

## STATE OF MINNESOTA

## EIGHTY-FIFTH SESSION — 2008

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 NINETIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 13, 2008

The House of Representatives convened at 10:00 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Kiri Solberg, Faith Lutheran Church, Coon Rapids, 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:

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

A quorum was present.

Hosch and Peterson, A., were excused.

Abeler and Brod were excused until 10:30 a.m. Anderson B., was excused until 10:35 a.m. Erhardt was excused until 10:50 a.m.

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

## REPORTS OF CHIEF CLERK

S. F. No. 2500 and H. F. No. 2964, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Hilstrom moved that the rules be so far suspended that S. F. No. 2500 be substituted for H. F. No. 2964 and that the House File be indefinitely postponed. The motion prevailed.

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 205, A bill for an act relating to environment; establishing the Environmental Justice Act; proposing coding for new law in Minnesota Statutes, chapter 116B.

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.

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

H. F. No. 2351, A bill for an act relating to telecommunications; amending regulation of cable communications systems; providing regulation of state-authorized video service providers; amending Minnesota Statutes 2006, sections 238.02, by adding subdivisions; 238.03; proposing coding for new law in Minnesota Statutes, chapter 238.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **STATE VIDEO FRANCHISING STUDY.**

Subdivision 1. **Study contents.** The Department of Commerce shall contract for a study of the impact of legislation enacted in at least three states that requires franchises for video service to be issued by a state agency. The contractor conducting the study shall, prior to its initiation, consult with associations representing municipalities and communities of color. The study shall contain, at a minimum, the following information:

(1) the number of new video service providers that have applied for a state video franchise;

(2) the number of incumbent video service providers that have elected to terminate an existing franchise agreement and apply for a state video franchise;

(3) the amount of capital invested by new video service providers to furnish video service;

(4) the number of communities in which new video service providers intend to offer video services, as reflected in their application;

(5) the number of communities with an incumbent video provider in which new providers intend to offer video services;

(6) the number of communities with no incumbent video service provider in which new video service providers intend to offer video services;

(7) the effect on video service prices in communities with an incumbent video provider in which new video service providers offer video services;

(8) the effect on franchise fee revenues received by municipalities from video service providers;

(9) the effect on the number of PEG channels available to communities;

(10) the effect on the amount of revenues received by municipalities to support the provision of PEG programming in communities;

(11) the effect on the amount of PEG programming available in communities;

(12) the progress of new video providers in meeting any build-out requirements in the law; and

(13) the effect on municipal services provided to communities by video service providers.

Subd. 2. **Report.** The department shall submit the report described in subdivision 1 to the chairs and ranking minority members of the senate and house committees with primary jurisdiction over telecommunications policy by February 1, 2009.

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

Delete the title and insert:

"A bill for an act relating to telecommunications; requiring a study of the impact of state video franchising in states that have enacted such legislation."

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. 2426, A bill for an act relating to human services; requiring notice for a redetermination of eligibility for services to disabled children; amending Minnesota Statutes 2006, section 252.27, 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 256B.055, subdivision 12, is amended to read:

Subd. 12. **Disabled children.** (a) A person is eligible for medical assistance if the person is under age 19 and qualifies as a disabled individual under United States Code, title 42, section 1382c(a), and would be eligible for medical assistance under the state plan if residing in a medical institution, and the child requires a level of care provided in a hospital, nursing facility, or intermediate care facility for persons with developmental disabilities, for whom home care is appropriate, provided that the cost to medical assistance under this section is not more than the amount that medical assistance would pay for if the child resides in an institution. After the child is determined to be eligible under this section, the commissioner shall review the child's disability under United States Code, title 42, section 1382c(a) and level of care defined under this section no more often than annually and may elect, based on the recommendation of health care professionals under contract with the state medical review team, to extend the review of disability and level of care up to a maximum of four years. The commissioner's decision on the frequency of continuing review of disability and level of care is not subject to administrative appeal under section 256.045. The county agency shall send a notice of disability review to the enrollee six months prior to the date the recertification of disability is due. Nothing in this subdivision shall be construed as affecting other redeterminations of medical assistance eligibility under this chapter and annual cost-effective reviews under this section.

(b) For purposes of this subdivision, "hospital" means an institution as defined in section 144.696, subdivision 3, 144.55, subdivision 3, or Minnesota Rules, part 4640.3600, and licensed pursuant to sections 144.50 to 144.58. For purposes of this subdivision, a child requires a level of care provided in a hospital if the child is determined by the commissioner to need an extensive array of health services, including mental health services, for an undetermined period of time, whose health condition requires frequent monitoring and treatment by a health care professional or by a person supervised by a health care professional, who would reside in a hospital or require frequent hospitalization if these services were not provided, and the daily care needs are more complex than a nursing facility level of care.

A child with serious emotional disturbance requires a level of care provided in a hospital if the commissioner determines that the individual requires 24-hour supervision because the person exhibits recurrent or frequent suicidal or homicidal ideation or behavior, recurrent or frequent psychosomatic disorders or somatopsychic disorders that may become life threatening, recurrent or frequent severe socially unacceptable behavior associated with psychiatric disorder, ongoing and chronic psychosis or severe, ongoing and chronic developmental problems requiring continuous skilled observation, or severe disabling symptoms for which office-centered outpatient treatment is not adequate, and which overall severely impact the individual's ability to function.

(c) For purposes of this subdivision, "nursing facility" means a facility which provides nursing care as defined in section 144A.01, subdivision 5, licensed pursuant to sections 144A.02 to 144A.10, which is appropriate if a person is in active restorative treatment; is in need of special treatments provided or supervised by a licensed nurse; or has unpredictable episodes of active disease processes requiring immediate judgment by a licensed nurse. For purposes of this subdivision, a child requires the level of care provided in a nursing facility if the child is determined by the commissioner to meet the requirements of the preadmission screening assessment document under section 256B.0911 and the home care independent rating document under section 256B.0655, subdivision 4, clause (3), adjusted to address age-appropriate standards for children age 18 and under, pursuant to section 256B.0655, subdivision 3.

(d) For purposes of this subdivision, "intermediate care facility for persons with developmental disabilities" or "ICF/MR" means a program licensed to provide services to persons with developmental disabilities under section 252.28, and chapter 245A, and a physical plant licensed as a supervised living facility under chapter 144, which together are certified by the Minnesota Department of Health as meeting the standards in Code of Federal Regulations, title 42, part 483, for an intermediate care facility which provides services for persons with developmental disabilities who require 24-hour supervision and active treatment for medical, behavioral, or habilitation needs. For purposes of this subdivision, a child requires a level of care provided in an ICF/MR if the commissioner finds that the child has a developmental disability in accordance with section 256B.092, is in need of a 24-hour plan of care and active treatment similar to persons with developmental disabilities, and there is a reasonable indication that the child will need ICF/MR services.

(e) For purposes of this subdivision, a person requires the level of care provided in a nursing facility if the person requires 24-hour monitoring or supervision and a plan of mental health treatment because of specific symptoms or functional impairments associated with a serious mental illness or disorder diagnosis, which meet severity criteria for mental health established by the commissioner and published in March 1997 as the Minnesota Mental Health Level of Care for Children and Adolescents with Severe Emotional Disorders.

(f) The determination of the level of care needed by the child shall be made by the commissioner based on information supplied to the commissioner by the parent or guardian, the child's physician or physicians, and other professionals as requested by the commissioner. The commissioner shall establish a screening team to conduct the level of care determinations according to this subdivision.

(g) If a child meets the conditions in paragraph (b), (c), (d), or (e), the commissioner must assess the case to determine whether:

(1) the child qualifies as a disabled individual under United States Code, title 42, section 1382c(a), and would be eligible for medical assistance if residing in a medical institution; and

(2) the cost of medical assistance services for the child, if eligible under this subdivision, would not be more than the cost to medical assistance if the child resides in a medical institution to be determined as follows:

(i) for a child who requires a level of care provided in an ICF/MR, the cost of care for the child in an institution shall be determined using the average payment rate established for the regional treatment centers that are certified as ICF's/MR;

(ii) for a child who requires a level of care provided in an inpatient hospital setting according to paragraph (b), cost-effectiveness shall be determined according to Minnesota Rules, part 9505.3520, items F and G; and

(iii) for a child who requires a level of care provided in a nursing facility according to paragraph (c) or (e), cost-effectiveness shall be determined according to Minnesota Rules, part 9505.3040, except that the nursing facility average rate shall be adjusted to reflect rates which would be paid for children under age 16. The commissioner may authorize an amount up to the amount medical assistance would pay for a child referred to the commissioner by the preadmission screening team under section 256B.0911.

(h) Children eligible for medical assistance services under section 256B.055, subdivision 12, as of June 30, 1995, must be screened according to the criteria in this subdivision prior to January 1, 1996. Children found to be ineligible may not be removed from the program until January 1, 1996."

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Lieder from the Transportation Finance Division to which was referred:

H. F. No. 2460, A bill for an act relating to drivers' licenses; imposing additional eligibility requirements to operate motor vehicle pursuant to provisional driver's license; imposing a penalty; amending Minnesota Statutes 2006, section 171.055.

Reported the same back with the following amendments:

Page 1, line 19, delete everything after "instruction"

Page 1, line 20, delete the new language

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.

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

H. F. No. 2582, A bill for an act relating to veterans; designating March 29 as Vietnam Veterans Day; proposing coding for new law in Minnesota Statutes, chapter 197.

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

The report was adopted.

Lieder from the Transportation Finance Division to which was referred:

H. F. No. 2600, A bill for an act relating to city of Minneapolis; allowing city to restrict use of engine brakes on Interstate Highway 394.

Reported the same back with the following amendments:

Page 1, line 12, before the period, insert ", with the cost of the signs to be paid by the city"

Page 1, line 15, delete everything after "day" and insert "following final enactment."

Page 1, delete lines 16 and 17

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.

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

H. F. No. 2746, A bill for an act relating to environment; providing for plastic bag recycling; providing civil penalties; authorizing rulemaking; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Commerce and Labor without further recommendation.

The report was adopted.

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

H. F. No. 2911, A bill for an act relating to crime; establishing offenses involving the sale and purchase of event tickets; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[609.806] INTERFERING WITH INTERNET TICKET SALES.**

(a) A person who: (1) intentionally sells, gives, possesses, uses, or otherwise distributes, or (2) possesses with the intent to sell, give, or distribute software that on a ticket seller's Web site circumvents a security measure; an access control system; or a control or measure that is used to ensure an equitable ticket buying process, is guilty of a gross misdemeanor.

(b) For the purposes of this section, "software" means computer programs that are primarily designed or produced for the purpose of interfering with the operation of any person or entity that sells, over the Internet, tickets of admission to a sporting event, theater, musical performance, or place of public entertainment or amusement of any kind.

**EFFECTIVE DATE.** This section is effective August 1, 2008, and applies to offenses committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crime; establishing offense related to interfering with Internet ticket sales; proposing coding for new law in Minnesota Statutes, chapter 609."

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. 2959, A bill for an act relating to telecommunications; requiring the commissioner of commerce to contract for a statewide inventory of broadband service; appropriating money.

Reported the same back with the following amendments:

Page 1, line 7, after "organization" insert "that has significant experience working with broadband providers to develop Geographical Information System maps displaying levels of broadband service by connection speed and type of technology used and integrating the maps with demographic information"

Page 1, delete subdivision 2

Page 1, line 16, delete "3" and insert "2"

Page 2, line 13, delete everything before "to" and insert "Notwithstanding Minnesota Statutes, section 237.701, subdivision 1, \$175,000 is appropriated from the telephone assistance fund"

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

The report was adopted.

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

H. F. No. 2988, A bill for an act relating to subordinate service districts; authorizing towns to refund surplus revenues upon the removal of a district; amending Minnesota Statutes 2006, section 365A.095.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

Clark from the Housing Policy and Finance and Public Health Finance Division to which was referred:

H. F. No. 3014, A bill for an act relating to higher education; clarifying the loan forgiveness program for nurses; amending Minnesota Statutes 2006, section 144.1501, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 13, strike "for" and strike "20 hours" and insert "12 credit hours, or 720 hours" and strike "week" and insert "year" and after "program" insert "at the undergraduate level or the equivalent at the graduate level"

Page 1, line 18, strike the second "for" and strike "20 hours" and insert "12 credit hours, or 720 hours" and strike "week" and insert "year"

Page 1, line 19, after "program" insert "at the undergraduate level or the equivalent at the graduate level"

With the recommendation that when so amended 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. 3066, A bill for an act relating to elections; providing for the establishment of precinct caucus dates by the appropriate political party; requiring notice to the secretary of state; amending Minnesota Statutes 2006, sections 202A.14, subdivision 1; 202A.15, subdivision 1.

Reported the same back with the following amendments:



Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 202A.14, subdivision 1, is amended to read:

Subdivision 1. **Time and manner of holding; postponement.** ~~At 7:00 p.m. on the first Tuesday in March (a)~~ In every state general election year, beginning at 7:00 p.m. on the date established pursuant to paragraph (b), there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19, except that,

(b) (1) The chairs of the two largest major political parties shall jointly submit to the secretary of state, no later than March 1 of each odd-numbered year, the single date on which the two parties have agreed to conduct their precinct caucuses in the next even-numbered year.

(2) On March 1 of each odd-numbered year, the secretary of state shall publicly announce the official state precinct caucus date for the following general election year.

(3) If the chairs of the two largest major political parties do not jointly submit a single date for conducting their precinct caucuses as provided in this paragraph, then for purposes of the next general election year, the first Tuesday in February shall be considered the day of a major political party precinct caucus and sections 202A.19 and 202A.192 shall only apply on that date.

(4) For purposes of this paragraph, the two largest major political parties shall be the parties whose candidates for governor received the greatest and second-greatest number of votes at the most recent gubernatorial election.

(c) In the event of severe weather a major political party may request the secretary of state to postpone caucuses. If a major political party makes a request, or upon the secretary of state's own initiative, after consultation with all major political parties and on the advice of the federal Weather Bureau and the Department of Transportation, the secretary of state may declare precinct caucuses to be postponed for a week in counties where weather makes travel especially dangerous. The secretary of state shall submit a notice of the postponement to news media covering the affected counties by 6:00 p.m. on the scheduled day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision.

Sec. 2. Minnesota Statutes 2006, section 202A.15, subdivision 1, is amended to read:

Subdivision 1. **Time.** Precinct caucuses within a county shall be held on the day ~~provided by law~~ established pursuant to section 202A.14, subdivision 1, and the caucuses shall remain open for at least one hour."

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. 3129, A bill for an act relating to real property; modifying certain plat requirements; amending Minnesota Statutes 2006, sections 505.20; 508.47, subdivision 4; 508A.47, subdivision 4; Minnesota Statutes 2007 Supplement, sections 505.01, subdivision 3; 505.021, subdivisions 8, 10.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

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

H. F. No. 3172, A bill for an act relating to elections; changing certain special election and primary provisions; amending Minnesota Statutes 2006, sections 204D.19, subdivision 2; 204D.23, subdivision 2; 204D.27, 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 203B.06, subdivision 3, is amended to read:

Subd. 3. **Delivery of ballots.** (a) If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor, or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

(1) mail the ballots to the voter whose signature appears on the application if the application is submitted by mail and does not request commercial shipping under clause (2);

(2) ship the ballots to the voter using a commercial shipper requested by the voter at the voter's expense;

(3) deliver the absentee ballots directly to the voter if the application is submitted in person; or

(4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has been designated to bring the ballots, as provided in section 203B.11, subdivision 4, to a voter who would have difficulty getting to the polls because of incapacitating health reasons, or who is disabled, or who is a patient in a health care facility, as provided in section 203B.11, subdivision 4, a resident of a facility providing assisted living services governed by chapter 144G, a participant in a residential program for adults licensed under section 245A.02, subdivision 14, or a resident of a shelter for battered women as defined in section 611A.37, subdivision 4.

(b) If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring after receipt of the application. Only one set of ballots may be mailed, shipped, or delivered to an applicant for any election, except as provided in section 203B.13, subdivision 2, or when a replacement ballot has been requested by the voter for a ballot that has been spoiled or lost in transit.

**EFFECTIVE DATE.** This section is effective for elections held after June 1, 2008.

Sec. 2. Minnesota Statutes 2006, section 203B.11, subdivision 4, is amended to read:

Subd. 4. **Agent delivery of ballots.** During the ~~four~~ seven days preceding an election and until 2:00 p.m. on election day, an eligible voter who ~~is~~ would have difficulty getting to the polls because of incapacitating health reasons, or who is disabled, a patient of a health care facility, a resident of a facility providing assisted living services governed by chapter 144G, a participant in a residential program for adults licensed under section 245A.02, subdivision 14, or a resident of a shelter for battered women as defined in section 611A.37, subdivision 4, may designate an agent to deliver the ballots to the voter from the county auditor or municipal clerk. An agent must have a preexisting relationship with the voter. A candidate at the election may not be designated as an agent. The voted ballots must be returned to the county auditor or municipal clerk no later than 3:00 p.m. on election day. The voter must complete an affidavit requesting the auditor or clerk to provide the agent with the ballots in a sealed transmittal envelope. The affidavit must include a statement from the voter stating that the ballots were delivered to the voter

by the agent in the sealed transmittal envelope. An agent may deliver ballots to no more than three persons in any election. The secretary of state shall provide samples of the affidavit and transmission envelope for use by the county auditors.

**EFFECTIVE DATE.** This section is effective for elections held after June 1, 2008.

Sec. 3. Minnesota Statutes 2006, section 204B.21, is amended to read:

#### **204B.21 APPOINTMENT OF ELECTION JUDGES.**

Subdivision 1. **Appointment lists; duties of political parties and county auditor.** On ~~July~~ June 1 in a year in which there is an election for a partisan political office, the county or legislative district chairs of each major political party, whichever is designated by the state party, shall prepare a list of eligible voters to act as election judges in each election precinct in the county or legislative district. The chairs shall furnish the lists to the county auditor of the county in which the precinct is located.

By ~~July~~ June 15, the county auditor shall furnish to the appointing authorities a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted by the county auditor for each major political party.

Subd. 2. **Appointing authority; powers and duties.** Election judges for precincts in a municipality shall be appointed by the governing body of the municipality. Election judges for precincts in unorganized territory and for performing election-related duties assigned by the county auditor shall be appointed by the county board. Election judges for a precinct composed of two or more municipalities must be appointed by the governing body of the municipality or municipalities responsible for appointing election judges as provided in the agreement to combine for election purposes. Except as provided in this section, appointments shall be made from lists furnished pursuant to subdivision 1 subject to the eligibility requirements and other qualifications established or authorized under section 204B.19. At least two election judges in each precinct must be affiliated with different major political parties. If no lists have been furnished or if additional election judges are required after all listed names have been exhausted, the appointing authority may appoint ~~any other individual to serve as an election judge subject to the same requirements and qualifications~~ individuals who meet the qualifications to serve as an election judge, including persons who are not affiliated with a major political party. The appointments shall be made at least 25 days before the election at which the election judges will serve.

