recorded in the office of the court administrator, ordering that henceforth the ~~child~~ person to be adopted shall be the child of the petitioner. In the decree the court may change the name of the ~~child~~ adopted person if desired. After the decree is granted for ~~a child~~ an adopted person who is:

(1) under the guardianship of the commissioner or a licensed child-placing agency according to section 260C.201, subdivision 11, or 260C.317;

(2) placed by the commissioner, commissioner's agent, or licensed child-placing agency after a consent to adopt according to section 259.24 or under an agreement conferring authority to place for adoption according to section 259.25; or

(3) adopted after a direct adoptive placement ordered by the district court under section 259.47,

the court administrator shall immediately mail a copy of the recorded decree to the commissioner of human services;

(b) if the court is not satisfied that the proposed adoption is in the best interests of the ~~child~~ person to be adopted, the court shall deny the petition, and in the case of a child shall order the child returned to the custody of the person or agency legally vested with permanent custody or certify the case for appropriate action and disposition to the court having jurisdiction to determine the custody and guardianship of the child.

Sec. 21. Minnesota Statutes 2006, section 259.59, subdivision 1, is amended to read:

Subdivision 1. **Legal effect.** Upon adoption, the ~~child~~ adopted person shall become the legal child of the adopting persons and they shall become the legal parents of the child with all the rights and duties between them of birth parents and legitimate child. By virtue of the adoption the ~~child~~ adopted person shall inherit from the adoptive parents or their relatives the same as though the ~~child~~ adopted person were the natural child of the parents, and in case of the ~~child's~~ adopted person's death intestate the adoptive parents and their relatives shall inherit the ~~child's~~ adopted person's estate as if ~~they~~ the adopted person had been the child's birth parents and relatives. After a decree of adoption is entered the birth parents of an adopted ~~child~~ person shall be relieved of all parental responsibilities for the ~~child~~ adopted person, and they shall not exercise or have any rights over the adopted ~~child~~ person or the ~~child's~~ adopted person's property. The ~~child~~ adopted person shall not owe the birth parents or their relatives any legal duty nor shall the ~~child~~ adopted person inherit from the birth parents or kindred, except as provided in subdivision 1a and section 257C.08, subdivision 6.

Sec. 22. Minnesota Statutes 2006, section 259.59, subdivision 2, is amended to read:

Subd. 2. **Enrollment in American Indian tribe.** Notwithstanding the provisions of subdivision 1, the adoption of a ~~child~~ person whose birth parent or parents are enrolled in an American Indian tribe shall not change the ~~child's~~ person's enrollment in that tribe.

Sec. 23. Minnesota Statutes 2006, section 259.67, subdivision 2, is amended to read:

Subd. 2. **Adoption assistance agreement.** The placing agency shall certify a child as eligible for adoption assistance according to rules promulgated by the commissioner. The placing agency shall not certify a child who remains under the jurisdiction of the sending agency pursuant to section 260.851, article 5, for state-funded adoption assistance when Minnesota is the receiving state. Not later than 30 days after a parent or parents are found and approved for adoptive placement of a child certified as eligible for adoption assistance, and before the final decree of adoption is issued, a written agreement must be entered into by the commissioner, the adoptive parent or parents, and the placing agency. The written agreement must be fully completed by the placing agency and in the form prescribed by the commissioner and must set forth the responsibilities of all parties, the anticipated duration of the adoption assistance payments, and the payment terms. The adoption assistance agreement shall be subject to the commissioner's approval, which must be granted or denied not later than 15 days after the agreement is entered.

The amount of adoption assistance is subject to the availability of state and federal funds and shall be determined through agreement with the adoptive parents. The agreement shall take into consideration the circumstances of the adopting parent or parents, the needs of the child being adopted and may provide ongoing monthly assistance, supplemental maintenance expenses related to the ~~adopted person's~~ child's special needs, nonmedical expenses periodically necessary for purchase of services, items, or equipment related to the special needs, and medical expenses. The placing agency or the adoptive parent or parents shall provide written documentation to support the need for adoption assistance payments. The commissioner may require periodic reevaluation of adoption assistance payments. The amount of ongoing monthly adoption assistance granted may in no case exceed that which would be allowable for the child under foster family care and is subject to the availability of state and federal funds.

Sec. 24. Minnesota Statutes 2006, section 259.67, subdivision 3, is amended to read:

Subd. 3. ~~Annual affidavit~~ **Modification or termination of the adoption assistance agreement.** ~~When adoption assistance agreements are for more than one year, the adoptive parents or guardian or conservator shall annually present an affidavit stating whether the adopted person remains under their care and whether the need for adoption assistance continues to exist. The commissioner may verify the affidavit. The adoption assistance agreement shall continue in accordance with its terms as long as the need for adoption assistance continues and the adopted person child is the legal or financial dependent of the adoptive parent or parents or guardian or conservator and is under 18 years of age. The adoption assistance agreement may be extended to age 22 as allowed by rules adopted by the commissioner. Termination or modification of the adoption assistance agreement may be requested by the adoptive parents or subsequent guardian or conservator at any time. When the commissioner determines that a child is eligible for adoption assistance under Title IV-E of the Social Security Act, United States Code, title 42, sections 670 to 679a, the commissioner shall modify the adoption assistance agreement in order to obtain the funds under that act.~~

Sec. 25. Minnesota Statutes 2006, section 259.67, is amended by adding a subdivision to read:

Subd. 3a. **Recovery of overpayments.** An amount of adoption assistance paid to an adoptive parent in excess of the payment due is recoverable by the commissioner, even when the overpayment was caused by agency error or circumstances outside the responsibility and control of the family or provider. The commissioner shall adopt rules that govern the recovery of overpayment. Adoption assistance amounts covered by this subdivision include basic maintenance needs payments, monthly supplemental maintenance needs payments, reimbursement of nonrecurring adoption expenses, reimbursement of special nonmedical costs, and reimbursement of medical costs.

Sec. 26. Minnesota Statutes 2007 Supplement, section 259.67, subdivision 4, is amended to read:

Subd. 4. **Eligibility conditions.** (a) The placing agency shall use the AFDC requirements as specified in federal law as of July 16, 1996, when determining the child's eligibility for adoption assistance under title IV-E of the Social Security Act. If the child does not qualify, the placing agency shall certify a child as eligible for state funded adoption assistance only if the following criteria are met:

(1) Due to the child's characteristics or circumstances it would be difficult to provide the child an adoptive home without adoption assistance.

(2)(i) A placement agency has made reasonable efforts to place the child for adoption without adoption assistance, but has been unsuccessful; ~~or~~

(ii) the child's licensed foster parents desire to adopt the child and it is determined by the placing agency that the adoption is in the best interest of the child; or

(iii) the child's relative, as defined in section 260C.007, subdivision 27, desires to adopt the child, and it is determined by the placing agency that the adoption is in the best interest of the child.

(3)(i) The child ~~has been~~ is a ward of the commissioner, ~~a Minnesota licensed child placing agency,~~ or a tribal social service agency of Minnesota recognized by the Secretary of the Interior; or (ii) the child will be adopted according to tribal law without a termination of parental rights or relinquishment, provided that the tribe has documented the valid reason why the child cannot or should not be returned to the home of the child's parent. The placing agency shall not certify a child who remains under the jurisdiction of the sending agency pursuant to section 260.851, article 5, for state-funded adoption assistance when Minnesota is the receiving state. A child who is adopted by the child's legal custodian or guardian shall not be eligible for state-funded adoption assistance.

(b) ~~For purposes of this subdivision, The characteristics or circumstances that may be considered in determining whether a child is a child with special needs under United States Code, title 42, chapter 7, subchapter IV, part E, or~~ meets the requirements of paragraph (a), clause (1), or section 473(c)(2)(A) of the Social Security Act, are the following:

(1) The child is a member of a sibling group to be placed as one unit in which at least one sibling is older than 15 months of age or is described in clause (2) or (3).

(2) The child has documented physical, mental, emotional, or behavioral disabilities.

(3) The child has a high risk of developing physical, mental, emotional, or behavioral disabilities.

(4) The child is five years of age or older.

(c) When a child's eligibility for adoption assistance is based upon the high risk of developing physical, mental, emotional, or behavioral disabilities, payments shall not be made under the adoption assistance agreement unless and until the potential disability manifests itself as documented by an appropriate health care professional.

Sec. 27. Minnesota Statutes 2006, section 259.75, subdivision 5, is amended to read:

Subd. 5. **Withdrawal of registration.** A child's registration shall be withdrawn when the exchange service has been notified in writing by the local social service agency ~~and or~~ the licensed child-placing agency that the child has been ~~adopted, has become 14 years old and will not consent to an adoption plan, placed in an adoptive home or~~ has died.

Sec. 28. Minnesota Statutes 2006, section 259.89, subdivision 1, is amended to read:

Subdivision 1. **Request.** An adopted person who is 19 years of age or over may request the commissioner of health to disclose the information on the adopted person's original birth record. The commissioner of health shall, within five days of receipt of the request, notify the commissioner of human services agent or licensed child-placing agency when known or the commissioner of human services when the agency is not known in writing of the request by the adopted person.

Sec. 29. Minnesota Statutes 2006, section 259.89, subdivision 2, is amended to read:

Subd. 2. **Search.** Within six months after receiving notice of the request of the adopted person, the commissioner of human ~~services~~ services' agent or a licensed child-placing agency shall make complete and reasonable efforts to notify each parent identified on the original birth record of the adopted person. The commissioner, the commissioner's agents, and licensed child-placing agencies may charge a reasonable fee to the adopted person for the cost of making a search pursuant to this subdivision. Every licensed child-placing agency in the state shall cooperate with the commissioner of human services in efforts to notify an identified parent. All communications under this subdivision are confidential pursuant to section 13.02, subdivision 3.

For purposes of this subdivision, "notify" means a personal and confidential contact with the birth parents named on the original birth record of the adopted person. The contact ~~shall not be by mail and~~ shall be by an employee or agent of the licensed child-placing agency which processed the pertinent adoption or some other licensed child-placing agency designated by the commissioner of human services when it is determined to be reasonable by the commissioner; otherwise contact shall be by mail or telephone. The contact shall be evidenced by filing with the commissioner of health an affidavit of notification executed by the person who notified each parent certifying that each parent was given the following information:

- (a) (1) the nature of the information requested by the adopted person;
- (b) (2) the date of the request of the adopted person;
- (c) (3) the right of the parent to file, within 30 days of receipt of the notice, an affidavit with the commissioner of health stating that the information on the original birth record should not be disclosed;
- (d) (4) the right of the parent to file a consent to disclosure with the commissioner of health at any time; and
- (e) (5) the effect of a failure of the parent to file either a consent to disclosure or an affidavit stating that the information on the original birth record should not be disclosed.

Sec. 30. Minnesota Statutes 2006, section 259.89, subdivision 4, is amended to read:

Subd. 4. **Release of information after notice.** If, within six months, the commissioner of human ~~services~~ ~~certifies services' agent or licensed child-placing agency document~~ to the commissioner of health notification of each parent identified on the original birth record pursuant to subdivision 2, the commissioner of health shall disclose the information requested by the adopted person 31 days after the date of the latest notice to either parent. This disclosure will occur if, at any time during the 31 days both of the parents identified on the original birth record have filed a consent to disclosure with the commissioner of health and neither consent to disclosure has been revoked by the subsequent filing by a parent of an affidavit stating that the information should not be disclosed. If only one parent has filed a consent to disclosure and the consent has not been revoked, the commissioner of health shall disclose, to the adopted person, original birth record information on the consenting parent only.

Sec. 31. Minnesota Statutes 2006, section 259.89, is amended by adding a subdivision to read:

Subd. 7. **Adult adoptions.** Notwithstanding section 144.218, a person adopted as an adult shall be permitted to access the person's birth records that existed prior to the adult adoption. Access to the existing birth records shall be the same access that was permitted prior to the adult adoption.

Sec. 32. Minnesota Statutes 2006, section 260.795, subdivision 3, is amended to read:

Subd. 3. ~~**Revenue enhancement Indian child welfare position.** The commissioner shall submit claims for federal reimbursement earned through the activities and services supported through Indian child welfare grants. The commissioner may set aside a portion of the federal funds earned under this subdivision to establish and support a new Indian child welfare position in the Department of Human Services to provide program development. The commissioner shall use any federal revenue not set aside to expand services under section 260.785. The federal revenue earned under this subdivision is available for these purposes until the funds are expended. The commissioner shall use Title IV-E administrative reimbursement earned by tribes through the new Social Services Administrative Tribal Time Study to continue funding the state Indian child welfare position.~~

Sec. 33. **[260.853] INTERSTATE COMPACT FOR THE PLACEMENT OF CHILDREN.**

ARTICLE I. PURPOSE

The purpose of this Interstate Compact for the Placement of Children is to:

A. Provide a process through which children subject to this compact are placed in safe and suitable homes in a timely manner.

B. Facilitate ongoing supervision of a placement, the delivery of services, and communication between the states.

C. Provide operating procedures that will ensure that children are placed in safe and suitable homes in a timely manner.

D. Provide for the promulgation and enforcement of administrative rules implementing the provisions of this compact and regulating the covered activities of the member states.

E. Provide for uniform data collection and information sharing between member states under this compact.

F. Promote coordination between this compact, the Interstate Compact for Juveniles, the Interstate Compact on Adoption and Medical Assistance and other compacts affecting the placement of and which provide services to children otherwise subject to this compact.

G. Provide for a state's continuing legal jurisdiction and responsibility for placement and care of a child that it would have had if the placement were intrastate.

H. Provide for the promulgation of guidelines, in collaboration with Indian tribes, for interstate cases involving Indian children as is or may be permitted by federal law.

ARTICLE II. DEFINITIONS

As used in this compact,

A. "Approved placement" means the public child-placing agency in the receiving state has determined that the placement is both safe and suitable for the child.

B. "Assessment" means an evaluation of a prospective placement by a public child-placing agency to determine whether the placement meets the individualized needs of the child, including but not limited to the child's safety and stability, health and well-being, and mental, emotional, and physical development. An assessment is only applicable to a placement by a public child-placing agency.

C. "Child" means an individual who has not attained the age of eighteen (18).

D. "Certification" means to attest, declare or sworn to before a judge or notary public.

E. "Default" means the failure of a member state to perform the obligations or responsibilities imposed upon it by this compact, the bylaws or rules of the Interstate Commission.

F. "Home Study" means an evaluation of a home environment conducted according to the applicable requirements of the State in which the home is located, and documents the preparation and the suitability of the placement resource for placement of a child according to the laws and requirements of the state in which the home is located.

G. "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan native village as defined in section 3 (c) of the Alaska Native Claims settlement Act at 43 USC §1602(c).

H. "Interstate Commission for the Placement of Children" means the commission that is created under Article VIII of this compact and which is generally referred to as the Interstate Commission.

I. "Jurisdiction" means the power and authority of a court to hear and decide matters.

J. "Legal Risk Placement" ("Legal Risk Adoption") means a placement made preliminary to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother's state of residence, if different from the sending state and a final decree of adoption shall not be entered in any jurisdiction until all required consents are obtained or are dispensed with according to applicable law.

K. "Member state" means a state that has enacted this compact.

L. "Non-custodial parent" means a person who, at the time of the commencement of court proceedings in the sending state, does not have sole legal custody of the child or has joint legal custody of a child, and who is not the subject of allegations or findings of child abuse or neglect.

M. "Non-member state" means a state which has not enacted this compact.

N. "Notice of residential placement" means information regarding a placement into a residential facility provided to the receiving state including, but not limited to the name, date and place of birth of the child, the identity and address of the parent or legal guardian, evidence of authority to make the placement, and the name and address of the facility in which the child will be placed. Notice of residential placement shall also include information regarding a discharge and any unauthorized absence from the facility.

O. "Placement" means the act by a public or private child-placing agency intended to arrange for the care or custody of a child in another state.

P. "Private child-placing agency" means any private corporation, agency, foundation, institution, or charitable organization, or any private person or attorney that facilitates, causes, or is involved in the placement of a child from one state to another and that is not an instrumentality of the state or acting under color of state law.

Q. "Provisional placement" means a determination made by the public child-placing agency in the receiving state that the proposed placement is safe and suitable, and, to the extent allowable, the receiving state has temporarily waived its standards or requirements otherwise applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of an assessment and the receiving state requirements regarding training for prospective foster or adoptive parents shall not delay an otherwise safe and suitable placement.

R. "Public child-placing agency" means any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether they act on behalf of a state, county, municipality or other governmental unit and which facilitates, causes, or is involved in the placement of a child from one state to another.

S. "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought.

T. "Relative" means someone who is related to the child as a parent, step-parent, sibling by half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a non-relative with such significant ties to the child that they may be regarded as relatives as determined by the court in the sending state.

U. "Residential Facility" means a facility providing a level of care that is sufficient to substitute for parental responsibility or foster care, and is beyond what is needed for assessment or treatment of an acute condition. For purposes of the compact, residential facilities do not include institutions primarily educational in character, hospitals or other medical facilities.

V. "Rule" means a written directive, mandate, standard or principle issued by the Interstate Commission promulgated pursuant to Article XI of this compact that is of general applicability and that implements, interprets or prescribes a policy or provision of the compact. "Rule" has the force and effect of an administrative rule in a member state, and includes the amendment, repeal, or suspension of an existing rule.

W. "Sending state" means the state from which the placement of a child is initiated.

X. "Service member's permanent duty station" means the military installation where an active duty Armed Services member is currently assigned and is physically located under competent orders that do not specify the duty as temporary.

Y. "Service member's state of legal residence" means the state in which the active duty Armed Services member is considered a resident for tax and voting purposes.

Z. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other territory of the United States.

AA. "State court" means a judicial body of a state that is vested by law with responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency or status offenses of individuals who have not attained the age of eighteen (18).

BB. "Supervision" means monitoring provided by the receiving state once a child has been placed in a receiving state pursuant to this compact.

ARTICLE III. APPLICABILITY

A. Except as otherwise provided in Article III, Section B, this compact shall apply to:

1. The interstate placement of a child subject to ongoing court jurisdiction in the sending state, due to allegations or findings that the child has been abused, neglected, or deprived as defined by the laws of the sending state, provided, however, that the placement of such a child into a residential facility shall only require notice of residential placement to the receiving state prior to placement.

2. The interstate placement of a child adjudicated delinquent or unmanageable based on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

a. the child is being placed in a residential facility in another member state and is not covered under another compact; or

b. the child is being placed in another member state and the determination of safety and suitability of the placement and services required is not provided through another compact.

3. The interstate placement of any child by a public child-placing agency or private child-placing agency as defined in this compact as a preliminary step to a possible adoption.

B. The provisions of this compact shall not apply to:

1. The interstate placement of a child with a non-relative in a receiving state by a parent with the legal authority to make such a placement provided, however, that the placement is not intended to effectuate an adoption.

2. The interstate placement of a child by one relative with the lawful authority to make such a placement directly with a relative in a receiving state.

3. The placement of a child, not subject to Article III, Section A, into a residential facility by his parent.

4. The placement of a child with a non-custodial parent provided that:

a. The non-custodial parent proves to the satisfaction of a court in the sending state a substantial relationship with the child; and

b. The court in the sending state makes a written finding that placement with the non-custodial parent is in the best interests of the child; and

c. The court in the sending state dismisses its jurisdiction over the child's case.

5. A child entering the United States from a foreign country for the purpose of adoption or leaving the United States to go to a foreign country for the purpose of adoption in that country.

6. Cases in which a U.S. citizen child living overseas with his family, at least one of whom is in the U.S. Armed Services, and who is stationed overseas, is removed and placed in a state.

7. The sending of a child by a public child-placing agency or a private child-placing agency for a visit as defined by the rules of the Interstate Commission.

C. For purposes of determining the applicability of this compact to the placement of a child with a family in the Armed Services, the public child-placing agency or private child-placing agency may choose the state of the service member's permanent duty station or the service member's declared legal residence.

D. Nothing in this compact shall be construed to prohibit the concurrent application of the provisions of this compact with other applicable interstate compacts including the Interstate Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The Interstate Commission may in cooperation with other interstate compact commissions having responsibility for the interstate movement, placement or transfer of children, promulgate like rules to ensure the coordination of services, timely placement of children, and the reduction of unnecessary or duplicative administrative or procedural requirements.

ARTICLE IV. JURISDICTION

A. Except as provided in Article IV, Section G, concerning private and independent adoptions, the sending state shall retain jurisdiction over a child with respect to all matters of custody and disposition of the child which it would have had if the child had remained in the sending state. Such jurisdiction shall also include the power to order the return of the child to the sending state.

B. When an issue of child protection or custody is brought before a court in the receiving state, such court shall confer with the court of the sending state to determine the most appropriate forum for adjudication.

C. In accordance with its own laws, the court in the sending state shall have authority to terminate its jurisdiction if:

1. The child is reunified with the parent in the receiving state who is the subject of allegations or findings of abuse or neglect, only with the concurrence of the public child-placing agency in the receiving state; or

2. The child is adopted;

3. The child reaches the age of majority under the laws of the sending state; or

4. The child achieves legal independence pursuant to the laws of the sending state; or

5. A guardianship is created by a court in the receiving state with the concurrence of the court in the sending state; or

6. An Indian tribe has petitioned for and received jurisdiction from the court in the sending state; or

7. The public child-placing agency of the sending state requests termination and has obtained the concurrence of the public child-placing agency in the receiving state.

D. When a sending state court terminates its jurisdiction, the receiving state child-placing agency shall be notified.

E. Nothing in this article shall defeat a claim of jurisdiction by a receiving state court sufficient to deal with an act of truancy, delinquency, crime or behavior involving a child as defined by the laws of the receiving state committed by the child in the receiving state which would be a violation of its laws.

F. Nothing in this article shall limit the receiving state's ability to take emergency jurisdiction for the protection of the child.

