

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2008

 NINETY-FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 17, 2008

The House of Representatives convened at 12:30 p.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by Father Jack Donahue, Stillwater, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

DeLaForest, Kohls, Pelowski and Ruud were excused.

Hoppe was excused until 1:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Morgan 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. 2667 and H. F. No. 3265, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Thissen moved that S. F. No. 2667 be substituted for H. F. No. 3265 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2912 and H. F. No. 3475, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Mullery moved that the rules be so far suspended that S. F. No. 2912 be substituted for H. F. No. 3475 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 14, 2008

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Kelliher:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 3055, relating to state government; providing deficiency funding for certain state agencies; appropriating money.

H. F. No. 2590, relating to health; allowing Emergency Medical Services Regulatory Board members to serve two consecutive terms; delaying certain trauma triage and transportation guidelines.

Sincerely,

TIM PAWLENTY
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2008 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2008</i>	<i>Date Filed 2008</i>
	3055	155	5:19 p.m. March 14	March 14
	2590	156	5:21 p.m. March 14	March 14

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 863, A bill for an act relating to global warming and the environment; requiring adoption of California standards regarding low emission vehicles; providing for updates to the standards as necessary to comply with the federal Clean Air Act; amending Minnesota Statutes 2006, section 116.07, subdivision 2.

Reported the same back with the following amendments:

Page 2, line 11, delete "and"

Page 2, after line 11, insert:

"(4) the 15-year or 150,000-mile extended warranty specified in California Code of Regulations, title 13, section 1962, for partial zero emission vehicles shall not be included as a requirement of the rules provided that partial zero emission vehicles delivered for sale to Minnesota are equipped with the same quality components as partial zero emission vehicles supplied to areas where the full 15-year or 150,000-mile warranty remains in effect. This section does not amend the requirements of California Code of Regulations, title 13, section 1962, that indicate the warranty period for a zero emission energy storage device used for traction power will be ten years; and"

Page 2, line 12, delete "(4)" and insert "(5)"

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. 2100, A bill for an act relating to public health; establishing a bisphenol-A and phthalates committee; requiring a study and report; proposing coding for new law in Minnesota Statutes, chapter 325.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[325F.172] DEFINITIONS.**

For the purposes of sections 325F.172 to 325F.175, the following terms have the meanings given them.

(a) "BBP" means benzyl butyl phthalate, CAS # 85-68-7.

(b) "Child" means a person under three years of age.

(c) "Children's product" means a product, other than a food or beverage product contained in a can, except in those used for infant formulas, designed or intended by a manufacturer to be used by a child:

(1) as a toy or an article of clothing;

(2) to facilitate sleep, relaxation, or feeding; or

(3) to be rubbed, poured, sprinkled, sprayed on, introduced into, or otherwise applied to the human body or any part thereof, including any article used as a component of such a product.

(d) "DBP" means di-n-butyl phthalate, CAS # 84-74-2.

(e) "DEHP" means di (2-ethylhexyl) phthalate, CAS # 117-81-7.

(f) "DIDP" means di-isodecyl phthalate, CAS # 26761-40-0.

(g) "DINP" means di-iso-nonyl phthalate, CAS # 71549-78-5.

(h) "DNOP" means di-n-octyl phthalate, CAS # 117-84-6.

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

Sec. 2. **[325F.173] BISPHENOL-A IN CHILDREN'S PRODUCTS; BAN.**

Beginning January 1, 2009, no manufacturer may sell or offer for initial sale at retail in this state a children's product that contains bisphenol-A. For purposes of this section, "bisphenol-A" means an estrogen-mimicking endocrine disrupting chemical used in the production of epoxy resins and polycarbonate plastics.

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

Sec. 3. **[325F.174] PHTHALATES IN CHILDREN'S PRODUCTS; BAN.**

(a) Beginning January 1, 2009, no manufacturer may sell or offer for initial sale at retail in this state a children's product that contains one of the following phthalates: DEHP, DBP, or BBP, in concentrations exceeding 0.1 percent, including plastic tubing used to deliver a solution intravenously to a child under three years of age.

(b) Beginning January 1, 2009, no manufacturer or entity may sell or offer for initial sale at retail in this state any children's product that can be placed in a child's mouth and contains one of the following phthalates: DINP, DIDP, or DNOP, in concentrations exceeding 0.1 percent.

(c) For purposes of this section, "phthalates" means a class of chemicals used to provide flexibility to polyvinyl chloride (PVC) plastic.

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

Sec. 4. **[325F.175] REPLACEMENT CHEMICALS.**

A manufacturer shall not replace bisphenol-A or phthalates as a result of the prohibitions in section 325F.173 or 325F.174 with a chemical that is:

(1) classified as "known to be a human carcinogen" or "reasonably anticipated to be a human carcinogen" in the most recent Report on Carcinogens published by the National Toxicology Program in the United States Department of Health and Human Services; or

(2) identified by the federal Environmental Protection Agency as causing birth defects or reproductive or environmental harm.

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

Sec. 5. **[325F.176] PARTICIPATION IN INTERSTATE CLEARINGHOUSE.**

The Minnesota Pollution Control Agency may participate in the establishment and implementation of a multistate clearinghouse to identify children's products containing bisphenol-A and phthalates and to evaluate safer alternatives that may be substituted for those chemicals.

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

Delete the title and insert:

"A bill for an act relating to public health; banning bisphenol-A and phthalates or any replacement of either chemical in children's products; authorizing the Minnesota Pollution Control Agency to participate in a multistate clearinghouse; proposing coding for new law in Minnesota Statutes, chapter 325F."