**EFFECTIVE DATE.** This section is effective June 1, 2008.

Sec. 4. Minnesota Statutes 2006, section 204B.46, is amended to read:

#### **204B.46 MAIL ELECTIONS; QUESTIONS.**

A county, municipality, or school district submitting questions to the voters at a special election may ~~apply to the county auditor for approval of~~ conduct an election by mail with no polling place other than the office of the auditor or clerk. No more than two questions may be submitted at a mail election and no offices may be voted on. Notice of the election ~~and must be given to the county auditor at least 53 days prior to the election. This notice shall also fulfill the requirements of Minnesota Rules, part 8210.3000.~~ The special mail ~~procedure~~ ballot procedures must be ~~given posted~~ at least six weeks prior to the election. No earlier than 20 or later than 14 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county, municipality, or school district. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B.

**EFFECTIVE DATE.** This section is effective June 1, 2008.

Sec. 5. Minnesota Statutes 2006, section 204D.19, subdivision 2, is amended to read:

Subd. 2. **Special election when the Congress or legislature will be in session.** Except for vacancies in the legislature which occur at any time between the last day of session in an odd-numbered year and the ~~33rd~~ 40th day prior to the opening day of session in the succeeding even-numbered year, when a vacancy occurs and the Congress

or legislature will be in session so that the individual elected as provided by this section could take office and exercise the duties of the office immediately upon election, the governor shall issue within five days after the vacancy occurs a writ calling for a special election. The special election shall be held as soon as possible, consistent with the notice requirements of section 204D.22, subdivision 3, but in no event more than ~~28~~ 35 days after the issuance of the writ.

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

Sec. 6. Minnesota Statutes 2006, section 204D.23, subdivision 2, is amended to read:

Subd. 2. **Time of filing.** Except as provided in subdivision 3, the affidavits and petitions shall be filed no later than ~~the seventh day~~ 14 days before the special primary.

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

Sec. 7. Minnesota Statutes 2006, section 204D.27, is amended by adding a subdivision to read:

Subd. 12. **Recounts.** In a special primary or special election, the provisions of section 204C.35 apply, except that the secretary of state may immediately proceed to recount the votes upon review of the certified reports of the county canvassing boards if it is apparent from the review that a recount is required.

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

Sec. 8. Minnesota Statutes 2006, section 205.075, is amended by adding a subdivision to read:

Subd. 4. **Election judges; party balance.** The provisions of sections 204B.19, subdivision 5; 204B.21, subdivision 2; 204C.15; 204C.19; 206.83; and 206.86, subdivision 2, relating to party balance in the appointment of judges and to duties to be performed by judges of different major political parties do not apply to a town election not held in conjunction with a statewide election.

Sec. 9. Minnesota Statutes 2006, section 205A.03, subdivision 1, is amended to read:

Subdivision 1. **Required Resolution requiring primary in certain circumstances.** ~~It~~ The school board of a school district election, may, by resolution adopted by June 1 of any year, decide to choose nominees for school board by a primary as provided in this section. The resolution, when adopted, is effective for all ensuing elections of board members in that school district until it is revoked. If the board decides to choose nominees by primary and if there are more than two candidates for a specified school board position or more than twice as many school board candidates as there are at-large school board positions available, a the school district must hold a primary.

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

Sec. 10. Minnesota Statutes 2006, section 205A.06, subdivision 1a, is amended to read:

Subd. 1a. **Filing period.** In school districts that have adopted a resolution to choose nominees for school board by a primary election, affidavits of candidacy must be filed with the school district clerk no earlier than the 70th day and no later than the 56th day before the first Tuesday after the second Monday in September in the year when the school district general election is held. In all other school districts, affidavits of candidacy must be filed no earlier than the 70th day and no later than the 56th day before the school district general election.

**EFFECTIVE DATE.** This section is effective June 1, 2008.

Sec. 11. Minnesota Statutes 2006, section 205A.10, subdivision 2, is amended to read:

Subd. 2. **Election, conduct.** A school district election must be by secret ballot and must be held and the returns made in the manner provided for the state general election, as far as practicable. The vote totals from an absentee ballot board established pursuant to section 203B.13 may be tabulated and reported by the school district as a whole

rather than by precinct. For school district elections not held in conjunction with a statewide election, the school board shall appoint election judges as provided in section 204B.21, subdivision 2. The provisions of sections 204B.19, subdivision 5; 204B.21, subdivision 2; 204C.15; 204C.19; ~~206.64, subdivision 2~~; 206.83; and 206.86, subdivision 2, relating to party balance in appointment of judges and to duties to be performed by judges of different major political parties do not apply to school district elections not held in conjunction with a statewide election.

**EFFECTIVE DATE.** This section is effective June 1, 2008.

Sec. 12. Minnesota Statutes 2006, section 205A.12, is amended by adding a subdivision to read:

Subd. 5a. **School districts.** The school board of a school district may provide for the use by the district of an electronic voting system in one or more polling places or combined polling places in the school district for an election not held in conjunction with a statewide election. No system may be adopted or used unless it has been approved by the secretary of state pursuant to section 206.57. The school district shall notify the secretary of state of its decision in compliance with section 206.58, subdivision 4.

**EFFECTIVE DATE.** This section is effective June 1, 2008.

Sec. 13. Minnesota Statutes 2006, section 206.89, subdivision 5, is amended to read:

Subd. 5. **Additional review.** (a) If the postelection review reveals a difference greater than one-half of one percent, the postelection review official must, within two days, conduct an additional review of at least three precincts in the same jurisdiction where the discrepancy was discovered. If all precincts in that jurisdiction have been reviewed, the county auditor must immediately publicly select by lot at least three additional precincts for review. The postelection review official must complete the additional review within two days after the precincts are selected and report the results immediately to the county auditor. If the second review also indicates a difference in the vote totals compiled by the voting system that is greater than one-half of one percent from the result indicated by the postelection review, the county auditor must conduct a review of the ballots from all the remaining precincts in the county. This review must be completed ~~no later than six weeks after the state general election~~ and the results must be reported to the secretary of state within one week after the second review was completed.

(b) If the results from the countywide reviews from one or more counties comprising in the aggregate more than ten percent of the total number of persons voting in the election clearly indicate that an error in vote counting has occurred, the secretary of state must notify the postelection review official of each county in the district that they must conduct a manual recount ~~recounts~~ of all the ballots in the district for the affected office using the procedure outlined in section 204C.35. The recount must be completed and the results reported to the appropriate canvassing board ~~no later than ten weeks after the state general election~~ within two weeks after the postelection review official received notice from the secretary of state.

Sec. 14. **EXISTING VOTER REGISTRATION APPLICATIONS.**

Voter registration applications in existence on July 31, 2007, may be distributed, completed, submitted, and processed until consumed, without alteration.

**EFFECTIVE DATE.** This section is effective retroactively from August 1, 2007."

Delete the title and insert:

"A bill for an act relating to elections; changing certain ballot delivery, election judge, mail election, special election and special primary, school district election, and postelection review procedures; authorizing continued use of certain applications; amending Minnesota Statutes 2006, sections 203B.06, subdivision 3; 203B.11, subdivision

4; 204B.21; 204B.46; 204D.19, subdivision 2; 204D.23, subdivision 2; 204D.27, by adding a subdivision; 205.075, by adding a subdivision; 205A.03, subdivision 1; 205A.06, subdivision 1a; 205A.10, subdivision 2; 205A.12, by adding a subdivision; 206.89, subdivision 5."

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. 3265, A bill for an act relating to health; extending two-year moratorium on radiation therapy facility construction in certain counties; amending Minnesota Statutes 2007 Supplement, section 144.5509.

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

The report was adopted.

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

H. F. No. 3280, A bill for an act relating to state lands; providing for expedited exchanges of public land; amending Minnesota Statutes 2006, section 97A.145, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 94.

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

The report was adopted.

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

H. F. No. 3313, A bill for an act relating to counties; authorizing interim use ordinances; amending Minnesota Statutes 2006, section 394.26; proposing coding for new law in Minnesota Statutes, chapter 394.

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

The report was adopted.

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

H. F. No. 3327, A bill for an act relating to telecommunications; modifying provisions relating to alternative regulation plans; amending Minnesota Statutes 2006, section 237.766, 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 237.766, is amended by adding a subdivision to read:

Subd. 4. **Joining an existing plan.** (a) A telephone company may elect to be regulated under another company's plan if:

(1) the company regulated under the plan is larger than the electing company; or

(2) the company regulated under the plan is an affiliated company of the electing company; and

(3) the plan is currently in effect.

(b) A telephone company electing to adopt an existing plan must operate under the terms of that plan for three years or the original term of the existing plan, whichever is longer.

(c) A telephone company that elects to adopt an existing plan must give notice to the commission at least 90 days prior to the proposed effective date of the adoption and to its customers at least 60 days prior to the proposed effective date.

(d) The Department of Commerce or the Office of the Attorney General may file an objection to a telephone company electing to adopt the plan of another company if the electing company has operated under an alternative regulation plan of its own and did not substantially comply with the service quality provisions of or did not meet the infrastructure obligations of its plan.

(e) If a telephone company has not previously operated under an alternative regulation plan, the rates for its price-regulated services may be no higher for the first three years of operation under the adopted plan than the rates in effect when the adopted plan becomes effective, except for any plan provisions that address exogenous changes.

(f) Within 30 days of the electing company filing notice to the commission under paragraph (c), interested parties may file comments with the commission that identify any aspect of the adoption that a party believes is contrary to the public interest. Reply comments may be filed 45 days following the notice to the commission. The commission shall approve the adoption unless it finds that the adoption is not in the public interest, in which case the commission may reject or modify the adoption. If the commission modifies the adoption, the electing company may withdraw its proposed adoption by filing notice with the commission within 30 days of the commission's order modifying the adoption.

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

Delete the title and insert:

"A bill for an act relating to telecommunications; modifying provisions relating to alternative regulation plans; amending Minnesota Statutes 2006, section 237.766, by adding a subdivision."

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. 3342, A bill for an act relating to public safety; registration procedure for predatory offenders being released from a correctional facility and not going to a new primary address; clarifying sufficiency of notice for verification of a person's address for the registration of predatory offenders; making further clarification that registration of predatory offenders applies to offenders who move to Minnesota from other states; requiring predatory offender registration database checks for persons booked at jails; providing criminal penalties; amending Minnesota Statutes 2006, sections 243.166, subdivisions 3a, 4; 243.167, subdivision 2; 641.05.

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. 3367, A bill for an act relating to data practices; specifying access to disputed data; requiring closed meetings to be recorded; granting attorney fees in certain cases; amending Minnesota Statutes 2006, sections 13.072, subdivision 4; 13D.05, subdivision 1; 13D.06, subdivision 4; Minnesota Statutes 2007 Supplement, section 13.08, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 13D.05, subdivision 1, is amended to read:

Subdivision 1. **General principles.** (a) Except as provided in this chapter, meetings may not be closed to discuss data that are not public data.

(b) Data that are not public data may be discussed at a meeting subject to this chapter without liability or penalty, if the disclosure relates to a matter within the scope of the public body's authority and is reasonably necessary to conduct the business or agenda item before the public body.

(c) Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

(d) All closed meetings, except those closed as permitted by the attorney-client privilege, shall be recorded at the expense of the public body. Unless otherwise provided by law, the recordings shall be preserved for at least three years after the date of the meeting.

Sec. 2. Minnesota Statutes 2006, section 13D.06, subdivision 4, is amended to read:

Subd. 4. **Other remedies; requirements; limits.** (a) In addition to other remedies, the court may award reasonable costs, disbursements, and reasonable attorney fees of up to \$13,000 to any party in an action under this chapter.

(b) The court may award costs and attorney fees to a defendant only if the court finds that the action under this chapter was frivolous and without merit.



(c) A public body may pay any costs, disbursements, or attorney fees incurred by or awarded against any of its members in an action under this chapter.

(d) No monetary penalties ~~or attorney fees~~ may be awarded against a member of a public body unless the court finds that there was a specific intent to violate this chapter.

(e) The court shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this section if the government entity that is the defendant in the action was also the subject of a prior written opinion issued under section 13.072, and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

Sec. 3. **[13D.065] DEFERENCE TO COMMISSIONER'S OPINIONS.**

A court shall give deference to an opinion issued by the commissioner of administration under section 13.072, in a proceeding brought under this chapter."

Delete the title and insert:

"A bill for an act relating to data practices; modifying provisions of the open meeting law; providing for attorney fees; amending Minnesota Statutes 2006, sections 13D.05, subdivision 1; 13D.06, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 13D."

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. 3372, A bill for an act relating to health; changing provisions for uniform billing forms and electronic claim filing; amending Minnesota Statutes 2006, sections 62J.51, subdivisions 17, 18; 62J.52, subdivisions 4, 5; 62J.59; Minnesota Statutes 2007 Supplement, sections 62J.52, subdivisions 1, 2; 62J.536, subdivision 1, by adding a subdivision; repealing Minnesota Statutes 2006, section 62J.58.

Reported the same back with the following amendments:

Page 2, line 14, before "and" insert "ICF/MR's."

Page 3, delete section 6

Page 6, delete section 9 and insert:

"Sec. 8. Minnesota Statutes 2007 Supplement, section 62J.536, is amended by adding a subdivision to read:

Subd. 5. **Compliance and investigations.** (a) The commissioner of health shall, to the extent practicable, seek the cooperation of health care providers and group purchasers in obtaining compliance with this section and may provide technical assistance to health care providers and group purchasers.

(b) A person who believes a health care provider or group purchaser is not complying with the requirements of this section may file a complaint with the commissioner of health. Complaints filed under this section must meet the following requirements:

(1) A complaint must be filed in writing, either on paper or electronically.

(2) A complaint must name the person that is the subject of the complaint and describe the acts or omissions believed to be in violation of this section.

(3) A complaint must be filed within 180 days of when the complainant knew or should have known that the act or omission complained of occurred.

(4) The commissioner may prescribe additional procedures for the filing of complaints as required to satisfy the requirements of this section.

(c) The commissioner of health may investigate complaints filed under this section. The investigation may include a review of the pertinent policies, procedures, or practices of the health care provider or group purchaser and of the circumstances regarding any alleged violation. At the time of initial written communication with the health care provider or group purchaser about the complaint, the commissioner of health shall describe the acts or omissions that are the basis of the complaint. The commissioner may conduct compliance reviews to determine whether health care providers and group purchasers are complying with this section.

(d) Health care providers and group purchasers must cooperate with the commissioner of health if the commissioner undertakes an investigation or compliance review of the policies, procedures, or practices of the health care provider or group purchaser to determine compliance with this section. This cooperation includes, but is not limited to:

(1) A health care provider or group purchaser must permit access by the commissioner of health during normal business hours to its facilities, books, records, accounts, and other sources of information that are pertinent to ascertaining compliance with this section.

(2) If any information required of a health care provider or group purchaser under this section is in the exclusive possession of any other agency, institution, or person and the other agency, institution, or person fails or refuses to furnish the information, the health care provider or group purchaser must so certify and set forth what efforts it has made to obtain the information.

(3) Any individually identifiable health information obtained by the commissioner of health in connection with an investigation or compliance review under this section may not be used or disclosed by the commissioner of health, except as necessary for ascertaining or enforcing compliance with this section.

(e) If an investigation of a complaint indicates noncompliance, the commissioner of health shall attempt to reach a resolution of the matter by informal means. Informal means may include demonstrated compliance or a completed corrective action plan or other agreement. If the matter is resolved by informal means, the commissioner of health shall so inform the health care provider or group purchaser and, if the matter arose from a complaint, the complainant, in writing. If the matter is not resolved by informal means, the commissioner of health shall:

(1) inform the health care provider or group purchaser and provide an opportunity for the health care provider or group purchaser to submit written evidence of any mitigating factors or other considerations. The health care provider or group purchaser must submit any such evidence to the commissioner of health within 30 calendar days of receipt of the notification; and

(2) inform the health care provider or group purchaser, through a notice of proposed determination according to paragraph (i), that the commissioner of health finds that a civil money penalty should be imposed.

(f) If, after an investigation or a compliance review, the commissioner of health determines that further action is not warranted, the commissioner of health shall so inform the health care provider or group purchaser and, if the matter arose from a complaint, the complainant, in writing.

(g) A health care provider or group purchaser may not threaten, intimidate, coerce, harass, discriminate against, or take any other retaliatory action against any individual or other person for:

(1) filing of a complaint under this section;

(2) testifying, assisting, or participating in an investigation, compliance review, proceeding, or contested case proceeding under this section; or

(3) opposing any act or practice made unlawful by this section, provided the individual or person has a good faith belief that the practice opposed is unlawful, and the manner of opposition is reasonable and does not involve an unauthorized disclosure of a patient's health information.

(h) The commissioner of health may impose a civil money penalty on a health care provider or group purchaser if the commissioner of health determines that the health care provider or group purchaser has violated this section. If the commissioner of health determines that more than one health care provider or group purchaser was responsible for a violation, the commissioner of health may impose a civil money penalty against each health care provider or group purchaser. The amount of a civil money penalty shall be determined as follows:

(1) The amount of a civil money penalty shall be up to \$100 for each violation, but not exceed \$25,000 for identical violations during a calendar year.

(2) In the case of continuing violation of this section, a separate violation occurs each business day that the health care provider or group purchaser is in violation of this section.

(3) In determining the amount of any civil money penalty, the commissioner of health may consider as aggravating or mitigating factors, as appropriate, any of the following:

(i) the nature of the violation, in light of the purpose of the goals of this section;

(ii) the time period during which the violation occurred;

(iii) whether the violation hindered or facilitated an individual's ability to obtain health care;

(iv) whether the violation resulted in financial harm;

(v) whether the violation was intentional;

(vi) whether the violation was beyond the direct control of the health care provider or group purchaser;

(vii) any history of prior compliance with the provisions of this section, including violations;

(viii) whether and to what extent the provider or group purchaser has attempted to correct previous violations;

(ix) how the health care provider or group purchaser has responded to technical assistance from the commissioner of health provided in the context of a compliance effort; or

(x) the financial condition of the health care provider or group purchaser including, but not limited to, whether the healthcare provider or group purchaser had financial difficulties that affected its ability to comply or whether the imposition of a civil money penalty would jeopardize the ability of the health care provider or group purchaser to continue to provide, or to pay for, health care.

(i) If a penalty is proposed according to this section, the commissioner of health must deliver, or send by certified mail with return receipt requested, to the respondent written notice of the commissioner of health's intent to impose a penalty. This notice of proposed determination must include:

(1) a reference to the statutory basis for the penalty;

(2) a description of the findings of fact regarding the violations with respect to which the penalty is proposed;

(3) the amount of the proposed penalty;

(4) any circumstances described in paragraph (i) that were considered in determining the amount of the proposed penalty;

(5) instructions for responding to the notice, including a statement of the respondent's right to a contested case proceeding and a statement that failure to request a contested case proceeding within 30 calendar days permits the imposition of the proposed penalty; and

(6) the address to which the contested case proceeding request must be sent.

(j) A health care provider or group purchaser may contest whether the finding of facts constitute a violation of this section, according to a contested case proceeding as set forth in sections 14.57 to 14.62, subject to appeal according to sections 14.63 to 14.68.