G. The substantive laws of the state in which an adoption will be finalized shall solely govern all issues relating to the adoption of the child and the court in which the adoption proceeding is filed shall have subject matter jurisdiction regarding all substantive issues relating to the adoption, except:

1. when the child is a ward of another court that established jurisdiction over the child prior to the placement;

2. when the child is in the legal custody of a public agency in the sending state; or

3. when the court in the sending state has otherwise appropriately assumed jurisdiction over the child, prior to the submission of the request for approval of placement.

ARTICLE V. PLACEMENT EVALUATION

A. Prior to sending, bringing, or causing a child to be sent or brought into a receiving state, the public child-placing agency shall provide a written request for assessment to the receiving state.

B. For placements by a private child-placing agency, a child may be sent or brought, or caused to be sent or brought, into a receiving state, upon receipt and review of the required content in a request for approval of a placement in both the sending and receiving state public child-placing agency. The required content for a request for provisional approval shall include all of the following:

1. A request for approval identifying the child, birth parents, the prospective adoptive parents, and the supervising agency, signed by the person requesting approval; and

2. Certification by a licensed attorney or other authorized agent that the consent or relinquishment is in compliance with the applicable laws of the sending state, or where permitted the laws of the state where finalization of the adoption will occur; and

3. A home study; and

4. An acknowledgment of legal risk signed by the prospective adoptive parents.

C. The sending state and the receiving state may request additional information or documents prior to finalization of an approved placement, but they may not delay travel by the prospective adoptive parents with the child if the required content for approval has been submitted, received, and reviewed by the public child-placing agency in both the sending state and the receiving state.

D. Approval from the public child-placing agency in the receiving state for a provisional or approved placement is required as provided for in the rules of the Interstate Commission.

E. The procedures for making, and the request for an assessment, shall contain all information and be in such form as provided for in the rules of the Interstate Commission.

F. Upon receipt of a request from the public child-placing agency of the sending state, the receiving state shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child-placing agency of the sending state may request a determination for a provisional placement.

G. The public child-placing agency in the receiving state may request from the public child-placing agency or the private child-placing agency in the sending state, and shall be entitled to receive supporting or additional information necessary to complete the assessment.

ARTICLE VI. PLACEMENT AUTHORITY

A. Except as otherwise provided in this compact, no child subject to this compact shall be placed into a receiving state until approval for such placement is obtained.

B. If the public child-placing agency in the receiving state does not approve the proposed placement then the child shall not be placed. The receiving state shall provide written documentation of any such determination in accordance with the rules promulgated by the Interstate Commission. Such determination is not subject to judicial review in the sending state.

C. If the proposed placement is not approved, any interested party shall have standing to seek an administrative review of the receiving state's determination.

1. The administrative review and any further judicial review associated with the determination shall be conducted in the receiving state pursuant to its applicable administrative procedures.

2. If a determination not to approve the placement of the child in the receiving state is overturned upon review, the placement shall be deemed approved, provided however that all administrative or judicial remedies have been exhausted or the time for such remedies has passed.

ARTICLE VII. PLACING AGENCY RESPONSIBILITY

A. For the interstate placement of a child made by a public child-placing agency or state court:

1. The public child-placing agency in the sending state shall have financial responsibility for:

a. the ongoing support and maintenance for the child during the period of the placement, unless otherwise provided for in the receiving state; and

b. as determined by the public child-placing agency in the sending state, services for the child beyond the public services for which the child is eligible in the receiving state.

2. The receiving state shall only have financial responsibility for:

a. any assessment conducted by the receiving state; and

b. supervision conducted by the receiving state at the level necessary to support the placement as agreed upon by the public child-placing agencies of the receiving and sending state.

3. Nothing in this provision shall prohibit public child-placing agencies in the sending state from entering into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision.

B. For the placement of a child by a private child-placing agency preliminary to a possible adoption, the private child-placing agency shall be:

1. Legally responsible for the child during the period of placement as provided for in the law of the sending state until the finalization of the adoption.

2. Financially responsible for the child absent a contractual agreement to the contrary.

C. The public child-placing agency in the receiving state shall provide timely assessments, as provided for in the rules of the Interstate Commission.

D. The public child-placing agency in the receiving state shall provide, or arrange for the provision of, supervision and services for the child, including timely reports, during the period of the placement.

E. Nothing in this compact shall be construed as to limit the authority of the public child-placing agency in the receiving state from contracting with a licensed agency or person in the receiving state for an assessment or the provision of supervision or services for the child or otherwise authorizing the provision of supervision or services by a licensed agency during the period of placement.

F. Each member state shall provide for coordination among its branches of government concerning the state's participation in, and compliance with, the compact and Interstate Commission activities, through the creation of an advisory council or use of an existing body or board.

G. Each member state shall establish a central state compact office, which shall be responsible for state compliance with the compact and the rules of the Interstate Commission.

H. The public child-placing agency in the sending state shall oversee compliance with the provisions of the Indian Child Welfare Act (25 USC 1901 et seq.) for placements subject to the provisions of this compact, prior to placement.

I. With the consent of the Interstate Commission, states may enter into limited agreements that facilitate the timely assessment and provision of services and supervision of placements under this compact.

ARTICLE VIII. INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN

The member states hereby establish, by way of this compact, a commission known as the "Interstate Commission for the Placement of Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

A. Be a joint commission of the member states and shall have the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent concurrent action of the respective legislatures of the member states.

B. Consist of one commissioner from each member state who shall be appointed by the executive head of the state human services administration with ultimate responsibility for the child welfare program. The appointed commissioner shall have the legal authority to vote on policy related matters governed by this compact binding the state.

1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

2. A majority of the member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

3. A representative shall not delegate a vote to another member state.

4. A representative may delegate voting authority to another person from their state for a specified meeting.

C. In addition to the commissioners of each member state, the Interstate Commission shall include persons who are members of interested organizations as defined in the bylaws or rules of the Interstate Commission. Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate Commission.

D. Establish an executive committee which shall have the authority to administer the day-to-day operations and administration of the Interstate Commission. It shall not have the power to engage in rulemaking.

ARTICLE IX. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

A. To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact.

B. To provide for dispute resolution among member states.

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules or actions.

D. To enforce compliance with this compact or the bylaws or rules of the Interstate Commission pursuant to Article XII.

E. Collect standardized data concerning the interstate placement of children subject to this compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements.

F. To establish and maintain offices as may be necessary for the transacting of its business.

G. To purchase and maintain insurance and bonds.

H. To hire or contract for services of personnel or consultants as necessary to carry out its functions under the compact and establish personnel qualification policies, and rates of compensation.

I. To establish and appoint committees and officers including, but not limited to, an executive committee as required by Article X.

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose thereof.

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal, or mixed.

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.

M. To establish a budget and make expenditures.

N. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

O. To report annually to the legislatures, governors, the judiciary, and state advisory councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

P. To coordinate and provide education, training and public awareness regarding the interstate movement of children for officials involved in such activity.

Q. To maintain books and records in accordance with the bylaws of the Interstate Commission.

R. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

ARTICLE X. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. Bylaws

1. Within 12 months after the first Interstate Commission meeting, the Interstate Commission shall adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact.

2. The Interstate Commission's bylaws and rules shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

B. Meetings

1. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states shall call additional meetings.

2. Public notice shall be given by the Interstate Commission of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

a. relate solely to the Interstate Commission's internal personnel practices and procedures; or

b. disclose matters specifically exempted from disclosure by federal law; or

c. disclose financial or commercial information which is privileged, proprietary or confidential in nature; or

d. involve accusing a person of a crime, or formally censuring a person; or

e. disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy or physically endanger one or more persons; or

f. disclose investigative records compiled for law enforcement purposes; or

g. specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding.

3. For a meeting, or portion of a meeting, closed pursuant to this provision, the Interstate Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemption provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission or by court order.

4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or other electronic communication.

C. Officers and Staff

1. The Interstate Commission may, through its executive committee, appoint or retain a staff director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The staff director shall serve as secretary to the Interstate Commission, but shall not have a vote. The staff director may hire and supervise such other staff as may be authorized by the Interstate Commission.

2. The Interstate Commission shall elect, from among its members, a chairperson and a vice chairperson of the executive committee and other necessary officers, each of whom shall have such authority and duties as may be specified in the bylaws.

D. Qualified Immunity, Defense and Indemnification

1. The Interstate Commission's staff director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of such person.

a. The liability of the Interstate Commission's staff director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of such person.

b. The Interstate Commission shall defend the staff director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state shall defend the commissioner of a member state in a civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

c. To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XI. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

B. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedure acts as the Interstate Commission deems appropriate consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the U.S. Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Interstate Commission.

C. When promulgating a rule, the Interstate Commission shall, at a minimum:

1. Publish the proposed rule's entire text stating the reason(s) for that proposed rule; and
2. Allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available; and
3. Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

D. Rules promulgated by the Interstate Commission shall have the force and effect of administrative rules and shall be binding in the compacting states to the extent and in the manner provided for in this compact.

E. Not later than 60 days after a rule is promulgated, an interested person may file a petition in the U.S. District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside.

F. If a majority of the legislatures of the member states rejects a rule, those states may by enactment of a statute or resolution in the same manner used to adopt the compact cause that such rule shall have no further force and effect in any member state.

G. The existing rules governing the operation of the Interstate Compact on the Placement of Children superseded by this act shall be null and void no less than 12, but no more than 24 months after the first meeting of the Interstate Commission created hereunder, as determined by the members during the first meeting.

H. Within the first 12 months of operation, the Interstate Commission shall promulgate rules addressing the following:

1. Transition rules
2. Forms and procedures
3. Time lines
4. Data collection and reporting
5. Rulemaking
6. Visitation
7. Progress reports/supervision
8. Sharing of information/confidentiality
9. Financing of the Interstate Commission
10. Mediation, arbitration and dispute resolution
11. Education, training and technical assistance
12. Enforcement
13. Coordination with other interstate compacts

I. Upon determination by a majority of the members of the Interstate Commission that an emergency exists:

1. The Interstate Commission may promulgate an emergency rule only if it is required to:

- a. Protect the children covered by this compact from an imminent threat to their health, safety and well-being; or
- b. Prevent loss of federal or state funds; or
- c. Meet a deadline for the promulgation of an administrative rule required by federal law.

2. An emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.

3. An emergency rule shall be promulgated as provided for in the rules of the Interstate Commission.

ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT

A. Oversight

1. The Interstate Commission shall oversee the administration and operation of the compact.

2. The executive, legislative and judicial branches of state government in each member state shall enforce this compact and the rules of the Interstate Commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its rules shall be binding in the compacting states to the extent and in the manner provided for in this compact.

3. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact.

4. The Interstate Commission shall be entitled to receive service of process in any action in which the validity of a compact provision or rule is the issue for which a judicial determination has been sought and shall have standing to intervene in any proceedings. Failure to provide service of process to the Interstate Commission shall render any judgment, order or other determination, however so captioned or classified, void as to the Interstate Commission, this compact, its bylaws or rules of the Interstate Commission.

B. Dispute Resolution

1. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.

2. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among compacting states. The costs of such mediation or dispute resolution shall be the responsibility of the parties to the dispute.

C. Enforcement

1. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, its bylaws or rules, the Interstate Commission may:

a. Provide remedial training and specific technical assistance; or

b. Provide written notice to the defaulting state and other member states, of the nature of the default and the means of curing the default. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; or

c. By majority vote of the members, initiate against a defaulting member state legal action in the United State District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal office, to enforce compliance with the provisions of the compact, its bylaws or rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees; or

d. Avail itself of any other remedies available under state law or the regulation of official or professional conduct.

ARTICLE XIII. FINANCING OF THE COMMISSION

A. The Interstate Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved by its members each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission which shall promulgate a rule binding upon all member states.

C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XIV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 states. The effective date shall be the later of July 1, 2007 or upon enactment of the compact into law by the 35th state. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The executive heads of the state human services administration with ultimate responsibility for the child welfare program of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding on the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XV. WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a member state may withdraw from the compact specifically repealing the statute which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same. The effective date of withdrawal shall be the effective date of the repeal of the statute.

3. The withdrawing state shall immediately notify the president of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall then notify the other member states of the withdrawing state's intent to withdraw.

4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the members of the Interstate Commission.

B. Dissolution of Compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVI. SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the concurrent applicability of other interstate compacts to which the states are members.

ARTICLE XVII. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

B. Binding Effect of the Compact

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

2. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

ARTICLE XVIII. INDIAN TRIBES

Notwithstanding any other provision in this compact, the Interstate Commission may promulgate guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the compact as specified in Article I. The Interstate Commission shall make reasonable efforts to consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the various Indian tribes.

EFFECTIVE DATE. This section is effective upon legislative enactment of the compact into law by no less than 35 states. The commissioner of human services shall inform the Revisor of Statutes when this occurs.

Sec. 34. Minnesota Statutes 2006, section 260C.001, subdivision 2, is amended to read:

Subd. 2. **Child in need of protection services.** (a) The paramount consideration in all proceedings concerning a child alleged or found to be in need of protection or services is the health, safety, and best interests of the child. In proceedings involving an American Indian child, as defined in section 260.755, subdivision 8, the best interests of the child must be determined consistent with sections 260.751 to 260.835 and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923.

(b) The purpose of the laws relating to juvenile courts is:

(1) to secure for each child alleged or adjudicated in need of protection or services and under the jurisdiction of the court, the care and guidance, preferably in the child's own home, as will best serve the spiritual, emotional, mental, and physical welfare of the child;

(2) to provide judicial procedures which protect the welfare of the child;

(3) to preserve and strengthen the child's family ties whenever possible and in the child's best interests, removing the child from the custody of parents only when the child's welfare or safety cannot be adequately safeguarded without removal;

(4) to ensure that when removal from the child's own family is necessary and in the child's best interests, the responsible social services agency has legal responsibility for the child removal either:

(i) pursuant to a voluntary placement agreement between the child's parent or guardian and the responsible social services agency; or

(ii) by court order pursuant to section 260C.151, subdivision 6; 260C.178; or 260C.201;

(5) to ensure that, when placement is pursuant to court order, the court order removing the child or continuing the child in foster care contains an individualized determination that placement is in the best interests of the child that coincides with the actual removal of the child; and, ~~when removal from the child's own family is necessary and in the child's best interests,~~

(6) to ~~secure for~~ ensure that when the child is removed, the ~~child custody,~~ child's care and discipline is, as nearly as possible, equivalent to that which should have been given by the parents, ~~and is either in:~~

(i) the home of a noncustodial parent pursuant to section 260C.178 or 260C.201, subdivision 1, paragraph (a), clause (1);

(ii) the home of a relative pursuant to emergency placement by the responsible social services agency under chapter 245A; or

(iii) a foster home licensed under chapter 245A.

Sec. 35. Minnesota Statutes 2006, section 260C.007, subdivision 5, is amended to read:

Subd. 5. **Child abuse.** "Child abuse" means an act that involves a minor victim ~~and~~ that constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.2242, 609.322, 609.324, 609.342, 609.343, 609.344, 609.345, 609.377, 609.378, 617.246, or that is physical or sexual abuse as defined in section 626.556, subdivision 2, or an act committed in another state that involves a minor victim and would constitute a violation of one of these sections if committed in this state.

Sec. 36. Minnesota Statutes 2006, section 260C.007, subdivision 6, is amended to read:

Subd. 6. **Child in need of protection or services.** "Child in need of protection or services" means a child who is in need of protection or services because the child:

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

(2)(i) has been a victim of physical or sexual abuse as defined in section 626.556, subdivision 2, (ii) resides with or has resided with a victim of child abuse as defined in subdivision 5 or domestic child abuse as defined in subdivision ~~5~~ 13, (iii) resides with or would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child abuse as defined in subdivision 5, or (iv) is a victim of emotional maltreatment as defined in subdivision 8;

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

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

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

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane;

(6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody, including a child in placement according to voluntary release by the parent under section 260C.212, subdivision 8;

(7) has been placed for adoption or care in violation of law;

(8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;

(9) is one whose behavior, condition, or environment is such as to be injurious or dangerous to the child or others. An injurious or dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home;

(10) is experiencing growth delays, which may be referred to as failure to thrive, that have been diagnosed by a physician and are due to parental neglect;

(11) has engaged in prostitution as defined in section 609.321, subdivision 9;

(12) has committed a delinquent act or a juvenile petty offense before becoming ten years old;

(13) is a runaway;

(14) is a habitual truant; or

(15) has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense.

Sec. 37. Minnesota Statutes 2006, section 260C.007, subdivision 13, is amended to read:

Subd. 13. **Domestic child abuse.** "Domestic child abuse" means:

(1) any physical injury to a minor family or household member inflicted by an adult family or household member other than by accidental means; ~~or~~

(2) subsection of a minor family or household member by an adult family or household member to any act which constitutes a violation of sections 609.321 to 609.324, 609.342, 609.343, 609.344, 609.345, or 617.246; or

(3) physical or sexual abuse as defined in section 626.556, subdivision 2.

Sec. 38. Minnesota Statutes 2007 Supplement, section 260C.163, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) Except for hearings arising under section 260C.425, hearings on any matter shall be without a jury and may be conducted in an informal manner. In all adjudicatory proceedings involving a child alleged to be in need of protection or services, the court shall admit only evidence that would be admissible in a civil trial. To be proved at trial, allegations of a petition alleging a child to be in need of protection or services must be proved by clear and convincing evidence.

(b) Except for proceedings involving a child alleged to be in need of protection or services and petitions for the termination of parental rights, hearings may be continued or adjourned from time to time. In proceedings involving a child alleged to be in need of protection or services and petitions for the termination of parental rights, hearings may not be continued or adjourned for more than one week unless the court makes specific findings that the continuance or adjournment is in the best interests of the child. If a hearing is held on a petition involving physical or sexual abuse of a child who is alleged to be in need of protection or services or neglected and in foster care, the court shall file the decision with the court administrator as soon as possible but no later than 15 days after the matter is submitted to the court. When a continuance or adjournment is ordered in any proceeding, the court may make any interim orders as it deems in the best interests of the minor in accordance with the provisions of sections 260C.001 to 260C.421.

(c) ~~Except as otherwise provided in this paragraph, the court shall exclude the general public from hearings under this chapter and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court. Absent exceptional circumstances, hearings under this chapter are presumed to be accessible to the public, however the court may close any hearing and the records related to any matter as provided in the Minnesota Rules of Juvenile Protection Procedure.~~

(d) Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

(e) In any permanency hearing, including the transition of a child from foster care to independent living, the court shall ensure that any consult with the child is in an age-appropriate manner.

Sec. 39. Minnesota Statutes 2006, section 260C.171, subdivision 2, is amended to read:

Subd. 2. **Public inspection of records.** (a) ~~The following records from proceedings or portions of proceedings involving a child in need of protection or services that, permanency, or termination of parental rights are open accessible to the public as authorized by Supreme Court order and court rules are accessible to the public unless the court determines that access should be restricted because of the intensely personal nature of the information: the Minnesota Rules of Juvenile Protection Procedure.~~

~~(1) the summons and petition;~~

~~(2) affidavits of publication and service;~~

~~(3) certificates of representation;~~

~~(4) court orders;~~

~~(5) hearing and trial notices, witness lists, and subpoenas;~~

~~(6) motions and legal memoranda;~~

~~(7) exhibits introduced at hearings or trial that are not inaccessible under paragraph (b);~~

~~(8) birth records; and~~

~~(9) all other documents not listed as inaccessible to the public under paragraph (b).~~

~~(b) The following records are not accessible to the public under paragraph (a):~~

~~(1) written, audiotaped, or videotaped information from the social services agency, except to the extent the information appears in the petition, court orders, or other documents that are accessible under paragraph (a);~~

~~(2) child protection intake or screening notes;~~

~~(3) documents identifying reporters of maltreatment, unless the names and other identifying information are redacted;~~

~~(4) guardian ad litem reports;~~

~~(5) victim statements and addresses and telephone numbers;~~

~~(6) documents identifying nonparty witnesses under the age of 18, unless the names and other identifying information are redacted;~~

~~(7) transcripts of testimony taken during closed hearing;~~

~~(8) fingerprinting materials;~~

~~(9) psychological, psychiatric, and chemical dependency evaluations;~~

~~(10) presentence evaluations of juveniles and probation reports;~~

~~(11) medical records and test results;~~

~~(12) reports issued by sexual predator programs;~~

~~(13) diversion records of juveniles;~~

~~(14) any document which the court, upon its own motion or upon motion of a party, orders inaccessible to serve the best interests of the child; and~~

~~(15) any other records that are not accessible to the public under rules developed by the courts.~~

~~In addition, records that are accessible to the public under paragraph (a) become inaccessible to the public if one year has elapsed since either the proceeding was dismissed or the court's jurisdiction over the matter was terminated.~~

~~(e) Except as otherwise provided by this section, none of the records of the juvenile court and (b) None of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except by order of a court.~~

~~(d)~~ (c) The records of juvenile probation officers are records of the court for the purposes of this subdivision. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.

~~(e) When a judge of a juvenile court, or duly authorized agent of the court, determines under a proceeding under this chapter that a child has violated a state or local law, ordinance, or regulation pertaining to the operation of a motor vehicle on streets and highways, except parking violations, the judge or agent shall immediately report the violation to the commissioner of public safety. The report must be made on a form provided by the Department of Public Safety and must contain the information required under section 169.95.~~

Sec. 40. Minnesota Statutes 2006, section 260C.178, subdivision 1, is amended to read:

Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into custody under section 260C.175, subdivision 1, clause (a) or (b)(2), the court shall hold a hearing within 72 hours of the time the child was taken into custody, excluding Saturdays, Sundays, and holidays, to determine whether the child should continue in custody.

(b) Unless there is reason to believe that the child would endanger self or others, not return for a court hearing, run away from the child's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the child is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian, custodian, or other suitable person, subject to reasonable conditions of release including, but not limited to, a requirement that the child undergo a chemical use assessment as provided in section 260C.157, subdivision 1.