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. 2588, A bill for an act relating to human services; requiring authorization before relocating regional treatment centers or state-operated nursing homes; amending Minnesota Statutes 2006, section 246.0135.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 246.0136, subdivision 1, is amended to read:

Subdivision 1. **Planning for enterprise activities.** The commissioner of human services is directed to study and make recommendations to the legislature on establishing, relocating, or closing enterprise activities within state-operated services. Before implementing, relocating, or closing an enterprise activity, the commissioner must obtain statutory authorization for its implementation, ~~except that the commissioner has authority to implement enterprise activities for adult mental health, adolescent services, and to establish a public group practice without statutory authorization~~ relocation, or closing. Enterprise activities are defined as the range of services, which are delivered by state employees, needed by people with disabilities and are fully funded by public or private third-party health insurance or other revenue sources available to clients that provide reimbursement for the services provided. Enterprise activities within state-operated services shall specialize in caring for vulnerable people for whom no other providers are available or for whom state-operated services may be the provider selected by the payer. In subsequent biennia after an enterprise activity is established within a state-operated service, the base state appropriation for that state-operated service shall be reduced proportionate to the size of the enterprise activity."

Delete the title and insert:

"A bill for an act relating to human services; requiring authorization before implementing, relocating, or closing an enterprise activity; amending Minnesota Statutes 2006, section 246.0136, subdivision 1."

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. 2628, A bill for an act relating to drivers' licenses; modifying requirements for holder of provisional driver's license; amending Minnesota Statutes 2006, section 171.055, subdivision 2.

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.

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

H. F. No. 2662, A bill for an act relating to the Metropolitan Council; providing for staggered terms of Metropolitan Council members; amending Minnesota Statutes 2006, section 473.123, subdivision 2a.

Reported the same back with the following amendments:

Page 1, line 14, delete "and" and insert a period

Page 1, line 16, before the period, insert "in odd-numbered decades. In even-numbered decades, the members from even-numbered districts serve initial terms of two years and the members from odd-numbered districts serve initial terms of four years. A member may only be removed for cause"

Page 2, line 1, after "applies" insert "to the terms of council members on and after the effective date of the next reapportionment of council districts"

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. 2683, A bill for an act relating to agriculture; modifying the expiration date for the Minnesota Agriculture Education Leadership Council; amending Minnesota Statutes 2006, section 41D.01, 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.

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

H. F. No. 2837, A bill for an act relating to optometrist; changing practice and licensing provisions; amending Minnesota Statutes 2006, sections 148.56; 148.57; 148.571; 148.573, subdivision 1; 148.575; repealing Minnesota Statutes 2006, section 148.573, subdivisions 2, 3; Minnesota Rules, part 6500.2100.

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. 2940, A bill for an act relating to consumer protection; providing for disclosure of damage to older vehicles; amending Minnesota Statutes 2006, section 325F.6644.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 325F.6644, is amended to read:

325F.6644 APPLICATION.

Subdivision 1. Damage disclosure. ~~Sections Section 325F.6641 and 325F.6642 do~~ does not apply to vehicles that are six years old or older as calculated from the first day of January of the designated model year or to commercial motor vehicles with a gross vehicle weight rating of 16,000 pounds or more or to motorcycles.

Subd. 2. **Title branding.** Section 325F.6642 does not apply to commercial motor vehicles with a gross vehicle weight rating of 16,000 pounds or more or to motorcycles, other than reconstructed vehicles, as defined in section 168A.01, subdivision 16."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon, and insert "modifying provisions relating to older motor vehicle title branding"

Page 1, line 3, delete "vehicles"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2946, A bill for an act relating to energy; mandating inclusion of strategic tree planting as eligible for direct expenditures as energy conservation improvement; 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. **ENERGY CONSERVATION PILOT PROJECT; STRATEGIC TREE PLANTING.**

(a) From July 1, 2008, through June 30, 2009, the Public Utilities Commission and the commissioner of commerce shall treat the strategic planting of trees and shrubs on property of a retail customer provided electric or gas service by a public utility, municipal utility, or cooperative electric association subject to Minnesota Statutes, section 216B.241, as promoting energy efficiency and eligible for direct expenditures and expense recovery under that statute as an energy conservation improvement.

(b) For purposes of this section, "strategic" refers to the placement of trees and shrubs to obtain the most advantageous impact on energy conservation for a retail customer facility, including but not limited to shelter belt protection and heat dissipation.

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

Amend the title as follows:

Page 1, line 3, delete the semicolon and insert a period

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. 2968, A bill for an act relating to drivers' licenses; amending appearance of restricted license; amending Minnesota Statutes 2006, section 171.07, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 9, delete "a symbol or letter" and insert "the letter "R""

Page 2, line 12, delete "may" and insert "shall"

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. 3009, A bill for an act relating to human services; providing for treatment of certain nursing facility employee pension benefit costs; amending Minnesota Statutes 2006, section 256B.431, subdivision 28.

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

The report was adopted.

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

H. F. No. 3068, A bill for an act relating to natural resources; providing a uniform expiration date for snowmobile registrations and trail stickers; extending effective period of temporary permits for snowmobiles, off-highway motorcycles, all-terrain vehicles, and watercraft; modifying temporary permit information requirements for snowmobiles; amending Minnesota Statutes 2006, sections 84.788, subdivision 3; 84.82, subdivision 2, by adding a subdivision; 84.922, subdivision 2; 86B.401, subdivision 2; Minnesota Statutes 2007 Supplement, section 84.8205, subdivision 1.

Reported the same back with the following amendments:

Page 5, line 31, delete "in compliance with the" and insert "to implement the changes in law made in"

Page 5, line 32, delete "requirements of" and before "rules" insert "initial"

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. 3077, A bill for an act relating to horse racing; providing for certain occupational licenses; amending Minnesota Statutes 2006, section 240.08, by adding a subdivision.

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. 3084, A bill for an act relating to real estate; providing homeowners with a longer period within which to notify contractors of construction defects; amending Minnesota Statutes 2006, section 327A.03.