(k) Any data collected by the commissioner of health as part of an active investigation or active compliance review under this section are classified as protected nonpublic data pursuant to section 13.02, subdivision 13, in the case of data not on individuals and confidential pursuant to section 13.02, subdivision 3, in the case of data on individuals. Data describing the final disposition of an investigation or compliance review are classified as public.

(l) Civil money penalties imposed and collected under this subdivision shall be deposited into a revolving fund and are appropriated to the commissioner of health for the purposes of this subdivision, including the provision of technical assistance.

Sec. 9. Minnesota Statutes 2006, section 62J.59, is amended to read:

**62J.59 IMPLEMENTATION OF NCPDP TELECOMMUNICATIONS STANDARD FOR PHARMACY CLAIMS.**

(a) ~~Beginning January 1, 1996,~~ All category I and II ~~pharmacists~~ pharmacies licensed in this state shall ~~accept~~ use the most recent HIPAA-mandated version of the NCPDP telecommunication standard format 3.2 or the NCPDP ~~tape billing and payment format 2.0 batch standard~~ for the electronic submission of claims to group purchasers as appropriate.

(b) ~~Beginning January 1, 1996,~~ All category I and category II group purchasers in this state shall use the most recent HIPAA-mandated version of the NCPDP telecommunication standard format 3.2 or NCPDP tape billing and payment format 2.0 batch standard for the electronic submission of payment information NCPDP response transaction to pharmacists pharmacies as appropriate."

Page 6, line 33, delete "section" and insert "sections 62J.52, subdivision 5; and" and delete "is" and insert "are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "establishing compliance procedures for electronic transactions;"

Correct the title numbers accordingly

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.

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

H. F. No. 3377, A bill for an act relating to children's mental health; requiring children's mental health providers to develop a plan for and comply with requirements on the use of restrictive procedures; amending Minnesota Statutes 2006, section 256B.0943, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 245.

Reported the same back with the following amendments:

Page 2, line 17, after the period, insert "The individual treatment plan must be based on a diagnostic assessment which includes assessment and review of medical conditions and risks of psychological trauma which might be incurred by use of seclusion or restraint."

Page 2, line 18, delete "behavioral management"

Page 2, line 29, delete "used as a behavior management"

Page 2, line 30, delete "technique"

Page 3, line 6, delete everything after "Seclusion" and insert "involves the confining of"

Page 3, line 9, after the period, insert "The room used for seclusion must be well-lighted, well-ventilated, clean, have an observation window which allows staff to directly monitor the child in seclusion, fixtures that are tamperproof, electrical switches located immediately outside the door, and doors that open out and are unlocked or locked with keyless locks that have immediate release mechanisms."

Page 3, line 15, after "restraints" insert "only in emergency situations"

Page 3, line 20, delete "Parent" and insert "Parental consent and" and before "A" insert "Parental consent for use of seclusion and restraint procedures must be obtained when a child begins receiving services. The agreement must be reviewed at least quarterly."

Page 3, line 33, delete "danger" and insert "serious risk of physical harm"

Page 3, line 34, delete everything after "are"

Page 3, line 35, delete "behaviors" and insert "ineffective"

Page 4, line 29, delete "in at least 15-minute intervals" and insert "documentation must occur for each 15-minute interval, and must include."

Page 5, delete subdivision 8

Page 7, line 8, delete "or"

Page 7, after line 8, insert:

"(3) be used as punishment or for the convenience of staff; or"

Page 7, line 9, delete "(3)" and insert "(4)"

Page 7, line 16, delete "time out" and insert "restrictive procedures"

Page 7, line 35, after "procedures" insert ", including techniques to identify events and environmental factors that may trigger behavioral escalation"

Page 8, line 6, after "program" insert ", including simulated experiences of administering and receiving physical restraint"

Page 9, line 4, after the period, insert "Agencies with high use of restrictive procedures will be reviewed by the department to determine needed changes in policies and procedures, including staff training."

Page 10, line 12, delete everything after the period

Page 10, delete lines 13 and 14

Renumber the subdivisions in sequence

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. 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.

The report was adopted.

Atkins from the Committee on Commerce and Labor 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 Finance.

The report was adopted.

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

H. F. No. 3397, 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.

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

The report was adopted.

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

H. F. No. 3410, A bill for an act relating to human services; reenacting a health care purchasing alliance stop-loss fund repealed in 2007; extending its existence and adjusting eligibility; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

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.

Mullery from the Committee on Public Safety and Civil Justice 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 5, delete section 3

Renumber the sections in sequence

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

The report was adopted.

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

H. F. No. 3454, A bill for an act relating to the city of Duluth; correcting the legal description of the boundaries of the tracts of land administered by the Spirit Mountain Recreation Area Authority; amending Laws 1973, chapter 327, section 2, subdivision 1, as amended.

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

The report was adopted.

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

H. F. No. 3467, A bill for an act relating to education; amending time period for teacher to request a leave or extension of leave to teach at a charter school; amending Minnesota Statutes 2006, section 124D.10, subdivision 20.

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. 3470, A bill for an act relating to education; directing the Minnesota Department of Education to collaboratively establish, maintain, and revise statewide technology standards and guidelines for school districts to use in improving the academic achievement of all students; proposing coding for new law in Minnesota Statutes, chapter 125B.

Reported the same back with the following amendments:



Page 3, delete subdivision 3 and insert:

"Subd. 3. **Expedited process.** The commissioner must use the expedited rulemaking process under section 14.389 to adopt state and district technology standards consistent with this section."

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. 3475, A bill for an act relating to mortgages; amending various provisions relating to foreclosure; amending Minnesota Statutes 2006, sections 507.092, subdivision 1; 580.02; 580.03; 580.041, subdivision 2; 580.06; 580.07; 580.12; 580.23, subdivision 1; 580.25; 580.28; 580.30; 581.10; 582.03; 582.031; Minnesota Statutes 2007 Supplement, sections 510.05; 550.19; 550.22; 550.24; 580.24; Laws 2004, chapter 263, section 26; proposing coding for new law in Minnesota Statutes, chapter 580.

Reported the same back with the following amendments:

Page 3, after line 29, insert:

"**EFFECTIVE DATE.** This section is effective for redemptions made on or after August 1, 2008."

Page 4, line 18, delete "filed" and insert "recorded"

Page 4, line 29, after "nonprofit" insert "or government" and after the first "the" insert "United States Department of Housing and Urban Development or funded by the" and delete "or the United"

Page 4, line 30, delete "States Department of Housing and Urban Development"

Page 5, line 27, after "nonprofit" insert "or government"

Page 5, line 30, delete "approved" and insert "funded" and delete "either"

Page 5, line 31, after "or" insert "approved by"

Page 7, after line 10, insert:

"**EFFECTIVE DATE.** This section is effective for notices served on or after August 1, 2008."

Page 7, before line 11, insert:

"Sec. 10. Minnesota Statutes 2006, section 580.041, subdivision 1b, is amended to read:

Subd. 1b. **Form and delivery of notice.** The notice required by this section must be in 14-point boldface type and must be printed on colored paper that is other than the color of the notice of foreclosure and that does not obscure or overshadow the content of the notice. The title of the notice must be in 20-point boldface type. The notice must be on its own page. The notice required by this section must be delivered with the notice of foreclosure required by sections 580.03 and 580.04. The notice required by this section also must be delivered with each

subsequent written communication regarding the foreclosure mailed to the mortgagor by the foreclosing party up to the day of redemption, except that a person may not be held liable in an action brought under this section for a violation of this section for failure to deliver the subsequent notices if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error. A foreclosing mortgagee will be deemed to have complied with this section if it sends the notice required by this section at least once every 60 days during the period of the foreclosure process. The notice required by this section must not be published."

Page 8, after line 26, insert:

**"EFFECTIVE DATE.** This section is effective for notices served under section 580.03 on or after August 1, 2008."

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended 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. 3494, A bill for an act relating to employment; providing up to three hours of paid leave in any 12-month period for state employees to donate blood; authorizing employers to provide leave to employees to donate blood; proposing coding for new law in Minnesota Statutes, chapters 43A; 181.

Reported the same back with the following amendments:

Page 1, line 9, before the period, insert "at a location away from the place of work" and after the period, insert "A state employee seeking leave from work under this section must provide 14 days' notice to the appointing authority."

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. 3539, A bill for an act relating to health; providing an exception to hospital construction moratorium; amending Minnesota Statutes 2006, section 144.551, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 144.551, subdivision 1, is amended to read:

Subdivision 1. **Restricted construction or modification.** (a) The following construction or modification may not be commenced:

(1) any erection, building, alteration, reconstruction, modernization, improvement, extension, lease, or other acquisition by or on behalf of a hospital that increases the bed capacity of a hospital, relocates hospital beds from one physical facility, complex, or site to another, or otherwise results in an increase or redistribution of hospital beds within the state; and

(2) the establishment of a new hospital.

(b) This section does not apply to:

(1) construction or relocation within a county by a hospital, clinic, or other health care facility that is a national referral center engaged in substantial programs of patient care, medical research, and medical education meeting state and national needs that receives more than 40 percent of its patients from outside the state of Minnesota;

(2) a project for construction or modification for which a health care facility held an approved certificate of need on May 1, 1984, regardless of the date of expiration of the certificate;

(3) a project for which a certificate of need was denied before July 1, 1990, if a timely appeal results in an order reversing the denial;

(4) a project exempted from certificate of need requirements by Laws 1981, chapter 200, section 2;

(5) a project involving consolidation of pediatric specialty hospital services within the Minneapolis-St. Paul metropolitan area that would not result in a net increase in the number of pediatric specialty hospital beds among the hospitals being consolidated;

(6) a project involving the temporary relocation of pediatric-orthopedic hospital beds to an existing licensed hospital that will allow for the reconstruction of a new philanthropic, pediatric-orthopedic hospital on an existing site and that will not result in a net increase in the number of hospital beds. Upon completion of the reconstruction, the licenses of both hospitals must be reinstated at the capacity that existed on each site before the relocation;

(7) the relocation or redistribution of hospital beds within a hospital building or identifiable complex of buildings provided the relocation or redistribution does not result in: (i) an increase in the overall bed capacity at that site; (ii) relocation of hospital beds from one physical site or complex to another; or (iii) redistribution of hospital beds within the state or a region of the state;

(8) relocation or redistribution of hospital beds within a hospital corporate system that involves the transfer of beds from a closed facility site or complex to an existing site or complex provided that: (i) no more than 50 percent of the capacity of the closed facility is transferred; (ii) the capacity of the site or complex to which the beds are transferred does not increase by more than 50 percent; (iii) the beds are not transferred outside of a federal health systems agency boundary in place on July 1, 1983; and (iv) the relocation or redistribution does not involve the construction of a new hospital building;

(9) a construction project involving up to 35 new beds in a psychiatric hospital in Rice County that primarily serves adolescents and that receives more than 70 percent of its patients from outside the state of Minnesota;

(10) a project to replace a hospital or hospitals with a combined licensed capacity of 130 beds or less if: (i) the new hospital site is located within five miles of the current site; and (ii) the total licensed capacity of the replacement hospital, either at the time of construction of the initial building or as the result of future expansion, will not exceed 70 licensed hospital beds, or the combined licensed capacity of the hospitals, whichever is less;

(11) the relocation of licensed hospital beds from an existing state facility operated by the commissioner of human services to a new or existing facility, building, or complex operated by the commissioner of human services; from one regional treatment center site to another; or from one building or site to a new or existing building or site on the same campus;

(12) the construction or relocation of hospital beds operated by a hospital having a statutory obligation to provide hospital and medical services for the indigent that does not result in a net increase in the number of hospital beds, notwithstanding section 144.552, 27 beds, of which 12 serve mental health needs, may be transferred from Hennepin County Medical Center to Regions Hospital under this clause;

(13) a construction project involving the addition of up to 31 new beds in an existing nonfederal hospital in Beltrami County;

(14) a construction project involving the addition of up to eight new beds in an existing nonfederal hospital in Otter Tail County with 100 licensed acute care beds;

(15) a construction project involving the addition of 20 new hospital beds used for rehabilitation services in an existing hospital in Carver County serving the southwest suburban metropolitan area. Beds constructed under this clause shall not be eligible for reimbursement under medical assistance, general assistance medical care, or MinnesotaCare;

(16) a project for the construction or relocation of up to 20 hospital beds for the operation of up to two psychiatric facilities or units for children provided that the operation of the facilities or units have received the approval of the commissioner of human services;

(17) a project involving the addition of 14 new hospital beds to be used for rehabilitation services in an existing hospital in Itasca County;

(18) a project to add 20 licensed beds in existing space at a hospital in Hennepin County that closed 20 rehabilitation beds in 2002, provided that the beds are used only for rehabilitation in the hospital's current rehabilitation building. If the beds are used for another purpose or moved to another location, the hospital's licensed capacity is reduced by 20 beds;

(19) a critical access hospital established under section 144.1483, clause (9), and section 1820 of the federal Social Security Act, United States Code, title 42, section 1395i-4, that delicensed beds since enactment of the Balanced Budget Act of 1997, Public Law 105-33, to the extent that the critical access hospital does not seek to exceed the maximum number of beds permitted such hospital under federal law;

(20) notwithstanding section 144.552, a project for the construction of a new hospital in the city of Maple Grove with a licensed capacity of up to 300 beds provided that:

(i) the project, including each hospital or health system that will own or control the entity that will hold the new hospital license, is approved by a resolution of the Maple Grove City Council as of March 1, 2006;

(ii) the entity that will hold the new hospital license will be owned or controlled by one or more not-for-profit hospitals or health systems that have previously submitted a plan or plans for a project in Maple Grove as required under section 144.552, and the plan or plans have been found to be in the public interest by the commissioner of health as of April 1, 2005;

(iii) the new hospital's initial inpatient services must include, but are not limited to, medical and surgical services, obstetrical and gynecological services, intensive care services, orthopedic services, pediatric services, noninvasive cardiac diagnostics, behavioral health services, and emergency room services;

(iv) the new hospital:

(A) will have the ability to provide and staff sufficient new beds to meet the growing needs of the Maple Grove service area and the surrounding communities currently being served by the hospital or health system that will own or control the entity that will hold the new hospital license;

(B) will provide uncompensated care;

(C) will provide mental health services, including inpatient beds;

(D) will be a site for workforce development for a broad spectrum of health-care-related occupations and have a commitment to providing clinical training programs for physicians and other health care providers;

(E) will demonstrate a commitment to quality care and patient safety;

(F) will have an electronic medical records system, including physician order entry;

(G) will provide a broad range of senior services;

(H) will provide emergency medical services that will coordinate care with regional providers of trauma services and licensed emergency ambulance services in order to enhance the continuity of care for emergency medical patients; and

(I) will be completed by December 31, 2009, unless delayed by circumstances beyond the control of the entity holding the new hospital license; and

(v) as of 30 days following submission of a written plan, the commissioner of health has not determined that the hospitals or health systems that will own or control the entity that will hold the new hospital license are unable to meet the criteria of this clause;

(21) a project approved under section 144.553;

(22) a project for the construction of a hospital with up to 25 beds in Cass County within a 20-mile radius of the state Ah-Gwah-Ching facility, provided the hospital's license holder is approved by the Cass County Board; ~~or~~

(23) a project for an acute care hospital in Fergus Falls that will increase the bed capacity from 108 to 110 beds by increasing the rehabilitation bed capacity from 14 to 16 and closing a separately licensed 13-bed skilled nursing facility; or

(24) a project for construction of a specialty psychiatric hospital in the city of Woodbury for up to 144 beds, provided:

(1) the hospital shall be subject to the Federal Emergency Medical Treatment and Active Labor Act; and

(2) the hospital must take admissions 24 hours a day, 365 days a year when beds are available."

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

The report was adopted.

Hilty from the Energy Finance and Policy Division to which was referred:

H. F. No. 3540, A bill for an act relating to solid waste; 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; amending Minnesota Statutes 2006, section 115A.03, subdivisions 21, 32a, by adding a subdivision; 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.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 1, delete section 1

Page 2, line 30, reinstate the stricken language

Page 3, line 2, delete "; and"

Page 3, delete lines 3 to 5

Page 3, line 6, delete the new language

Page 3, line 28, after "are" insert ", to the extent practicable."

Page 5, delete section 7 and insert:

"Sec. 6. **[115A.5591] CONSTRUCTION AND DEMOLITION WASTE RECYCLING REQUIREMENT.**

Subdivision 1. **Requirement.** A contractor constructing or demolishing a building of more than 4,000 square feet located in the seven-county metropolitan area must recycle or reuse or arrange for the recycling or reuse of 40 percent of the waste, by weight, from the project. The waste must be recycled on-site or delivered to recycling facilities but may not be buried on-site.

Subd. 2. **Records.** A contractor to whom subdivision 1 applies must maintain records, including delivery receipts, documenting the disposition of all waste generated by the project. The contractor must maintain the records for three years. If the contractor is unable to achieve the 40 percent recycling goal established in subdivision 1, the records must include an explanation of why the goal was unable to be met.

**EFFECTIVE DATE.** This section is effective July 1, 2009."

Page 5, after line 16, insert:

"Sec. 8. **[115A.947] COMPOSTABLE MATERIALS.**

(a) Source-separated compostable materials may be delivered to a mixed municipal solid waste processing facility or a recycling facility only for the purpose of composting.

(b) Source-separated compostable materials may be delivered to a transfer station only for transfer to a facility for the purpose of composting.

(c) Paragraphs (a) and (b) do not apply if the commissioner has determined that no other person is willing to accept the source-separated compostable materials.

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

Page 5, delete section 9

Page 7, after line 13, insert:

"(g) This subdivision does not apply to an organization certified by the Internal Revenue Service as exempt from federal income tax under section 501(c)(4) of the Internal Revenue Code."

Page 7, line 20, delete "the day following final enactment" and insert "July 1, 2009"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 5 and insert "regulating compostable material"

Page 1, line 6, delete "projects"

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. 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, section 115.071, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 216H.

Reported the same back with the following amendments:

Page 2, after line 35, insert:

"Subd. 3. **Acceptance of federal filing.** With the approval of the commissioner, this section may be satisfied by filing with the commissioner a copy of a greenhouse gas emissions report filed with a federal agency."

Page 3, delete section 5

Page 4, line 11, delete "8" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 4

Page 1, line 5, delete "circumstances;"

With the recommendation that when so amended 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. 3552, A bill for an act relating to agriculture; adding a member to the NextGen Energy Board; removing a sunset date; modifying an appropriation; amending Minnesota Statutes 2007 Supplement, section 41A.105; Laws 2007, chapter 45, article 1, section 3, subdivision 4.

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

The report was adopted.

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

H. F. No. 3577, A bill for an act relating to counties; providing a process for making certain county offices appointive in Houston County.

Reported the same back with the following amendments:



Page 1, lines 8 and 23, delete "recorder, auditor," and insert "auditor"

With the recommendation that when so amended 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. 3584, A bill for an act relating to agriculture; establishing requirements for practicing animal chiropractic care; amending Minnesota Statutes 2006, section 148.01, subdivision 1, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 148.