(c) If the court determines there is reason to believe that the child would endanger self or others; not return for a court hearing; run away from the child's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the child is released; or that the child's health or welfare would be immediately endangered if returned to the care of the parent or guardian who has custody and from whom the child was removed, the court shall order the child into foster care under the legal responsibility of the responsible social services agency or responsible probation or corrections agency for the purposes of protective care as that term is used in the juvenile court rules—or into the home of a noncustodial parent and order the noncustodial parent to comply with any conditions the court determines to be appropriate to the safety and care of the child, including cooperating with paternity establishment proceedings in the case of a man who has not been adjudicated the child's father. The court shall not give the responsible social services legal custody and order a trial home visit at any time prior to adjudication and disposition under section 260C.201, subdivision 1, paragraph (a), clause (3), but may order the child returned to the care of the parent or guardian who has custody and from whom the child was removed and order the parent or guardian to comply with any conditions the court determines to be appropriate to meet the safety, health, and welfare of the child.

(d) In determining whether the child's health or welfare would be immediately endangered, the court shall consider whether the child would reside with a perpetrator of domestic child abuse.

~~(e)~~ (e) The court, before determining whether a child should be placed in or continue in foster care under the protective care of the responsible agency, shall also make a determination, consistent with section 260.012 as to whether reasonable efforts were made to prevent placement or whether reasonable efforts to prevent placement are not required. In the case of an Indian child, the court shall determine whether active efforts, according to the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(d), were made to prevent placement. The court shall enter a finding that the responsible social services agency has made reasonable efforts to prevent placement when the agency establishes either:

(1) that it has actually provided services or made efforts in an attempt to prevent the child's removal but that such services or efforts have not proven sufficient to permit the child to safely remain in the home; or

(2) that there are no services or other efforts that could be made at the time of the hearing that could safely permit the child to remain home or to return home. When reasonable efforts to prevent placement are required and there are services or other efforts that could be ordered which would permit the child to safely return home, the court shall order the child returned to the care of the parent or guardian and the services or efforts put in place to ensure the child's safety. When the court makes a prima facie determination that one of the circumstances under paragraph ~~(e)~~ (g) exists, the court shall determine that reasonable efforts to prevent placement and to return the child to the care of the parent or guardian are not required.

If the court finds the social services agency's preventive or reunification efforts have not been reasonable but further preventive or reunification efforts could not permit the child to safely remain at home, the court may nevertheless authorize or continue the removal of the child.

~~(f)~~ (f) The court may not order or continue the foster care placement of the child unless the court makes explicit, individualized findings that continued custody of the child by the parent or guardian would be contrary to the welfare of the child and that placement is in the best interest of the child.

~~(e)~~ (g) At the emergency removal hearing, or at any time during the course of the proceeding, and upon notice and request of the county attorney, the court shall determine whether a petition has been filed stating a prima facie case that:

(1) the parent has subjected a child to egregious harm as defined in section 260C.007, subdivision 14;

(2) the parental rights of the parent to another child have been involuntarily terminated;

(3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph (a), clause (2);

(4) the parents' custodial rights to another child have been involuntarily transferred to a relative under section 260C.201, subdivision 11, paragraph (e), clause (1), or a similar law of another jurisdiction; or

(5) the provision of services or further services for the purpose of reunification is futile and therefore unreasonable.

~~(f)~~ (h) When a petition to terminate parental rights is required under section 260C.301, subdivision 3 or 4, but the county attorney has determined not to proceed with a termination of parental rights petition, and has instead filed a petition to transfer permanent legal and physical custody to a relative under section 260C.201, subdivision 11, the court shall schedule a permanency hearing within 30 days of the filing of the petition.

~~(g)~~ (i) If the county attorney has filed a petition under section 260C.307, the court shall schedule a trial under section 260C.163 within 90 days of the filing of the petition except when the county attorney determines that the criminal case shall proceed to trial first under section 260C.201, subdivision 3.

~~(h)~~ (j) If the court determines the child should be ordered into foster care and the child's parent refuses to give information to the responsible social services agency regarding the child's father or relatives of the child, the court may order the parent to disclose the names, addresses, telephone numbers, and other identifying information to the responsible social services agency for the purpose of complying with the requirements of sections 260C.151, 260C.212, and 260C.215.

~~(i)~~ (k) If a child ordered into foster care has siblings, whether full, half, or step, who are also ordered into foster care, the court shall inquire of the responsible social services agency of the efforts to place the children together as required by section 260C.212, subdivision 2, paragraph (d), if placement together is in each child's best interests, unless a child is in placement due solely to the child's own behavior or a child is placed with a previously noncustodial parent who is not parent to all siblings. If the children are not placed together at the time of the hearing, the court shall inquire at each subsequent hearing of the agency's efforts to place the siblings together. If any sibling is not placed with another sibling or siblings, the agency must develop a plan for visitation among the siblings as required under section 260C.212, subdivision 1.

Sec. 41. Minnesota Statutes 2007 Supplement, section 260C.209, subdivision 1, is amended to read:

Subdivision 1. **Subjects.** The responsible social services agency ~~must initiate a background study to be completed by the commissioner under chapter 245C~~ may have access to the criminal history and history of child and adult maltreatment on the following individuals:

(1) a noncustodial parent or nonadjudicated parent who is being assessed for purposes of providing day-to-day care of a child temporarily or permanently under section 260C.212, subdivision 4, and any member of the parent's household who is over the age of 13 when there is a reasonable cause to believe that the parent or household member over age 13 has a criminal history or a history of maltreatment of a child or vulnerable adult which would endanger the child's health, safety, or welfare;

(2) an individual whose suitability for relative placement under section 260C.212, subdivision 5, is being determined and any member of the relative's household who is over the age of 13 when:

(i) the relative must be licensed for foster care; or

(ii) the background study is required under section 259.53, subdivision 2; or

(iii) the agency or the commissioner has reasonable cause to believe the relative or household member over the age of 13 has a criminal history which would not make transfer of permanent legal and physical custody to the relative under section 260C.201, subdivision 11, in the child's best interest; and

(3) a parent, following an out-of-home placement, when the responsible social services agency has reasonable cause to believe that the parent has been convicted of a crime directly related to the parent's capacity to maintain the child's health, safety, or welfare or the parent is the subject of an open investigation of, or has been the subject of a substantiated allegation of, child or vulnerable-adult maltreatment within the past ten years.

"Reasonable cause" means that the agency has received information or a report from the subject or a third person that creates an articulable suspicion that the individual has a history that may pose a risk to the health, safety, or welfare of the child. The information or report must be specific to the potential subject of the background check and shall not be based on the race, religion, ethnic background, age, class, or lifestyle of the potential subject.

Sec. 42. Minnesota Statutes 2007 Supplement, section 260C.209, subdivision 2, is amended to read:

Subd. 2. **General procedures.** (a) When ~~initiating a background check~~ accessing information under subdivision 1, the agency shall require the individual being assessed to provide sufficient information to ensure an accurate assessment under this section, including:

(1) the individual's first, middle, and last name and all other names by which the individual has been known;

(2) home address, zip code, city, county, and state of residence for the past five years;

(3) sex;

(4) date of birth; and

(5) driver's license number or state identification number.

(b) When notified by the ~~commissioner or the~~ responsible social services agency that it is ~~conducting an assessment under this section~~ accessing information under subdivision 1, the Bureau of Criminal Apprehension, commissioners of health and human services, law enforcement, and county agencies must provide ~~the commissioner or the~~ responsible social services agency or county attorney with the following information on the individual being assessed: criminal history data, local law enforcement data about the household, reports about the maltreatment of adults substantiated under section 626.557, and reports of maltreatment of minors substantiated under section 626.556.

Sec. 43. Minnesota Statutes 2007 Supplement, section 260C.209, is amended by adding a subdivision to read:

Subd. 5. **Assessment for emergency relative placement.** The responsible social services agency may obtain household members' criminal history and the history of maltreatment of a child or adult and use the history to assess whether putting the child in the household would endanger the child's health, safety, or welfare and to assess the suitability of a relative prior to an emergency placement. This assessment does not substitute for the background study required under chapter 245C and does not supersede requirements related to emergency placement under section 245A.035.

Sec. 44. Minnesota Statutes 2007 Supplement, section 260C.212, subdivision 4, is amended to read:

Subd. 4. **Responsible social service agency's duties for children in placement.** (a) When a child is in placement, the responsible social services agency shall make diligent efforts to identify, locate, and, where appropriate, offer services to both parents of the child.

(1) The responsible social services agency shall assess whether a noncustodial or nonadjudicated parent is willing and capable of providing for the day-to-day care of the child temporarily or permanently. An assessment under this clause may include, but is not limited to, obtaining information under section 260C.209. If after assessment, the responsible social services agency determines that a noncustodial or nonadjudicated parent is willing and capable of providing day-to-day care of the child, the responsible social services agency may seek authority from the custodial parent or the court to have that parent assume day-to-day care of the child. If a parent is not an adjudicated parent, the responsible social services agency shall require the nonadjudicated parent to cooperate with paternity establishment procedures as part of the case plan.

(2) If, after assessment, the responsible social services agency determines that the child cannot be in the day-to-day care of either parent, the agency shall:

(i) prepare an out-of-home placement plan addressing the conditions that each parent must meet before the child can be in that parent's day-to-day care; and

(ii) provide a parent who is the subject of a background study under section 260C.209 15 days' notice that it intends to use the study to recommend against putting the child with that parent, as well as the notice provided in section 260C.209, subdivision 4, and the court shall afford the parent an opportunity to be heard concerning the study.

The results of a background study of a noncustodial parent shall not be used by the agency to determine that the parent is incapable of providing day-to-day care of the child unless the agency reasonably believes that placement of the child into the home of that parent would endanger the child's health, safety, or welfare.

(3) If, after the provision of services following an out-of-home placement plan under this section, the child cannot return to the care of the parent from whom the child was removed or who had legal custody at the time the child was placed in foster care, the agency may petition on behalf of a noncustodial parent to establish legal custody with that parent under section 260C.201, subdivision 11. If paternity has not already been established, it may be established in the same proceeding in the manner provided for under chapter 257.

(4) The responsible social services agency may be relieved of the requirement to locate and offer services to both parents by the juvenile court upon a finding of good cause after the filing of a petition under section 260C.141.

(b) The responsible social services agency shall give notice to the parent or parents or guardian of each child in a residential facility, other than a child in placement due solely to that child's developmental disability or emotional disturbance, of the following information:

(1) that residential care of the child may result in termination of parental rights or an order permanently placing the child out of the custody of the parent, but only after notice and a hearing as required under chapter 260C and the juvenile court rules;

(2) time limits on the length of placement and of reunification services, including the date on which the child is expected to be returned to and safely maintained in the home of the parent or parents or placed for adoption or otherwise permanently removed from the care of the parent by court order;

- (3) the nature of the services available to the parent;
 - (4) the consequences to the parent and the child if the parent fails or is unable to use services to correct the circumstances that led to the child's placement;
 - (5) the first consideration for placement with relatives;
 - (6) the benefit to the child in getting the child out of residential care as soon as possible, preferably by returning the child home, but if that is not possible, through a permanent legal placement of the child away from the parent;
 - (7) when safe for the child, the benefits to the child and the parent of maintaining visitation with the child as soon as possible in the course of the case and, in any event, according to the visitation plan under this section; and
 - (8) the financial responsibilities and obligations, if any, of the parent or parents for the support of the child during the period the child is in the residential facility.
- (c) The responsible social services agency shall inform a parent considering voluntary placement of a child who is not developmentally disabled or emotionally disturbed of the following information:
- (1) the parent and the child each has a right to separate legal counsel before signing a voluntary placement agreement, but not to counsel appointed at public expense;
 - (2) the parent is not required to agree to the voluntary placement, and a parent who enters a voluntary placement agreement may at any time request that the agency return the child. If the parent so requests, the child must be returned within 24 hours of the receipt of the request;
 - (3) evidence gathered during the time the child is voluntarily placed may be used at a later time as the basis for a petition alleging that the child is in need of protection or services or as the basis for a petition seeking termination of parental rights or other permanent placement of the child away from the parent;
 - (4) if the responsible social services agency files a petition alleging that the child is in need of protection or services or a petition seeking the termination of parental rights or other permanent placement of the child away from the parent, the parent would have the right to appointment of separate legal counsel and the child would have a right to the appointment of counsel and a guardian ad litem as provided by law, and that counsel will be appointed at public expense if they are unable to afford counsel; and
 - (5) the timelines and procedures for review of voluntary placements under subdivision 3, and the effect the time spent in voluntary placement on the scheduling of a permanent placement determination hearing under section 260C.201, subdivision 11.
- (d) When an agency accepts a child for placement, the agency shall determine whether the child has had a physical examination by or under the direction of a licensed physician within the 12 months immediately preceding the date when the child came into the agency's care. If there is documentation that the child has had an examination within the last 12 months, the agency is responsible for seeing that the child has another physical examination within one year of the documented examination and annually in subsequent years. If the agency determines that the child has not had a physical examination within the 12 months immediately preceding placement, the agency shall ensure that the child has an examination within 30 days of coming into the agency's care and once a year in subsequent years.

(e) Whether under state guardianship or not, if a child leaves foster care by reason of having attained the age of majority under state law, the child must be given at no cost a copy of the child's ~~health~~ social and medical history, as defined in section 259.43, and education report.

Sec. 45. Minnesota Statutes 2006, section 260C.212, is amended by adding a subdivision to read:

Subd. 4a. **Monthly caseworker visits with children in foster care.** (a) Every child in foster care or on a trial home visit shall be visited by the child's caseworker on a monthly basis, with the majority of visits occurring in the child's residence. For the purposes of this section, the following definitions apply:

(1) "visit" is defined as a face-to-face contact between a child and the child's caseworker;

(2) "visited on a monthly basis" is defined as at least one visit per calendar month;

(3) "the child's caseworker" is defined as the person who has responsibility for managing the child's foster care placement case as assigned by the responsible social service agency; and

(4) "the child's residence" is defined as the home where the child is residing, and can include the foster home, child care institution, or the home from which the child was removed if the child is on a trial home visit.

(b) Caseworker visits shall be of sufficient substance and duration to address issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the child.

Sec. 46. Minnesota Statutes 2006, section 260C.212, subdivision 7, is amended to read:

Subd. 7. **Administrative or court review of placements.** (a) There shall be an administrative review of the out-of-home placement plan of each child placed in ~~a residential facility~~ foster care no later than 180 days after the initial placement of the child in ~~a residential facility~~ foster care and at least every six months thereafter if the child is not returned to the home of the parent or parents within that time. The out-of-home placement plan must be monitored and updated at each administrative review. The administrative review shall be conducted by the responsible social services agency using a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review. The administrative review shall be open to participation by the parent or guardian of the child and the child, as appropriate.

(b) As an alternative to the administrative review required in paragraph (a), ~~the social services agency responsible for the placement may bring a petition as provided in section 260C.141, subdivision 2, to the court for review of the foster care to determine if placement is in the best interests of the child. This petition must be brought to the court in order for a court determination to be made regarding the best interests of the child within the applicable six months and is not in lieu of the requirements contained in subdivision 3 or 4.~~ may, as part of any hearing required under the Minnesota Rules of Juvenile Protection Procedure, conduct a hearing to monitor and update the out-of-home placement plan pursuant to the procedure and standard in section 260C.201, subdivision 6, paragraph (d). The party requesting review of the out-of-home placement plan shall give parties to the proceeding notice of the request to review and update the out-of-home placement plan. A court review conducted pursuant to section 260C.193; 260C.201, subdivision 1 or 11, or section; 260C.141, subdivision 2, or 2a, clause (2); or 260C.317 shall satisfy the requirement for ~~an administrative~~ the review so long as the other requirements of this section are met.

~~(b) (c) At the review required under paragraph (a), the reviewing administrative body~~ As appropriate to the stage of the proceedings and relevant court orders, the responsible social services agency or the court shall review:

- (1) the safety, permanency needs, and well-being of the child;
- (2) the continuing necessity for and appropriateness of the placement;
- (3) the extent of compliance with the out-of-home placement plan;
- ~~(4) where appropriate,~~ the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in a residential facility foster care;
- ~~(5) where appropriate,~~ the projected date by which the child may be returned to and safely maintained in the home or placed permanently away from the care of the parent or parents or guardian; and
- (6) the appropriateness of the services provided to the child.

(d) When a child is age 16 or older, in addition to any administrative review conducted by the agency, at the review required under section 260C.201, subdivision 11, paragraph (d), clause (3), unit (iii); or 260C.317, subdivision 3, clause (3), the court shall review the independent living plan required under subdivision 1, paragraph (c), clause (8), and the provision of services to the child related to the well-being of the child as the child prepares to leave foster care. The review shall include the actual plans related to each item in the plan necessary to the child's future safety and well-being when the child is no longer in foster care.

(1) At the court review, the responsible social services agency shall establish that it has given the notice required under Minnesota Rules, part 9560.0060, regarding the right to continued access to services for certain children in foster care past age 18 and of the right to appeal a denial of social services under section 256.245. If the agency is unable to establish that the notice, including the right to appeal a denial of social services, has been given, the court shall require the agency to give it.

(2) If the plan is for the child to leave foster care at age 18, the court shall make findings regarding the child's progress toward or accomplishment of the following goals:

- (i) the child has obtained a high school diploma or its equivalent;
- (ii) the child has completed a driver's education course or has demonstrated the ability to use public transportation in the child's community;
- (iii) the child is employed or enrolled in postsecondary education;
- (iv) the child has applied for and obtained postsecondary education financial aid for which the child is eligible;
- (v) the child has health care coverage and health care providers to meet the child's physical and mental health needs;
- (vi) the child has applied for and obtained disability income assistance for which the child is eligible;
- (vii) the child has obtained affordable housing with necessary supports, which does not include a homeless shelter;
- (viii) the child has saved sufficient funds to pay for the first month's rent and a damage deposit;

(ix) the child has an alternative affordable housing plan, which does not include a homeless shelter, if the original housing plan is unworkable;

(x) the child, if male, has registered for the Selective Service; and

(xi) the child has a permanent connection to a caring adult.

The child in conjunction with the placement provider and the responsible social services agency shall work to complete the goals of the living plan.

(3) The court shall ensure that the responsible agency assists the child in obtaining the following documents prior to the child's leaving foster care: a Social Security card; the child's birth certificate; a state identification card or driver's license, green card, or school visa; the child's school, medical, and dental records; a contact list of the child's medical, dental, and mental health providers; and contact information for the child's siblings, if the siblings are in foster care.

Sec. 47. Minnesota Statutes 2006, section 260C.325, subdivision 1, is amended to read:

Subdivision 1. **Transfer of custody.** (a) If the court terminates parental rights of both parents or of the only known living parent, the court shall order the guardianship and the legal custody of the child transferred to:

~~(a)~~ (1) the commissioner of human services; or

~~(b)~~ (2) a licensed child-placing agency; or

~~(c)~~ (3) an individual who is willing and capable of assuming the appropriate duties and responsibilities to the child.

(b) The court shall order transfer of guardianship and legal custody of a child to the commissioner of human services only when the responsible county social services agency had legal responsibility for planning for the permanent placement of the child and the child was in foster care under the legal responsibility of the responsible county social services agency at the time the court orders guardianship and legal custody transferred to the commissioner.

Sec. 48. Minnesota Statutes 2006, section 260C.325, subdivision 3, is amended to read:

Subd. 3. **Both parents deceased.** (a) If upon petition to the juvenile court by a reputable person, including but not limited to an agent of the commissioner of human services, and upon hearing in the manner provided in section 260C.163, the court finds that both parents or the only known legal parent are or is deceased and no appointment has been made or petition for appointment filed pursuant to sections 524.5-201 to 524.5-317, the court shall order the guardianship and legal custody of the child transferred to:

~~(a)~~ (1) the commissioner of human services;

~~(b)~~ (2) a licensed child-placing agency; or

~~(c)~~ (3) an individual who is willing and capable of assuming the appropriate duties and responsibilities to the child.

(b) The court shall order transfer of guardianship and legal custody of a child to the commissioner of human services only if there is no individual who is willing and capable of assuming the appropriate duties and responsibilities to the child.

Sec. 49. Minnesota Statutes 2006, section 524.2-114, is amended to read:

524.2-114 MEANING OF CHILD AND RELATED TERMS.

If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person:

(1) An adopted person child is the child of an adopting parent and not of the birth parents except that adoption of a child by the spouse of a birth parent has no effect on the relationship between the child and that birth parent. If a parent dies and a child is subsequently adopted by a stepparent who is the spouse of a surviving parent, any rights of inheritance of the child or the child's descendant from or through the deceased parent of the child which exist at the time of the death of that parent shall not be affected by the adoption.

(2) In cases not covered by clause (1), a person is the child of the person's parents regardless of the marital status of the parents and the parent and child relationship may be established under the Parentage Act, sections 257.51 to 257.74.

Sec. 50. Minnesota Statutes 2006, section 626.556, subdivision 7, is amended to read:

Subd. 7. **Report.** An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required under subdivision 3 to report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the appropriate police department, the county sheriff, the agency responsible for assessing or investigating the report, or the local welfare agency, unless the appropriate agency has informed the reporter that the oral information does not constitute a report under subdivision 10. The local welfare agency shall determine if the report is accepted for an assessment or investigation as soon as possible but in no event longer than 24 hours after the report is received. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter. If requested, the local welfare agency or the agency responsible for assessing or investigating the report shall inform the reporter within ten days after the report is made, either orally or in writing, whether the report was accepted for assessment or investigation. Written reports received by a police department or the county sheriff shall be forwarded immediately to the local welfare agency or the agency responsible for assessing or investigating the report. The police department or the county sheriff may keep copies of reports received by them. Copies of written reports received by a local welfare department or the agency responsible for assessing or investigating the report shall be forwarded immediately to the local police department or the county sheriff.

A written copy of a report maintained by personnel of agencies, other than welfare or law enforcement agencies, which are subject to chapter 13 shall be confidential. An individual subject of the report may obtain access to the original report as provided by subdivision 11.