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. 3113, A bill for an act relating to state finance; modifying state budget requirements; amending Minnesota Statutes 2006, sections 13.605, subdivision 1; 16A.10, subdivisions 1, 2; 16A.11, subdivision 3.

Reported the same back with the following amendments:

Page 2, line 32, delete "employees, their titles," and insert "employees' titles"

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

The report was adopted.

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

H. F. No. 3135, A bill for an act relating to the legislature; changing certain requirements for local impact notes; amending Minnesota Statutes 2006, section 3.987, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 3.987, subdivision 1, is amended to read:

Subdivision 1. **Local impact notes.** The commissioner of finance shall coordinate the development of a local impact note for any proposed legislation introduced after June 30, 1997, or any rule proposed after December 31, 1999, upon request of the chair or the ranking minority member of ~~either legislative Tax Committee~~ a legislative committee with jurisdiction over the proposed legislation. Upon receipt of a request to prepare a local impact note, the commissioner must notify the authors of the proposed legislation or, for an administrative rule, the head of the relevant executive agency or department, that the request has been made. The local impact note must be made available to the public upon request. If the action is among the exceptions listed in section 3.988, a local impact note need not be requested nor prepared. The commissioner shall make a reasonable and timely estimate of the local fiscal impact on each type of political subdivision that would result from the proposed legislation. The commissioner of finance may require any political subdivision or the commissioner of an administrative agency of the state to supply in a timely manner any information determined to be necessary to determine local fiscal impact. The political subdivision, its representative association, or commissioner shall convey the requested information to the commissioner of finance with a signed statement to the effect that the information is accurate and complete to

the best of its ability. The political subdivision, its representative association, or commissioner, when requested, shall update its determination of local fiscal impact based on actual cost or revenue figures, improved estimates, or both. Upon completion of the note, the commissioner must provide a copy to the authors of the proposed legislation, as well as the chair and ranking minority member of all committees to which a bill is referred, or, for an administrative rule, to the head of the relevant executive agency or department."

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3138, A bill for an act relating to state government; ratifying state labor contracts; amending Minnesota Statutes 2006, section 85A.02, subdivision 5a.

Reported the same back with the following amendments:

Page 3, after line 16, insert:

"Subd. 11. **Minnesota Law Enforcement Association.** The labor agreement between the state of Minnesota and the Minnesota Law Enforcement Association, recommended for approval by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 14, 2008, is ratified.

Subd. 12. **Inter Faculty Organization.** The labor agreement between the state of Minnesota and the Inter Faculty Organization, recommended for approval by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 14, 2008, is ratified.

Subd. 13. **MnSCU administrators.** The personnel plan for Minnesota State College and University administrators, recommended for approval by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 14, 2008, is ratified.

Subd. 14. **Office of Higher Education.** The compensation plan for unrepresented employees of the Office of Higher Education, recommended for approval by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 14, 2008, is ratified."

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. 3147, A bill for an act relating to human services; creating a working group to study access to emergency mental health services.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **WORK GROUP; FEASIBILITY STUDY.**

The commissioner of human services shall convene and staff a work group to determine the feasibility and cost of establishing a single statewide toll-free telephone number for mental health crisis calls. The work group shall include, but not be limited to, stakeholders from crisis providers, Minnesota Ambulance Association providers, law enforcement, 911 call centers, and consumers, families, and mental health advocates. Members of the work group shall include culturally diverse organizations."

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. 3195, A bill for an act relating to environment; establishing principals of a cap and trade program for greenhouse gas emissions; requiring studies; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216H.

Reported the same back with the following amendments:

Page 1, line 16, after "program" insert "developed pursuant to section 216H.12 should take into account the results of the studies required under section 216H.13, and should consider"

Page 1, line 17, delete "should cover" and insert "covering" and delete "exclude" and insert "excluding"

Page 1, line 18, after "quantified" insert ", giving particular scrutiny to whether emissions from the transportation sector can be reliably quantified"

Page 1, line 19, delete "should auction" and insert "auctioning" and delete "direct" and insert "directing"

Page 1, line 21, delete "should allow" and insert "allowing"

Page 2, line 1, delete "should ensure" and insert "ensuring"

Page 2, line 3, delete "should not increase" and insert "not increasing"

Page 2, line 5, delete "should provide" and insert "providing"

Page 4, line 8, delete the second "and"

Page 4, line 10, delete the period and insert "; and"

Page 4, after line 10, insert:

"(10) analysis of the effect of adopting a cap and trade program on the level of foreign investment in Minnesota."

Amend the title as follows:

Page 1, line 2, delete "principals" and insert "principles"

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

The report was adopted.

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

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

Reported the same back with the following amendments:

Page 4, delete section 6

Page 6, line 25, delete "8" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 5, delete everything before "extending"

Correct the title numbers accordingly

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. 3243, A bill for an act relating to health; modifying the definition of other health coverage for purposes of MinnesotaCare eligibility; amending Minnesota Statutes 2006, section 256L.07, subdivision 3.

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

The report was adopted.

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

H. F. No. 3257, A bill for an act relating to civil commitment; allowing persons facing civil commitment as sexually dangerous persons or sexual psychopathic personalities to choose to be confined in correctional facilities while the petition is being adjudicated; addressing the cost of care for persons facing civil commitment; addressing access to certain data by county attorneys on persons facing civil commitment; amending Minnesota Statutes 2006, sections 246.51, by adding a subdivision; 253B.045, subdivisions 1, 2, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 253B.185, subdivision 1b.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 13.851, is amended by adding a subdivision to read:

Subd. 9. **Civil commitment of sexual offenders.** Data relating to the preparation of a petition to commit an individual as a dangerous sex offender is governed by section 253B.185, subdivision 1b.