Reported the same back with the following amendments:

Page 1, line 16, delete "(1)" and insert "(i)"

Page 1, line 17, delete "(2)" and insert "(ii)"

Page 1, line 18, delete "(3)" and insert "(iii)" and before the period, insert "and diagnosis"

Page 2, line 8, delete "contact"

Page 2, line 22, delete "approved" and insert "who have completed the approved program of study"

Page 4, delete line 2 and insert "veterinarian, or the animal's veterinarian if the animal has not been referred by a veterinarian."

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. 3643, A bill for an act relating to environment; modifying licensing requirements for individual sewage treatment system professionals; amending Minnesota Statutes 2007 Supplement, section 115.56, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 115.56, subdivision 2, is amended to read:

Subd. 2. **License required.** (a) Except as provided in paragraph (b), ~~after March 31, 1996,~~ a person may not design, install, maintain, pump, ~~or inspect,~~ or provide service to an individual sewage treatment system without a license issued by the commissioner. Licenses issued under this section allow work on individual sewage treatment systems with a flow of 10,000 gallons of water per day or less.

(b) A license is not required for a person who complies with the applicable requirements if the person is:

(1) a qualified employee of state or local government who has passed the examination described in paragraph (d) or a similar examination;

(2) an individual who constructs an individual sewage treatment system on land that is owned or leased by the individual and functions solely as the individual's dwelling or seasonal dwelling;

(3) a farmer who pumps and disposes of sewage waste from individual sewage treatment systems, holding tanks, and privies on land that is owned or leased by the farmer; or

(4) an individual who performs labor or services for a person licensed under this section in connection with the design, installation, maintenance, pumping, or inspection of an individual sewage treatment system at the direction and under the personal supervision of a person licensed under this section.

A person constructing an individual sewage treatment system under clause (2) must consult with a site evaluator or designer before beginning construction. In addition, the system must be inspected before being covered and a compliance report must be provided to the local unit of government after the inspection.

(c) The commissioner, in conjunction with the University of Minnesota Extension Service or another higher education institution, shall ensure adequate training and design guidance exists for individual sewage treatment system professionals.

(d) The commissioner shall conduct examinations to test the knowledge of applicants for licensing and shall issue documentation of licensing.

(e) Licenses may be issued only upon successful completion of the required examination and submission of proof of sufficient experience, proof of general liability insurance, and a corporate surety bond in the amount of at least \$10,000.

(f) Notwithstanding paragraph (e), the examination and proof of experience are not required for an individual sewage treatment system professional who, on the effective date of the rules adopted under subdivision 1, holds a certification attained by examination and experience under a voluntary certification program administered by the agency.

(g) Local units of government may not require additional local licenses for individual sewage treatment system professionals.

(h) A pumper whose annual gross revenue from pumping systems is \$9,000 or less and whose gross revenue from pumping systems during the year ending May 11, 1994, was at least \$1,000 is not subject to training requirements in rules adopted under subdivision 1, except for any training required for initial licensure.

(i) ~~Until December 31, 2010,~~ No other professional license is required to:

~~(4)~~ design, install, maintain, ~~or inspect,~~ or provide service for an individual sewage treatment system with a flow of 10,000 gallons of water per day or less if the system designer, installer, maintainer, ~~or inspector,~~ or service provider is licensed under this subdivision and the local unit of government has not adopted additional requirements; ~~and~~

~~(2) operate an individual sewage treatment system with a flow of 10,000 gallons of water per day or less if the system operator is licensed as a system designer, installer, maintainer, or inspector under this subdivision and the local unit of government has not adopted additional requirements."~~

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. 3648, A bill for an act relating to health; making changes to nursing home moratorium provisions; amending Minnesota Statutes 2006, section 144A.073, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 144.0724, subdivision 7, is amended to read:

~~Subd. 7. **Notice of resident reimbursement classification.** (a) A facility must elect between the options in clauses (1) and (2) to provide notice to a resident of the resident's case mix classification.~~

~~(1) The commissioner of health shall provide to a nursing facility a notice for each resident of the reimbursement classification established under subdivision 1. The notice must inform the resident of the classification that was assigned, the opportunity to review the documentation supporting the classification, the opportunity to obtain clarification from the commissioner, and the opportunity to request a reconsideration of the classification. The commissioner must send transmit the notice of resident classification by first class mail electronic means to the nursing facility. A nursing facility is responsible for the distribution of the notice to each resident, to the person responsible for the payment of the resident's nursing home expenses, or to another person designated by the resident. This notice must be distributed within three working days after the facility's receipt of the electronic file of notice of case mix classifications from the commissioner of health.~~

~~(2) A facility may choose to provide a classification notice, as prescribed by the commissioner of health, to a resident upon receipt of the confirmation of the case mix classification calculated by a facility or a corrected case mix classification as indicated on the final validation report from the commissioner. A nursing facility is responsible for the distribution of the notice to each resident, to the person responsible for the payment of the resident's nursing home expenses, or to another person designated by the resident. This notice must be distributed within three working days after the facility's receipt of the validation report from the commissioner. If a facility elects this option, the commissioner of health shall provide the facility with a list of residents and their case mix classifications as determined by the commissioner. A nursing facility may make this election to be effective on the day of implementation of the revised case mix system.~~

~~(3) After implementation of the revised case mix system, a nursing facility shall elect a notice of resident reimbursement classification procedure as described in clause (1) or (2) by reporting to the commissioner of health, as prescribed by the commissioner. The election is effective July 1.~~

(b) If a facility submits a correction to the most recent assessment used to establish a case mix classification conducted under subdivision 3 that results in a change in case mix classification, the facility shall give written notice to the resident or the resident's representative about the item that was corrected and the reason for the correction. The notice of corrected assessment may be provided at the same time that the resident or resident's representative is provided the resident's corrected notice of classification.

Sec. 2. Minnesota Statutes 2006, section 144.6503, is amended to read:

**144.6503 FACILITIES FOR ALZHEIMER'S DISEASE OR RELATED DISORDER.**

(a) If a nursing facility ~~markets or otherwise promotes services for~~ serves persons with Alzheimer's disease or related disorders, whether in a segregated or general unit, the facility's direct care staff and their supervisors must be trained in dementia care.

(b) Areas of required training include:

(1) an explanation of Alzheimer's disease and related disorders;

(2) assistance with activities of daily living;

(3) problem solving with challenging behaviors; and

(4) communication skills.

(c) The facility shall provide to consumers in written or electronic form a description of the training program, the categories of employees trained, the frequency of training, and the basic topics covered.

(d) The facility shall document compliance with this section.

(e) The commissioner of health has enforcement authority under section 144A.10, subdivision 1, to ensure compliance of the training requirements in this section.

(f) At each facility inspection under section 144A.10, subdivision 2, if the facility is not in compliance, the commissioner has authority to issue a correction order pursuant to section 144A.10, subdivision 4.

Sec. 3. Minnesota Statutes 2006, section 144A.073, as amended by Laws 2007, chapter 147, article 7, section 1, is amended to read:

**144A.073 EXCEPTIONS TO THE MORATORIUM; REVIEW.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given them:

(a) "Conversion" means the relocation of a nursing home bed from a nursing home to an attached hospital.

(b) "Relocation" means the movement of licensed nursing home beds or certified boarding care beds as permitted under subdivision 4, clause (3), and subdivision 5.

(c) "Renovation" means extensive remodeling of, ~~or construction of an addition to,~~ a facility ~~on an existing site~~ an existing facility with a total cost exceeding ten percent of the appraised value of the facility or \$200,000, whichever is less. A renovation may include the replacement or upgrade of existing mechanical or electrical systems.

(d) "Replacement" means the ~~demolition, deicensure, reconstruction, or construction of an addition to all or part of an existing~~ construction of a complete new facility.

(e) "Addition" means the construction of new space at an existing facility.

(f) "Upgrading" means a change in the level of licensure of a bed from a boarding care bed to a nursing home bed in a certified boarding care facility.

(g) "Phased project" means a proposal that identifies construction occurring with more than one distinct completion date. To be considered a distinct completion, each phase must have construction that is ready for resident use, as determined by the commissioner, that is not dependent on similar commissioner approval for future phases of construction. The commissioner of human services shall only allow rate adjustments for construction projects in phases if the proposal from a facility identifies construction in phases and each phase can be approved for use independent of the other phases.

Subd. 2. **Request for proposals.** At the authorization by the legislature of additional medical assistance expenditures for exceptions to the moratorium on nursing homes, the commissioner shall publish in the State Register a request for proposals for nursing home and certified boarding care home projects ~~to be licensed or certified under section 144A.071, subdivision 4a, clause (c) for conversion, relocation, renovation, replacement, upgrading, or addition.~~ The public notice of this funding and the request for proposals must specify how the approval criteria will be prioritized by the commissioner. The notice must describe the information that must accompany a request and state that proposals must be submitted to the commissioner within ~~90~~ 150 days of the date of publication. The notice must include the amount of the legislative appropriation available for the additional costs to the medical assistance program of projects approved under this section. ~~If no money is appropriated for a year, the commissioner shall publish a notice to that effect, and no proposals shall be requested.~~ If money is appropriated, the commissioner shall initiate the application and review process described in this section at least ~~twice~~ once each biennium ~~and up to four times each biennium, according to dates established by rule.~~ Authorized funds shall be allocated ~~proportionally to the number of processes.~~ A second application and review process must occur if remaining funds are either greater than \$300,000 or more than 50 percent of the baseline appropriation for the biennium. Authorized funds may be awarded in full in the first review process of the biennium. Appropriated funds not encumbered by an earlier process within a biennium shall carry forward to subsequent iterations of the process. ~~Authorization for expenditures does not carry forward into the following biennium.~~ To be considered for approval, a proposal must include the following information:

- (1) whether the request is for renovation, replacement, upgrading, conversion, addition, or relocation;
- (2) a description of the ~~problem~~ problems the project is designed to address;
- (3) a description of the proposed project;
- (4) an analysis of projected costs of the nursing facility ~~proposal, which are not required to exceed the cost threshold referred to in section 144A.071, subdivision 1, to be considered under this section~~ proposed project, including:
  - (i) initial construction and remodeling costs;
  - (ii) site preparation costs;
  - (iii) equipment and technology costs;
  - (iv) financing costs, ~~including~~ the current estimated long-term financing costs of the proposal, which ~~consists of~~ is to include details of any proposed funding mechanism already arranged or being considered, including estimates of the amount and sources of money, reserves if required ~~under the proposed funding mechanism~~, annual payments schedule, interest rates, length of term, closing costs and fees, insurance costs, and any completed marketing study or underwriting review; and

(v) estimated operating costs during the first two years after completion of the project;

(5) for proposals involving replacement of all or part of a facility, the proposed location of the replacement facility and an estimate of the cost of addressing the problem through renovation;

(6) for proposals involving renovation, an estimate of the cost of addressing the problem through replacement;

(7) the proposed timetable for commencing construction and completing the project;

(8) a statement of any licensure or certification issues, such as certification survey deficiencies;

(9) the proposed relocation plan for current residents if beds are to be closed ~~so that the Department of Human Services can estimate the total costs of a proposal according to section 144A.161;~~ and

(10) other information required by permanent rule of the commissioner of health in accordance with subdivisions 4 and 8.

Subd. 3. **Review and approval of proposals.** Within the limits of money specifically appropriated to the medical assistance program for this purpose, the commissioner of health may grant exceptions to the nursing home licensure or certification moratorium for proposals that satisfy the requirements of this section. The commissioner of health shall approve or disapprove a project. The commissioner of health shall base approvals or disapprovals on a comparison and ranking of proposals using only the criteria in subdivision 4 and in rules adopted by the commissioner. The cost to the medical assistance program of the proposals approved must be within the limits of the appropriations specifically made for this purpose. Approval of a proposal expires 18 months after approval by the commissioner of health unless the facility has commenced construction as defined in section 144A.071, subdivision 1a, paragraph (d).

Subd. 3b. **Amendments to approved projects.** (a) Nursing facilities that have received approval on or after July 1, 1993, for exceptions to the moratorium on nursing homes through the process described in this section may request amendments to the designs of the projects by writing the commissioner within ~~48~~ 15 months of receiving approval. Applicants shall submit supporting materials that demonstrate how the amended projects meet the criteria described in paragraph (b).

(b) The commissioner shall approve requests for amendments for projects approved on or after July 1, 1993, according to the following criteria:

(1) the amended project designs must provide solutions to all of the problems addressed by the original application that are at least as effective as the original solutions;

(2) the amended project designs may not reduce the space in each resident's living area or in the total amount of common space devoted to resident and family uses by more than five percent;

(3) the costs recognized for reimbursement of amended project designs shall be the threshold amount of the original proposal as identified according to section 144A.071, subdivision 2, except under conditions described in clause (4); and

(4) total costs up to ten percent greater than the cost identified in clause (3) may be recognized for reimbursement if the proposer can document that one of the following circumstances is true:

(i) changes are needed due to a natural disaster;

(ii) conditions that affect the safety or durability of the project that could not have reasonably been known prior to approval are discovered;

(iii) state or federal law require changes in project design; or

(iv) documentable circumstances occur that are beyond the control of the owner and require changes in the design.

(c) Approval of a request for an amendment does not alter the expiration of approval of the project according to subdivision 3.

Subd. 3c. **Cost neutral relocation projects.** (a) Notwithstanding subdivision 3, the commissioner may at any time accept proposals, or amendments to proposals previously approved under this section, for relocations that are cost neutral with respect to state costs as defined in section 144A.071, subdivision 5a. The commissioner, in consultation with the commissioner of human services, shall evaluate proposals according to subdivision 4, clauses (1), (2), ~~and (3), and (9)~~, and other criteria established in rule. The commissioner shall approve or disapprove a project within 90 days. Proposals and amendments approved under this subdivision are not subject to the six-mile limit in subdivision 5, paragraph (e).

(b) For the purposes of paragraph (a), cost neutrality shall be measured over the first three 12-month periods of operation after completion of the project.

Subd. 3d. **Project amendment authorized.** ~~Notwithstanding the provisions of subdivision 3b:~~

~~(1) the commissioner may approve a request by a nursing facility located in the city of Duluth with 48 licensed beds as of January 1, 2005, that received approval under this section in 2002 for a moratorium exception project for amendment of the project design that:~~

~~(i) reduces the total amount of common space devoted to resident and family uses by more than five percent if the total amount of common space in the facility, including that added by the project, is at least 175 percent of the state requirement for common space; and~~

~~(ii) reduces the space for no more than two residents' living areas by increasing the size of a majority of the single bed rooms from the size in the project design as originally approved and converting two single bed rooms in the project design as originally approved to one semi-private room; and~~

~~(2) the commissioner may approve a request by a nursing facility located in the city of Duluth with 129 licensed beds as of January 1, 2005, that received approval under this section in 2002 for a moratorium exception project for amendment of the project design that:~~

~~(i) reduces the total amount of common space devoted to resident and family uses by more than five percent if the total amount of common space in the facility, including that added by the project, is at least 175 percent of the state requirement for common space; and~~

~~(ii) reduces the space for no more than four residents' living areas by increasing the size of a majority of the single bed rooms from the size in the project design as originally approved and converting four single bed rooms in the project design as originally approved to two semi-private rooms; and~~

~~(3) the amended project designs in clauses (1) and (2) must provide solutions to all of the problems addressed by the original application that are at least as effective as the original solutions.~~

Subd. 4. **Criteria for review.** The following criteria shall be used in a consistent manner to compare, evaluate, and rank all proposals submitted. Except for the criteria specified in clause (3), the application of criteria listed under this subdivision shall not reflect any distinction based on the geographic location of the proposed project:

(1) the extent to which the proposal furthers state long-term care goals, including the goal of enhancing the availability and use of alternative care services and the goal of reducing the number of long-term care resident rooms with more than two beds;

(2) the proposal's long-term effects on state costs including the cost estimate of the project according to section 144A.071, subdivision 5a;

(3) the extent to which the proposal promotes equitable access to long-term care services in nursing homes through redistribution of the nursing home bed supply, as measured by the number of beds relative to the population 85 or older, ~~projected to the year 2000 by the state demographer, and according to items (i) to (iv):~~ using data published according to requirements in section 144A.351:

~~(i) reduce beds in counties where the supply is high, relative to the statewide mean, and increase beds in counties where the supply is low, relative to the statewide mean;~~

~~(ii) adjust the bed supply so as to create the greatest benefits in improving the distribution of beds;~~

~~(iii) adjust the existing bed supply in counties so that the bed supply in a county moves toward the statewide mean; and~~

~~(iv) adjust the existing bed supply so that the distribution of beds as projected for the year 2020 would be consistent with projected need, based on the methodology outlined in the Interagency Long Term Care Committee's nursing home bed distribution study;~~

(4) the extent to which the project improves conditions that affect the health or safety of residents, such as narrow corridors, narrow door frames, unenclosed fire exits, and wood frame construction, and similar provisions contained in fire and life safety codes and licensure and certification rules;

(5) the extent to which the project improves conditions that affect the comfort or quality of life of residents in a facility or the ability of the facility to provide efficient care, such as a relatively high number of residents in a room; inadequate lighting or ventilation; poor access to bathing or toilet facilities; a lack of available ancillary space for dining rooms, day rooms, or rooms used for other activities; problems relating to heating, cooling, or energy efficiency; inefficient location of nursing stations; ~~narrow corridors~~; or other provisions contained in the licensure and certification rules;

(6) the extent to which the applicant demonstrates the delivery of quality care, as defined in state and federal statutes and rules, to residents as evidenced by the two most recent state agency certification surveys and the applicants' response to those surveys;

(7) the extent to which the project removes the need for waivers or variances previously granted by either the licensing agency, certifying agency, fire marshal, or local government entity;

(8) the extent to which the project increases the number of private or single bed rooms;

(9) the extent to which the applicant demonstrates the continuing need for nursing facility care in the community and adjacent communities; and



(10) other factors that may be developed in permanent rule by the commissioner of health that evaluate and assess how the proposed project will further promote or protect the health, safety, comfort, treatment, or well-being of the facility's residents.

Subd. 5. **Replacement restrictions.** (a) Proposals submitted or approved under this section involving replacement must provide for replacement of the facility on the existing site except as allowed in this subdivision.

(b) Facilities located in a metropolitan statistical area other than the Minneapolis-St. Paul seven-county metropolitan area may relocate to a site within the same census tract or a contiguous census tract.

(c) Facilities located in the Minneapolis-St. Paul seven-county metropolitan area may relocate to a site within the same or contiguous health planning area as adopted in March 1982 by the Metropolitan Council.

(d) Facilities located outside a metropolitan statistical area may relocate to a site within the same city or township, or within a contiguous township.

(e) A facility relocated to a different site under paragraph (b), (c), or (d) must not be relocated to a site more than six miles from the existing site.

(f) The relocation of part of an existing first facility to a second location, under paragraphs (d) and (e), may include the relocation to the second location of up to four beds from part of an existing third facility located in a township contiguous to the location of the first facility. The six-mile limit in paragraph (e) does not apply to this relocation from the third facility.

(g) For proposals approved on January 13, 1994, under this section involving the replacement of 102 licensed and certified beds, the relocation of the existing first facility to the new location under paragraphs (d) and (e) may include the relocation of up to 75 beds of the existing facility. The six-mile limit in paragraph (e) does not apply to this relocation.