Sec. 51. Minnesota Statutes 2007 Supplement, section 626.556, subdivision 10a, is amended to read:

Subd. 10a. **Law enforcement agency responsibility for investigation; welfare agency reliance on law enforcement fact-finding; welfare agency offer of services.** (a) If the report alleges neglect, physical abuse, or sexual abuse by a person who is not a parent, guardian, sibling, person responsible for the child's care functioning within the family unit, or a person who lives in the child's household and who has a significant relationship to the child, in a setting other than a facility as defined in subdivision 2, the local welfare agency shall immediately notify the appropriate law enforcement agency, which shall conduct an investigation of the alleged abuse or neglect if a violation of a criminal statute is alleged.

(b) The local agency may rely on the fact-finding efforts of the law enforcement investigation conducted under this subdivision to make a determination whether or not threatened ~~harm~~ injury or other maltreatment has occurred under subdivision 2 if an alleged offender has minor children or lives with minors.

(c) The local welfare agency shall offer appropriate social services for the purpose of safeguarding and enhancing the welfare of the abused or neglected minor.

Sec. 52. **REVISOR'S INSTRUCTION.**

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>259.67</u>	<u>260.851, article 5</u>	<u>260.853, article 4</u>
<u>256B.094</u>	<u>260.851</u>	<u>260.853</u>

EFFECTIVE DATE. This section is effective upon legislative enactment of the interstate compact in section 25 by no less than 35 states.

Sec. 53. **REPEALER.**

(a) Minnesota Statutes 2006, section 260.851, is repealed effective upon legislative enactment of the interstate compact in section 25 by no less than 35 states. The commissioner of human services shall inform the revisor of statutes when this occurs.

(b) Minnesota Statutes 2006, sections 260B.241; and 260C.207, are repealed.

(c) Minnesota Rules, part 9560.0092, is repealed.

ARTICLE 2

DATA PRIVACY

Section 1. Minnesota Statutes 2006, section 13.02, subdivision 3a, is amended to read:

Subd. 3a. **Criminal justice agencies.** "Criminal justice agencies" means all state and local prosecution authorities, all state and local law enforcement agencies, the Sentencing Guidelines Commission, the Bureau of Criminal Apprehension, the Department of Corrections, and all probation officers who are not part of the judiciary, and fraud and crime investigation units operated or supervised by the Department of Human Services.

Sec. 2. Minnesota Statutes 2006, section 13.46, is amended by adding a subdivision to read:

Subd. 12. **Child care resource and referral programs.** This subdivision applies to data collected by child care resource and referral programs under section 119B.19. Data collected under section 119B.19 is not licensing data under subdivision 4. Data on unlicensed family child care providers is data on individuals governed by subdivision 2. In addition to the disclosures authorized by this section, the names and addresses of unlicensed family child care providers may be disclosed to the commissioner of education for purposes of promoting and evaluating school readiness.

Sec. 3. Minnesota Statutes 2006, section 13.46, is amended by adding a subdivision to read:

Subd. 13. **Family, friend, and neighbor grant program.** This subdivision applies to data collected by family, friend, and neighbor (FFN) grantees under section 119B.232. Data collected under section 119B.232 is data on individuals governed by subdivision 2. The commissioner may disclose private data collected under this section to early childhood care and education experts at the University of Minnesota to evaluate the impact of the grants under subdivision 2 on children's school readiness and to evaluate the FFN grant program. The commissioner may disclose the names and addresses of FFN caregivers to the commissioner of education for purposes of promoting and evaluating school readiness.

Sec. 4. Minnesota Statutes 2006, section 13.82, subdivision 1, is amended to read:

Subdivision 1. **Application.** This section shall apply to agencies which carry on a law enforcement function, including but not limited to municipal police departments, county sheriff departments, fire departments, the Bureau of Criminal Apprehension, the Minnesota State Patrol, the Board of Peace Officer Standards and Training, the Department of Commerce, and ~~the program integrity section of, and county human service agency client and provider fraud prevention and control~~ crime investigation units operated or supervised by the Department of Human Services.

Sec. 5. Minnesota Statutes 2006, section 246.13, subdivision 2, is amended to read:

Subd. 2. **Definitions; risk assessment and management.** (a) As used in this section:

(1) "appropriate and necessary medical and other records" includes patient medical records and other protected health information as defined by Code of Federal Regulations, title 45, section 164.501, relating to a patient in a state-operated services facility including, but not limited to, the patient's treatment plan and abuse prevention plan that is pertinent to the patient's ongoing care, treatment, or placement in a community-based treatment facility or a health care facility that is not operated by state-operated services, and includes information describing the level of risk posed by a patient when the patient enters the facility;

(2) "community-based treatment" means the community support services listed in section 253B.02, subdivision 4b;

(3) "criminal history data" means those data maintained or used by the Departments of Corrections and Public Safety and by the supervisory authorities listed in section 13.84, subdivision 1, that relate to an individual's criminal history or propensity for violence, including data in the Corrections Offender Management System (COMS) and Statewide Supervision System (S3) maintained by the Department of Corrections; the Criminal Justice Information System (CJIS) and the Predatory Offender Registration (POR) system maintained by the Department of Public Safety; and the CriMNet system;

(4) "designated agency" means the agency defined in section 253B.02, subdivision 5;

(5) "law enforcement agency" means the law enforcement agency having primary jurisdiction over the location where the offender expects to reside upon release;

(6) "predatory offender" and "offender" mean a person who is required to register as a predatory offender under section 243.166; and

(7) "treatment facility" means a facility as defined in section 253B.02, subdivision 19.

(b) To promote public safety and for the purposes and subject to the requirements of this paragraph, the commissioner or the commissioner's designee shall have access to, and may review and disclose, medical and criminal history data as provided by this section, as necessary to comply with Minnesota Rules, part 1205.0400:

(1) to determine whether a patient is required under state law to register as a predatory offender according to section 243.166;

(2) to facilitate and expedite the responsibilities of the special review board and end-of-confinement review committees by corrections institutions and state treatment facilities;

(3) to prepare, amend, or revise the abuse prevention plans required under section 626.557, subdivision 14, and individual patient treatment plans required under section 253B.03, subdivision 7;

(4) to facilitate the custody, supervision, and transport of individuals transferred between the Department of Corrections and the Department of Human Services; or

(5) to effectively monitor and supervise individuals who are under the authority of the Department of Corrections, the Department of Human Services, and the supervisory authorities listed in section 13.84, subdivision 1, including to investigate suspected fraudulent or criminal activity; or violations of conditions of probation, supervised release, or conditional release.

(c) The state-operated services treatment facility must make a good faith effort to obtain written authorization from the patient before releasing information from the patient's medical record.

(d) If the patient refuses or is unable to give informed consent to authorize the release of information required above, the chief executive officer for state-operated services shall provide the appropriate and necessary medical and other records. The chief executive officer shall comply with the minimum necessary requirements.

(e) The commissioner may have access to the National Crime Information Center (NCIC) database, through the Department of Public Safety, in support of the law enforcement functions described in paragraph (b).

Sec. 6. Minnesota Statutes 2007 Supplement, section 256.01, subdivision 2, is amended to read:

Subd. 2. **Specific powers.** Subject to the provisions of section 241.021, subdivision 2, the commissioner of human services shall carry out the specific duties in paragraphs (a) through (cc):

(a) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as are vested in the commissioner. Administration and supervision of human services activities or services includes, but is not limited to, assuring timely and accurate distribution of benefits, completeness of service, and quality program management. In addition to administering and supervising human services activities vested by law in the department, the commissioner shall have the authority to:

(1) require county agency participation in training and technical assistance programs to promote compliance with statutes, rules, federal laws, regulations, and policies governing human services;

(2) monitor, on an ongoing basis, the performance of county agencies in the operation and administration of human services, enforce compliance with statutes, rules, federal laws, regulations, and policies governing welfare services and promote excellence of administration and program operation;

(3) develop a quality control program or other monitoring program to review county performance and accuracy of benefit determinations;

(4) require county agencies to make an adjustment to the public assistance benefits issued to any individual consistent with federal law and regulation and state law and rule and to issue or recover benefits as appropriate;

(5) delay or deny payment of all or part of the state and federal share of benefits and administrative reimbursement according to the procedures set forth in section 256.017;

(6) make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals, using appropriated funds; and

(7) enter into contractual agreements with federally recognized Indian tribes with a reservation in Minnesota to the extent necessary for the tribe to operate a federally approved family assistance program or any other program under the supervision of the commissioner. The commissioner shall consult with the affected county or counties in the contractual agreement negotiations, if the county or counties wish to be included, in order to avoid the duplication of county and tribal assistance program services. The commissioner may establish necessary accounts for the purposes of receiving and disbursing funds as necessary for the operation of the programs.

(b) Inform county agencies, on a timely basis, of changes in statute, rule, federal law, regulation, and policy necessary to county agency administration of the programs.

(c) Administer and supervise all child welfare activities; promote the enforcement of laws protecting disabled, dependent, neglected and delinquent children, and children born to mothers who were not married to the children's fathers at the times of the conception nor at the births of the children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the State Board of Control.

(d) Administer and supervise all noninstitutional service to disabled persons, including those who are visually impaired, hearing impaired, or physically impaired or otherwise disabled. The commissioner may provide and contract for the care and treatment of qualified indigent children in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(e) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, chapter 431.

(f) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, chapter 431, and including the promulgation of rules making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(g) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

(h) Act as designated guardian of both the estate and the person of all the wards of the state of Minnesota, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as developmentally disabled. For children under the guardianship of the commissioner or a tribe in Minnesota recognized by the Secretary of the Interior whose interests would be best served by adoptive placement, the commissioner may contract with a licensed child-placing agency or a Minnesota tribal social services agency to provide adoption services. A contract with a licensed child-placing agency must be designed to

supplement existing county efforts and may not replace existing county programs or tribal social services, unless the replacement is agreed to by the county board and the appropriate exclusive bargaining representative, tribal governing body, or the commissioner has evidence that child placements of the county continue to be substantially below that of other counties. Funds encumbered and obligated under an agreement for a specific child shall remain available until the terms of the agreement are fulfilled or the agreement is terminated.

(i) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(j) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(k) Establish county, regional, or statewide schedules of maximum fees and charges which may be paid by county agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

(l) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of human services is authorized to waive the enforcement of existing specific statutory program requirements, rules, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed four years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(1) the secretary of health and human services of the United States has agreed, for the same project, to waive state plan requirements relative to statewide uniformity; and

(2) a comprehensive plan, including estimated project costs, shall be approved by the Legislative Advisory Commission and filed with the commissioner of administration.

(m) According to federal requirements, establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

(n) Allocate federal fiscal disallowances or sanctions which are based on quality control error rates for the aid to families with dependent children program formerly codified in sections 256.72 to 256.87, medical assistance, or food stamp program in the following manner:

(1) one-half of the total amount of the disallowance shall be borne by the county boards responsible for administering the programs. For the medical assistance and the AFDC program formerly codified in sections 256.72 to 256.87, disallowances shall be shared by each county board in the same proportion as that county's expenditures for the sanctioned program are to the total of all counties' expenditures for the AFDC program formerly codified in sections 256.72 to 256.87, and medical assistance programs. For the food stamp program, sanctions shall be shared by each county board, with 50 percent of the sanction being distributed to each county in the same proportion as that county's administrative costs for food stamps are to the total of all food stamp administrative costs for all counties, and 50 percent of the sanctions being distributed to each county in the same proportion as that county's value of food stamp benefits issued are to the total of all benefits issued for all counties. Each county shall pay its share of the disallowance to the state of Minnesota. When a county fails to pay the amount due hereunder, the commissioner may deduct the amount from reimbursement otherwise due the county, or the attorney general, upon the request of the commissioner, may institute civil action to recover the amount due; and

(2) notwithstanding the provisions of clause (1), if the disallowance results from knowing noncompliance by one or more counties with a specific program instruction, and that knowing noncompliance is a matter of official county board record, the commissioner may require payment or recover from the county or counties, in the manner prescribed in clause (1), an amount equal to the portion of the total disallowance which resulted from the noncompliance, and may distribute the balance of the disallowance according to clause (1).

(o) Develop and implement special projects that maximize reimbursements and result in the recovery of money to the state. For the purpose of recovering state money, the commissioner may enter into contracts with third parties. Any recoveries that result from projects or contracts entered into under this paragraph shall be deposited in the state treasury and credited to a special account until the balance in the account reaches \$1,000,000. When the balance in the account exceeds \$1,000,000, the excess shall be transferred and credited to the general fund. All money in the account is appropriated to the commissioner for the purposes of this paragraph.

(p) Have the authority to make direct payments to facilities providing shelter to women and their children according to section 256D.05, subdivision 3. Upon the written request of a shelter facility that has been denied payments under section 256D.05, subdivision 3, the commissioner shall review all relevant evidence and make a determination within 30 days of the request for review regarding issuance of direct payments to the shelter facility. Failure to act within 30 days shall be considered a determination not to issue direct payments.

(q) Have the authority to establish and enforce the following county reporting requirements:

(1) the commissioner shall establish fiscal and statistical reporting requirements necessary to account for the expenditure of funds allocated to counties for human services programs. When establishing financial and statistical reporting requirements, the commissioner shall evaluate all reports, in consultation with the counties, to determine if the reports can be simplified or the number of reports can be reduced;

(2) the county board shall submit monthly or quarterly reports to the department as required by the commissioner. Monthly reports are due no later than 15 working days after the end of the month. Quarterly reports are due no later than 30 calendar days after the end of the quarter, unless the commissioner determines that the deadline must be shortened to 20 calendar days to avoid jeopardizing compliance with federal deadlines or risking a loss of federal funding. Only reports that are complete, legible, and in the required format shall be accepted by the commissioner;

(3) if the required reports are not received by the deadlines established in clause (2), the commissioner may delay payments and withhold funds from the county board until the next reporting period. When the report is needed to account for the use of federal funds and the late report results in a reduction in federal funding, the commissioner shall withhold from the county boards with late reports an amount equal to the reduction in federal funding until full federal funding is received;

(4) a county board that submits reports that are late, illegible, incomplete, or not in the required format for two out of three consecutive reporting periods is considered noncompliant. When a county board is found to be noncompliant, the commissioner shall notify the county board of the reason the county board is considered noncompliant and request that the county board develop a corrective action plan stating how the county board plans to correct the problem. The corrective action plan must be submitted to the commissioner within 45 days after the date the county board received notice of noncompliance;

(5) the final deadline for fiscal reports or amendments to fiscal reports is one year after the date the report was originally due. If the commissioner does not receive a report by the final deadline, the county board forfeits the funding associated with the report for that reporting period and the county board must repay any funds associated with the report received for that reporting period;

(6) the commissioner may not delay payments, withhold funds, or require repayment under clause (3) or (5) if the county demonstrates that the commissioner failed to provide appropriate forms, guidelines, and technical assistance to enable the county to comply with the requirements. If the county board disagrees with an action taken by the commissioner under clause (3) or (5), the county board may appeal the action according to sections 14.57 to 14.69; and

(7) counties subject to withholding of funds under clause (3) or forfeiture or repayment of funds under clause (5) shall not reduce or withhold benefits or services to clients to cover costs incurred due to actions taken by the commissioner under clause (3) or (5).

(r) Allocate federal fiscal disallowances or sanctions for audit exceptions when federal fiscal disallowances or sanctions are based on a statewide random sample for the foster care program under title IV-E of the Social Security Act, United States Code, title 42, in direct proportion to each county's title IV-E foster care maintenance claim for that period.

(s) Be responsible for ~~ensuring~~ the detection, prevention, investigation, and ~~resolution~~ mitigation of possible fraudulent or criminal activities or behavior by applicants, recipients, and other participants in involving the human services programs administered by the department or participants in such programs, including programs and in facilities operated by state operated services. During the course of an active investigation or legal proceedings involving a human services program, state and local law enforcement agencies, local county human services agencies, and other fraud and criminal investigation units under the authority of the commissioner shall coordinate investigative activities and may not share public data without the authorization of a data subject.

(t) Require county agencies to identify overpayments, establish claims, and utilize all available and cost-beneficial methodologies to collect and recover these overpayments in the human services programs administered by the department.

(u) Have the authority to administer a drug rebate program for drugs purchased pursuant to the prescription drug program established under section 256.955 after the beneficiary's satisfaction of any deductible established in the program. The commissioner shall require a rebate agreement from all manufacturers of covered drugs as defined in section 256B.0625, subdivision 13. Rebate agreements for prescription drugs delivered on or after July 1, 2002, must include rebates for individuals covered under the prescription drug program who are under 65 years of age. For each drug, the amount of the rebate shall be equal to the rebate as defined for purposes of the federal rebate program in United States Code, title 42, section 1396r-8. The manufacturers must provide full payment within 30 days of receipt of the state invoice for the rebate within the terms and conditions used for the federal rebate program established pursuant to section 1927 of title XIX of the Social Security Act. The manufacturers must provide the commissioner with any information necessary to verify the rebate determined per drug. The rebate program shall utilize the terms and conditions used for the federal rebate program established pursuant to section 1927 of title XIX of the Social Security Act.

(v) Have the authority to administer the federal drug rebate program for drugs purchased under the medical assistance program as allowed by section 1927 of title XIX of the Social Security Act and according to the terms and conditions of section 1927. Rebates shall be collected for all drugs that have been dispensed or administered in an outpatient setting and that are from manufacturers who have signed a rebate agreement with the United States Department of Health and Human Services.

(w) Have the authority to administer a supplemental drug rebate program for drugs purchased under the medical assistance program. The commissioner may enter into supplemental rebate contracts with pharmaceutical manufacturers and may require prior authorization for drugs that are from manufacturers that have not signed a supplemental rebate contract. Prior authorization of drugs shall be subject to the provisions of section 256B.0625, subdivision 13.

(x) Operate the department's communication systems account established in Laws 1993, First Special Session chapter 1, article 1, section 2, subdivision 2, to manage shared communication costs necessary for the operation of the programs the commissioner supervises. A communications account may also be established for each regional treatment center which operates communications systems. Each account must be used to manage shared communication costs necessary for the operations of the programs the commissioner supervises. The commissioner may distribute the costs of operating and maintaining communication systems to participants in a manner that reflects actual usage. Costs may include acquisition, licensing, insurance, maintenance, repair, staff time and other costs as determined by the commissioner. Nonprofit organizations and state, county, and local government agencies involved in the operation of programs the commissioner supervises may participate in the use of the department's communications technology and share in the cost of operation. The commissioner may accept on behalf of the state any gift, bequest, devise or personal property of any kind, or money tendered to the state for any lawful purpose pertaining to the communication activities of the department. Any money received for this purpose must be deposited in the department's communication systems accounts. Money collected by the commissioner for the use of communication systems must be deposited in the state communication systems account and is appropriated to the commissioner for purposes of this section.

(y) Receive any federal matching money that is made available through the medical assistance program for the consumer satisfaction survey. Any federal money received for the survey is appropriated to the commissioner for this purpose. The commissioner may expend the federal money received for the consumer satisfaction survey in either year of the biennium.

(z) Designate community information and referral call centers and incorporate cost reimbursement claims from the designated community information and referral call centers into the federal cost reimbursement claiming processes of the department according to federal law, rule, and regulations. Existing information and referral centers provided by Greater Twin Cities United Way or existing call centers for which Greater Twin Cities United Way has legal authority to represent, shall be included in these designations upon review by the commissioner and assurance that these services are accredited and in compliance with national standards. Any reimbursement is appropriated to the commissioner and all designated information and referral centers shall receive payments according to normal department schedules established by the commissioner upon final approval of allocation methodologies from the United States Department of Health and Human Services Division of Cost Allocation or other appropriate authorities.

(aa) Develop recommended standards for foster care homes that address the components of specialized therapeutic services to be provided by foster care homes with those services.

(bb) Authorize the method of payment to or from the department as part of the human services programs administered by the department. This authorization includes the receipt or disbursement of funds held by the department in a fiduciary capacity as part of the human services programs administered by the department.

(cc) Have the authority to administer a drug rebate program for drugs purchased for persons eligible for general assistance medical care under section 256D.03, subdivision 3. For manufacturers that agree to participate in the general assistance medical care rebate program, the commissioner shall enter into a rebate agreement for covered drugs as defined in section 256B.0625, subdivisions 13 and 13d. For each drug, the amount of the rebate shall be equal to the rebate as defined for purposes of the federal rebate program in United States Code, title 42, section 1396r-8. The manufacturers must provide payment within the terms and conditions used for the federal rebate program established under section 1927 of title XIX of the Social Security Act. The rebate program shall utilize the terms and conditions used for the federal rebate program established under section 1927 of title XIX of the Social Security Act.

Effective January 1, 2006, drug coverage under general assistance medical care shall be limited to those prescription drugs that:

(1) are covered under the medical assistance program as described in section 256B.0625, subdivisions 13 and 13d; and

(2) are provided by manufacturers that have fully executed general assistance medical care rebate agreements with the commissioner and comply with such agreements. Prescription drug coverage under general assistance medical care shall conform to coverage under the medical assistance program according to section 256B.0625, subdivisions 13 to 13g.

The rebate revenues collected under the drug rebate program are deposited in the general fund.

Sec. 7. Laws 2007, chapter 147, article 2, section 56, is amended to read:

Sec. 56. COMMISSIONER OF HUMAN SERVICES DUTIES; EARLY CHILDHOOD AND SCHOOL-AGE PROFESSIONAL DEVELOPMENT TRAINING.

Subdivision 1. **Development and implementation of an early childhood and school-age professional development system.** (a) The commissioner of human services, in cooperation with the commissioners of education and health, shall develop and phase-in the implementation of a professional development system for practitioners serving children in early childhood and school-age programs. The system shall provide training options and supports for practitioners to voluntarily choose, as they complete or exceed existing licensing requirements.