Sec. 2. Minnesota Statutes 2006, section 253B.045, subdivision 1, is amended to read:

Subdivision 1. **Restriction.** Except when ordered by the court pursuant to a finding of necessity to protect the life of the proposed patient or others or as provided under subdivision 1a, no person subject to the provisions of this chapter shall be confined in a jail or correctional institution, except pursuant to chapter 242 or 244.

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

Sec. 3. Minnesota Statutes 2006, section 253B.045, is amended by adding a subdivision to read:

Subd. 1a. **Exception.** A person who is being petitioned for commitment under section 253B.185 and who is placed under a judicial hold order under section 253B.07, subdivision 2b or 7, may be confined at a Department of Corrections or a county correctional or detention facility, rather than a secure treatment facility, until a determination of the commitment petition as specified in this subdivision.

(a) A court may order that a person who is being petitioned for commitment under section 253B.185 be confined in a Department of Corrections facility pursuant to the judicial hold order under the following circumstances and conditions:

(1) The person is currently serving a sentence in a Department of Corrections facility and the court determines that the person has made a knowing and voluntary (i) waiver of the right to be held in a secure treatment facility and (ii) election to be held in a Department of Corrections facility. The order confining the person in the Department of Corrections facility shall remain in effect until the court vacates the order or the person's criminal sentence and conditional release term expire.

(2) A person who has elected to be confined in a Department of Corrections facility under this subdivision may revoke the election by filing a written notice of intent to revoke the election with the court and serving the notice upon the Department of Corrections and the county attorney. The court shall order the person transferred to a secure treatment facility within 15 days of the date that the notice of revocation was filed with the court, except that, if the person has additional time to serve in prison at the end of the 15-day period, the person shall not be transferred to a secure treatment facility until the person's prison term expires. After a person has revoked an election to remain in a Department of Corrections facility under this subdivision, the court may not adopt another election to remain in a Department of Corrections facility without the agreement of both parties and the Department of Corrections.

(3) Upon petition by the commissioner of corrections, after notice to the parties and opportunity for hearing and for good cause shown, the court may order that the person's place of confinement be changed from the Department of Corrections to a secure treatment facility.

(4) While at a Department of Corrections facility pursuant to this subdivision, the person shall remain subject to all rules and practices applicable to correctional inmates in the facility in which the person is placed, including, but not limited to, the powers and duties of the commissioner of corrections under section 241.01, powers relating to use of force under section 243.52, and the right of the commissioner of corrections to determine the place of confinement in a prison, reformatory, or other facility.

(5) A person may not be confined in a Department of Corrections facility under this provision beyond the end of the person's executed sentence or the end of any applicable conditional release period, whichever is later. If a person confined in a Department of Corrections facility pursuant to this provision reaches the person's supervised release date and is subject to a period of conditional release, the period of conditional release shall commence on the supervised release date even though the person remains in the Department of Corrections facility pursuant to this provision. At the end of the later of the executed sentence or any applicable conditional release period, the person shall be transferred to a secure treatment facility.

(b) The committing county may offer a person who is being petitioned for commitment under section 253B.185 and who is placed under a judicial hold order under section 253B.07, subdivision 2b or 7, the option to be held in a county correctional or detention facility rather than a secure treatment facility, under such terms as may be agreed to by the county, the commitment petitioner, and the commitment respondent. If a person makes such an election under this paragraph, the court hold order shall specify the terms of the agreement, including the conditions for revoking the election.

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

Sec. 4. Minnesota Statutes 2006, section 253B.045, subdivision 2, is amended to read:

Subd. 2. **Facilities.** Each county or a group of counties shall maintain or provide by contract a facility for confinement of persons held temporarily for observation, evaluation, diagnosis, treatment, and care. When the temporary confinement is provided at a regional treatment center, the commissioner shall charge the county of financial responsibility for the costs of confinement of persons hospitalized under section 253B.05, subdivisions 1 and 2, and section 253B.07, subdivision 2b, except that the commissioner shall bill the responsible health plan first. If the person has health plan coverage, but the hospitalization does not meet the criteria in subdivision 6 or section 62M.07, 62Q.53, or 62Q.535, the county is responsible. When a person is temporarily confined in a Department of Corrections facility solely under subdivision 1a, and not based on any separate correctional authority, the commissioner of corrections may charge the county of financial responsibility for the costs of confinement. "County of financial responsibility" means the county in which the person resides at the time of confinement or, if the person has no residence in this state, the county which initiated the confinement. The charge for confinement in a facility operated by the commissioner of human services shall be based on the commissioner's determination of the cost of care pursuant to section 246.50, subdivision 5. When there is a dispute as to which county is the county of financial responsibility, the county charged for the costs of confinement shall pay for them pending final determination of the dispute over financial responsibility. Disputes about the county of financial responsibility shall be submitted to the commissioner to be settled in the manner prescribed in section 256G.09.

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

Sec. 5. Minnesota Statutes 2007 Supplement, section 253B.185, subdivision 1b, is amended to read:

Subd. 1b. **County attorney access to data.** Notwithstanding sections 144.291 to 144.298; 245.467, subdivision 6; 245.4876, subdivision 7; 260B.171; 260B.235, subdivision 8; 260C.171; and 609.749, subdivision 6, or any provision of chapter 13 or other state law, prior to filing a petition for commitment as a sexual psychopathic personality or as a sexually dangerous person, and upon notice to the proposed patient, the county attorney or the county attorney's designee may move the court for an order granting access to any records or data, to the extent it relates to the proposed patient, for the purpose of determining whether good cause exists to file a petition and, if a petition is filed, to support the allegations set forth in the petition.