Subd. 6. **Conversion restrictions.** Proposals submitted or approved under this section involving conversion must satisfy the following conditions:

(a) Conversion is limited to a total of five beds.

(b) An equivalent number of hospital beds must be delicensed.

(c) The average occupancy rate in the existing nursing home beds must be greater than 96 percent according to the most recent annual statistical and cost report of the Department of ~~Health~~ Human Services.

(d) The cost of remodeling the hospital rooms to meet current nursing home construction standards must not exceed ten percent of the appraised value of the nursing home or \$200,000, whichever is less.

(e) The conversion must not result in an increase in operating costs.

Subd. 7. **Upgrading restrictions.** Proposals submitted or approved under this section involving upgrading must satisfy the following conditions:

(a) The facility must meet minimum nursing home ~~care standards~~ licensure requirements.

(b) If beds are upgraded to nursing home beds, the number of boarding care beds in a facility must not increase in the future.

~~(c) The average occupancy rate in the existing nursing home beds in an attached facility must be greater than 96 percent according to the most recent annual statistical report of the Department of Health.~~

Subd. 8. **Rulemaking.** The commissioner of health shall adopt rules to implement this section. The permanent rules must be in accordance with and implement only the criteria listed in this section. ~~The authority to adopt permanent rules continues until July 1, 1996.~~

Subd. 9. **Budget request.** The commissioner of human services, in consultation with the commissioner of finance, shall include in each biennial budget request a line item for the nursing home moratorium exception process. If the commissioner of human services does not request funding for this item, the commissioner of human services must justify the decision in the budget pages.

~~Subd. 10. **Extension of approval of moratorium exception.** Notwithstanding subdivision 3, the commissioner of health shall extend project approval for an additional 36 months for any proposed exception to the nursing home licensure and certification moratorium if the proposal was approved under this section between July 1, 2001, and June 30, 2003.~~

Subd. 11. **Funding from expired and canceled proposals.** The commissioner shall monitor the status of projects approved under this section to identify, in consultation with each facility with an approved project, if projects will be canceled or will expire. For projects that have been canceled or have expired, if originally approved after June 30, 2001, the commissioner's approval authority for the estimated annual state cost to medical assistance shall carry forward and shall be available for the issuance of a new moratorium round later in that fiscal year or in either of the following two fiscal years.

Sec. 4. Minnesota Statutes 2006, section 144A.10, subdivision 4, is amended to read:

Subd. 4. **Correction orders.** Whenever a duly authorized representative of the commissioner of health finds upon inspection of a nursing home, that the facility or a controlling person or an employee of the facility is not in compliance with sections 144.411 to 144.417, 144.651, 144.6503, 144A.01 to 144A.155, or 626.557 or the rules promulgated thereunder, a correction order shall be issued to the facility. The correction order shall state the deficiency, cite the specific rule or statute violated, state the suggested method of correction, and specify the time allowed for correction. If the commissioner finds that the nursing home had uncorrected or repeated violations which create a risk to resident care, safety, or rights, the commissioner shall notify the commissioner of human services who shall require the facility to use any efficiency incentive payments received under section 256B.431, subdivision 2b, paragraph (d), to correct the violations and shall require the facility to forfeit incentive payments for failure to correct the violations as provided in section 256B.431, subdivision 2p. The forfeiture shall not apply to correction orders issued for physical plant deficiencies.

Sec. 5. Minnesota Statutes 2006, section 144A.11, subdivision 2, is amended to read:

Subd. 2. **Mandatory proceedings.** (a) The commissioner of health shall initiate proceedings within 60 days of notification to suspend or revoke a nursing home license or shall refuse to renew a license if within the preceding two years the nursing home has incurred the following number of uncorrected or repeated violations:

(1) two or more uncorrected violations or one or more repeated violations which created an imminent risk to direct resident care or safety; or

(2) four or more uncorrected violations or two or more repeated violations of any nature for which the fines are in the four highest daily fine categories prescribed in rule.

(b) Notwithstanding paragraph (a), the commissioner is not required to revoke, suspend, or refuse to renew a facility's license if the facility corrects the violation.

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

Delete the title and insert:

"A bill for an act relating to health; changing nursing home regulations; changing nursing home moratorium provisions; amending Minnesota Statutes 2006, sections 144.0724, subdivision 7; 144.6503; 144A.073, as amended; 144A.10, subdivision 4; 144A.11, subdivision 2."

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. 3649, A bill for an act relating to health; changing information required for filing a complaint with a health plan company; amending Minnesota Statutes 2006, section 62Q.69, 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. 3660, A bill for an act relating to the military; prohibiting discrimination in employment against the immediate family member of any service member; permitting civil actions; providing penalties; amending Minnesota Statutes 2006, section 192.34.

Reported the same back with the following amendments:

Page 2, after line 4, insert:

"The employee must provide reasonable notice to the employer when requesting time off. The employer must provide a reasonable amount of nonpaid time off for the employee. The employer must not compel the employee to use accumulated but unused vacation for these events."

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.

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

H. F. No. 3672, A bill for an act relating to veterans; designating July 27 as Korean War Veterans Day; proposing coding for new law in Minnesota Statutes, chapter 197.

Reported the same back with the following amendments:

Page 1, line 5, delete "VETERANS" and insert "ARMISTICE"

Page 1, line 22, delete "Veterans" and insert "Armistice"

Amend the title as follows:

Page 1, line 2, delete "Veterans" and insert "Armistice"

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.

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

H. F. No. 3685, A bill for an act relating to environment; modifying toxic chemical release reporting requirements; amending Minnesota Statutes 2006, section 299K.08, by adding a subdivision.

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. 3686, A bill for an act relating to the military; providing for a stay of certain proceedings against the businesses of National Guard and reserve members who have been mobilized into active military service; proposing coding for new law in Minnesota Statutes, chapter 192.

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.

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

H. F. No. 3690, A bill for an act relating to corrections; making technical corrections and amendments to certain youth correction, county jail, adult offender supervision, and fingerprinting provisions; changing date for annual report of Advisory Council on Interstate Adult Offender Supervision; amending Minnesota Statutes 2006, sections 241.301; 243.1606, subdivision 3; 609.117, subdivision 3; 641.09; 641.18; repealing Minnesota Statutes 2006, sections 242.193, subdivision 1; 242.39; 260B.241; 260C.207.

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. 3699, A bill for an act relating to elections; providing for discretionary partial recounts; specifying certain recount and postelection review procedures; amending Minnesota Statutes 2006, sections 204C.35, subdivisions 1, 2, by adding a subdivision; 204C.36, subdivision 2, by adding a subdivision; 206.89, subdivision 2.

Reported the same back with the following amendments:

Page 3, line 11, delete "costs" and insert "results" and delete "a result" and insert "an outcome"

Page 4, line 9, delete "costs" and insert "results" and delete "a result" and insert "an outcome"

Page 4, after line 12, insert:

"Sec. 6. Minnesota Statutes 2007 Supplement, section 206.57, subdivision 5, is amended to read:

Subd. 5. **Voting system for disabled voters.** In federal and state elections held after December 31, 2005; in county, city, and school district elections held after December 31, 2007; and, except as provided in subdivision 5a, in township elections held after December 31, 2009, the voting method used in each polling place must include a voting system that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

Sec. 7. Minnesota Statutes 2006, section 206.57, is amended by adding a subdivision to read:

Subd. 5a. **Limited town exemptions.** (a) A town conducting an election not held in conjunction with any federal, state, county, or school district election shall be exempt from the requirements of subdivision 5 if the town has fewer than 500 registered voters, as determined by the secretary of state by June 1 of each year.

(b) A town which would otherwise satisfy the requirements of this subdivision shall still be required to comply with subdivision 5 at its next general town election if the voters at the preceding year's annual town meeting instruct the town to conduct elections in compliance with subdivision 5.

Sec. 8. Minnesota Statutes 2006, section 206.57, is amended by adding a subdivision to read:

Subd. 5b. **Township elections advisory group.** Beginning in 2009 and at least once every other year until 2016, the secretary of state shall convene an advisory group to review changes in state contracts related to voting equipment and software, equipment options, and other options that may make full compliance with subdivision 5 viable for town elections. The advisory group shall monitor costs of compliance for all townships to determine whether the costs constitute an excessive burden and examine ways that costs may be reduced. The advisory group shall consist of representatives of the legislature, the Office of the Secretary of State, town officers, county election officials, the National Federation of the Blind, the Minnesota State Council on Disability, the Minnesota Disability Law Center, and other interested parties. This subdivision expires December 31, 2016.

Page 4, line 13, delete "6" and insert "9"

Amend the title as follows:

Page 1, line 3, before the semicolon, insert "; changing certain voting system requirements; providing for a township elections advisory group"

Correct the title numbers accordingly

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. 3775, A bill for an act relating to crimes; modifying law protecting victims of sexual assault; amending Minnesota Statutes 2006, sections 609.342, subdivision 1; 609.343, subdivision 1; 628.26; Minnesota Statutes 2007 Supplement, section 609.341, subdivision 11.

Reported the same back with the following amendments:

Page 4, delete section 4

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. 3790, A bill for an act relating to real property; providing for electronic recording; proposing coding for new law in Minnesota Statutes, chapter 507.

Reported the same back with the following amendments:

Page 1, before line 5, insert:

"ARTICLE 1

ELECTRONIC RECORDING; COMMISSION"

Page 5, after line 27, insert:

"ARTICLE 2

CONFORMING CHANGES

Section 1. Minnesota Statutes 2006, section 14.03, subdivision 3, is amended to read:

Subd. 3. **Rulemaking procedures.** (a) The definition of a rule in section 14.02, subdivision 4, does not include:

(1) rules concerning only the internal management of the agency or other agencies that do not directly affect the rights of or procedures available to the public;

(2) an application deadline on a form; and the remainder of a form and instructions for use of the form to the extent that they do not impose substantive requirements other than requirements contained in statute or rule;

(3) the curriculum adopted by an agency to implement a statute or rule permitting or mandating minimum educational requirements for persons regulated by an agency, provided the topic areas to be covered by the minimum educational requirements are specified in statute or rule;

(4) procedures for sharing data among government agencies, provided these procedures are consistent with chapter 13 and other law governing data practices.

(b) The definition of a rule in section 14.02, subdivision 4, does not include:

(1) rules of the commissioner of corrections relating to the release, placement, term, and supervision of inmates serving a supervised release or conditional release term, the internal management of institutions under the commissioner's control, and rules adopted under section 609.105 governing the inmates of those institutions;

(2) rules relating to weight limitations on the use of highways when the substance of the rules is indicated to the public by means of signs;

(3) opinions of the attorney general;

(4) the data element dictionary and the annual data acquisition calendar of the Department of Education to the extent provided by section 125B.07;

(5) the occupational safety and health standards provided in section 182.655;

(6) revenue notices and tax information bulletins of the commissioner of revenue;

(7) uniform conveyancing forms adopted by the commissioner of commerce under section 507.09; ~~or~~

(8) standards adopted by the electronic real estate recording commission established under section 507.0945; or

~~(8)~~ (9) the interpretive guidelines developed by the commissioner of human services to the extent provided in chapter 245A.

Sec. 2. ~~[272.122]~~ ELECTRONIC FACSIMILE.

All notations or certifications that are required under this chapter may be performed by electronic means.

Sec. 3. Minnesota Statutes 2006, section 287.08, is amended to read:

**287.08 TAX, HOW PAYABLE; RECEIPTS.**

(a) The tax imposed by sections 287.01 to 287.12 must be paid to the treasurer of any county in this state in which the real property or some part is located at or before the time of filing the mortgage for record. The treasurer shall endorse receipt on the mortgage and the receipt is conclusive proof that the tax has been paid in the amount

stated and authorizes any county recorder or registrar of titles to record the mortgage. Its form, in substance, shall be "registration tax hereon of ..... dollars paid." If the mortgage is exempt from taxation the endorsement shall, in substance, be "exempt from registration tax." In either case the receipt must be signed by the treasurer. In case the treasurer is unable to determine whether a claim of exemption should be allowed, the tax must be paid as in the case of a taxable mortgage. For documents submitted electronically, the endorsements and tax amount shall be affixed electronically and no signature by the treasurer will be required. The actual payment method must be arranged in advance between the submitter and the receiving county.

(b) The county treasurer may refund in whole or in part any mortgage registry tax overpayment if a written application by the taxpayer is submitted to the county treasurer within 3-1/2 years from the date of the overpayment. If the county has not issued a denial of the application, the taxpayer may bring an action in Tax Court in the county in which the tax was paid at any time after the expiration of six months from the time that the application was submitted. A denial of refund may be appealed within 60 days from the date of the denial by bringing an action in Tax Court in the county in which the tax was paid. The action is commenced by the serving of a petition for relief on the county treasurer, and by filing a copy with the court. The county attorney shall defend the action. The county treasurer shall notify the treasurer of each county that has or would receive a portion of the tax as paid.

(c) If the county treasurer determines a refund should be paid, or if a refund is ordered by the court, the county treasurer of each county that actually received a portion of the tax shall immediately pay a proportionate share of three percent of the refund using any available county funds. The county treasurer of each county that received, or would have received, a portion of the tax shall also pay their county's proportionate share of the remaining 97 percent of the court-ordered refund on or before the 20th day of the following month using solely the mortgage registry tax funds that would be paid to the commissioner of revenue on that date under section 287.12. If the funds on hand under this procedure are insufficient to fully fund 97 percent of the court-ordered refund, the county treasurer of the county in which the action was brought shall file a claim with the commissioner of revenue under section 16A.48 for the remaining portion of 97 percent of the refund, and shall pay over the remaining portion upon receipt of a warrant from the state issued pursuant to the claim.

(d) When any mortgage covers real property located in more than one county in this state the total tax must be paid to the treasurer of the county where the mortgage is first presented for recording, and the payment must be receipted as provided in paragraph (a). If the principal debt or obligation secured by such a multiple county mortgage exceeds \$1,000,000, the nonstate portion of the tax must be divided and paid over by the county treasurer receiving it, on or before the 20th day of each month after receipt, to the county or counties entitled in the ratio that the market value of the real property covered by the mortgage in each county bears to the market value of all the real property in this state described in the mortgage. In making the division and payment the county treasurer shall send a statement giving the description of the real property described in the mortgage and the market value of the part located in each county. For this purpose, the treasurer of any county may require the treasurer of any other county to certify to the former the market valuation of any tract of real property in any mortgage.

(e) The mortgagor must pay the tax imposed by sections 287.01 to 287.12. The mortgagee may undertake to collect and remit the tax on behalf of the mortgagor. If the mortgagee collects money from the mortgagor to remit the tax on behalf of the mortgagor, the mortgagee has a fiduciary duty to remit the tax on behalf of the mortgagor as to the amount of the tax collected for that purpose and the mortgagor is relieved of any further obligation to pay the tax as to the amount collected by the mortgagee for this purpose.



Sec. 4. Minnesota Statutes 2006, section 287.241, is amended to read:

**287.241 STATEMENT OF TAX DUE OR EXEMPTION; RECORDING OR REGISTERING OF DOCUMENTS.**

Subdivision 1. **Statement of tax due or exemption.** No deed or instrument, taxable under the provisions of section 287.21, shall be recorded unless it contains the statement of the grantor or grantee, or any successor in interest, setting forth the amount of tax due under this chapter or that it is exempt from tax. The county recorder or registrar of titles shall record any deed or instrument when the statement sets forth that the transfer is tax exempt, or when documentary stamps or the treasurer's receipt appear for the amount of deed tax recited in the statement. Deeds or other instruments taxable under section 287.21 recorded electronically shall have the deed tax data affixed electronically. The validity or effectiveness of a deed or instrument as between the parties, and as to any person who would otherwise be bound, is not affected by the failure to comply with this section. If a deed or instrument is accepted for recording contrary to this section, the failure to comply does not destroy or impair the record of the deed or instrument as notice.

Subd. 2. **Notice of certificate of value.** No deed or instrument providing for the transfer of title to real property that is subject to the tax as provided in section 287.21, and no executory contract for the sale of land, shall be recorded unless such deed or instrument is accompanied by a notice from the county auditor that a certificate of value was filed in the auditor's office as provided in section 272.115. Documents subject to this provision that are filed electronically must include the certificate of value number assigned by the electronic certificate of value system established by the Department of Revenue.

Sec. 5. Minnesota Statutes 2006, section 287.25, is amended to read:

**287.25 PAYMENT OF TAX; STAMPS.**

Except for documents filed electronically, the county board shall determine the method for collection of the tax imposed by section 287.21:

(1) The tax imposed by section 287.21 may be paid by the affixing of a documentary stamp or stamps in the amount of the tax to the document or instrument with respect to which the tax is paid, provided that the county board may permit the payment of the tax without the affixing of the documentary stamps and in such cases shall direct the treasurer to endorse a receipt for such tax upon the face of the document or instrument. Documents submitted electronically must have the deed tax data affixed electronically and the tax paid as provided in section 287.08.

(2) The tax imposed by section 287.21 may be paid in the manner prescribed by section 287.08 relating to payment of mortgage registration tax.

Sec. 6. Minnesota Statutes 2006, section 386.03, is amended to read:

**386.03 RECEPTION INDEX.**

Every county recorder shall keep an index, to be denominated as a grantor's and grantee's reception index, which shall contain the following information: date of reception, year, month, day, hour and minute, grantor and grantee, where situated, to whom delivered after recording, fees received, instrument number, and kind of instrument.

The recorder shall enter in the index, in the order and manner aforesaid, as soon as the same are received, all deeds and other instruments ~~left, and all copies left, as cautions or notices of liens,~~ authorized by law to be recorded. The reception index shall be maintained in alphabetical order, and every entry made therein shall be made in the

reception index under the grantor's surname, and under the grantee's surname, and all such entries shall appear therein consecutively and in the order as to time in which the instruments were received. The recorder shall make an entry in the record immediately for each instrument recorded specifying the time of the day, month, and year when the same was recorded.

Sec. 7. Minnesota Statutes 2006, section 386.19, is amended to read:

**386.19 RECORD BOOKS, INDEXES.**

The county recorder shall keep suitable word for word records by either manual or electronic means of all instruments ~~left with~~ delivered to the recorder for record keeping. The recorder shall keep an alphabetical index either by manual or electronic means, to record, under the proper letter of the alphabet, the name of each grantor and grantee of any instrument ~~left delivered~~ for record recording.

Sec. 8. Minnesota Statutes 2006, section 386.26, subdivision 1, is amended to read:

Subdivision 1. **Counties over 100,000.** The county recorder in each county having a population of over 100,000 is hereby authorized and directed to transcribe in appropriate records in writing or by electronic media to be provided by the county for such purpose and to appropriately index all instruments affecting: lists of lands selected by railroad companies under grants from the United States or the state of Minnesota; and all instruments affecting: condemnation proceedings; awards of damages in condemnation proceedings; building line easements; easements for slopes; easements for electric light and telephone poles; now on file in the recorder's office and which have not heretofore been recorded.