The system must, at a minimum, include the following features:

(1) a continuum of training content based on the early childhood and school-age care practitioner core competencies that translates knowledge into improved practice to support children's school success;

(2) training strategies that provide direct feedback about practice to practitioners through ongoing consultation, mentoring, or coaching with special emphasis on early literacy and early mathematics;

(3) an approval process for trainers;

(4) a professional development registry for early childhood and school-age care practitioners that will provide tracking and recognition of practitioner training/career development progress;

(5) a career lattice that includes a range of professional development and educational opportunities that provide appropriate coursework and degree pathways;

(6) development of a plan with public higher education institutions for an articulated system of education, training, and professional development that includes credit for prior learning and development of equivalences to two- and four-year degrees;

(7) incentives and supports for early childhood and school-age care practitioners to seek additional training and education, including TEACH, other scholarships, and career guidance; and

(8) coordinated and accessible delivery of training to early childhood and school-age care practitioners.

(b) By January 1, 2008, the commissioner, in consultation with the organizations named in subdivision 2 shall develop additional opportunities in order to qualify more licensed family child care providers under section 119B.13, subdivision 3a.

(c) The commissioner of human services must evaluate the professional development system and make continuous improvements.

(d) Beginning July 1, 2007, as appropriations permit, the commissioner shall phase-in the professional development system.

Subd. 2. **Two-hour early childhood training.** By January 15, 2008, the commissioner of human services, with input from the Minnesota Licensed Family Child Care Association and the Minnesota Professional Development Council, shall identify trainings that qualify for the two-hour early childhood development training requirement for new child care practitioners under Minnesota Statutes, section 245A.14, subdivision 9a, paragraphs (a) and (b). For licensed family child care, the commissioner shall also seek the input of labor unions that serve licensed family child care providers, if the union has been recognized by a county to serve licensed family child care providers.

Subd. 3. **Data classification for child care practitioner professional development system.** This subdivision applies to data collected under this section by the child care practitioner professional development system. Data collected under this section is welfare data under section 13.46 but is not licensing data under section 13.46, subdivision 4. Data on individuals who are licensed family child care providers is private data on individuals governed by section 13.46, subdivision 2. The commissioner may disclose nonpublic data collected under this section as described in section 13.46, subdivision 2. The commissioner also may disclose private and nonpublic data collected under this section to the following entities:

(1) personnel of the welfare system who require the data for child care licensing purposes;

(2) personnel of the welfare system who require the data to administer or evaluate the child care assistance program;

(3) the commissioner of education for purposes of implementing, administering, and evaluating the child care practitioner professional development system;

(4) the commissioner of health for purposes of implementing and administering this section; and

(5) an individual's employer for purposes of tracking and verifying employee training, education, and expertise."

Delete the title and insert:

"A bill for an act relating to human services; amending child welfare provisions; changing a standard of evidence; changing the treatment of certain data; adopting a new Interstate Compact for the Placement of Children and repealing the old compact; regulating child and adult adoptions; directing the commissioner to adopt rules; amending Minnesota Statutes 2006, sections 13.02, subdivision 3a; 13.46, by adding subdivisions; 13.82, subdivision 1; 245C.24, subdivision 2; 245C.29, subdivision 2; 246.13, subdivision 2; 256.045, subdivisions 3, 3b; 259.20, subdivision 1; 259.21, by adding a subdivision; 259.22, subdivision 2; 259.23, subdivision 2; 259.43; 259.52, subdivision 2; 259.53, subdivision 3; 259.59, subdivisions 1, 2; 259.67, subdivisions 2, 3, by adding a subdivision; 259.75, subdivision 5; 259.89, subdivisions 1, 2, 4, by adding a subdivision; 260.795, subdivision 3; 260C.001, subdivision 2; 260C.007, subdivisions 5, 6, 13; 260C.171, subdivision 2; 260C.178, subdivision 1; 260C.212, subdivision 7, by adding a subdivision; 260C.325, subdivisions 1, 3; 524.2-114; 626.556, subdivision 7; Minnesota Statutes 2007 Supplement, sections 245C.14, subdivision 1; 245C.15, subdivisions 2, 3, 4; 245C.24, subdivision 3; 245C.27, subdivision 1; 256.01, subdivision 2; 259.41, subdivision 1; 259.57, subdivision 1; 259.67,

subdivision 4; 260C.163, subdivision 1; 260C.209, subdivisions 1, 2, by adding a subdivision; 260C.212, subdivision 4; 626.556, subdivision 10a; Laws 2007, chapter 147, article 2, section 56; proposing coding for new law in Minnesota Statutes, chapters 259; 260; repealing Minnesota Statutes 2006, sections 260.851; 260B.241; 260C.207; Minnesota Rules, part 9560.0092."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety and Civil Justice.

The report was adopted.

Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 3579, A bill for an act relating to human services; making changes to continuing care provisions; amending local certification requirements; amending Minnesota Statutes 2007 Supplement, section 256B.49, subdivision 16a.

Reported the same back with the following amendments:

Page 1, before line 6, insert:

"Section 1. Minnesota Statutes 2006, section 256.9752, is amended by adding a subdivision to read:

Subd. 4. **Title 3 funding.** Title 3 funding allocations under the Older Americans Act of 1965, as amended, to any congregate dining and home delivery service provider shall not be reduced based on the amount of voluntary contributions received."

Page 3, after line 9, insert:

"Sec. 3. Laws 2007, chapter 147, article 19, section 3, subdivision 8, is amended to read:

Subd. 8. **Continuing Care Grants**

The amounts that may be spent from the appropriation for each purpose are as follows:

(a) **Aging and Adult Services Grants**

General	14,357,000	14,727,000
---------	------------	------------

Information and Assistance Reimbursement. Federal administrative reimbursement obtained from information and assistance services provided by the Senior LinkAge Line to people who are identified as eligible for medical assistance is appropriated to the commissioner for this activity.

Senior Companion Program. Of this appropriation, \$42,000 each year is for the senior companion program under Minnesota Statutes, section 256.977.

Volunteer Senior Citizens. Of this appropriation, \$42,000 each year is for the volunteer programs for retired senior citizens under Minnesota Statutes, section 256.9753.

Foster Grandparent Program. Of this appropriation, \$41,000 each year is for the foster grandparent program in Minnesota Statutes, section 256.976.

Senior Nutrition. Of this appropriation, \$125,000 each year is for the senior nutrition programs under Minnesota Statutes, section 256.9752. The commissioner shall give priority to ~~increase services to: (1) persons facing language or cultural barriers, (2) persons with special diets, (3) persons living in isolated rural areas, and (4) other hard to serve populations maintaining home delivery and congregate dining services existing on July 1, 2007.~~

Base Adjustment. The general fund base is \$14,774,000 in fiscal year 2010 and \$14,899,000 in fiscal year 2011.

(b) Alternative Care Grants

General	49,858,000	51,758,000
---------	------------	------------

Alternative Care Transfer. Any money allocated to the alternative care program that is not spent for the purposes indicated does not cancel but is transferred to the medical assistance account.

Base Adjustment. The general fund base is \$52,120,000 in fiscal year 2010 and \$52,277,000 in fiscal year 2011 for alternative care grants.

(c) Medical Assistance Grants - Long-Term Care Facilities

General	496,920,000	499,556,000
---------	-------------	-------------

Long-Term Care Consultation Funding Increase. For the rate year beginning October 1, 2008, the county long-term care consultation allocations in Minnesota Statutes, section 256B.0911, subdivision 6, must be increased based on the number of transitional long-term care consultation visits projected by the commissioner in each county. For the rate year beginning October 1, 2009, final allocations must be determined based on the average between the actual number of transitional long-term care visits that were conducted in the prior 12-month period and the projected number of consultations that will be provided in the rate year beginning October 1, 2009. Notwithstanding any contrary provision in this article, this paragraph expires June 30, 2010.

Nursing Facility Sprinkler Systems. Of the general fund appropriation, \$2,500,000 the first year is to reimburse the costs of nursing facility sprinkler systems under Minnesota Statutes, section 256B.434, subdivision 4, paragraph (e). Any portion of this appropriation not spent in the first year shall not cancel but shall be available for the second year.

Nursing Home Moratorium Exceptions. During fiscal year 2008, the commissioner of health may approve moratorium exception projects under Minnesota Statutes, section 144A.073, for which the full annualized state share of medical assistance costs does not exceed \$3,000,000. During fiscal year 2009, the commissioner of health may approve moratorium exception projects under Minnesota Statutes, section 144A.073, for which the full annualized state share of medical assistance costs does not exceed \$3,000,000 less the amount approved during the first year. Priority shall be given to proposals that entail:

(1) complete building replacement in conjunction with reductions in the number of beds in a county, with greater weight given to projects in counties with a greater than average number of beds per 1,000 elderly;

(2) technology improvements;

(3) improvements in life safety;

(4) construction of nursing facilities that are part of senior services campuses; and

(5) improvements in the work environment.

(d) Medical Assistance Grants - Long-Term Care Waivers and Home Care Grants

General	957,020,000	1,075,074,000
---------	-------------	---------------

County CADI allocation adjustment. (1) The commissioner shall adjust 2007 home and community-based allocations under Minnesota Statutes, section 256B.49, to qualifying counties that transferred persons to the community alternatives for disabled individuals (CADI) waiver program under Laws 2006, chapter 282, article 20, section 35. The adjustment shall reflect the amount that county-authorized funding for CADI waiver services exceeded the allowable amount as shown in the Medicaid Management Information System (MMIS) on March 1, 2007.

(2) A county that may qualify under paragraph (1) shall apply to the commissioner by June 10, 2007. Following a review of the county request and the MMIS documentation, the commissioner shall adjust the county allocation, as appropriate, by June 25, 2007.

(3) The amounts provided to a county under this section shall become part of the county's base level state allocation for the CADI waiver for the biennium beginning July 1, 2007.

(4) This rider is effective the day following final enactment.

(e) **Mental Health Grants**

Appropriations by Fund

General	59,632,000	62,217,000
Health Care Access	750,000	750,000
Lottery Prize	1,933,000	1,633,000

Mental Health Crisis Services. Of the general fund appropriation, \$2,528,000 in fiscal year 2008 and \$3,278,000 in fiscal year 2009 are for statewide funding of adult mental health crisis services. Providers must utilize all available funding streams.

Adult Mental Health Evidence-Based and Best Practices. Of the general fund appropriation, \$375,000 in fiscal year 2008 and \$750,000 in fiscal year 2009 are for adult mental health evidence-based and best practices including, but not limited to, Assertive Community Treatment and Integrated Dual Diagnosis Treatment services. The commissioner shall require grantees to utilize all available third-party reimbursement sources as a condition of using state grant funds.

Culturally Specific Mental Health Treatment Grants. Of the general fund appropriation, \$75,000 in fiscal year 2008 and \$300,000 in fiscal year 2009 are for adult mental health grants to support increased availability of mental health services for persons from cultural and ethnic minorities within the state. The commissioner shall use at least 20 percent of these funds to help members of cultural and ethnic minority communities to become qualified mental health professionals and practitioners. The commissioner shall assist grantees to meet third-party credentialing requirements and require them to utilize all available third-party reimbursement sources as a condition of using state grant funds.

Mental Health Services for Adults with Special Treatment Needs. Of the general fund appropriation, \$50,000 in fiscal year 2008 and \$200,000 in fiscal year 2009 are for adult mental health grants to support increased availability of mental health services for adults with special treatment needs. These adults shall include, but not be limited to: victims of trauma, including persons subjected to abuse or neglect, veterans and their families, and refugee populations; person's with complex treatment needs, such as eating disorders; and those with low incidence disorders.

Supportive Housing Services for Adults with Mental Illness.

Of the general fund appropriation, \$1,750,000 in fiscal year 2008 and \$1,500,000 in fiscal year 2009 are for adult mental health grants to support increased availability of a range of housing options with supports for persons with serious mental illness.

National Council on Problem Gambling. (1) Of the appropriation from the lottery prize fund, \$225,000 each year is for a grant to the state affiliate recognized by the National Council on Problem Gambling. The affiliate must provide services to increase public awareness of problem gambling, education, and training for individuals and organizations providing effective treatment services to problem gamblers and their families, and research relating to problem gambling. These services must be complementary to and not duplicative of the services provided through the problem gambling program administered by the commissioner of human services. This grant does not prevent the commissioner from regular monitoring and oversight of the grant or the ability to reallocate the funds to other services within the problem gambling program for nonperformance of duties by the grantee.

(2) Of this appropriation, \$100,000 in fiscal year 2008 and \$100,000 in fiscal year 2009 are contingent on the contribution of nonstate matching funds. Matching funds may be either cash or qualifying in-kind contributions. The commissioner of finance may disburse the state portion of the matching funds in increments of \$25,000 upon receipt of a commitment for an equal amount of matching nonstate funds. The general fund base shall be \$100,000 in fiscal year 2010 and \$100,000 in fiscal year 2011.

(3) Of the lottery prize fund appropriation, \$100,000 in fiscal year 2008 is for a grant or grants to be awarded competitively to develop programs and services for problem gambling treatment, prevention, and education in immigrant communities. This appropriation is available until June 30, 2009, at which time the project must be completed and final products delivered, unless an earlier completion date is specified in the work program.

Compulsive Gambling. Of the lottery prize fund appropriation, \$300,000 in fiscal year 2008 and \$100,000 in fiscal year 2009 are for purposes of compulsive gambling education, assessment, and treatment under Minnesota Statutes, section 245.98.

Compulsive Gambling Study. Of the lottery prize fund appropriation, \$100,000 in fiscal year 2008 is to continue the study currently being done on compulsive gambling treatment effectiveness and long-term effects of gambling.

Base Adjustment. The general fund base is \$59,460,000 in each of fiscal years 2010 and 2011.

Base Adjustment. The lottery prize fund base is \$1,508,000 in each of fiscal years 2010 and 2011.

(f) Deaf and Hard-of-Hearing Grants

General	1,730,000	1,964,000
---------	-----------	-----------

Hearing Loss Mentors. Of the general fund appropriation, \$40,000 each year is to provide mentors who have a hearing loss to parents of newly identified infants and children with hearing loss.

Base Adjustment. The general fund base is \$1,968,000 in each of fiscal years 2010 and 2011.

(g) Chemical Dependency Entitlement Grants

General	78,225,000	88,138,000
---------	------------	------------

(h) Chemical Dependency Nonentitlement Grants

General	1,655,000	1,805,000
---------	-----------	-----------

TANF	150,000	150,000
------	---------	---------

Methamphetamine Abuse Grants. Of the general fund appropriation, \$175,000 in the first year and \$375,000 in the second year are for grants to existing programs that treat methamphetamine abuse, and the abuse of other substances in Carlton, Faribault, Martin, Olmsted, and Anoka Counties, that received grant funds under Laws 2005, chapter 136, article 1, section 9, subdivision 6. The commissioner shall administer the grants to programs that the commissioner deems successful, and may discontinue grants to programs after an evaluation of the program and a determination by the commissioner that the program should no longer receive funds. This appropriation shall not become part of base level funding.

Native American Juvenile Treatment Center. Of the general fund appropriation, \$50,000 is to conduct a feasibility study of and to predesign a Native American juvenile treatment center on or near the White Earth Reservation. The facility must house and treat Native American juveniles and provide culturally specific programming to juveniles placed in the treatment center. The commissioner of human services may contract with parties who have experience in the design and construction of juvenile treatment centers to assist in the feasibility study and predesign. On or before January 15, 2008, the commissioner shall present the results of the feasibility study and the predesign of the facility to the chairs of house of representatives and senate committees having jurisdiction over human services finance, public safety finance, and capital investment.

Leech Lake Youth Treatment Center. Of the general fund appropriation, \$75,000 each year are for a grant to the Leech Lake Youth Treatment Center project partners, in order to pay the salaries and other directly related costs associated with the development of this project. This is a onetime appropriation.

Base Adjustment. The general fund base is \$1,055,000 in each of fiscal years 2010 and 2011.

(i) Other Continuing Care Grants

General	21,409,000	16,983,000
---------	------------	------------

Repayment. Of the general fund appropriation, \$4,302,000 the first year is to repay the amount of overspending in the waiver program for persons with developmental disabilities incurred by Fillmore, Steele, and St. Louis Counties in calendar years 2004 and 2005. (The preceding text beginning "Repayment. Of the general fund" was indicated as vetoed by the governor.)

Department of Employment and Economic Development Transfer. For fiscal year 2008, the commissioner of finance shall transfer \$200,000 from the methamphetamine abatement loan fund to the commissioner of human services for methamphetamine treatment programs.

Disability Linkage Line. Of the general fund appropriation, \$469,000 in fiscal year 2008 and \$626,000 in fiscal year 2009 are to establish and maintain the disability linkage line.

Base Adjustment. The general fund base is \$17,103,000 in fiscal year 2010 and \$17,141,000 in fiscal year 2011 for other continuing care grants."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "prohibiting the reduction of certain Title 3 funding allocations; clarifying senior nutrition appropriations;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Hilty from the Energy Finance and Policy Division to which was referred:

H. F. No. 3585, A bill for an act relating to energy; describing powers of qualifying owner of community-based energy development project; amending Minnesota Statutes 2006, section 216B.1612, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 216B.1612, is amended by adding a subdivision to read:

Subd. 9. **Powers.** A Minnesota political subdivision or local government may plan, develop, purchase, acquire, construct, or own a C-BED project and may sell output from that project as provided for in this section. A qualifying owner may operate, maintain, improve, and expand the C-BED project subject to any restrictions in this section.

Sec. 2. **[373.48] FINANCING ENERGY PURCHASE CONTRACTS AND PARTICIPATION IN GENERATION AND TRANSMISSION PROJECTS.**

Subdivision 1. **Definitions.** "Project" means a facility that generates electricity from renewable energy, as defined in section 216B.2422, subdivision 1, paragraph (c).

Subd. 2. **Energy purchase contracts; generation projects.** (a) A county may, for itself or in cooperation with other counties, enter into agreements for purchasing electrical energy from one or more projects, and may enter into agreements with a utility for purchasing and selling the electrical energy. The agreements may be for a term of one year or may be multiyear agreements, the term of which must not exceed 20 years. A county may also acquire an ownership interest in a project and may enter into agreements for purchasing and selling electrical energy produced.

(b) Notwithstanding paragraph (a), a county (1) may not sell, transmit, or distribute the electrical energy at retail and (2) may not provide for end use of the electrical energy from an off-site facility by any county. On-site generation is allowed to the extent provided for in section 216B.1611.

(c) The energy to be purchased by a county under agreements entered into under this section and the energy produced by the county's interest in projects must not exceed in any year the total amount of energy used by the county for its own facilities in the immediately preceding year, regardless of the source from which the energy was obtained.

(d) This section does not modify the exclusive service territories or exclusive right to serve as provided in sections 216B.37 to 216B.43.

Subd. 3. **Financing joint energy purchases and generation project acquisitions.** A county may enter into agreements under section 471.59 with other counties for jointly purchasing energy or jointly acquiring interests in projects. A county may annually levy an ad valorem tax for paying the cost of energy purchased or interests in projects acquired in an amount not exceeding 0.015 percent of the market value of taxable property in the county. A county that enters into a multiyear agreement for purchasing energy or acquiring an interest in a project may finance the estimated cost of the energy to be purchased during the term of the agreement or the cost to the county of the interest in the project by issuing general obligation bonds of the county; provided that, the annual debt service on all bonds issued under this section, together with the amounts to be paid by the county in any year for purchasing energy under agreements entered into under this section, do not exceed the amount of taxes authorized by this

section. An agreement entered into under section 471.59 as contemplated by this section may provide that each county issue bonds to pay its respective share of the cost of the projects, or that one of the counties issue bonds to pay the full cost of the project, and that the other participating counties levy the tax authorized under this subdivision and pledge the collections of the tax to the county that issues the bonds. Bonds issued under this section may be issued without an election and do not constitute net debt of any participating county.

Sec. 3. **[373.49] WIND ENERGY CONVERSION SYSTEM.**

(a) A county or the Metropolitan Council may own, construct, acquire, purchase, issue bonds and certificates of indebtedness for, maintain, and operate a wind energy conversion system, or a portion of a wind energy conversion system, and may only purchase and sell electricity from a wind energy conversion system at wholesale on terms and conditions the county board or the Metropolitan Council deems is in the best interests of the public.

(b) With respect to any wind energy conversion system, or any portion of a wind energy conversion system, a county or the Metropolitan Council may exercise the powers granted to a municipal power agency and to a city under sections 453.52, subdivisions 1, 6, and 9; 453.54, subdivision 10; 453.58, subdivision 4; and 453.59; provided that, output from that wind energy conversion system may not be sold, transmitted, or distributed at retail, or provided for end use from an off-site facility, by the county or the Metropolitan Council. On-site generation is allowed to the extent provided for in section 216B.1611.

(c) This section does not modify the exclusive service territories or exclusive right to serve as provided in sections 216B.37 to 216B.43.

Sec. 4. Minnesota Statutes 2006, section 473.1293, is amended by adding a subdivision to read:

Subd. 6. **Energy purchase contracts.** (a) In addition to the powers granted in this section, the Metropolitan Council may exercise all of the powers granted to a county under section 373.48; provided that, bonds may be issued by the Metropolitan Council for the purposes of section 373.48 only under its sewer bond authority in section 473.541.

(b) Notwithstanding paragraph (a), the Metropolitan Council (1) may not sell, transmit, or distribute the electrical energy at retail and (2) may not provide for end use from an off-site facility by the Metropolitan Council of the electrical energy as set forth in section 373.48, subdivision 2. On-site generation is allowed to the extent provided for in section 216B.1611.

(c) This section does not modify the exclusive service territories or exclusive right to serve as provided in sections 216B.37 to 216B.43."