The court may grant the motion if: (1) the Department of Corrections refers the case for commitment as a sexual psychopathic personality or a sexually dangerous person; or (2) upon a showing that the requested category of data or records may be relevant to the determination by the county attorney or designee. The court shall decide a motion under this subdivision within 48 hours after a hearing on the motion. Notice to the proposed patient need not be given upon a showing that such notice may result in harm or harassment of interested persons or potential witnesses. Notwithstanding any provision of chapter 13 or other state law, a county attorney considering the civil commitment of a person under this section may obtain records and data from the Department of Corrections or any probation or parole agency in this state upon request, without a court order, for the purpose of determining whether good cause exists to file a petition and, if a petition is filed, to support the allegations set forth in the petition.

Data collected pursuant to this subdivision shall retain their original status and, if not public, are inadmissible in any court proceeding unrelated to civil commitment, unless otherwise permitted.

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

Sec. 6. Minnesota Statutes 2006, section 253B.185, subdivision 5, is amended to read:

Subd. 5. **Financial responsibility.** (a) For purposes of this subdivision, "state facility" has the meaning given in section 246.50 and also includes a Department of Corrections facility when the proposed patient is confined in such a facility pursuant to section 253B.045, subdivision 1a.

(b) Notwithstanding sections 246.54, 253B.045, and any other law to the contrary, when a petition is filed for commitment under this section pursuant to the notice required in section 244.05, subdivision 7, the state and county are each responsible for 50 percent of the cost of the person's confinement at a state facility or county jail, prior to commitment.

(c) The county shall submit an invoice to the state court administrator for reimbursement of the state's share of the cost of confinement.

(d) Notwithstanding paragraph (b), the state's responsibility for reimbursement is limited to the amount appropriated for this purpose.

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

Delete the title and insert:

"A bill for an act relating to civil commitment; allowing persons facing civil commitment as sexually dangerous persons or sexual psychopathic personalities to choose to be confined in correctional facilities while the petition is being adjudicated; addressing the cost of care for persons facing civil commitment; addressing access to certain data

by county attorneys on persons facing civil commitment; amending Minnesota Statutes 2006, sections 13.851, by adding a subdivision; 253B.045, subdivisions 1, 2, by adding a subdivision; 253B.185, subdivision 5; Minnesota Statutes 2007 Supplement, section 253B.185, subdivision 1b."

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. 3264, A bill for an act relating to human services; amending state-operated services; allowing certain nonstate employees to work for community-based programs; amending Minnesota Statutes 2006, section 252.50, subdivision 1.

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. 3287, A bill for an act relating to commerce; regulating debt management services; repealing an obsolete criminal provision; amending Minnesota Statutes 2007 Supplement, sections 332A.02, subdivision 2; 332A.04, subdivisions 1, 2, 4; 332A.06; 332A.12, by adding a subdivision; repealing Minnesota Statutes 2006, section 609B.163.

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. 3316, A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, special programs, libraries, and self-sufficiency and lifelong learning; amending Minnesota Statutes 2006, sections 13.32, by adding a subdivision; 120A.05, subdivision 10a; 120B.02; 120B.023, subdivision 2; 120B.131, subdivision 2; 120B.31, subdivision 4; 122A.07, subdivisions 2, 3; 122A.60; 122A.61, subdivision 1; 123B.14, subdivision 7; 123B.36, subdivision 1; 123B.37, subdivision 1; 123B.77, subdivision 3; 123B.81, subdivisions 3, 5; 123B.83, subdivision 3; 124D.10, subdivisions 2a, 4a, 6a, 7, 8, 23; 124D.522; 124D.55; 124D.60, subdivision 1; 125A.744, subdivision 3; 125B.07, by adding a subdivision; 126C.40, subdivision 6; 134.31, subdivision 6, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 120B.021, subdivision 1; 120B.15; 120B.30, subdivisions 1, 1a; 123B.81, subdivision 4; 124D.095, subdivision 4; 124D.10, subdivisions 4, 23a; 125A.56; 126C.10, subdivision 34; 127A.49, subdivisions 2, 3; 134.31, subdivision 4a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

GENERAL EDUCATION

Section 1. Minnesota Statutes 2006, section 123B.14, subdivision 7, is amended to read:

Subd. 7. **Clerk records.** The clerk shall keep a record of all meetings of the district and the board in books provided by the district for that purpose. The clerk shall, within three days after an election, notify all persons elected of their election. By ~~August~~ September 15 of each year the clerk shall file with the board a report of the revenues, expenditures and balances in each fund for the preceding fiscal year. The report together with vouchers and supporting documents shall subsequently be examined by a public accountant or the state auditor, either of whom shall be paid by the district, as provided in section 123B.77, subdivision 3. The board shall by resolution approve the report or require a further or amended report. By ~~August~~ September 15 of each year, the clerk shall make and transmit to the commissioner certified reports, showing:

~~(1) The condition and value of school property;~~

~~(2) (1) The revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the commissioner;~~

~~(3) (2) The length of school term and the enrollment and attendance by grades; and~~

~~(4) (3) Such other items of information as may be called for by the commissioner.~~

The clerk shall enter in the clerk's record book copies of all reports and of the teachers' term reports, as they appear in the registers, and of the proceedings of any meeting as furnished by the clerk pro tem, and keep an itemized account of all the expenses of the district. The clerk shall furnish to the auditor of the proper county, by ~~October 10~~ September 30 of each year, an attested copy of the clerk's record, showing the amount of ~~money~~ proposed property taxes voted by the district or the board for school purposes; draw and sign all orders upon the treasurer for the payment of money for bills allowed by the board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair. Such orders must state the consideration, payee, and the fund and the clerk shall take a receipt therefor. Teachers' wages shall have preference in the order in which they become due, and no money applicable for teachers' wages shall be used for any other purpose, nor shall teachers' wages be paid from any fund except that raised or apportioned for that purpose.