Sec. 9. Minnesota Statutes 2006, section 386.31, is amended to read:

**386.31 CONSECUTIVE NUMBERING.**

Each county recorder shall endorse plainly upon each instrument received for record as soon as received a number consecutive, to the extent practicable, to the number affixed to the instrument next previously received and enter such number as a part of the entry relating to such instrument in all the indexes kept in the office and on the margin of the record of the instrument, and such number shall be prima facie evidence of priority of registration. If more than one instrument shall be received at the same time, by mail or other like enclosure, the recorder shall affix such number in the order directed by the sender; if no direction be given, then in the order in which the instruments actually come to the ~~recorder's hand in opening the enclosures~~ recorder.

Sec. 10. Minnesota Statutes 2006, section 386.409, is amended to read:

**386.409 COUNTY RECORDER'S OFFICIAL SIGNATURE.**

When the county recorder's official signature, or that of a deputy is required under section 386.41, an electronically generated ~~facsimile~~ signature or name may be used.

Sec. 11. Minnesota Statutes 2006, section 507.093, is amended to read:

**507.093 STANDARDS FOR DOCUMENTS TO BE RECORDED OR FILED.**

The following standards are imposed on documents to be recorded with the county recorder or the registrar of titles other than by electronic means as provided in section 507.24:

- (1) The document shall consist of one or more individual sheets measuring no larger than 8.5 inches by 14 inches.
- (2) The form of the document shall be printed, typewritten, or computer generated in black ink and the form of the document shall not be smaller than 8-point type.
- (3) The document shall be on white paper of not less than 20-pound weight with no background color or images and, except for the first page, shall have a border of at least one-half inch on the top, bottom, and each side.
- (4) The first page of the document shall contain a blank space at the top measuring three inches, as measured from the top of the page, and a border of one-half inch on each side and the bottom. The right half of the blank space shall be reserved for recording information and the left half shall be reserved for tax certification. Any person may attach an administrative page before the first page of the document to accommodate this standard. The administrative page may contain the document title, document date, and, if applicable, the grantor and grantee, and shall be deemed part of the document when recorded.
- (5) The title of the document shall be prominently displayed at the top of the first page below the blank space referred to in clause (4), or on the administrative page.
- (6) No additional sheet shall be attached or affixed to a page that covers up any information or printed part of the form.
- (7) A document presented for recording must be sufficiently legible to reproduce a readable copy using the county recorder's or registrar of title's current method of reproduction.

Sec. 12. Minnesota Statutes 2007 Supplement, section 507.24, subdivision 2, is amended to read:

Subd. 2. **Original signatures required.** (a) Unless otherwise provided by law, an instrument affecting real estate that is to be recorded as provided in this section or other applicable law must contain the original signatures of the parties who execute it and of the notary public or other officer taking an acknowledgment. However, a financing statement that is recorded as a filing pursuant to section 336.9-502(b) need not contain: (1) the signatures of the debtor or the secured party; or (2) an acknowledgment.

~~(b)(4)~~ Any electronic instruments, including signatures and seals, affecting real estate may only be recorded as ~~part of a pilot project for the electronic filing of real estate documents implemented by the task force created in Laws 2000, chapter 391, or by the Electronic Real Estate Recording Task Force created under section 507.094. The Electronic Real Estate Recording Task Force created under section 507.094 may amend standards set by the task force created in Laws 2000, chapter 391, in conformance with standards implemented by the Electronic Real Estate Recording Commission created under the Minnesota Real Property Electronic Recording Act, sections 507.0941 to 507.0948. The Electronic Real Estate Recording Commission created under the Minnesota Real Property Electronic Recording Act may adopt or amend standards set by the task force created in Laws 2000, chapter 391, and the Electronic Real Estate Recording Task Force created under section 507.094 and may set new or additional standards and establish pilot projects to the full extent permitted in section 507.094, subdivision 2, paragraph (b) 507.0945. Documents recorded in conformity with those standards and in those pilot projects the standards created as part of a pilot project for the electronic filing of real estate documents implemented by the task force created in Laws 2000, chapter 391, or by the Electronic Real Estate Recording Task Force created under section 507.094 are deemed to meet the requirements of this section.~~

~~(2)(i) A county that participated in the pilot project for the electronic filing of real estate documents under the task force created in Laws 2000, chapter 391, may continue to record or file documents electronically, if:~~

~~(A) the county complies with standards adopted by the task force; and~~

~~(B) the county uses software that was validated by the task force.~~

~~(ii) A county that did not participate in the pilot project may record or file a real estate document electronically, if:~~

~~(A) the document to be recorded or filed is of a type included in the pilot project for the electronic filing of real estate documents under the task force created in Laws 2000, chapter 391;~~

~~(B) the county complies with the standards adopted by the task force;~~

~~(C) the county uses software that was validated by the task force; and~~

~~(D) the task force created under section 507.094, votes to accept a written certification of compliance with paragraph (b), clause (2), of this section by the county board and county recorder of the county to implement electronic filing under this section.~~

(c) Notices filed pursuant to section 168A.141, subdivisions 1 and 3, need not contain an acknowledgment.

Sec. 13. Minnesota Statutes 2006, section 507.40, is amended to read:

**507.40 MORTGAGES, HOW DISCHARGED.**

A mortgage may be discharged by filing for record a certificate of its satisfaction executed and acknowledged by the mortgagee, the mortgagee's personal representative, or assignee, as in the case of a conveyance. ~~The county recorder shall enter the number of such certificate and the book and page of its record upon the record of the mortgage or on a microfilm card whenever possible. In all cases the discharge shall be entered in the reception book and indexes as conveyances are entered.~~ If a mortgage be recorded in more than one county and discharged of record in one of them, a certified copy of such discharge may be recorded in another county with the same effect as the original. If the discharge be by marginal entry, heretofore made, such copy shall include the record of the mortgage. ~~In all cases the discharge shall be entered in the reception book and indexes as conveyances are entered.~~

Sec. 14. Minnesota Statutes 2006, section 507.46, subdivision 1, is amended to read:

Subdivision 1. **Form of certificate.** A county recorder or registrar of titles shall accept for recording a document that is not ~~written~~ prepared in the English language, but is otherwise in recordable form, if there is appended to the non-English language document a translation of the document into the English language and a certificate of translation in substantially the following form:

CERTIFICATE OF TRANSLATION

State of Minnesota

County of .....

I certify that the attached English language document is a complete and accurate translation of the attached document from the ..... language.

.....  
Signature of translator

.....  
Typed or printed name

.....  
Street Address

.....  
City, State, and Zip Code

.....  
Telephone number

.....  
Subscribed and sworn to before me this .... day of ....., 20.....

.....  
Notary public"

Correct the title numbers accordingly

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.

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

H. F. No. 3812, A bill for an act relating to health; requiring public pools and spas to be equipped with anti-entrapment devices or systems; amending Minnesota Statutes 2006, sections 144.1222, subdivision 1a, by adding subdivisions; 157.16, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 144.1222, subdivision 1a, is amended to read:

Subd. 1a. **Fees.** All plans and specifications for public swimming pool and spa construction, installation, or alteration or requests for a variance that are submitted to the commissioner according to Minnesota Rules, part 4717.3975, shall be accompanied by the appropriate fees. All public pool construction plans submitted for review after January 1, 2009, must be certified by a professional engineer registered in the state of Minnesota. If the commissioner determines, upon review of the plans, that inadequate fees were paid, the necessary additional fees shall be paid before plan approval. For purposes of determining fees, a project is defined as a proposal to construct or install a public pool, spa, special purpose pool, or wading pool and all associated water treatment equipment and drains, gutters, decks, water recreation features, spray pads, and those design and safety features that are within five feet of any pool or spa. The commissioner shall charge the following fees for plan review and inspection of public pools and spas and for requests for variance from the public pool and spa rules:

- (1) each spa pool, ~~\$500~~ \$800;
- (2) ~~projects valued at \$250,000 or less, a minimum of \$800 per pool plus:~~ each spa pool, \$500;
- ~~(i) (3) for each slide, an additional \$400; and~~
- ~~(ii) for each spa pool, an additional \$500;~~
- ~~(3) (4) projects valued at \$250,000 or more, the greater of the sum of the fees in clauses (1), (2), and (3) or 0.5 percent of the documented estimated project cost to a maximum fee of \$10,000;~~
- ~~(4) (5) alterations to an existing pool without changing the size or configuration of the pool, \$400;~~
- ~~(5) (6) removal or replacement of pool disinfection equipment only, \$75; and~~
- ~~(6) (7) request for variance from the public pool and spa rules, \$500.~~

Sec. 2. Minnesota Statutes 2006, section 144.1222, is amended by adding a subdivision to read:

Subd. 1c. **Public pool construction.** For all public pools constructed after January 1, 2009, without a gravity outlet or drain, each pump must be connected to at least two suction outlets, connected in parallel with suction outlet covers that meet ASME/ANSI standards.

Sec. 3. Minnesota Statutes 2006, section 144.1222, is amended by adding a subdivision to read:

Subd. 1d. **Public pools; required equipment.** (a) Beginning January 1, 2010, all public pools with the deepest water being less than four feet deep must have either:

- (1) an unblockable suction outlet or drain;
  - (2) at least two suction outlets, connected in parallel with suction outlet covers that meet ASME/ANSI standards; or
  - (3) a gravity outlet or drain.
- (b) Beginning January 1, 2011, all other existing public pools must have either:
- (1) an unblockable suction outlet or drain;
  - (2) at least two suction outlets, connected in parallel with suction outlet covers that meet ASME/ANSI standards; or
  - (3) a gravity outlet or drain.
- (c) By June 1, 2008, all drain covers and grates must be installed with screws that meet the manufacturer's specifications.
- (d) By July 1, 2008, and annually thereafter, all public pool owners must certify to the commissioner on a form prescribed by the commissioner that:

(1) all outlets except for unblockable drains and gravity drains are equipped with covers that have been stamped by the manufacturer that they are in compliance with ASME/ANSI standards; and

(2) all covers and grates, including mounting rings, have been inspected to ensure that they have been properly installed and are not broken or loose.

Sec. 4. Minnesota Statutes 2006, section 144.1222, is amended by adding a subdivision to read:

Subd. 1e. **Safety inspections.** (a) The pool operator is required to conduct a physical inspection of the drain covers and grates on a daily basis. The record required under Minnesota Rules, part 4717.0750, must indicate that this inspection was completed every day the pool is open for use.

(b) If at any time an outlet cover or grate is missing, broken, or loose, the pool must be closed immediately and may not be reopened until the cover or grate has been replaced and properly installed.

Sec. 5. Minnesota Statutes 2006, section 144.1222, is amended by adding a subdivision to read:

Subd. 4. **Definitions.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "ASME/ANSI standard" means a safety standard accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(c) "ASTM standard" means a safety standard issued by ASTM International, formerly known as the American Society for Testing and Materials.

(d) "Public pool" means any pool other than a private residential pool, that is open to the public generally, whether for a fee or free of charge; open exclusively to members of an organization and their guests; residents of a multiunit apartment building, apartment complex, residential real estate development, or other multifamily residential area; or patrons of a hotel or lodging or other public accommodation facility; or operated by a person in a park, school, licensed child care facility, group home, motel, camp, resort, club, condominium, manufactured home park, or political subdivision with the exception of swimming pools at family day care homes licensed under section 245A.14, subdivision 11, paragraph (a).

(e) "Unblockable suction outlet or drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard and meets ASME/ANSI standards.

Sec. 6. Minnesota Statutes 2006, section 157.16, as amended by Laws 2007, chapter 147, article 9, section 34, is amended to read:

#### **157.16 LICENSES REQUIRED; FEES.**

Subdivision 1. **License required annually.** A license is required annually for every person, firm, or corporation engaged in the business of conducting a food and beverage service establishment, hotel, motel, lodging establishment, public pool, or resort. Any person wishing to operate a place of business licensed in this section shall first make application, pay the required fee specified in this section, and receive approval for operation, including plan review approval. Seasonal and temporary food stands and special event food stands are not required to submit plans. Nonprofit organizations operating a special event food stand with multiple locations at an annual one-day event shall be issued only one license. Application shall be made on forms provided by the commissioner and shall require the applicant to state the full name and address of the owner of the building, structure, or enclosure, the lessee and manager of the food and beverage service establishment, hotel, motel, lodging establishment, public pool, or resort; the name under which the business is to be conducted; and any other information as may be required by the commissioner to complete the application for license.

Subd. 2. **License renewal.** Initial and renewal licenses for all food and beverage service establishments, hotels, motels, lodging establishments, public pools, and resorts shall be issued for the calendar year for which application is made and shall expire on December 31 of such year. Any person who operates a place of business after the expiration date of a license or without having submitted an application and paid the fee shall be deemed to have violated the provisions of this chapter and shall be subject to enforcement action, as provided in the Health Enforcement Consolidation Act, sections 144.989 to 144.993. In addition, a penalty of \$50 shall be added to the total of the license fee for any food and beverage service establishment operating without a license as a mobile food unit, a seasonal temporary or seasonal permanent food stand, or a special event food stand, and a penalty of \$100 shall be added to the total of the license fee for all restaurants, food carts, hotels, motels, lodging establishments, public pools, and resorts operating without a license for a period of up to 30 days. A late fee of \$300 shall be added to the license fee for establishments operating more than 30 days without a license.

Subd. 2a. **Food manager certification.** An applicant for certification or certification renewal as a food manager must submit to the commissioner a \$28 nonrefundable certification fee payable to the Department of Health.

Subd. 3. **Establishment fees; definitions.** (a) The following fees are required for food and beverage service establishments, hotels, motels, lodging establishments, public pools, and resorts licensed under this chapter. Food and beverage service establishments must pay the highest applicable fee under paragraph (d), clause (1), (2), (3), or (4), and establishments serving alcohol must pay the highest applicable fee under paragraph (d), clause (6) or (7). The license fee for new operators previously licensed under this chapter for the same calendar year is one-half of the appropriate annual license fee, plus any penalty that may be required. The license fee for operators opening on or after October 1 is one-half of the appropriate annual license fee, plus any penalty that may be required.

(b) All food and beverage service establishments, except special event food stands, and all hotels, motels, lodging establishments, public pools, and resorts shall pay an annual base fee of \$150.

(c) A special event food stand shall pay a flat fee of \$40 annually. "Special event food stand" means a fee category where food is prepared or served in conjunction with celebrations, county fairs, or special events from a special event food stand as defined in section 157.15.

(d) In addition to the base fee in paragraph (b), each food and beverage service establishment, other than a special event food stand, and each hotel, motel, lodging establishment, public pool, and resort shall pay an additional annual fee for each fee category, additional food service, or required additional inspection specified in this paragraph:

(1) Limited food menu selection, \$50. "Limited food menu selection" means a fee category that provides one or more of the following:

(i) prepackaged food that receives heat treatment and is served in the package;

(ii) frozen pizza that is heated and served;

(iii) a continental breakfast such as rolls, coffee, juice, milk, and cold cereal;

(iv) soft drinks, coffee, or nonalcoholic beverages; or

(v) cleaning for eating, drinking, or cooking utensils, when the only food served is prepared off site.

(2) Small establishment, including boarding establishments, \$100. "Small establishment" means a fee category that has no salad bar and meets one or more of the following:



(i) possesses food service equipment that consists of no more than a deep fat fryer, a grill, two hot holding containers, and one or more microwave ovens;

(ii) serves dipped ice cream or soft serve frozen desserts;

(iii) serves breakfast in an owner-occupied bed and breakfast establishment;

(iv) is a boarding establishment; or

(v) meets the equipment criteria in clause (3), item (i) or (ii), and has a maximum patron seating capacity of not more than 50.

(3) Medium establishment, \$260. "Medium establishment" means a fee category that meets one or more of the following:

(i) possesses food service equipment that includes a range, oven, steam table, salad bar, or salad preparation area;

(ii) possesses food service equipment that includes more than one deep fat fryer, one grill, or two hot holding containers; or

(iii) is an establishment where food is prepared at one location and served at one or more separate locations.

Establishments meeting criteria in clause (2), item (v), are not included in this fee category.

(4) Large establishment, \$460. "Large establishment" means either:

(i) a fee category that (A) meets the criteria in clause (3), items (i) or (ii), for a medium establishment, (B) seats more than 175 people, and (C) offers the full menu selection an average of five or more days a week during the weeks of operation; or

(ii) a fee category that (A) meets the criteria in clause (3), item (iii), for a medium establishment, and (B) prepares and serves 500 or more meals per day.

(5) Other food and beverage service, including food carts, mobile food units, seasonal temporary food stands, and seasonal permanent food stands, \$50.

(6) Beer or wine table service, \$50. "Beer or wine table service" means a fee category where the only alcoholic beverage service is beer or wine, served to customers seated at tables.

(7) Alcoholic beverage service, other than beer or wine table service, \$135.

"Alcohol beverage service, other than beer or wine table service" means a fee category where alcoholic mixed drinks are served or where beer or wine are served from a bar.

(8) Lodging per sleeping accommodation unit, \$8, including hotels, motels, lodging establishments, and resorts, up to a maximum of \$800. "Lodging per sleeping accommodation unit" means a fee category including the number of guest rooms, cottages, or other rental units of a hotel, motel, lodging establishment, or resort; or the number of beds in a dormitory.

(9) First public swimming pool, \$180; each additional public swimming pool, \$100. "Public swimming pool" means a fee category that has the meaning given in Minnesota Rules, part 4717.0250, subpart 8, section 144.1222, subdivision 4.

(10) First spa, \$110; each additional spa, \$50. "Spa pool" means a fee category that has the meaning given in Minnesota Rules, part 4717.0250, subpart 9.

(11) Private sewer or water, \$50. "Individual private water" means a fee category with a water supply other than a community public water supply as defined in Minnesota Rules, chapter 4720. "Individual private sewer" means a fee category with an individual sewage treatment system which uses subsurface treatment and disposal.

(12) Additional food service, \$130. "Additional food service" means a location at a food service establishment, other than the primary food preparation and service area, used to prepare or serve food to the public.

(13) Additional inspection fee, \$300. "Additional inspection fee" means a fee to conduct the second inspection each year for elementary and secondary education facility school lunch programs when required by the Richard B. Russell National School Lunch Act.

(e) A fee of \$350 for review of the construction plans must accompany the initial license application for restaurants, hotels, motels, lodging establishments, or resorts with five or more sleeping units.

(f) When existing food and beverage service establishments, hotels, motels, lodging establishments, or resorts are extensively remodeled, a fee of \$250 must be submitted with the remodeling plans. A fee of \$250 must be submitted for new construction or remodeling for a restaurant with a limited food menu selection, a seasonal permanent food stand, a mobile food unit, or a food cart, or for a hotel, motel, resort, or lodging establishment addition of less than five sleeping units.

(g) Seasonal temporary food stands and special event food stands are not required to submit construction or remodeling plans for review.

Subd. 3a. **Statewide hospitality fee.** Every person, firm, or corporation that operates a licensed boarding establishment, food and beverage service establishment, seasonal temporary or permanent food stand, special event food stand, mobile food unit, food cart, resort, hotel, motel, or lodging establishment in Minnesota must submit to the commissioner a \$35 annual statewide hospitality fee for each licensed activity. The fee for establishments licensed by the Department of Health is required at the same time the licensure fee is due. For establishments licensed by local governments, the fee is due by July 1 of each year.