Delete the title and insert:

"A bill for an act relating to energy; describing powers of qualifying owner of community-based energy development project; authorizing Metropolitan Council and counties to enter into contracts and to finance the purchase of energy and interests in renewable energy projects; amending Minnesota Statutes 2006, sections 216B.1612, by adding a subdivision; 473.1293, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 373."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 3596, A bill for an act relating to education; prohibiting the commissioner of education from enforcing unadopted rules; amending Minnesota Statutes 2006, section 127A.05, subdivision 4.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3598, A bill for an act relating to crime; providing for a minimum presumptive executed sentence for repeat sex offenders; amending Minnesota Statutes 2006, section 609.3455, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 9, after "609.342" insert "to 609.345 or"

Page 1, line 10, delete "to"

Page 1, line 10, after "sex" insert "offense"

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

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 3621, A bill for an act relating to education; extending the special education task force to allow it to complete its study of state special education rules; repealing sections identified by this task force; amending Minnesota Statutes 2007 Supplement, section 125A.14; Laws 2007, chapter 146, article 3, section 23, subdivision 2; repealing Minnesota Statutes 2006, sections 125A.16; 125A.19; 125A.20; 125A.57.

Reported the same back with the following amendments:

Page 2, line 1, before "The" insert "(a)"

Page 2, line 3, strike "or expands"

Page 2, line 4, strike "upon"

Page 2, line 6, strike "or expand upon"

Page 2, after line 9, insert:

"(b) Consistent with subdivision 1, the Department of Education member of the task force representing regulators shall be replaced with a parent advocate selected by a statewide organization that advocates on behalf of families with children with disabilities.

(c) The Department of Education must provide technical assistance at the request of the task force."

With the recommendation that when so amended the bill pass.

The report was adopted.

Hilty from the Energy Finance and Policy Division to which was referred:

H. F. No. 3717, A bill for an act relating to energy; requiring advance notice to certain local units of government of intent to file certificate of need for construction of large energy facility; amending Minnesota Statutes 2006, section 216B.243, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 9, delete "certificate of need" and insert "route permit"

Page 1, line 10, delete "180" and insert "120"

Amend the title as follows:

Page 1, line 3, delete "certificate of need" and insert "route permit"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Lieder from the Transportation Finance Division to which was referred:

H. F. No. 3726, A bill for an act relating to traffic regulations; limiting use of wireless communications devices while operating a motor vehicle; amending Minnesota Statutes 2006, section 169.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

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

The report was adopted.

Mariani from the Committee on E-12 Education to which was referred:

H. F. No. 3793, A bill for an act relating to education; clarifying a student policy on cooperating and providing educators with information about school matters; amending Minnesota Statutes 2006, section 121A.55.

Reported the same back with the following amendments:

Page 2, line 2, delete "a requirement" and insert "an expectation"

Page 2, line 4, after the period, insert "For purposes of this paragraph,"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety and Civil Justice.

The report was adopted.

Mullery from the Committee on Public Safety and Civil Justice to which was referred:

H. F. No. 3863, A bill for an act relating to motor vehicles; authorizing automatic enforcement of official traffic-control devices; amending Minnesota Statutes 2006, sections 169.01, by adding subdivisions; 169.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

Reported the same back with the following amendments:

Page 3, line 18, delete "All" and insert "Of the"

Page 3, line 19, after "subdivision 4a," insert "2.3 percent must be deposited in the emergency medical services system fund under section 144E.50, and the remainder"

Page 3, after line 23, insert:

"(c) Funds in the emergency medical services system fund under this subdivision must be used to create and fund ongoing programs to recruit and retain ambulance personnel and support the infrastructure of the emergency medical services response system. All policy decisions on programs funded under this subdivision must be made by the individual regional boards."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2573, 3128, 3217, 3222, 3240, 3293, 3297, 3298, 3309, 3361, 3411, 3472, 3483, 3515, 3579 and 3621 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2471, 2796 and 2910 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Paymar and Eastlund introduced:

H. F. No. 3886, A bill for an act relating to data practices; granting the Department of Corrections access to DEED preconfinement data on inmates; amending Minnesota Statutes 2007 Supplement, section 268.19, subdivision 1.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Heidgerken introduced:

H. F. No. 3887, A bill for an act relating to education finance; reinstating training and experience revenue; amending Minnesota Statutes 2007 Supplement, section 126C.01, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 126C.

The bill was read for the first time and referred to the Committee on Finance.

Atkins introduced:

H. F. No. 3888, A bill for an act relating to commerce; regulating real estate transactions; defining terms; regulating closing agents; amending Minnesota Statutes 2006, sections 68A.04; 82.17, subdivision 3; 82.49.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Holberg introduced:

H. F. No. 3889, A bill for an act relating to local government; regulating subdivision development contracts; amending Minnesota Statutes 2006, section 462.358, subdivision 2a.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Finstad and Gunther introduced:

H. F. No. 3890, A bill for an act relating to natural resources; providing procedures for filling the Watonwan County Soil and Water Conservation District Board supervisor vacant positions.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Loeffler, Carlson, Tingelstad, Juhnke, Huntley and Murphy, E., introduced:

H. F. No. 3891, A bill for an act relating to state government; incorporating Minnesota Milestones goals and indicators in budget preparation; establishing a subcommittee of the Legislative Commission on Planning and Fiscal Policy; establishing a working group; providing additional duties for the Sesquicentennial Commission; amending Minnesota Statutes 2006, sections 3.885, by adding a subdivision; 16A.10, subdivisions 1, 1c; Laws 2005, First Special Session chapter 1, article 4, section 121, subdivision 4, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Brown introduced:

H. F. No. 3892, A bill for an act relating to taxation; providing that certain property of nonprofit outdoor recreation organizations is exempt from taxation; amending Minnesota Statutes 2006, section 272.02, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Nelson and Murphy, E., introduced:

H. F. No. 3893, A bill for an act relating to labor; modifying provisions relating to employment; adding provisions to the Fair Labor Standards Act; providing penalties; amending Minnesota Statutes 2006, sections 177.23, subdivision 7; 177.27, subdivision 3, by adding a subdivision; 177.32, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 177.27, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 177; repealing Minnesota Statutes 2006, section 177.32, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Bigham, Smith, Atkins, Hilstrom and Mullery introduced:

H. F. No. 3894, A bill for an act relating to public safety; allowing more stringent local regulation of fire sprinklers; making clarifying changes; amending Minnesota Statutes 2006, section 299F.011, subdivision 4.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Murphy, M.; Smith; Kahn and Rukavina introduced:

H. F. No. 3895, A bill for an act relating to retirement; volunteer firefighters; establishing a voluntary statewide lump-sum retirement plan; making conforming changes to existing volunteer firefighter laws; appropriating money; amending Minnesota Statutes 2006, sections 69.011, subdivisions 1, 2, 4; 69.021, subdivisions 4, 7, 9; 69.031, subdivision 1; 356.20, subdivision 2; 356.214, subdivision 1; 356.215, subdivisions 8, 11; 356.401, subdivision 3; 356A.01, subdivision 24; 356B.05; proposing coding for new law as Minnesota Statutes, chapter 424C.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Hornstein, Erhardt, Sertich, Nelson, Hausman, Kalin, Abeler, Davnie, Ozment, Smith, Juhnke, Gunther, Mullery, Masin, Lieder and Loeffler introduced:

H. F. No. 3896, A bill for an act relating to railroads; requiring walkways by certain track; proposing coding for new law in Minnesota Statutes, chapter 219.

The bill was read for the first time and referred to the Transportation Finance Division.

Dill introduced:

H. F. No. 3897, A bill for an act relating to state lands; requiring conveyance of or compensation for certain state lands.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dill introduced:

H. F. No. 3898, A bill for an act relating to natural resources; modifying timber sales provisions; providing for refunds; amending Minnesota Statutes 2006, section 90.14.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Atkins introduced:

H. F. No. 3899, A bill for an act relating to life insurance; regulating individual contracts on a variable basis; requiring an annuity fee disclosure; proposing coding for new law in Minnesota Statutes, chapter 61A.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Mullery introduced:

H. F. No. 3900, A bill for an act relating to public safety; providing for increased penalties for certain misdemeanors; amending Minnesota Statutes 2006, section 609.153, subdivisions 1, 3.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Fritz and Ruth introduced:

H. F. No. 3901, A bill for an act relating to health; providing an exception to the moratorium on new nursing home beds for a facility in Steele County; amending Minnesota Statutes 2006, section 144A.071, subdivision 4c.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Juhnke, Otremba, Koenen, Finstad and Hamilton introduced:

H. F. No. 3902, A bill for an act relating to agriculture; changing an appropriation; amending Laws 2007, chapter 45, article 1, section 3, subdivision 3.

The bill was read for the first time and referred to the Committee on Finance.

Brynaert, Garofalo, Slocum, Severson and Beard introduced:

H. F. No. 3903, A bill for an act relating to appropriations; appropriating money for extended employment services.

The bill was read for the first time and referred to the Committee on Finance.

Tillberry introduced:

H. F. No. 3904, A bill for an act relating to statutory cities; providing for discharge of a charter commission; providing for compensation of charter commissions; authorizing charter amendments by ordinance; providing for water and sewer charges; amending Minnesota Statutes 2006, sections 410.05, subdivision 5; 410.06; 410.12, subdivision 7; 444.075, subdivision 3.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Bly introduced:

H. F. No. 3905, A bill for an act relating to education; allowing potential school site to appeal school board decision; amending Minnesota Statutes 2006, section 123B.04, subdivision 2.

The bill was read for the first time and referred to the Committee on E-12 Education.

Bly introduced:

H. F. No. 3906, A bill for an act relating to eminent domain; repealing certain exemptions for public service corporations; amending Minnesota Statutes 2006, sections 117.225; 117.48; repealing Minnesota Statutes 2006, section 117.189.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Lillie, Atkins, Ward, Fritz and Liebling introduced:

H. F. No. 3907, A bill for an act relating to commerce; regulating franchise agreements between outdoor sport equipment dealers, manufacturers, and distributors; proposing coding for new law as Minnesota Statutes, chapter 80G.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Haws introduced:

H. F. No. 3908, A bill for an act relating to education; clarifying requirements for school board members to hire and dismiss teachers; amending Minnesota Statutes 2006, section 122A.40, subdivision 3.

The bill was read for the first time and referred to the Committee on E-12 Education.

Beard, Hortman and Lieder introduced:

H. F. No. 3909, A bill for an act relating to drivers' licenses; providing that payment of vehicle taxes and fees by dishonored check results in person becoming ineligible to receive driver's license; amending Minnesota Statutes 2006, section 171.04, subdivision 1.

The bill was read for the first time and referred to the Transportation Finance Division.

Morrow introduced:

H. F. No. 3910, A bill for an act relating to pupil transportation; creating an Office of Pupil Transportation Safety; prescribing staffing and duties; requiring report; appropriating money; amending Minnesota Statutes 2006, section 169.435.

The bill was read for the first time and referred to the Committee on Finance.

Beard, Mahoney, Norton and Winkler introduced:

H. F. No. 3911, A bill for an act relating to economic development; appropriating money for an enabling design project.

The bill was read for the first time and referred to the Committee on Biosciences and Emerging Technology.

Koenen introduced:

H. F. No. 3912, A bill for an act relating to veterans of World War II; requiring commissioner of veterans affairs to distribute commemorative medallions recognizing service in the United States armed forces during World War II; appropriating money.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Gunther; Mahoney; Murphy, M., and Rukavina introduced:

H. F. No. 3913, A bill for an act relating to boxing; changing the name of the Minnesota Boxing Commission; providing penalties; extending jurisdiction of the commissions; authorizing rulemaking; amending Minnesota Statutes 2006, sections 341.21, as amended; 341.23; 341.24; 341.26; 341.28, as amended; 341.29; 341.30; 341.31; 341.32, as amended; 341.33; 341.34, subdivision 1; 341.35; 341.37; Minnesota Statutes 2007 Supplement, sections 214.04, subdivision 3; 341.22; 341.25; 341.27; 341.321; proposing coding for new law in Minnesota Statutes, chapter 341.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Erhardt, by request, introduced:

H. F. No. 3914, A bill for an act relating to traffic regulations; requiring one license plate on certain motor vehicles; amending Minnesota Statutes 2006, sections 168.012, subdivision 1c; 168.123, subdivision 1; 168.1235, subdivision 1; 169.79, subdivision 6.

The bill was read for the first time and referred to the Transportation Finance Division.

Murphy, M., by request, introduced:

H. F. No. 3915, A bill for an act relating to St. Louis County; providing for civil service pilot projects; amending Minnesota Statutes 2006, section 383C.034.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Dominguez; Haws; Murphy, M.; Kahn; Clark and Hornstein introduced:

H. F. No. 3916, A bill for an act relating to public safety; increasing criminal penalties for assaulting utility company employees; amending Minnesota Statutes 2006, section 609.2231, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Ozment introduced:

H. F. No. 3917, A bill for an act relating to natural resources; modifying campfire provisions; amending Minnesota Statutes 2006, section 88.15, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Olin introduced:

H. F. No. 3918, A bill for an act relating to traffic regulations; authorizing operation of certain combinations with gross vehicle weight up to 105,000 pounds on certain highways with permit; prescribing allocation of permit fee; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 169.

The bill was read for the first time and referred to the Committee on Finance.

Paulsen introduced:

H. F. No. 3919, A bill for an act relating to taxation; reducing the corporate franchise tax rate for certain taxpayers; increasing the research credit and allowing transfer of the credit among members of the unitary group; modifying the method of apportioning corporate franchise tax; allowing the capital equipment sales tax exemption at the time of purchase; amending Minnesota Statutes 2006, sections 290.06, by adding a subdivision; 290.068, subdivisions 1, 4; 290.191, subdivision 2; 297A.68, subdivision 5; 297A.75.

The bill was read for the first time and referred to the Committee on Taxes.

Sailer, Hilstrom, Mullery and Holberg introduced:

H. F. No. 3920, A bill for an act relating to data practices; providing for the protection of certain data relating to reports of the state auditor; amending Minnesota Statutes 2006, section 6.715, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Olson, Drazkowski, Erickson and Emmer introduced:

H. F. No. 3921, A bill for an act relating to game and fish; modifying landowner and tenant separate selection eligibility for turkey license; amending Minnesota Statutes 2006, section 97A.435, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Olson, Heidgerken, Drazkowski, Erickson and Emmer introduced:

H. F. No. 3922, A bill for an act relating to higher education; enacting the Free Speech for Faculty and Students Bill of Rights; proposing coding for new law in Minnesota Statutes, chapter 135A.

The bill was read for the first time and referred to the Higher Education and Work Force Development Policy and Finance Division.

Olson, by request, introduced:

H. F. No. 3923, A bill for an act relating to capital improvements; appropriating money for an ice arena in Big Lake; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Thao introduced:

H. F. No. 3924, A bill for an act relating to occupations and professions; allowing optometrists to dispense a legend drug at retail under certain conditions; amending Minnesota Statutes 2006, sections 145.711, by adding a subdivision; 148.574.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Thissen; Mariani; Murphy, M.; Nelson; Wardlow and Urdahl introduced:

H. F. No. 3925, A bill for an act relating to retirement; St. Paul Teachers Retirement Fund Association; extending the rule of 90 benefit tier to post-1989 hires; amending Minnesota Statutes 2006, sections 354A.011, subdivision 15a; 354A.12, subdivisions 1, 2a; 354A.31, subdivisions 1, 4, 6, 7; 354A.35, subdivision 2; Minnesota Statutes 2007 Supplement, section 356.351, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Thissen; Bigham; Moe; Kalin; Wardlow; Mariani; Murphy, M.; Nelson; Urdahl and Abeler introduced:

H. F. No. 3926, A bill for an act relating to retirement; Teachers Retirement Association; extending the "Rule of 90" benefit tier to post-1989 hires; amending Minnesota Statutes 2006, sections 354.05, subdivision 38; 354.42, subdivisions 2, 3; 354.44, subdivision 1; Minnesota Statutes 2007 Supplement, section 354.44, subdivision 6.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Thissen; Mariani; Murphy, M.; Nelson; Wardlow and Urdahl introduced:

H. F. No. 3927, A bill for an act relating to retirement; Duluth Teachers Retirement Fund Association; extending the rule of 90 benefit tier to post-1989 hires; amending Minnesota Statutes 2006, sections 354A.011, subdivision 15a; 354A.12, subdivisions 1, 2a; 354A.31, subdivisions 1, 4a, 6, 7; 354A.35, subdivision 2; Minnesota Statutes 2007 Supplement, section 356.351, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Olin and Berns introduced:

H. F. No. 3928, A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2006, sections 13.202, subdivision 3; 13.322, subdivision 1; 13.3806, subdivision 1; 13.635, subdivision 1; 13.681, subdivision 1; 13.712, subdivision 1; 13.83, subdivision 10; 13.871, subdivisions 1, 6; 17.117, subdivision 3; 46.044, subdivision 1; 72A.20, subdivision 11; 103F.725, subdivision 1a; 103I.005, subdivision 22; 103I.311, subdivision 3; 115A.554; 123B.88, subdivision 19; 124D.59, subdivision 3; 126C.17, subdivision 9; 144.396, subdivision 9; 144.581, subdivision 1; 144A.461; 145B.02, subdivision 5; 148.736, subdivisions 2, 3; 169.01, subdivision 4b; 169.421, subdivision 5; 169.448, subdivision 1; 171.12, subdivision 2a; 174.03, subdivision 8; 175.35; 237.411, subdivision 5; 244.08; 256.98, subdivision 7; 256B.04, subdivision 16; 256B.35, subdivision 1; 256J.30, subdivision 9; 256J.32, subdivision 4; 256J.42, subdivisions 5, 6; 256J.425, subdivisions 5, 6; 256J.46, subdivision 1; 256J.50, subdivision 1; 256J.521, subdivision 4; 256J.54, subdivision 5; 260B.235, subdivision 5; 260C.007, subdivision 6; 270.81, subdivision 1; 270.82, subdivision 1; 270.83, subdivision 3; 273.1398, subdivision 6; 275.065, subdivision 5a; 282.01, subdivision 1b; 289A.08, subdivision 7; 289A.63, subdivision 6; 290.0921, subdivision 3; 297A.70, subdivision 13; 298.282, subdivision 2; 300.15; 300.64, subdivision 4; 321.0108; 332.30; 352.03, subdivision 11; 352.119, subdivision 3; 354.07, subdivision 3; 354A.12, subdivisions 1, 2a; 356.30, subdivision 1; 356.65, subdivision 2; 386.015, subdivision 5; 422A.101, subdivision 2; 424A.02, subdivision 8a; 458D.18, subdivision 9; 469.153, subdivision 2; 480.182; 484.012; 501B.86, subdivision 2; 508A.22, subdivision 3; 518C.310; 550.04; 609.101, subdivision 3; 609.75, subdivision 1; 609B.121; 609B.164; 609B.265, subdivision 3; 609B.515; 611.272; Minnesota Statutes 2007 Supplement, sections 16C.03, subdivision 10; 103I.235, subdivision 1; 136A.127, subdivision 8; 144.121, subdivision 5b; 148.67, subdivision 1; 183.57, subdivision 2; 183.59; 216B.1637; 256.01, subdivision 23; 256.476, subdivision 4; 256B.0915, subdivisions 3a, 3e; 256B.49, subdivision 16a; 256J.49, subdivision 13; 256J.55, subdivision 1; 268.101, subdivision 2; 325E.386, subdivision 1; 326.91, subdivision 1; 352.01, subdivision 2b; 446A.051, subdivision 1; 446A.072, subdivision 5a; Laws 2007, chapter 147, article 19, section 3, subdivision 4;

proposing coding for new law in Minnesota Statutes, chapter 609B; repealing Minnesota Statutes 2006, sections 35.701; 35.96, subdivision 5; 62Q.64; 216C.30, subdivision 4; 256E.21, subdivision 3; 289A.11, subdivision 2; 383D.47; 473.1551, subdivision 1; 473.553, subdivision 14; 473.616; 484.69, subdivision 1a; 525.091, subdivision 2; Laws 2006, chapter 270, article 2, section 13; Laws 2007, chapter 128, article 6, section 16; Laws 2007, chapter 134, article 1, section 8; Laws 2007, chapter 147, article 1, section 32.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Hilty introduced:

H. F. No. 3929, A bill for an act relating to elections; exempting certain towns from a voting system requirement in certain situations; amending Minnesota Statutes 2006, section 206.57, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 206.57, subdivision 5.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Hornstein introduced:

H. F. No. 3930, A bill for an act relating to environment; requiring Pollution Control Agency notification of certain people on the status of underground tanks; proposing coding for new law in Minnesota Statutes, chapter 116.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kalin introduced:

H. F. No. 3931, A bill for an act relating to civil actions; moving mortgage redemption sales to the end of the current redemption period; eliminating the redemption rights of the mortgagee; amending Minnesota Statutes 2006, sections 580.03; 580.04; 580.10; 580.12; 580.23, subdivisions 1, 2, 4; 580.28; 581.06; 581.10; 582.032; 582.041, subdivision 5; 582.042, subdivision 5; 582.05; 582.27, subdivision 1; 582.30, subdivision 2; 582.32, subdivisions 3, 5; proposing coding for new law in Minnesota Statutes, chapter 580; repealing Minnesota Statutes 2006, sections 580.25; 580.26; 580.27; Minnesota Statutes 2007 Supplement, section 580.24.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Atkins introduced:

H. F. No. 3932, A bill for an act relating to real property; modifying the right of reinstatement and other provisions relating to mortgage foreclosure; amending Minnesota Statutes 2006, sections 580.30; 582.27, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 582.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Loeffler, Norton, Liebling, Kahn, Hortman, Bunn, Simon, Laine, Slocum, Bly and Lillie introduced:

H. F. No. 3933, A bill for an act relating to state government; specifying duties and rights of executive branch employees; providing remedies; amending Minnesota Statutes 2007 Supplement, section 181.932, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Kalin introduced:

H. F. No. 3934, A bill for an act relating to probate; enacting the Uniform Disclaimer of Property Interests Act; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 2006, sections 501B.86; 525.532.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Moe and Anzelc introduced:

H. F. No. 3935, A bill for an act relating to natural resources; establishing the Lessard-Heritage Enhancement Council; providing appointments; proposing coding for new law in Minnesota Statutes, chapter 97A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Holberg and Murphy, M., introduced:

H. F. No. 3936, A bill for an act relating to workers' compensation; providing for disability payments to an employee of a bomb squad.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Ruud and Murphy, E., introduced:

H. F. No. 3937, A bill for an act relating to health; regulating the use of lasers, intense pulsed light devices, and radio frequency devices; amending Minnesota Statutes 2006, section 147.081, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 147.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Murphy, M., by request, introduced:

H. F. No. 3938, A bill for an act relating to retirement; volunteer firefighter relief associations; requiring misconduct reporting by public accountants; authorizing brokers to hold relief association assets; clarifying certain authorized investment limitations; requiring broker certification of sufficient securities investor protection corporation insurance for broker-held assets; adding ancillary benefit definition; revising surviving spouse

definition; modifying interest crediting for deferred service pensions; clarifying the limitation on ancillary benefits; disallowing special fund payment of funeral benefits; amending Minnesota Statutes 2006, sections 6.67; 69.011, subdivision 1; 356A.06, subdivisions 1, 7, 8b; 424A.001, subdivision 6, by adding a subdivision; 424A.02, subdivisions 7, 9; 424A.05, subdivision 3.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Kalin and Davnie introduced:

H. F. No. 3939, A bill for an act relating to taxation; allowing a special research and development credit; amending Minnesota Statutes 2006, section 290.068, subdivision 2, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Shimanski and Emmer introduced:

H. F. No. 3940, A bill for an act relating to human services; establishing a finger imaging system to identify applicants for and recipients of public assistance programs; imposing penalties; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 256.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Shimanski introduced:

H. F. No. 3941, A bill for an act relating to agriculture; increasing the somatic cell count limit for goat milk; proposing coding for new law in Minnesota Statutes, chapter 32.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Lesch introduced:

H. F. No. 3942, A bill for an act relating to family law; changing certain terminology, procedures, and requirements; amending Minnesota Statutes 2006, sections 257.025; 257.541; 259.23, subdivision 2; 260C.007, subdivision 8; 260C.163, subdivision 2; 260C.301, subdivision 3; 518.003, subdivision 3; 518.091, subdivision 2; 518.10; 518.131, subdivisions 1, 3, 6, 7; 518.156; 518.157, subdivision 3; 518.166; 518.167, subdivisions 1, 2; 518.17; 518.1705, subdivisions 2, 4, 9; 518.175, subdivision 5; 518.18; 518A.26, subdivision 14; 518A.36, subdivision 1; 518B.01, subdivisions 6, 17; Minnesota Statutes 2007 Supplement, sections 260.012; 260C.201, subdivision 11; 260C.209, subdivision 1; 518.165, subdivisions 1, 2; repealing Minnesota Statutes 2006, sections 518.176, subdivision 1; 518A.26, subdivision 17.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Koenen introduced:

H. F. No. 3943, A bill for an act relating to taxation; modifying requirements applicable to the green acres property tax program; amending Minnesota Statutes 2006, section 273.111, subdivisions 6, 8, 14.