Sec. 2. Minnesota Statutes 2006, section 123B.77, subdivision 3, is amended to read:

Subd. 3. **Statement for comparison and correction.** (a) By November 30 of the calendar year of the submission of the unaudited financial data, the district must provide to the commissioner audited financial data for the preceding fiscal year. The audit must be conducted in compliance with generally accepted governmental auditing standards, the federal Single Audit Act, and the Minnesota legal compliance guide issued by the Office of the State Auditor. An audited financial statement prepared in a form which will allow comparison with and correction of material differences in the unaudited financial data shall be submitted to the commissioner and the state auditor by December 31. The audited financial statement must also provide a statement of assurance pertaining to uniform financial accounting and reporting standards compliance and a copy of the management letter submitted to the district by the school district's auditor.

(b) By ~~January~~ February 15 of the calendar year following the submission of the unaudited financial data, the commissioner shall convert the audited financial data required by this subdivision into the consolidated financial statement format required under subdivision 1a and publish the information on the department's Web site.

Sec. 3. Minnesota Statutes 2006, section 123B.81, subdivision 3, is amended to read:

Subd. 3. **Debt verification.** The commissioner shall establish a uniform auditing or other verification procedure for districts to determine whether a statutory operating debt exists in any Minnesota school district ~~as of June 30, 1977. This procedure must identify all interfund transfers made during fiscal year 1977 from a fund included in computing statutory operating debt to a fund not included in computing statutory operating debt.~~ The standards for this uniform auditing or verification procedure must be promulgated by the state board pursuant to chapter 14. If a district applies to the commissioner for a statutory operating debt verification ~~or if the unaudited financial statement for the school year ending June 30, 1977 reveals that a statutory operating debt might exist,~~ the commissioner shall require a verification of the amount of the statutory operating debt which actually does exist.

Sec. 4. Minnesota Statutes 2007 Supplement, section 123B.81, subdivision 4, is amended to read:

Subd. 4. **Debt elimination.** If an audit or other verification procedure conducted pursuant to subdivision 3 determines that a statutory operating debt exists, a district must follow the procedures set forth in ~~this~~ section 123B.83 to eliminate this statutory operating debt.

Sec. 5. Minnesota Statutes 2006, section 123B.81, subdivision 5, is amended to read:

Subd. 5. **Certification of debt.** The commissioner shall certify the amount of statutory operating debt for each district. ~~Prior to June 30, 1979, the commissioner may, on the basis of corrected figures, adjust the total amount of statutory operating debt certified for any district.~~

Sec. 6. Minnesota Statutes 2006, section 123B.83, subdivision 3, is amended to read:

Subd. 3. **Failure to limit expenditures.** If a district does not limit its expenditures in accordance with this section, the commissioner may so notify the appropriate committees of the legislature by no later than ~~January 1~~ February 15 of the year following the end of that fiscal year.

Sec. 7. Minnesota Statutes 2007 Supplement, section 126C.10, subdivision 34, is amended to read:

Subd. 34. **Basic alternative teacher compensation aid.** (a) For fiscal years 2007 ~~and later, 2008, and 2009,~~ the basic alternative teacher compensation aid for a school district with a plan approved under section 122A.414, subdivision 2b, equals ~~65~~ 73.1 percent of the alternative teacher compensation revenue under section 122A.415, subdivision 1. The basic alternative teacher compensation aid for an intermediate school district or charter school with a plan approved under section 122A.414, subdivisions 2a and 2b, if the recipient is a charter school, equals \$260 times the number of pupils enrolled in the school on October 1 of the previous fiscal year, or on October 1 of the current fiscal year for a charter school in the first year of operation, times the ratio of the sum of the alternative teacher compensation aid and alternative teacher compensation levy for all participating school districts to the maximum alternative teacher compensation revenue for those districts under section 122A.415, subdivision 1.

(b) For fiscal years 2010 and later, the basic alternative teacher compensation aid for a school district with a plan approved under section 122A.414, subdivision 2b, equals 65 percent of the alternative teacher compensation revenue under section 122A.415, subdivision 1. The basic alternative teacher compensation aid for an intermediate school district or charter school with a plan approved under section 122A.414, subdivisions 2a and 2b, if the recipient is a charter school, equals \$260 times the number of pupils enrolled in the school on October 1 of the previous fiscal year, or on October 1 of the current fiscal year for a charter school in the first year of operation, times the ratio of the

sum of the alternative teacher compensation aid and alternative teacher compensation levy for all participating school districts to the maximum alternative teacher compensation revenue for those districts under section 122A.415, subdivision 1.

(b) (c) Notwithstanding paragraphs (a) and (b) and section 122A.415, subdivision 1, the state total basic alternative teacher compensation aid entitlement must not exceed \$75,636,000 for fiscal year 2007 and later. The commissioner must limit the amount of alternative teacher compensation aid approved under section 122A.415 so as not to exceed these limits.

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

Sec. 8. Minnesota Statutes 2006, section 126C.40, subdivision 6, is amended to read:

Subd. 6. **Lease purchase; installment buys.** (a) Upon application to, and approval by, the commissioner in accordance with the procedures and limits in subdivision 1, paragraphs (a) and (b), a district, as defined in this subdivision, may:

(1) purchase real or personal property under an installment contract or may lease real or personal property with an option to purchase under a lease purchase agreement, by which installment contract or lease purchase agreement title is kept by the seller or vendor or assigned to a third party as security for the purchase price, including interest, if any; and

(2) annually levy the amounts necessary to pay the district's obligations under the installment contract or lease purchase agreement.

(b) The obligation created by the installment contract or the lease purchase agreement must not be included in the calculation of net debt for purposes of section 475.53, and does not constitute debt under other law. An election is not required in connection with the execution of the installment contract or the lease purchase agreement.

(c) The proceeds of the levy authorized by this subdivision must not be used to acquire a facility to be primarily used for athletic or school administration purposes.