Subd. 4. **Posting requirements.** Every food and beverage service establishment, hotel, motel, lodging establishment, public pool, or resort must have the license posted in a conspicuous place at the establishment.

#### Sec. 7. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall change the public pool definition in Minnesota Rules, part 4717.0250, subpart 8, with the following language: "public pool" means any pool, other than a residential pool, that is open to the public generally, whether for a fee or free of charge; open exclusively to members of an organization and their guests; residents of a multiunit apartment building, apartment complex, residential real estate development, or other multifamily residential area; or patrons of a hotel or lodging or other public accommodation facility; or operated by a person in a park, school, licensed child care facility, group home, motel, camp, resort, club, condominium, manufactured home park, or political subdivision with the exception of swimming pools at family day care homes licensed under Minnesota Statutes, section 245A.14, subdivision 11, paragraph (a).

Sec. 8. **EFFECTIVE DATE.**

Sections 1 to 5 are 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.

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

H. F. No. 3823, A bill for an act relating to insurance; prohibiting automobile insurers from owning repair facilities; amending Minnesota Statutes 2006, section 72A.20, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 3831, A bill for an act relating to Rock County; providing a process for making certain offices appointive in Rock County.

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

The report was adopted.

Hilty from the Energy Finance and Policy Division to which was referred:

H. F. No. 3857, A bill for an act relating to energy; allowing utilities to make conservation improvement expenditures for certain solar energy projects; amending Minnesota Statutes 2007 Supplement, section 216B.241, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 216B.2411, subdivision 1, is amended to read:

Subdivision 1. **Generation projects.** (a) Any municipality or rural electric association providing electric service and subject to section 216B.241 ~~that is meeting the objectives under section 216B.1691~~ may, and each public utility may, use five percent of the total amount to be spent on energy conservation improvements under section 216B.241, on:

(1) projects in Minnesota to construct an electric generating facility that utilizes eligible renewable energy sources as defined in subdivision 2, such as methane or other combustible gases derived from the processing of plant or animal wastes, biomass fuels such as short-rotation woody or fibrous agricultural crops, or other renewable fuel, as its primary fuel source; ~~or~~

(2) projects in Minnesota to install a distributed generation facility of ten megawatts or less of interconnected capacity that is fueled by natural gas, renewable fuels, or another similarly clean fuel; or

(3) installing a qualifying solar energy project as defined in subdivision 2.

(b) For public utilities, as defined under section 216B.02, subdivision 4, projects under this section must be considered energy conservation improvements as defined in section 216B.241. For cooperative electric associations and municipal utilities, projects under this section must be considered load-management activities described in section 216B.241, subdivision 1.

Sec. 2. Minnesota Statutes 2006, section 216B.2411, subdivision 2, is amended to read:

Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision and section 216B.241, subdivision 1, have the meanings given them.

(b) "Eligible renewable energy sources" means fuels and technologies to generate electricity through the use of any of the resources listed in section 216B.1691, subdivision 1, paragraph (a), clause (1), except that ~~the term~~ "biomass" has the meaning provided under paragraph (c), and "solar" must meet the definition of a qualified solar energy project under paragraph (d).

(c) "Biomass" includes:

- (1) methane or other combustible gases derived from the processing of plant or animal material;
- (2) alternative fuels derived from soybean and other agricultural plant oils or animal fats;
- (3) combustion of barley hulls, corn, soy-based products, or other agricultural products;
- (4) wood residue from the wood products industry in Minnesota or other wood products such as short-rotation woody or fibrous agricultural crops; and
- (5) landfill gas, mixed municipal solid waste, and refuse-derived fuel from mixed municipal solid waste.

(d) "Qualifying solar energy project" means a qualifying solar thermal project or qualifying solar electric project.

(e) "Qualifying solar thermal project" means a flat plate or evacuated tube that meets the requirements of section 216C.25 with a fixed orientation that collects the sun's radiant energy and transfers it to a storage medium for distribution as energy to heat or cool air or water, but does not include equipment used to heat water at a residential property (1) for domestic use if less than one-half of the energy used for that purpose is derived from the sun or (2) for use in a hot tub or swimming pool.

(f) "Qualifying solar electric project" means solar electric equipment that meets the requirements of section 216C.25 with a total peak generating capacity of 100 kilowatts or less used for generating electricity primarily for use in a residential property or small business to reduce the effective electric load for that residence or small business.

(g) "Residential property" means the principal residence used by the homeowner at the time the solar equipment is placed in service.

(h) "Small business" has the meaning given to it in section 645.445.

Sec. 3. Minnesota Statutes 2006, section 216B.2411, is amended by adding a subdivision to read:

Subd. 4. **Qualifying solar energy project.** (a) A utility subject to section 216B.241 may include in its conservation plan programs for the installation of qualifying solar energy projects as provided in this section. Qualifying solar energy projects must meet or exceed cost-effectiveness and other guidelines to be developed by order of the commissioner. Energy savings from qualifying solar energy projects may not be counted toward the minimum energy savings goal of at least one percent for energy conservation improvements required under section 216B.241, subdivision 1c, but may, as the commissioner determines appropriate:

(1) be counted above that minimum percentage; and

(2) be considered when establishing performance incentives under section 216B.241, subdivision 2c.

(b) Qualifying solar energy projects may not be considered when establishing demand-side management targets under sections 216B.2422, 216B.243, or any other section of this chapter.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to energy; allowing utilities to make conservation improvement expenditures for certain solar energy projects; amending Minnesota Statutes 2006, section 216B.2411, subdivision 2, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 216B.2411, subdivision 1."

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. 3864, A bill for an act relating to public safety; establishing licensing standards for collision repair shops; amending Minnesota Statutes 2007 Supplement, section 72B.092, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299A.

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.

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

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.

Reported the same back with the following amendments:

Page 1, line 10, delete "next election to fill the" and insert "first Monday in January following the 2008 general election. Successors shall be elected at the 2008 general election and hold office for the remainder of the term or for the next regular term, whichever is appropriate."

Page 1, delete line 11

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.

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

S. F. No. 2377, A bill for an act relating to health; modifying basic life support ambulance staffing requirements under certain circumstances; allowing a hardship waiver of advanced life support ambulance staffing requirements; modifying advanced life support ambulance staffing requirements under certain circumstances; amending Minnesota Statutes 2006, section 144E.101, subdivision 7; Minnesota Statutes 2007 Supplement, section 144E.101, subdivision 6.

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

The report was adopted.

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

S. F. No. 2908, 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 21, 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.

The report was adopted.

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

S. F. No. 2909, A bill for an act relating to landlord and tenant; modifying right of tenant to pay utility bills; amending Minnesota Statutes 2006, section 504B.215, subdivision 3.

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

The report was adopted.

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

S. F. No. 2918, A bill for an act relating to mortgages; providing for proof of abandonment for purposes of a reduced mortgage foreclosure redemption period; amending Minnesota Statutes 2006, section 582.032, subdivision 7.

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

The report was adopted.

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

H. F. Nos. 2351, 2426, 2582, 2911, 3014, 3066, 3172, 3265, 3280, 3313, 3327, 3342, 3377, 3378, 3397, 3454, 3467, 3475, 3545, 3577, 3584, 3643, 3648, 3649, 3685, 3690, 3699, 3823, 3831 and 3857 were read for the second time.

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

S. F. Nos. 2500, 2377, 2908, 2909 and 2918 were read for the second time.

### **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Kahn, Loeffler and Hansen introduced:

H. F. No. 4010, A bill for an act relating to urban riverfronts; requiring a model ordinance.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Smith introduced:

H. F. No. 4011, A bill for an act relating to public safety; providing penalties for employers hiring illegal immigrants; adding documents that are included in the crime of aggravated forgery; increasing penalty for aggravated forgery; establishing sex trafficking as a separate crime from the promotion of prostitution; amending Minnesota Statutes 2006, sections 609.281, subdivision 4, by adding subdivisions; 609.282, subdivisions 1, 2; 609.321, subdivision 7a; 609.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Mullery introduced:

H. F. No. 4012, A bill for an act relating to mortgages; providing for the Minnesota Subprime Foreclosure Extension Act; proposing coding for new law in Minnesota Statutes, chapter 583.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Hornstein introduced:

H. F. No. 4013, A bill for an act relating to public employment; changing the definition of a confidential employee; amending Minnesota Statutes 2006, section 179A.03, subdivision 4.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Fritz, Ruth and Solberg introduced:

H. F. No. 4014, A bill for an act relating to Steele County; authorizing transfer of nursing home and assisted living facility and related assets to nonprofit corporation and acquisition of membership interest in nonprofit corporation.

The bill was read for the first time and referred to the Committee on Finance.

Hornstein introduced:

H. F. No. 4015, A bill for an act relating to metropolitan government; directing the Metropolitan Airports Commission to enforce certain covenants.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Hornstein introduced:

H. F. No. 4016, A bill for an act relating to Metropolitan Airports Commission; requiring environmental planning; requiring a report.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.



Lieder introduced:

H. F. No. 4017, A bill for an act relating to taxation; allowing the Northwest Minnesota Multicounty Housing and Redevelopment Authority to levy certain taxes.

The bill was read for the first time and referred to the Committee on Taxes.

Greiling introduced:

H. F. No. 4018, A bill for an act relating to education finance; modifying school debt provisions; amending Minnesota Statutes 2006, sections 123B.14, subdivision 7; 123B.77, subdivision 3; 123B.81, subdivisions 3, 5; Minnesota Statutes 2007 Supplement, section 123B.81, subdivision 4.

The bill was read for the first time and referred to the Committee on Finance.

Greiling introduced:

H. F. No. 4019, A bill for an act relating to education finance; modifying the referendum ballot language in cases of renewal of referendum authority; amending Minnesota Statutes 2006, section 126C.17, subdivision 9.

The bill was read for the first time and referred to the Committee on Ways and Means.

Marquart introduced:

H. F. No. 4020, A bill for an act relating to taxation; requiring certain practices by assessors; requiring a statement on truth in taxation notices; amending Minnesota Statutes 2006, section 273.03, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 275.065, subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

Wagenius introduced:

H. F. No. 4021, A bill for an act relating to finance; temporarily prohibiting the Pollution Control Agency from establishing or holding stakeholder groups or meetings.

The bill was read for the first time and referred to the Committee on Finance.

Atkins and McNamara introduced:

H. F. No. 4022, A bill for an act relating to taxation; providing for an aggregate resource preservation property tax; changing criminal penalties provision; amending Minnesota Statutes 2006, sections 273.13, subdivision 23; 298.75, subdivisions 1, 2, 6, 7; proposing coding for new law in Minnesota Statutes, chapter 273.

The bill was read for the first time and referred to the Committee on Taxes.

Solberg, Holberg, Carlson and Garofalo introduced:

H. F. No. 4023, A bill for an act relating to appropriations; making forecast adjustments for health, human services, and education; appropriating money; amending Laws 2007, chapter 146, article 1, section 24, subdivisions 2, 3, 4, 5, 6, 7, 8; article 2, section 46, subdivisions 2, 3, 4, 6, 9; article 3, section 24, subdivisions 3, 4; article 4, section 16, subdivisions 2, 3, 6, 8; article 5, section 13, subdivisions 2, 3, 4; article 9, section 17, subdivisions 2, 3, 4, 8, 9, 13.

The bill was read for the first time and referred to the Committee on Finance.

Lenczewski and Ruud introduced:

H. F. No. 4024, A bill for an act relating to waters; providing for temporary drawdown of public waters; proposing coding for new law in Minnesota Statutes, chapter 103G.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Drazkowski, Gottwalt, Wardlow, Shimanski and Demmer introduced:

H. F. No. 4025, A bill for an act relating to state government; establishing a cost-savings initiative suggestion program for state employees; using the cost savings to fund road improvements; creating a transportation endowment fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 43A; 160.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Cornish and Hackbarth introduced:

H. F. No. 4026, A bill for an act relating to natural resources; creating the outdoor heritage fund; providing for disposition of certain receipts; creating the Sportsman's Stakeholders Council; 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.

Sailer introduced:

H. F. No. 4027, A bill for an act relating to agriculture; modifying the waste pesticide collection program; amending Minnesota Statutes 2006, section 18B.065, subdivision 2; Laws 2007, chapter 45, article 1, sections 23; 24.

The bill was read for the first time and referred to the Committee on Finance.

Howes introduced:

H. F. No. 4028, A bill for an act relating to natural resources; modifying restrictions on the operation of off-highway vehicles; modifying off-highway vehicle damage account; providing for seizure and forfeiture of certain off-highway vehicles; requiring certain off-highway vehicle violations to be added to the driving record of the

violator; modifying civil penalties; modifying off-road vehicle account receipts and disposition; requiring plates on all-terrain vehicles; providing for revocation of registration; providing criminal penalties; amending Minnesota Statutes 2006, sections 84.773, subdivision 1; 84.775, subdivision 1; 84.797, subdivisions 6, 12; 84.802; 84.803; 84.804, subdivisions 1, 2, 3; 84.922, subdivision 2; 84.928, subdivision 2; 97A.315, subdivision 2; Minnesota Statutes 2007 Supplement, section 84.780; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 2006, sections 84.796; 84.805; 296A.18, subdivision 6; Minnesota Statutes 2007 Supplement, section 84.929.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Howes introduced:

H. F. No. 4029, A bill for an act relating to contracts; requiring prompt payment to construction subcontractors; amending Minnesota Statutes 2006, section 337.10, subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Ruth introduced:

H. F. No. 4030, A bill for an act relating to game and fish; requiring carbon monoxide detectors in fish houses and dark houses; amending Minnesota Statutes 2006, section 97C.355, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Norton, Thissen, Abeler, Paulsen and Gottwalt introduced:

H. F. No. 4031, A bill for an act relating to insurance; regulating health policy claims practices; amending Minnesota Statutes 2006, section 72A.201, subdivision 4.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Howes, Rukavina, Otremba, Emmer and Solberg introduced:

H. F. No. 4032, A bill for an act relating to health; making changes to the smoking ban by adding definitions and an exception and requiring posted signs; amending Minnesota Statutes 2006, section 144.413, by adding subdivisions; Minnesota Statutes 2007 Supplement, section 144.4167, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Erickson introduced:

H. F. No. 4033, A bill for an act relating to highways; designating Curt Eastlund Memorial Bridge; amending Minnesota Statutes 2006, section 161.14, by adding a subdivision.

The bill was read for the first time and referred to the Transportation Finance Division.

Hausman; Fritz; Solberg; Murphy, M.; Dill; Haws; Doty; Koenen; Nornes; Lieder; Juhnke; Kahn; Greiling and Murphy, E., introduced:

H. F. No. 4034, A bill for an act relating to human services; providing base funding for living-at-home/block nurse programs; transferring funds from the community service grant program.

The bill was read for the first time and referred to the Committee on Finance.

Emmer, Brod, Zellers and Anderson, S., introduced:

H. F. No. 4035, A bill for an act relating to commerce; reforming no-fault auto insurance; prohibiting an injured person from collecting noneconomic damages in certain circumstances; modifying arbitration procedures; prohibiting balance billing by health care providers; clarifying civil liability with respect to recovery of medical and health care expenses; amending Minnesota Statutes 2006, sections 65B.44, subdivision 2; 65B.51, subdivisions 1, 3; 65B.525, subdivision 1; 65B.54, by adding a subdivision; 604.01, by adding a subdivision; 604.02, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Demmer introduced:

H. F. No. 4036, A bill for an act relating to education finance; authorizing state grants to leverage quality improvements in K-12 education; appropriating money.

The bill was read for the first time and referred to the Committee on Finance.

Hamilton introduced:

H. F. No. 4037, A bill for an act relating to Jackson County; providing a process for making the office of county auditor-treasurer appointive.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Olin, Juhnke, Eken, Sailer and Hamilton introduced:

H. F. No. 4038, A bill for an act relating to agriculture; providing for control of bovine tuberculosis; amending Minnesota Statutes 2007 Supplement, section 35.244.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Slawik introduced:

H. F. No. 4039, A bill for an act relating to elections; prohibiting use of deceptive names of candidates, political committees, and political funds; proposing coding for new law in Minnesota Statutes, chapter 211B.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Madore introduced:

H. F. No. 4040, A bill for an act relating to real estate; clarifying and supplementing prohibitions on certain disclosure requirements in the sale of residential real estate; providing requirements for home inspectors; amending Minnesota Statutes 2006, sections 82.41, subdivision 13; 513.55; 513.57, subdivision 2; Minnesota Statutes 2007 Supplement, section 82.22, subdivision 8; proposing coding for new law as Minnesota Statutes, chapter 82C.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Madore introduced:

H. F. No. 4041, A bill for an act relating to human services; modifying Medicare special needs plans; amending Minnesota Statutes 2006, section 256B.69, subdivision 28.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Madore introduced:

H. F. No. 4042, A bill for an act relating to human services; modifying an ombudsman for managed care provision; modifying Medicare special needs plans; amending Minnesota Statutes 2006, sections 256B.031, subdivision 6; 256B.69, subdivision 28.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Emmer introduced:

H. F. No. 4043, A bill for an act relating to health; proposing an amendment to the Minnesota Constitution, article XIII, by adding a section, providing for freedom of choice in health care.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Peterson, S.; Mariani and Peterson, N., introduced:

H. F. No. 4044, A bill for an act relating to education; authorizing regional pupil transportation centers; proposing coding for new law in Minnesota Statutes, chapters 123B; 179A.

The bill was read for the first time and referred to the Committee on E-12 Education.

Olin introduced:

H. F. No. 4045, A bill for an act relating to local government; modifying the threshold amounts for certain contracting procedures under the Uniform Municipal Contracting Law; amending Minnesota Statutes 2006, section 471.345, subdivisions 3, 4; Minnesota Statutes 2007 Supplement, section 471.345, subdivisions 3a, 4a.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Hortman; Murphy, E., and Greiling introduced:

H. F. No. 4046, A bill for an act relating to solid waste; requiring manufacturers to recycle beverage containers; providing civil penalties; appropriating money; amending Minnesota Statutes 2006, section 13.7411, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 115A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Hortman; Murphy, E., and Greiling introduced:

H. F. No. 4047, A bill for an act relating to environment; requiring a deposit on beverage containers; requiring labeling of beverage containers; providing for refunds of the deposit on containers returned; requiring payment of unclaimed deposits; appropriating money; amending Minnesota Statutes 2006, section 13.7411, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 115A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Hortman and Greiling introduced:

H. F. No. 4048, A bill for an act relating to solid waste; prohibiting placing beverage containers in solid waste; proposing coding for new law in Minnesota Statutes, chapter 115A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Laine, Slawik and Bly introduced:

H. F. No. 4049, A bill for an act relating to health; guaranteeing that all necessary health care is available and affordable for every Minnesotan; establishing the Minnesota Health Plan, Minnesota Health Board, Minnesota Health Fund, Office of Health Quality and Planning, ombudsman for patient advocacy, and inspector general for the Minnesota Health Plan; appropriating money; amending Minnesota Statutes 2006, sections 14.03, subdivision 2; 15A.0815, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 62U.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Laine, Liebling, Otremba and Bly introduced:

H. F. No. 4050, A bill for an act relating to health care; creating a pilot program to cover the uninsured in certain counties through a county-based purchaser; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Sailer introduced:

H. F. No. 4051, A bill for an act relating to solid waste; establishing a pilot program to collect and process used paint.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Smith introduced:

H. F. No. 4052, A bill for an act relating to public safety; appropriating money for a match for FEMA money for natural disaster assistance payments; reducing appropriations for the courts, public defenders, public safety, corrections, human rights, and other criminal justice agencies; amending Laws 2007, chapter 54, article 1, section 11.