The bill was read for the first time and referred to the Committee on Taxes.

Clark introduced:

H. F. No. 3944, A bill for an act relating to public health; establishing a volunteer fragrance-free schools education campaign.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Drazkowski; Olson; Anderson, B.; Erickson and Shimanski introduced:

H. F. No. 3945, A bill for an act relating to public safety; directing the attorney general to prepare a report on the costs of illegal immigration to the state; requiring the attorney general to assess the cost of illegal immigration to the federal government; directing the attorney general to monitor and record the responses of federal immigration authorities to inquiries submitted by state law enforcement officers; proposing coding for new law in Minnesota Statutes, chapters 8; 626.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Otremba; Erickson; Ruth; Hosch; Olin; Urdahl; Eastlund; Olson; Cornish; Demmer; Abeler; Simpson; Faust; Magnus; Howes; DeLaForest; Kohls; Lanning; Peterson, N.; Westrom; Eken and Tingelstad introduced:

H. F. No. 3946, A bill for an act relating to health; prohibiting saline amniocentesis; providing civil and criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Otremba; Brod; Holberg; Peppin; Fritz; Seifert; Nornes; Gottwalt; Erickson; Wardlow; Emmer; Drazkowski; Ruth; Heidgerken; Hamilton; Smith; Gunther; Beard; Koenen; Severson; Ward; Shimanski; Zellers; Anderson, B.; Hackbarth; Dean; Murphy, M.; Pelowski; Marquart; Juhnke; Doty; Haws; Dettmer; Buesgens and Garofalo introduced:

H. F. No. 3947, A bill for an act relating to health; prohibiting saline amniocentesis; providing civil and criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Bunn; Hosch; Slawik; Liebling; Murphy, E., and Thissen introduced:

H. F. No. 3948, A bill for an act relating to human services; allowing for costs associated with physical activities to be covered under home and community-based waivers; amending Minnesota Statutes 2006, section 256B.092, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Thissen, Huntley, Loeffler, Abeler and Fritz introduced:

H. F. No. 3949, A bill for an act relating to human services; providing support for individuals who are shelter needy; appropriating money; amending Minnesota Statutes 2006, section 256D.44, subdivisions 2, 5.

The bill was read for the first time and referred to the Committee on Finance.

Clark introduced:

H. F. No. 3950, A bill for an act relating to education; providing funding for summer programming for American Indian youth.

The bill was read for the first time and referred to the Committee on E-12 Education.

Greiling introduced:

H. F. No. 3951, A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, and state agencies; appropriating money; amending Minnesota Statutes 2006, sections 122A.40, subdivision 8; 122A.72, by adding a subdivision; 124D.04, subdivisions 3, 6, 8, 9; 124D.05, by adding a subdivision; 125A.76, by adding a subdivision; 126C.10, subdivision 31, by adding a subdivision; 127A.45, subdivision 16; Laws 2007, chapter 146, article 7, section 4; Laws 2007, First Special Session chapter 2, article 1, section 11, subdivisions 1, 2, 6; proposing coding for new law in Minnesota Statutes, chapters 120B; 122A; 124D; repealing Minnesota Statutes 2006, section 127A.45, subdivision 7a; Laws 2007, First Special Session chapter 2, article 1, section 11, subdivisions 3, 4.

The bill was read for the first time and referred to the Committee on Finance.

Olson; Anzelc; Juhnke; Erickson; Anderson, B.; Emmer and Shimanski introduced:

H. F. No. 3952, A bill for an act relating to transportation; requiring instruction on defensive driving training and inclusion of defensive driving techniques in the driver's manual; providing rulemaking authority; amending Minnesota Statutes 2006, sections 171.0701; 171.13, by adding a subdivision.

The bill was read for the first time and referred to the Transportation Finance Division.

Kalin introduced:

H. F. No. 3953, A bill for an act relating to veterans; establishing a statewide veteran-to-veteran peer counseling pilot program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 197.

The bill was read for the first time and referred to the Committee on Finance.

Hosch introduced:

H. F. No. 3954, A bill for an act relating to health; establishing procedures for health care cooperative arrangements; proposing coding for new law in Minnesota Statutes, chapter 62R.

The bill was read for the first time and referred to the Committee on Health and Human Services.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 380, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; authorizing the sale of state bonds; canceling and modifying previous appropriations; appropriating money; amending Minnesota Statutes 2006, sections 16B.32, by adding a subdivision; 16B.325; 16B.335, subdivision 2; 103D.335, subdivision 17; 116.155, subdivisions 2, 3; 116J.423, by adding a subdivision; 119A.45; 462A.21, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 16A.695, subdivision 3; 103G.222, subdivision 1; Laws 1997, chapter 21, section 1; Laws 2003, First Special Session chapter 20, article 1, section 12, subdivision 3; Laws 2005, chapter 20, article 1, sections 7, subdivision 21; 17; 23, subdivisions 8, 11, as amended, 16; Laws 2006, chapter 258, sections 7, subdivisions 7, 11, 22; 16, subdivision 5; 21, subdivisions 6, 14, 15; 23, subdivision 3; Laws 2006, chapter 282, article 11, section 2, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 116; 137; 462A.

The Senate has appointed as such committee:

Senators Langseth, Pappas, Tomassoni, Scheid and Koering.

Said House File is herewith returned to the House.

PATRICE DWORAK, First Assistant Secretary of the Senate

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Monday, March 10, 2008:

H. F. Nos. 3099, 3139, 3289, 3306, 3368, 3582, 2816, 2827, 2907, 2932, 3124 and 1546; S. F. No. 1298; and H. F. No. 2602.

CALENDAR FOR THE DAY

H. F. No. 3099, A bill for an act relating to state government; requiring emergency management training for certain executive branch employees; amending Minnesota Statutes 2006, section 12.09, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Haws	Lenczewski	Olin	Slawik
Anderson, S.	Dittrich	Heidgerken	Lesch	Olson	Slocum
Anzelc	Dominguez	Hilstrom	Liebling	Otremba	Solberg
Atkins	Doty	Hilty	Lieder	Ozment	Swails
Beard	Drazkowski	Holberg	Lillie	Paulsen	Thao
Benson	Eastlund	Hoppe	Loeffler	Paymar	Thissen
Berns	Eken	Hornstein	Madore	Pelowski	Tillberry
Bigham	Emmer	Hortman	Magnus	Peppin	Tingelstad
Bly	Erhardt	Hosch	Mahoney	Peterson, A.	Tschumper
Brod	Erickson	Howes	Marquart	Peterson, N.	Urdahl
Brown	Faust	Huntley	Masin	Peterson, S.	Wagenius
Brynaert	Finstad	Jaros	McFarlane	Poppe	Walker
Buesgens	Fritz	Johnson	McNamara	Rukavina	Ward
Bunn	Gardner	Juhnke	Moe	Ruud	Wardlow
Carlson	Garofalo	Kahn	Morgan	Sailer	Welti
Clark	Gottwalt	Kalin	Morrow	Scalze	Westrom
Cornish	Greiling	Knuth	Mullery	Seifert	Winkler
Davnie	Gunther	Koenen	Murphy, E.	Sertich	Wollschlager
Dean	Hackbarth	Kohls	Murphy, M.	Severson	Zellers
DeLaForest	Hamilton	Kranz	Nelson	Shimanski	Spk. Kelliher
Demmer	Hansen	Laine	Nornes	Simon	
Dettmer	Hausman	Lanning	Norton	Simpson	

The bill was passed and its title agreed to.

H. F. No. 3139 was reported to the House.

Magnus, Cornish, Wardlow, DeLaForest, Dettmer, Gottwalt, Hamilton, Brod, Shimanski, Eastlund, Severson and Simpson moved to amend H. F. No. 3139 as follows:

Page 2, line 25, strike "a copy of discharge papers" and insert "proof thereof"

The motion prevailed and the amendment was adopted.

Emmer moved to amend H. F. No. 3139, as amended, as follows:

Page 1, line, 21, after "character" insert ", is a United States citizen or legal resident alien"

Page 2, line 24, strike "and"

Page 2, line 25, strike the period and insert "; and"

Page 2, after line 25, insert:

"(5) proof of United States citizenship or legal resident alien status, along with the date of residency expiration, if applicable."

Page 2, line 32, after the period, insert "If the licensee is a legal resident alien, a license to practice granted under this section shall expire on the same date that the licensee's legal resident status expires."

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Greiling	Juhnke	Marquart	Peterson, A.
Anderson, S.	Demmer	Gunther	Kahn	Masin	Peterson, N.
Anzels	Dettmer	Hackbarth	Kalin	McFarlane	Peterson, S.
Atkins	Dill	Hamilton	Knuth	McNamara	Poppe
Beard	Dittrich	Hansen	Koenen	Moe	Rukavina
Benson	Dominguez	Hausman	Kohls	Morgan	Ruud
Berns	Doty	Haws	Kranz	Morrow	Sailer
Bigham	Drazkowski	Heidgerken	Laine	Mullery	Scalze
Bly	Eastlund	Hilstrom	Lanning	Murphy, E.	Seifert
Brod	Eken	Hilty	Lenczewski	Murphy, M.	Sertich
Brown	Emmer	Holberg	Lesch	Nornes	Severson
Brynaert	Erhardt	Hoppe	Liebling	Norton	Shimanski
Buesgens	Erickson	Hornstein	Lieder	Olin	Simon
Bunn	Faust	Hortman	Lillie	Olson	Simpson
Carlson	Finstad	Hosch	Loeffler	Otremba	Slawik
Clark	Fritz	Howes	Madore	Ozment	Slocum
Cornish	Gardner	Huntley	Magnus	Paulsen	Solberg
Davnie	Garofalo	Jaros	Mahoney	Pelowski	Swails
Dean	Gottwalt	Johnson	Mariani	Peppin	Thao

Thissen	Tschumper	Walker	Wolti	Wollschlager
Tillberry	Urdahl	Ward	Westrom	Zellers
Tingelstad	Wagenius	Wardlow	Winkler	Spk. Kelliher

The motion prevailed and the amendment was adopted.

H. F. No. 3139, A bill for an act relating to veterinary medicine; recognizing Program for the Assessment of Veterinary Education Equivalence certification; limiting use of certain drugs; changing certain requirements; regulating prescription of drugs; amending Minnesota Statutes 2006, sections 156.001, by adding a subdivision; 156.02, subdivisions 1, 2; 156.04; 156.072, subdivision 2; 156.073; 156.12, subdivisions 2, 4, 6; 156.15, subdivision 2; 156.16, subdivisions 3, 10; 156.18, subdivisions 1, 2; 156.19.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Haws	Lenczewski	Norton	Slawik
Anderson, S.	Dittrich	Heidgerken	Lesch	Olin	Slocum
Anzelc	Dominguez	Hilstrom	Liebling	Otremba	Solberg
Atkins	Doty	Hilty	Lieder	Ozment	Swails
Beard	Drazkowski	Holberg	Lillie	Paulsen	Thao
Benson	Eastlund	Hoppe	Loeffler	Paymar	Thissen
Berns	Eken	Hornstein	Madore	Pelowski	Tillberry
Bigham	Emmer	Hortman	Magnus	Peppin	Tingelstad
Bly	Erhardt	Hosch	Mahoney	Peterson, A.	Tschumper
Brod	Erickson	Howes	Mariani	Peterson, N.	Urdahl
Brown	Faust	Huntley	Marquart	Peterson, S.	Wagenius
Brynaert	Finstad	Jaros	Masin	Poppe	Walker
Buesgens	Fritz	Johnson	McFarlane	Rukavina	Ward
Bunn	Gardner	Juhnke	McNamara	Ruud	Wardlow
Carlson	Garofalo	Kahn	Moe	Sailer	Wolti
Clark	Gottwalt	Kalin	Morgan	Scalze	Westrom
Cornish	Greiling	Knuth	Morrow	Seifert	Winkler
Davnie	Gunther	Koenen	Mullery	Sertich	Wollschlager
Dean	Hackbarth	Kohls	Murphy, E.	Severson	Zellers
DeLaForest	Hamilton	Kranz	Murphy, M.	Shimanski	Spk. Kelliher
Demmer	Hansen	Laine	Nelson	Simon	
Dettmer	Hausman	Lanning	Nornes	Simpson	

The bill was passed, as amended, and its title agreed to.

H. F. No. 3289, A bill for an act relating to auctioneers; exempting auctioneers from certain requirements applicable to professional fund-raisers; amending Minnesota Statutes 2006, section 309.515, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Haws	Lenczewski	Norton	Simon
Anderson, S.	Dittrich	Heidgerken	Lesch	Olin	Simpson
Anzelc	Dominguez	Hilstrom	Liebling	Olson	Slawik
Atkins	Doty	Hilty	Lieder	Otremba	Slocum
Beard	Drazkowski	Holberg	Lillie	Ozment	Solberg
Benson	Eastlund	Hoppe	Loeffler	Paulsen	Swails
Berns	Eken	Hornstein	Madore	Paymar	Thao
Bigham	Emmer	Hortman	Magnus	Pelowski	Thissen
Bly	Erhardt	Hosch	Mahoney	Peppin	Tillberry
Brod	Erickson	Howes	Mariani	Peterson, A.	Tingelstad
Brown	Faust	Huntley	Marquart	Peterson, N.	Tschumper
Brynaert	Finstad	Jaros	Masin	Peterson, S.	Urdahl
Buesgens	Fritz	Johnson	McFarlane	Poppe	Wagenius
Bunn	Gardner	Juhnke	McNamara	Rukavina	Walker
Carlson	Garofalo	Kahn	Moe	Ruth	Ward
Clark	Gottwalt	Kalin	Morgan	Ruud	Wardlow
Cornish	Greiling	Knuth	Morrow	Sailer	Walti
Davnie	Gunther	Koenen	Mullery	Scalze	Westrom
Dean	Hackbarth	Kohls	Murphy, E.	Seifert	Winkler
DeLaForest	Hamilton	Kranz	Murphy, M.	Sertich	Wollschlager
Demmer	Hansen	Laine	Nelson	Severson	Zellers
Dettmer	Hausman	Lanning	Nornes	Shimanski	Spk. Kelliher

The bill was passed and its title agreed to.

H. F. No. 1546 was reported to the House.

Hackbarth moved to amend H. F. No. 1546, the second engrossment, as follows:

Page 3, after line 9, insert:

"Sec. 3. **[201.1612] GAME AND FISH LICENSE AUTOMATIC REGISTRATION.**

Subdivision 1. **Automatic registration.** An individual who properly completes an application for a game and fish license and who is eligible to vote under section 201.014, must be registered to vote as provided in this section, unless the applicant declines to be registered.

Subd. 2. **Applications.** The commissioner of natural resources, in consultation with the secretary of state, shall change the applications for game and fish licenses so that the forms may also serve as voter registration applications. The forms must contain spaces for all information collected by voter registration applications prescribed by the secretary of state and a box for the applicant to decline to be registered to vote. If the applicant has not declined to be registered to vote, the commissioner shall transmit the information daily by electronic means to the secretary of state.

Subd. 3. **Registration.** (a) The secretary of state shall determine whether the applicant is currently registered in the statewide voter registration system. For each currently registered voter whose registration is not changed, the secretary of state shall update the voter's registration date in the statewide voter registration system. For each currently registered voter whose registration is changed, the secretary of state shall transmit the registration daily by electronic means to the county auditor of the county where the voter resides.

(b) If the applicant is not currently registered in the statewide voter registration system, the secretary of state shall determine whether the applicant is 18 years of age or older and a citizen of the United States and compare the voter registration information received from the commissioner of natural resources with the information on wards, incompetents, and felons received from the state court administrator under sections 201.15 and 201.155, to determine whether the applicant is eligible to vote. If an applicant is within six months of turning 18 years of age, the secretary of state shall wait until the applicant has turned 18 years of age to determine whether the applicant is eligible to vote. For each applicant the secretary of state determines is an eligible voter, the secretary of state shall transmit the registration daily by electronic means to the county auditor of the county where the voter resides.

Subd. 4. **Notice.** Upon receipt of the registration, the county auditor shall mail to the voter the notice of registration required by section 201.121, subdivision 2.

Subd. 5. **Effective date.** An application for registration that is dated during the 20 days before an election in any jurisdiction within which the voter resides is not effective until the day after the election."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Emmer offered an amendment to H. F. No. 1546, the second engrossment.

POINT OF ORDER

Simon raised a point of order pursuant to rule 3.21 that the Emmer amendment was not in order. The Speaker ruled the point of order well taken and the Emmer amendment out of order.

Emmer appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 83 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Abeler	Benson	Brown	Carlson	Dill	Doty
Anzelc	Bigham	Brynaert	Clark	Dittrich	Eken
Atkins	Bly	Bunn	Davnie	Dominguez	Faust

Fritz	Huntley	Liebling	Morrow	Poppe	Thao
Gardner	Jaros	Lieder	Mullery	Rukavina	Thissen
Greiling	Johnson	Lillie	Murphy, E.	Ruud	Tillberry
Hansen	Juhnke	Loeffler	Murphy, M.	Sailer	Tschumper
Hausman	Kahn	Madore	Nelson	Scalze	Wagenius
Haws	Kalin	Mahoney	Norton	Sertich	Walker
Hilstrom	Knuth	Mariani	Olin	Simon	Ward
Hilty	Kranz	Marquart	Paymar	Slawik	Winkler
Hornstein	Laine	Masin	Pelowski	Slocum	Wollschlager
Hortman	Lenczewski	Moe	Peterson, A.	Solberg	Spk. Kelliher
Hosch	Lesch	Morgan	Peterson, S.	Swails	

Those who voted in the negative were:

Anderson, S.	Dettmer	Gunther	Lanning	Peppin	Wardlow
Beard	Drazkowski	Hackbarth	Magnus	Peterson, N.	Wolti
Berns	Eastlund	Hamilton	McFarlane	Ruth	Westrom
Brod	Emmer	Heidgerken	McNamara	Seifert	Zellers
Buesgens	Erhardt	Holberg	Nornes	Severson	
Cornish	Erickson	Hoppe	Olson	Shimanski	
Dean	Finstad	Howes	Otremba	Simpson	
DeLaForest	Garofalo	Koenen	Ozment	Tingelstad	
Demmer	Gottwalt	Kohls	Paulsen	Urdahl	

So it was the judgment of the House that the decision of the Speaker should stand.