(d) For the purposes of this subdivision, "district" means:

(1) a racially isolated school district or a school district with a racially identifiable school required to have a comprehensive desegregation or integration plan for the elimination of segregation under Minnesota Rules, parts 3535.0100 to 3535.0180, which is eligible for revenue under section 124D.86, subdivision 3, clause (1), (2), or (3), and whose plan has been determined by the commissioner to be in compliance with Department of Education rules relating to equality of educational opportunity and school desegregation and, for a district eligible for revenue under section 124D.86, subdivision 3, clause (4) or (5), where the acquisition of property under this subdivision is determined by the commissioner to contribute to the implementation of the desegregation plan; or

(2) a school district that participates in a joint program for interdistrict desegregation with a district defined in clause (1) if the facility acquired under this subdivision is to be primarily used for the joint program and the commissioner determines that the joint programs are being undertaken to implement the districts' desegregation plan.

(e) Notwithstanding subdivision 1, the prohibition against a levy by a district to lease or rent a district-owned building to itself does not apply to levies otherwise authorized by this subdivision.

(f) For the purposes of this subdivision, any references in subdivision 1 to building or land shall include personal property.

Sec. 9. Minnesota Statutes 2007 Supplement, section 127A.49, subdivision 2, is amended to read:

Subd. 2. **Abatements.** Whenever by virtue of chapter 278, sections 270C.86, 375.192, or otherwise, the net tax capacity or referendum market value of any district for any taxable year is changed after the taxes for that year have been spread by the county auditor and the local tax rate as determined by the county auditor based upon the original net tax capacity is applied upon the changed net tax capacities, the county auditor shall, prior to February 1 of each year, certify to the commissioner of education the amount of any resulting net revenue loss that accrued to the district during the preceding year. Each year, the commissioner shall pay an abatement adjustment to the district in an amount calculated according to the provisions of this subdivision. This amount shall be deducted from the amount of the levy authorized by section 126C.46. The amount of the abatement adjustment must be the product of:

(1) the net revenue loss as certified by the county auditor, times

(2) the ratio of:

(i) the sum of the amounts of the district's certified levy in the third preceding year according to the following:

(A) section 123B.57, if the district received health and safety aid according to that section for the second preceding year;

(B) section 124D.20, if the district received aid for community education programs according to that section for the second preceding year;

(C) section 124D.135, subdivision 3, if the district received early childhood family education aid according to section 124D.135 for the second preceding year;

(D) section 126C.17, subdivision 6, if the district received referendum equalization aid according to that section for the second preceding year;

~~(E) section 126C.13, if the district received general education aid according to section 126C.13, subdivision 4, paragraph (b), clause (1), of that section in the second preceding year;~~

~~(F)~~ (E) section 126C.10, subdivision 13a, if the district received operating capital aid according to section 126C.10, subdivision 13b, in the second preceding year;

~~(G)~~ (F) section 126C.10, subdivision 29, if the district received equity aid according to section 126C.10, subdivision 30, in the second preceding year;

~~(H)~~ (G) section 126C.10, subdivision 32, if the district received transition aid according to section 126C.10, subdivision 33, in the second preceding year;

~~(I)~~ (H) section 123B.53, subdivision 5, if the district received debt service equalization aid according to section 123B.53, subdivision 6, in the second preceding year;

~~(J)~~ (I) section 124D.22, subdivision 3, if the district received school-age care aid according to section 124D.22, subdivision 4, in the second preceding year;

~~(K)~~ (J) section 123B.591, subdivision 3, if the district received deferred maintenance aid according to section 123B.591, subdivision 4, in the second preceding year; and

~~(L)~~ (K) section 126C.10, subdivision 35, if the district received alternative teacher compensation equalization aid according to section 126C.10, subdivision 36, paragraph (a), in the second preceding year; to

(ii) the total amount of the district's certified levy in the third preceding December, plus or minus auditor's adjustments.

Sec. 10. Minnesota Statutes 2007 Supplement, section 127A.49, subdivision 3, is amended to read:

Subd. 3. **Excess tax increment.** (a) If a return of excess tax increment is made to a district pursuant to sections 469.176, subdivision 2, and 469.177, subdivision 9, or upon decertification of a tax increment district, the school district's aid and levy limitations must be adjusted for the fiscal year in which the excess tax increment is paid under the provisions of this subdivision.

(b) An amount must be subtracted from the district's aid for the current fiscal year equal to the product of:

(1) the amount of the payment of excess tax increment to the district, times

(2) the ratio of:

(i) the sum of the amounts of the district's certified levy for the fiscal year in which the excess tax increment is paid according to the following:

(A) section 123B.57, if the district received health and safety aid according to that section for the second preceding year;

(B) section 124D.20, if the district received aid for community education programs according to that section for the second preceding year;

(C) section 124D.135, subdivision 3, if the district received early childhood family education aid according to section 124D.135 for the second preceding year;

(D) section 126C.17, subdivision 6, if the district received referendum equalization aid according to that section for the second preceding year;

~~(E) section 126C.13, if the district received general education aid according to section 126C.13, subdivision 4, paragraph (b), clause (1), of that section in the second preceding year;~~

~~(F)~~ (E) section 126C.10, subdivision 13a, if the district received operating capital aid according to section 126C.10, subdivision 13b, in the second preceding year;

~~(G)~~ (F) section 126C.10, subdivision 29, if the district received equity aid according to section 126C.10, subdivision 30, in the second preceding year;

~~(H)~~ (G) section 126C.10, subdivision 32, if the district received transition aid according to section 126C.10, subdivision 33, in the second preceding year;

~~(I)~~ (H) section 123B.53, subdivision 5, if the district received debt service equalization aid according to section 123B.53, subdivision 6, in the second preceding year;

~~(I)~~ (I) section 124D.22, subdivision 3, if the district received school-age care aid according to section 124D.22, subdivision 4, in the second preceding year;

~~(J)~~ (J) section 123B.591, subdivision 3, if the district received deferred maintenance aid according to section 123B.591, subdivision 4, in the second preceding year; and

~~(K)~~ (K) section 126C.10, subdivision 35, if the district received alternative teacher compensation equalization aid according to section 126C.10, subdivision 36, paragraph (a), in the second preceding year; to

(ii) the total amount of the district's certified levy for the fiscal year, plus or minus auditor's adjustments.