The bill was read for the first time and referred to the Committee on Finance.

Wardlow; Peterson, S.; Mariani; Urdahl; Heidgerken; Slawik; Dittrich; Ruud and Swails introduced:

H. F. No. 4053, A bill for an act relating to education; compelling children under seven who enroll in first grade in public school to remain enrolled; amending Minnesota Statutes 2006, section 120A.22, subdivisions 5, 6.

The bill was read for the first time and referred to the Committee on E-12 Education.

Dettmer, Hackbarth, Gunther, Cornish and Haws introduced:

H. F. No. 4054, A bill for an act relating to public health; prohibiting the Board of Medical Practice from bringing a disciplinary action against a physician for prescribing, administering, or dispensing long-term antibiotic therapy for Lyme disease; 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.

Madore introduced:

H. F. No. 4055, A bill for an act relating to transportation; requiring report on mitigating effects of transportation construction projects on small businesses.

The bill was read for the first time and referred to the Committee on Finance.

Kahn, Loeffler and Wagenius introduced:

H. F. No. 4056, A bill for an act relating to health; limiting the use of synthetic turf on certain athletic fields; requiring the commissioner of health to study the impacts of the use of crumb rubber; requiring reports; appropriating money; 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.

Kahn introduced:

H. F. No. 4057, A bill for an act relating to game and fish; modifying seasons and limits for certain game fish; amending Minnesota Statutes 2006, sections 97C.001, subdivision 3; 97C.005, subdivision 3; 97C.395, subdivision 1; 97C.401, subdivision 2.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Heidgerken introduced:

H. F. No. 4058, A bill for an act relating to education finance; modifying the calculation of extended time revenue; amending Minnesota Statutes 2006, sections 126C.05, subdivision 8; 126C.10, subdivision 2a.

The bill was read for the first time and referred to the Committee on Finance.

Erhardt; Kelliher; Kahn; Sertich; Hornstein; Clark; Greiling; Anzelc; Walker; Loeffler; Davnie; Thao; Atkins; Hansen; Paymar; Winkler; Thissen; Moe; Lesch; Johnson; Slocum; Nelson; Peterson, S.; Murphy, E.; Lillie; Ruud; Peterson, A.; Mariani and Tschumper introduced:

H. F. No. 4059, A bill for an act relating to health; establishing a right to reproductive privacy; proposing coding for new law as Minnesota Statutes, chapter 145D.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Knuth; Hilty; Brynaert; Bly; Peterson, A.; Ruud; Slocum; Hansen and Murphy, E., introduced:

H. F. No. 4060, A resolution memorializing the governor to incorporate certain principles into a Regional Greenhouse Gas Emission Reduction Cap and Trade Accord.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2590, A bill for an act relating to health; allowing Emergency Medical Services Regulatory Board members to serve two consecutive terms; amending Minnesota Statutes 2006, section 144E.01, subdivision 1.

PATRICE DWORAK, First Assistant Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Ward moved that the House concur in the Senate amendments to H. F. No. 2590 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2590, A bill for an act relating to health; allowing Emergency Medical Services Regulatory Board members to serve two consecutive terms; delaying certain trauma triage and transportation guidelines; amending Minnesota Statutes 2006, sections 144E.01, subdivision 1; 144E.101, subdivision 14; Laws 2005, First Special Session chapter 4, article 6, section 27.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.



The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2402 and 2667.

PATRICE DWORAK, First Assistant Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 2402, A bill for an act relating to occupations and professions; modifying provisions governing the Board of Accountancy; amending Minnesota Statutes 2006, sections 13.411, by adding a subdivision; 326A.01, subdivisions 2, 12, 17, by adding a subdivision; 326A.02, subdivisions 1, 3, 4, 5, 6, by adding a subdivision; 326A.03; 326A.04; 326A.05, subdivisions 1, 2, 3, 4; 326A.06; 326A.07; 326A.08, subdivisions 2, 4, 5, 6, 7, 8, 9; 326A.10; 326A.12; 326A.13; 326A.14; repealing Minnesota Statutes 2006, section 326A.05, subdivision 9.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

S. F. No. 2667, A bill for an act relating to health; extending two-year moratorium on radiation therapy facility construction in certain counties; amending Minnesota Statutes 2007 Supplement, section 144.5509.

The bill was read for the first time.

Thissen moved that S. F. No. 2667 and H. F. No. 3265, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

#### 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 Thursday, March 13, 2008:

H. F. Nos. 117, 2898, 3411, 3515, 3114, 3420, 1394, 3500 and 3089.

#### CALENDAR FOR THE DAY

Sertich moved that the Calendar for the Day be continued. The motion prevailed.

#### MOTIONS AND RESOLUTIONS

Buesgens moved that the name of Dettmer be added as an author on H. F. No. 43. The motion prevailed.

Fritz moved that the name of Drazkowski be added as an author on H. F. No. 313. The motion prevailed.

Faust moved that the name of Tingelstad be added as an author on H. F. No. 893. The motion prevailed.

Thissen moved that the name of Zellers be added as an author on H. F. No. 1189. The motion prevailed.

Severson moved that the name of Erickson be added as an author on H. F. No. 1261. The motion prevailed.

Brod moved that the names of Howes, Otremba, Dettmer and Peppin be added as authors on H. F. No. 2172. The motion prevailed.

Dominguez moved that the name of Bly be added as an author on H. F. No. 2721. The motion prevailed.

Kohls moved that the name of Olson be added as an author on H. F. No. 3010. The motion prevailed.

Simon moved that the name of Hansen be added as an author on H. F. No. 3095. The motion prevailed.

Bigham moved that the name of Hansen be added as an author on H. F. No. 3138. The motion prevailed.

Gardner moved that the name of Bly be added as an author on H. F. No. 3238. The motion prevailed.

Dittrich moved that the name of Bly be added as an author on H. F. No. 3239. The motion prevailed.

Dominguez moved that the name of Bly be added as an author on H. F. No. 3240. The motion prevailed.

Winkler moved that the name of Bly be added as an author on H. F. No. 3246. The motion prevailed.

Greiling moved that her name be stricken as an author on H. F. No. 3251. The motion prevailed.

Solberg moved that the name of Bly be added as an author on H. F. No. 3254. The motion prevailed.

Eken moved that the name of Bly be added as an author on H. F. No. 3273. The motion prevailed.

Juhnke moved that the name of Bly be added as an author on H. F. No. 3289. The motion prevailed.

Peterson, S., moved that the name of Bly be added as an author on H. F. No. 3290. The motion prevailed.

Clark moved that the name of Bly be added as an author on H. F. No. 3293. The motion prevailed.

Mahoney moved that the name of Bly be added as an author on H. F. No. 3304. The motion prevailed.

Anzelc moved that the name of Bly be added as an author on H. F. No. 3328. The motion prevailed.

Juhnke moved that the name of Bly be added as an author on H. F. No. 3343. The motion prevailed.

Haws moved that the name of Bly be added as an author on H. F. No. 3363. The motion prevailed.

Slocum moved that the name of Bly be added as an author on H. F. No. 3368. The motion prevailed.

Thissen moved that the name of Gottwalt be added as an author on H. F. No. 3372. The motion prevailed.

Walker moved that the name of Bly be added as an author on H. F. No. 3376. The motion prevailed.

Liebling moved that the name of Bly be added as an author on H. F. No. 3380. The motion prevailed.

Brynaert moved that the name of Bly be added as an author on H. F. No. 3381. The motion prevailed.

Marquart moved that the name of Bly be added as an author on H. F. No. 3386. The motion prevailed.

Juhnke moved that the name of Bly be added as an author on H. F. No. 3392. The motion prevailed.

Fritz moved that the names of Bly and Brod be added as authors on H. F. No. 3400. The motion prevailed.

Hilty moved that the name of Bly be added as an author on H. F. No. 3401. The motion prevailed.

Tillberry moved that the name of Bly be added as an author on H. F. No. 3405. The motion prevailed.

Peterson, A., moved that the name of Bly be added as an author on H. F. No. 3409. The motion prevailed.

Peterson, A., moved that the names of Bly and Norton be added as authors on H. F. No. 3410. The motion prevailed.

Tillberry moved that the name of Olson be added as an author on H. F. No. 3417. The motion prevailed.

Slawik moved that the name of Bly be added as an author on H. F. No. 3443. The motion prevailed.

Nornes moved that his name be stricken as an author on H. F. No. 3449. The motion prevailed.

Zellers moved that his name be stricken as an author on H. F. No. 3539. The motion prevailed.

Juhnke moved that the name of Lillie be added as an author on H. F. No. 3542. The motion prevailed.

Hackbarth moved that his name be stricken and the name of Dill be added as chief author on H. F. No. 3568. The motion prevailed.

Faust moved that the name of Olson be added as an author on H. F. No. 3596. The motion prevailed.

Koenen moved that the name of Olson be added as an author on H. F. No. 3617. The motion prevailed.

Eastlund moved that the name of Dettmer be added as an author on H. F. No. 3628. The motion prevailed.

Marquart moved that the name of Olin be added as an author on H. F. No. 3646. The motion prevailed.

Hosch moved that the name of Gottwalt be added as an author on H. F. No. 3648. The motion prevailed.

Beard moved that his name be stricken as an author on H. F. No. 3669. The motion prevailed.

Severson moved that the name of Olson be added as an author on H. F. No. 3672. The motion prevailed.

Tingelstad moved that the name of Olson be added as an author on H. F. No. 3686. The motion prevailed.

Masin moved that the name of Lillie be added as an author on H. F. No. 3693. The motion prevailed.

Juhnke moved that the name of Lillie be added as an author on H. F. No. 3749. The motion prevailed.

Murphy, E., moved that the name of Lillie be added as an author on H. F. No. 3762. The motion prevailed.

Juhnke moved that the name of Lillie be added as an author on H. F. No. 3763. The motion prevailed.

Hornstein moved that the names of Bigham and Tillberry be added as authors on H. F. No. 3780. The motion prevailed.

Peppin moved that the name of Zellers be added as an author on H. F. No. 3832. The motion prevailed.

Davnie moved that the name of Hornstein be added as an author on H. F. No. 3835. The motion prevailed.

Bly moved that the name of Slocum be added as an author on H. F. No. 3845. The motion prevailed.

Haws moved that the name of Lillie be added as an author on H. F. No. 3877. The motion prevailed.

Moe moved that the name of Ward be added as an author on H. F. No. 3935. The motion prevailed.

Benson moved that the name of Kalin be added as an author on H. F. No. 3988. The motion prevailed.

Eastlund moved that the name of Drazkowski be added as an author on H. F. No. 3989. The motion prevailed.

Mullery moved that the name of Kalin be added as an author on H. F. No. 3995. The motion prevailed.

Davnie moved that the name of Mahoney be added as an author on H. F. No. 3998. The motion prevailed.

Davnie moved that the name of Mahoney be added as an author on H. F. No. 3999. The motion prevailed.

Madore moved that the name of Doty be added as an author on H. F. No. 4000. The motion prevailed.

Norton moved that the name of Kalin be added as an author on H. F. No. 4001. The motion prevailed.

Peterson, A., moved that the names of Hansen and Bly be added as authors on H. F. No. 4009. The motion prevailed.

Johnson moved that H. F. No. 2351, now on the General Register, be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

Hornstein moved that H. F. No. 2423 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

Hortman moved that H. F. No. 3792 be recalled from the Committee on Finance and be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

Swails moved that H. F. No. 3958 be recalled from the Committee on E-12 Education and be re-referred to the Committee on Finance. The motion prevailed.

Bly moved that H. F. No. 4005 be recalled from the Energy Finance and Policy Division and be re-referred to the Committee on Finance. The motion prevailed.

Sertich moved that S. F. No. 2912 be recalled from the Committee on Commerce and Labor and together with H. F. No. 3475, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

Pursuant to rule 4.30, Olson moved that H. F. No. 775 be recalled from the Committee on Public Safety and Civil Justice, be given its second reading and be placed on the General Register.

A roll call was requested and properly seconded.

#### LAY ON THE TABLE

Sertich moved that the Olson motion be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Sertich motion and the roll was called. There were 67 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Atkins	Fritz	Johnson	Madore	Peterson, S.	Tillberry
Benson	Gardner	Juhnke	Mahoney	Rukavina	Tschumper
Bigham	Greiling	Kahn	Mariani	Ruud	Wagenius
Bly	Hansen	Knuth	Marquart	Scalze	Walker
Brynaert	Hausman	Kranz	Masin	Sertich	Winkler
Bunn	Haws	Laine	Morgan	Simon	Wollschlager
Carlson	Hilstrom	Lenczewski	Mullery	Slawik	Spk. Kelliher
Clark	Hilty	Lesch	Murphy, E.	Slocum	
Davnie	Hornstein	Liebling	Nelson	Solberg	
Dill	Hortman	Lieder	Norton	Swails	
Dominguez	Huntley	Lillie	Paymar	Thao	
Faust	Jaros	Loeffler	Pelowski	Thissen	

Those who voted in the negative were:

Abeler	DeLaForest	Garofalo	Kohls	Ozment	Smith
Anderson, B.	Demmer	Gottwalt	Lanning	Paulsen	Tingelstad
Anderson, S.	Dettmer	Gunther	Magnus	Peppin	Urdahl
Anzelc	Dittrich	Hackbarth	McFarlane	Peterson, N.	Ward
Beard	Doty	Hamilton	McNamara	Poppe	Wardlow
Berns	Drazkowski	Heidgerken	Moe	Ruth	Welti
Brod	Eastlund	Holberg	Morrow	Sailer	Westrom
Brown	Eken	Hoppe	Nornes	Seifert	Zellers
Buesgens	Emmer	Howes	Olin	Severson	
Cornish	Erickson	Kalin	Olson	Shimanski	
Dean	Finstad	Koenen	Otremba	Simpson	

The motion prevailed and the Olson motion was laid on the table.

Pursuant to rule 4.30, Kohls moved that H. F. No. 3010 be recalled from the Committee on Governmental Operations, Reform, Technology and Elections, be given its second reading and be placed on the General Register.

A roll call was requested and properly seconded.

#### LAY ON THE TABLE

Sertich moved that the Kohls motion be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Sertich motion and the roll was called. There were 66 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anzelc	Eken	Johnson	Lillie	Nelson	Slocum
Atkins	Fritz	Juhnke	Loeffler	Norton	Solberg
Benson	Greiling	Kahn	Madore	Paymar	Thao
Bigham	Hansen	Kalin	Mahoney	Pelowski	Thissen
Bly	Hausman	Knuth	Mariani	Peterson, S.	Tillberry
Brynaert	Hilstrom	Kranz	Marquart	Rukavina	Tschumper
Carlson	Hilty	Laine	Moe	Ruud	Wagenius
Clark	Hornstein	Lenczewski	Morrow	Sailer	Walker
Davnie	Hortman	Lesch	Mullery	Sertich	Winkler
Dill	Huntley	Liebling	Murphy, E.	Simon	Wollschlager
Dominguez	Jaros	Lieder	Murphy, M.	Slawik	Spk. Kelliher

Those who voted in the negative were:

Abeler	DeLaForest	Finstad	Howes	Otremba	Simpson
Anderson, B.	Demmer	Gardner	Koenen	Ozment	Smith
Anderson, S.	Dettmer	Garofalo	Kohls	Paulsen	Swails
Beard	Dittrich	Gottwalt	Lanning	Peppin	Tingelstad
Berns	Doty	Gunther	Magnus	Peterson, N.	Urdahl
Brod	Drazkowski	Hackbarth	McFarlane	Poppe	Ward
Brown	Eastlund	Hamilton	McNamara	Ruth	Wardlow
Buesgens	Emmer	Haws	Morgan	Scalze	Welti
Bunn	Erhardt	Heidgerken	Nornes	Seifert	Westrom
Cornish	Erickson	Holberg	Olin	Severson	Zellers
Dean	Faust	Hoppe	Olson	Shimanski	

The motion prevailed and the Kohls motion was laid on the table.

Pursuant to rule 4.30, Drazkowski moved that H. F. No. 2652 be recalled from the Committee on Governmental Operations, Reform, Technology and Elections, be given its second reading and be placed on the General Register.

A roll call was requested and properly seconded.

LAY ON THE TABLE

Sertich moved that the Drazkowski motion be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Sertich motion and the roll was called. There were 74 yeas and 58 nays as follows:

Those who voted in the affirmative were:

Anzelc	Gardner	Kahn	Mariani	Peterson, S.	Thissen
Atkins	Greiling	Kalin	Marquart	Poppe	Tillberry
Benson	Hansen	Knuth	Masin	Rukavina	Tschumper
Bigham	Hausman	Kranz	Moe	Ruud	Wagenius
Bly	Haws	Laine	Morgan	Sailer	Walker
Brown	Hilstrom	Lenczewski	Morrow	Scalze	Welti
Brynaert	Hilty	Lesch	Mullery	Sertich	Winkler
Carlson	Hornstein	Liebling	Murphy, E.	Simon	Wollschlager
Clark	Hortman	Lieder	Murphy, M.	Slawik	Spk. Kelliher
Davnie	Huntley	Lillie	Nelson	Slocum	
Dominguez	Jaros	Loeffler	Norton	Solberg	
Faust	Johnson	Madore	Paymar	Swails	
Fritz	Juhnke	Mahoney	Pelowski	Thao	

Those who voted in the negative were:

Abeler	DeLaForest	Erhardt	Hoppe	Olson	Simpson
Anderson, B.	Demmer	Erickson	Howes	Otremba	Smith
Anderson, S.	Dettmer	Finstad	Koenen	Ozment	Tingelstad
Beard	Dill	Garofalo	Kohls	Paulsen	Urdahl
Berns	Dittrich	Gottwalt	Lanning	Peppin	Ward
Brod	Doty	Gunther	Magnus	Peterson, N.	Wardlow
Buesgens	Drazkowski	Hackbarth	McFarlane	Ruth	Westrom
Bunn	Eastlund	Hamilton	McNamara	Seifert	Zellers
Cornish	Eken	Heidgerken	Nornes	Severson	
Dean	Emmer	Holberg	Olin	Shimanski	

The motion prevailed and the Drazkowski motion was laid on the table.

#### MOTION FOR RECONSIDERATION

Sertich moved that the vote whereby the Calendar for the Day was continued earlier today be now reconsidered. The motion prevailed.

#### CALENDAR FOR THE DAY

S. F. No. 2471, A bill for an act relating to health; lowering the minimum age requirement for blood donation; requiring parental consent; amending Minnesota Statutes 2006, section 145.41.

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

#### ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:30 p.m., Monday, March 17, 2008. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:30 p.m., Monday, March 17, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