H. F. No. 1546, A bill for an act relating to elections; providing for verification of certain address changes; making conforming procedural changes; amending Minnesota Statutes 2006, sections 201.12; 201.13, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 115 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hausman	Kranz	Moe	Peterson, S.
Anzelc	Dettmer	Haws	Laine	Morgan	Poppe
Atkins	Dill	Heidgerken	Lanning	Morrow	Rukavina
Beard	Dittrich	Hilstrom	Lenczewski	Mullery	Ruth
Benson	Dominguez	Hilty	Lesch	Murphy, E.	Ruud
Berns	Doty	Hornstein	Liebling	Murphy, M.	Sailer
Bigham	Eken	Hortman	Lieder	Nelson	Scalze
Bly	Erhardt	Hosch	Lillie	Nornes	Sertich
Brod	Faust	Howes	Loeffler	Norton	Severson
Brown	Fritz	Huntley	Madore	Olin	Simon
Brynaert	Gardner	Jaros	Magnus	Otremba	Simpson
Bunn	Garofalo	Johnson	Mahoney	Ozment	Slawik
Carlson	Gottwalt	Juhnke	Mariani	Paulsen	Slocum
Clark	Greiling	Kahn	Marquart	Paymar	Solberg
Cornish	Gunther	Kalin	Masin	Pelowski	Swails
Davnie	Hamilton	Knuth	McFarlane	Peterson, A.	Thao
Dean	Hansen	Koenen	McNamara	Peterson, N.	Thissen

Tillberry	Urdahl	Ward	Westrom	Spk. Kelliher
Tingelstad	Wagenius	Wardlow	Winkler	
Tschumper	Walker	Wolti	Wollschlager	

Those who voted in the negative were:

Anderson, S.	Drazkowski	Erickson	Holberg	Olson	Zellers
Buesgens	Eastlund	Finstad	Hoppe	Peppin	
DeLaForest	Emmer	Hackbarth	Kohls	Shimanski	

The bill was passed and its title agreed to.

H. F. No. 3368 was reported to the House.

Emmer moved to amend H. F. No. 3368, the first engrossment, as follows:

Page 3, line 18, before "A" insert "(a)"

Page 3, after line 22, insert:

"(b) An otherwise qualified applicant must satisfy or make arrangements to satisfy any outstanding warrants and civil judgments before the applicant can receive assistance."

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 50 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Anderson, S.	Dettmer	Gunther	Howes	Paulsen	Tingelstad
Beard	Drazkowski	Hackbarth	Kohls	Peppin	Urdahl
Berns	Eastlund	Hamilton	Lanning	Peterson, N.	Wardlow
Brod	Emmer	Hansen	Magnus	Ruth	Westrom
Buesgens	Erhardt	Haws	McFarlane	Sailer	Zellers
Cornish	Erickson	Heidgerken	McNamara	Seifert	
Dean	Finstad	Holberg	Nornes	Severson	
DeLaForest	Garofalo	Hoppe	Olson	Shimanski	
Demmer	Gottwalt	Hosch	Ozment	Simpson	

Those who voted in the negative were:

Abeler	Bunn	Eken	Hornstein	Knuth	Lillie
Anzelc	Carlson	Faust	Hortman	Koenen	Loeffler
Atkins	Clark	Fritz	Huntley	Kranz	Madore
Benson	Davnie	Gardner	Jaros	Laine	Mahoney
Bigham	Dill	Greiling	Johnson	Lenczewski	Mariani
Bly	Dittrich	Hausman	Juhnke	Lesch	Marquart
Brown	Dominguez	Hilstrom	Kahn	Liebling	Masin
Brynaert	Doty	Hilty	Kalin	Lieder	Moe

Morgan	Norton	Peterson, S.	Simon	Thissen	Welti
Morrow	Olin	Poppe	Slawik	Tillberry	Winkler
Mullery	Otremba	Rukavina	Slocum	Tschumper	Wollschlager
Murphy, E.	Paymar	Ruud	Solberg	Wagenius	Spk. Kelliher
Murphy, M.	Pelowski	Scalze	Swails	Walker	
Nelson	Peterson, A.	Sertich	Thao	Ward	

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

H. F. No. 3368, A bill for an act relating to utilities; setting filing deadline for certain reports; regulating customer payment arrangements during cold weather period; regulating payment agreements for certain utility services; amending Minnesota Statutes 2006, section 216B.098, subdivision 3; Minnesota Statutes 2007 Supplement, sections 216B.091; 216B.096, subdivisions 5, 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Haws	Lenczewski	Norton	Simon
Anderson, S.	Dittrich	Heidgerken	Lesch	Olin	Simpson
Anzelc	Dominguez	Hilstrom	Liebling	Olson	Slawik
Atkins	Doty	Hilty	Lieder	Otremba	Slocum
Beard	Drazkowski	Holberg	Lillie	Ozment	Solberg
Benson	Eastlund	Hoppe	Loeffler	Paulsen	Swails
Berns	Eken	Hornstein	Madore	Paymar	Thao
Bigham	Emmer	Hortman	Magnus	Pelowski	Thissen
Bly	Erhardt	Hosch	Mahoney	Peppin	Tillberry
Brod	Erickson	Howes	Mariani	Peterson, A.	Tingelstad
Brown	Faust	Huntley	Marquart	Peterson, N.	Tschumper
Brynaert	Finstad	Jaros	Masin	Peterson, S.	Urdahl
Buesgens	Fritz	Johnson	McFarlane	Poppe	Wagenius
Bunn	Gardner	Juhnke	McNamara	Rukavina	Walker
Carlson	Garofalo	Kahn	Moe	Ruth	Ward
Clark	Gottwalt	Kalin	Morgan	Ruud	Wardlow
Cornish	Greiling	Knuth	Morrow	Sailer	Welti
Davnie	Gunther	Koenen	Mullery	Scalze	Westrom
Dean	Hackbarth	Kohls	Murphy, E.	Seifert	Winkler
DeLaForest	Hamilton	Kranz	Murphy, M.	Sertich	Wollschlager
Demmer	Hansen	Laine	Nelson	Severson	Zellers
Dettmer	Hausman	Lanning	Nornes	Shimanski	Spk. Kelliher

The bill was passed and its title agreed to.

The Speaker called Pelowski to the Chair.

H. F. No. 2816 was reported to the House.

Buesgens and Westrom moved to amend H. F. No. 2816 as follows:

Page 2, line 2, after "option" insert "and the opportunity for referendum"

The motion prevailed and the amendment was adopted.

H. F. No. 2816, A bill for an act relating to Nicollet County; providing a process for making certain offices appointive in Nicollet County.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 90 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hortman	Lillie	Norton	Slocum
Anzels	Dittrich	Hosch	Loeffler	Olin	Solberg
Beard	Dominguez	Howes	Madore	Ozment	Swails
Benson	Erhardt	Huntley	Magnus	Pelowski	Thao
Berns	Fritz	Johnson	Mahoney	Peterson, A.	Thissen
Bigham	Gardner	Kahn	Mariani	Peterson, N.	Tillberry
Brod	Greiling	Knuth	Masin	Peterson, S.	Tingelstad
Brown	Gunther	Koenen	McFarlane	Poppe	Tschumper
Brynaert	Hamilton	Kohls	McNamara	Ruth	Urdahl
Bunn	Hausman	Kranz	Moe	Ruud	Wagenius
Carlson	Haws	Laine	Morgan	Sailer	Walker
Clark	Heidgerken	Lanning	Morrow	Scalze	Welti
Davnie	Hilstrom	Lesch	Mullery	Sertich	Winkler
DeLaForest	Hoppe	Liebling	Murphy, E.	Simon	Wollschlager
Demmer	Hornstein	Lieder	Nelson	Slawik	Spk. Kelliher

Those who voted in the negative were:

Anderson, S.	Doty	Finstad	Jaros	Olson	Severson
Atkins	Drazkowski	Garofalo	Juhnke	Otremba	Shimanski
Bly	Eastlund	Gottwalt	Kalin	Paulsen	Simpson
Buesgens	Eken	Hackbarth	Lenczewski	Paymar	Ward
Cornish	Emmer	Hansen	Marquart	Peppin	Wardlow
Dean	Erickson	Hilty	Murphy, M.	Rukavina	Westrom
Dettmer	Faust	Holberg	Nornes	Seifert	Zellers

The bill was passed, as amended, and its title agreed to.

H. F. No. 2827, A bill for an act relating to local government; amending county historical society funding; amending Minnesota Statutes 2006, section 138.053.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 118 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hoppe	Lillie	Olson	Slawik
Anderson, S.	Dill	Hornstein	Loeffler	Otremba	Slocum
Anzelc	Dittrich	Hortman	Madore	Ozment	Solberg
Atkins	Dominguez	Hosch	Magnus	Paulsen	Swails
Beard	Doty	Howes	Mahoney	Paymar	Thao
Benson	Eken	Huntley	Mariani	Pelowski	Thissen
Berns	Erhardt	Jaros	Marquart	Peppin	Tillberry
Bigham	Faust	Johnson	Masin	Peterson, A.	Tingelstad
Bly	Fritz	Juhnke	McFarlane	Peterson, N.	Tschumper
Brod	Gardner	Kahn	McNamara	Peterson, S.	Urdahl
Brown	Garofalo	Kalin	Moe	Poppe	Wagenius
Brynaert	Greiling	Knuth	Morgan	Rukavina	Walker
Bunn	Gunther	Koenen	Morrow	Ruth	Ward
Carlson	Hamilton	Kranz	Mullery	Ruud	Wardlow
Clark	Hansen	Laine	Murphy, E.	Sailer	Welti
Cornish	Hausman	Lanning	Murphy, M.	Scalze	Winkler
Davnie	Haws	Lenczewski	Nelson	Seifert	Wollschlager
Dean	Heidgerken	Lesch	Nornes	Sertich	Spk. Kelliher
DeLaForest	Hilstrom	Liebling	Norton	Simon	
Demmer	Hilty	Lieder	Olin	Simpson	

Those who voted in the negative were:

Buesgens	Emmer	Gottwalt	Kohls	Westrom
Drazkowski	Erickson	Hackbarth	Severson	Zellers
Eastlund	Finstad	Holberg	Shimanski	

The bill was passed and its title agreed to.

H. F. No. 2907 was reported to the House.

Westrom, Peppin, Holberg, Drazkowski, Buesgens and Hackbarth moved to amend H. F. No. 2907 as follows:

Page 2, line 5, after "option" insert "and the opportunity for referendum"

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

H. F. No. 2907, A bill for an act relating to Yellow Medicine County; providing a process for making certain offices appointive in Yellow Medicine County.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 89 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hosch	Lillie	Norton	Slocum
Anzelc	Dittrich	Howes	Loeffler	Olin	Solberg
Atkins	Dominguez	Huntley	Madore	Ozment	Swails
Beard	Erhardt	Jaros	Magnus	Pelowski	Thao
Benson	Gardner	Johnson	Mahoney	Peterson, A.	Thissen
Berns	Greiling	Kahn	Mariani	Peterson, N.	Tillberry
Bigham	Gunther	Knuth	Masin	Peterson, S.	Tingelstad
Brown	Hamilton	Koenen	McFarlane	Poppe	Tschumper
Brynaert	Hausman	Kohls	McNamara	Ruth	Urdahl
Bunn	Haws	Kranz	Moe	Ruud	Wagenius
Carlson	Heidgerken	Laine	Morgan	Sailer	Welti
Clark	Hilstrom	Lanning	Morrow	Scalze	Winkler
Davnie	Hoppe	Lesch	Mullery	Sertich	Wollschlager
DeLaForest	Hornstein	Liebling	Murphy, E.	Simon	Spk. Kelliher
Demmer	Hortman	Lieder	Nelson	Slawik	

Those who voted in the negative were:

Anderson, S.	Drazkowski	Garofalo	Lenczewski	Peppin	Wardlow
Bly	Eastlund	Gottwalt	Marquart	Rukavina	Westrom
Brod	Eken	Hackbarth	Murphy, M.	Seifert	Zellers
Buesgens	Emmer	Hansen	Nornes	Severson	
Cornish	Erickson	Hilty	Olson	Shimanski	
Dean	Faust	Holberg	Otremba	Simpson	
Dettmer	Finstad	Juhnke	Paulsen	Walker	
Doty	Fritz	Kalin	Paymar	Ward	

The bill was passed, as amended, and its title agreed to.

H. F. No. 2932 was reported to the House.

Rukavina moved to amend H. F. No. 2932, the first engrossment, as follows:

Page 3, after line 15, insert:

"Sec. 8. Minnesota Statutes 2006, section 471.84, is amended to read:

471.84 CEMETERIES; APPROPRIATION BY CERTAIN SUBDIVISIONS.

The governing body of any city of the fourth class or statutory city or town may, in its discretion, appropriate a sum not to exceed ~~\$2,500~~ \$10,000 per annum to any public or privately owned cemetery located within or without its boundaries if the cemetery is used for the burial of the dead of any city of the fourth class or statutory city or town without restriction."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2932, A bill for an act relating to town cemeteries; specifying uses of certain cemetery funds; amending Minnesota Statutes 2006, sections 365.29; 365.30; 365.31; 365.33, subdivision 4; 365.35; 365.36, subdivisions 2, 3; 471.84.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hilstrom	Lieder	Ozment	Swails
Anderson, S.	Dominguez	Hilty	Lillie	Paulsen	Thao
Anzelc	Doty	Holberg	Loeffler	Paymar	Thissen
Atkins	Drazkowski	Hoppe	Madore	Pelowski	Tillberry
Beard	Eastlund	Hornstein	Magnus	Peppin	Tingelstad
Benson	Eken	Hortman	Mahoney	Peterson, A.	Tschumper
Berns	Emmer	Hosch	Mariani	Peterson, N.	Urdahl
Bigham	Erhardt	Howes	Marquart	Peterson, S.	Wagenius
Bly	Erickson	Huntley	Masin	Poppe	Walker
Brod	Faust	Jaros	McFarlane	Rukavina	Ward
Brown	Finstad	Johnson	McNamara	Ruth	Wardlow
Brynaert	Fritz	Juhnke	Moe	Ruud	Welti
Buesgens	Gardner	Kahn	Morgan	Sailer	Westrom
Bunn	Garofalo	Kalin	Morrow	Scalze	Winkler
Carlson	Gottwalt	Knuth	Mullery	Seifert	Wollschlager
Clark	Greiling	Koenen	Murphy, E.	Sertich	Zellers
Cornish	Gunther	Kohls	Murphy, M.	Severson	Spk. Kelliher
Davnie	Hackbarth	Kranz	Nelson	Shimanski	
Dean	Hamilton	Laine	Nornes	Simon	
DeLaForest	Hansen	Lanning	Norton	Simpson	
Demmer	Hausman	Lenczewski	Olin	Slawik	
Dettmer	Haws	Lesch	Olson	Slocum	
Dill	Heidgerken	Liebling	Otremba	Solberg	

The bill was passed, as amended, and its title agreed to.

H. F. No. 2602, A bill for an act relating to public safety; exempting police vehicles from window glazing restrictions; amending Minnesota Statutes 2006, section 169.71, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Haws	Lenczewski	Norton	Simon
Anderson, S.	Dittrich	Heidgerken	Lesch	Olin	Simpson
Anzelc	Dominguez	Hilstrom	Liebling	Olson	Slawik
Atkins	Doty	Hilty	Lieder	Otremba	Slocum
Beard	Drazkowski	Holberg	Lillie	Ozment	Solberg
Benson	Eastlund	Hoppe	Loeffler	Paulsen	Swails
Berns	Eken	Hornstein	Madore	Paymar	Thao
Bigham	Emmer	Hortman	Magnus	Pelowski	Thissen
Bly	Erhardt	Hosch	Mahoney	Peppin	Tillberry
Brod	Erickson	Howes	Mariani	Peterson, A.	Tingelstad
Brown	Faust	Huntley	Marquart	Peterson, N.	Tschumper
Brynaert	Finstad	Jaros	Masin	Peterson, S.	Urdahl
Buesgens	Fritz	Johnson	McFarlane	Poppe	Wagenius
Bunn	Gardner	Juhnke	McNamara	Rukavina	Walker
Carlson	Garofalo	Kahn	Moe	Ruth	Ward
Clark	Gottwalt	Kalin	Morgan	Ruud	Wardlow
Cornish	Greiling	Knuth	Morrow	Sailer	Welti
Davnie	Gunther	Koenen	Mullery	Scalze	Westrom
Dean	Hackbarth	Kohls	Murphy, E.	Seifert	Winkler
DeLaForest	Hamilton	Kranz	Murphy, M.	Sertich	Wollschlager
Demmer	Hansen	Laine	Nelson	Severson	Zellers
Dettmer	Hausman	Lanning	Nornes	Shimanski	Spk. Kelliher

The bill was passed and its title agreed to.

Sertich moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Severson moved that the name of Haws be added as an author on H. F. No. 30. The motion prevailed.

Morgan moved that the name of Slawik be added as an author on H. F. No. 237. The motion prevailed.

Hausman moved that the name of Murphy, M., be added as an author on H. F. No. 380. The motion prevailed.

Peterson, S., moved that the name of Slawik be added as an author on H. F. No. 403. The motion prevailed.

Nelson moved that the name of Mariani be added as an author on H. F. No. 554. The motion prevailed.

Faust moved that the name of Peterson, A., be added as an author on H. F. No. 893. The motion prevailed.

McFarlane moved that the name of Slawik be added as an author on H. F. No. 965. The motion prevailed.

Paymar moved that the name of Morgan be added as an author on H. F. No. 1348. The motion prevailed.

Pelowski moved that the name of Drazkowski be added as an author on H. F. No. 2007. The motion prevailed.

Masin moved that the name of Johnson be added as an author on H. F. No. 2107. The motion prevailed.

Nelson moved that the name of Ruud be added as an author on H. F. No. 2528. The motion prevailed.

Ruud moved that the name of Hansen be added as an author on H. F. No. 2890. The motion prevailed.

Knuth moved that the name of Loeffler be added as an author on H. F. No. 3195. The motion prevailed.

Lenczewski moved that the name of Murphy, M., be added as an author on H. F. No. 3201. The motion prevailed.

Severson moved that the name of Haws be added as an author on H. F. No. 3214. The motion prevailed.

Madore moved that the name of Ozment be added as an author on H. F. No. 3256. The motion prevailed.

Ruud moved that her name be stricken as an author on H. F. No. 3265. The motion prevailed.

Fritz moved that the name of Sailer be added as an author on H. F. No. 3400. The motion prevailed.

Tillberry moved that the name of Doty be added as an author on H. F. No. 3417. The motion prevailed.

Urdahl moved that the name of Sailer be added as an author on H. F. No. 3434. The motion prevailed.

Tingelstad moved that the name of Tschumper be added as an author on H. F. No. 3448. The motion prevailed.

Tingelstad moved that the name of Tschumper be added as an author on H. F. No. 3449. The motion prevailed.

Slawik moved that the name of Lillie be added as an author on H. F. No. 3464. The motion prevailed.

Winkler moved that the name of Tingelstad be added as an author on H. F. No. 3470. The motion prevailed.

Gardner moved that the name of Mariani be added as an author on H. F. No. 3477. The motion prevailed.

Pelowski moved that the name of Lillie be added as an author on H. F. No. 3494. The motion prevailed.

Sailer moved that the name of Hamilton be added as an author on H. F. No. 3559. The motion prevailed.

Otremba moved that the name of Ruth be added as an author on H. F. No. 3573. The motion prevailed.

Koenen moved that the name of Magnus be added as an author on H. F. No. 3585. The motion prevailed.

Tingelstad moved that the name of Tschumper be added as an author on H. F. No. 3591. The motion prevailed.

Marquart moved that the name of Peterson, A., be added as an author on H. F. No. 3593. The motion prevailed.

Marquart moved that the name of Doty be added as an author on H. F. No. 3599. The motion prevailed.

Greiling moved that the name of Lillie be added as an author on H. F. No. 3601. The motion prevailed.

Davnie moved that the name of Kalin be added as an author on H. F. No. 3612. The motion prevailed.

Koenen moved that the name of Haws be added as an author on H. F. No. 3617. The motion prevailed.

Brynaert moved that her name be stricken as an author on H. F. No. 3628. The motion prevailed.

Dettmer moved that the name of Doty be added as an author on H. F. No. 3660. The motion prevailed.

Severson moved that the name of Doty be added as an author on H. F. No. 3672. The motion prevailed.

Hilstrom moved that the name of Simon be added as an author on H. F. No. 3683. The motion prevailed.

Tingelstad moved that the name of Doty be added as an author on H. F. No. 3686. The motion prevailed.

Ozment moved that the name of Sertich be added as an author on H. F. No. 3716. The motion prevailed.

Dittrich moved that the name of Brown be added as an author on H. F. No. 3721. The motion prevailed.

Hornstein moved that the name of Slocum be added as an author on H. F. No. 3725. The motion prevailed.

Hornstein moved that the name of Slocum be added as an author on H. F. No. 3726. The motion prevailed.

Murphy, E., moved that the name of Doty be added as an author on H. F. No. 3762. The motion prevailed.

Hornstein moved that the names of Benson and Berns be added as authors on H. F. No. 3780. The motion prevailed.

Seifert moved that the name of Berns be added as an author on H. F. No. 3797. The motion prevailed.

Walker moved that the name of Tillberry be added as an author on H. F. No. 3804. The motion prevailed.

Clark moved that the name of Mullery be added as an author on H. F. No. 3821. The motion prevailed.

Laine moved that the name of Tillberry be added as an author on H. F. No. 3830. The motion prevailed.

Brynaert moved that the name of Paymar be added as an author on H. F. No. 3843. The motion prevailed.

Hilty moved that the name of Slocum be added as an author on H. F. No. 3866. The motion prevailed.

Hosch moved that the name of Greiling be added as an author on H. F. No. 3871. The motion prevailed.

Haws moved that the name of Scalze be added as an author on H. F. No. 3877. The motion prevailed.

Benson moved that H. F. No. 3181 be recalled from the Committee on Governmental Operations, Reform, Technology and Elections and be re-referred to the Committee on Finance. The motion prevailed.

Tillberry moved that H. F. No. 3306, now on the Calendar for the Day, be re-referred to the Committee on Taxes. The motion prevailed.

Davnie moved that H. F. No. 3516 be recalled from the Committee on Commerce and Labor and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections. The motion prevailed.

Kohls moved that S. F. No. 2908 be recalled from the Committee on Public Safety and Civil Justice and be re-referred to the Committee on Commerce and Labor. The motion prevailed.

Hilstrom moved that S. F. No. 2918 be recalled from the Committee on Public Safety and Civil Justice and be re-referred to the Committee on Commerce and Labor. The motion prevailed.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 5:30 p.m., Tuesday, March 11, 2008. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 5:30 p.m., Tuesday, March 11, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