(c) An amount must be subtracted from the school district's levy limitation for the next levy certified equal to the difference between:

(1) the amount of the distribution of excess increment; and

(2) the amount subtracted from aid pursuant to clause (a).

If the aid and levy reductions required by this subdivision cannot be made to the aid for the fiscal year specified or to the levy specified, the reductions must be made from aid for subsequent fiscal years, and from subsequent levies. The school district must use the payment of excess tax increment to replace the aid and levy revenue reduced under this subdivision.

(d) This subdivision applies only to the total amount of excess increments received by a district for a calendar year that exceeds \$25,000.

ARTICLE 2

EDUCATION EXCELLENCE

Section 1. Minnesota Statutes 2006, section 120A.24, subdivision 1, is amended to read:

Subdivision 1. **Reports to superintendent.** The person in charge of providing instruction to a child must submit the following information to the superintendent of the district in which the child resides:

(1) by October 1 of each school year, the name, birth date, and address of each child receiving instruction;

(2) the name of each instructor and evidence of compliance with one of the requirements specified in section 120A.22, subdivision 10; and

(3) an annual instructional calendar; ~~and~~

~~(4) for each child instructed by a parent who meets only the requirement of section 120A.22, subdivision 10, clause (6), a quarterly report card on the achievement of the child in each subject area required in section 120A.22, subdivision 9.~~

Sec. 2. Minnesota Statutes 2006, section 120A.24, subdivision 2, is amended to read:

Subd. 2. **Availability of documentation.** The person in charge of providing instruction to a child must make available documentation indicating that the subjects required in section 120A.22, subdivision 9, are being taught. This documentation must include class schedules, copies of materials used for instruction, and descriptions of

methods used to assess student achievement, and for each child instructed by a parent who meets only the requirement of section 120A.22, subdivision 10, clause (6), a quarterly report card on the achievement of the child in each subject area required under section 120A.22, subdivision 9.

Sec. 3. Minnesota Statutes 2006, section 120B.02, is amended to read:

120B.02 EDUCATIONAL EXPECTATIONS FOR MINNESOTA'S STUDENTS.

(a) The legislature is committed to establishing rigorous academic standards for Minnesota's public school students. To that end, the commissioner shall adopt in rule statewide academic standards. The commissioner shall not prescribe in rule or otherwise the delivery system, classroom assessments, or form of instruction that school sites must use. For purposes of this chapter, a school site is a separate facility, or a separate program within a facility that a local school board recognizes as a school site for funding purposes.

(b) All commissioner actions regarding the rule must be premised on the following:

(1) the rule is intended to raise academic expectations for students, teachers, and schools;

(2) any state action regarding the rule must evidence consideration of school district autonomy; and

(3) the Department of Education, with the assistance of school districts, must make available information about all state initiatives related to the rule to students and parents, teachers, and the general public in a timely format that is appropriate, comprehensive, and readily understandable.

(c) When fully implemented, the requirements for high school graduation in Minnesota must require students to satisfactorily complete, as determined by the school district, the course credit requirements under section 120B.024 and: successfully pass graduation examinations required under section 120B.30.

~~(1) for students enrolled in grade 8 before the 2005-2006 school year, to pass the basic skills test requirements; and~~

~~(2) for students enrolled in grade 8 in the 2005-2006 school year and later, to pass the Minnesota Comprehensive Assessments Second Edition (MCA-II);~~

(d) The commissioner shall periodically review and report on the state's assessment process.

(e) School districts are not required to adopt specific provisions of the federal School-to-Work programs.

Sec. 4. Minnesota Statutes 2007 Supplement, section 120B.021, subdivision 1, is amended to read:

Subdivision 1. **Required academic standards.** The following subject areas are required for statewide accountability:

(1) language arts;

(2) mathematics;

(3) science;

(4) social studies, including history, geography, economics, and government and citizenship;

(5) health and physical education, for which locally developed academic standards apply; and

(6) the arts, for which statewide or locally developed academic standards apply, as determined by the school district. Public elementary and middle schools must offer at least three and require at least two of the following four arts areas: dance; music; theater; and visual arts. Public high schools must offer at least three and require at least one of the following five arts areas: media arts; dance; music; theater; and visual arts.

The commissioner must submit proposed standards in science and social studies to the legislature by February 1, 2004.

For purposes of applicable federal law, the academic standards for language arts, mathematics, and science apply to all public school students, ~~except the very few students with extreme cognitive or physical impairments for whom an individualized education plan team has determined that the required academic standards are inappropriate. An individualized education plan team that makes this determination must establish alternative standards with appropriate alternate achievement standards based on these academic standards for students with individualized education plans.~~

A school district, no later than the 2007-2008 school year, must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule. A school district that incorporates these state graduation requirements before the 2007-2008 school year must provide students who enter the 9th grade in or before the 2003-2004 school year the opportunity to earn a diploma based on existing locally established graduation requirements in effect when the students entered the 9th grade. District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

The commissioner must include the contributions of Minnesota American Indian tribes and communities as they relate to the academic standards during the review and revision of the required academic standards.

Sec. 5. Minnesota Statutes 2006, section 120B.023, subdivision 2, is amended to read:

Subd. 2. **Revisions and reviews required.** (a) The commissioner of education must revise and appropriately embed technology and information literacy standards consistent with recommendations from school media specialists into the state's academic standards and graduation requirements and implement a review cycle for state academic standards and related benchmarks, consistent with this subdivision. During each review cycle, the commissioner also must examine the alignment of each required academic standard and related benchmark with the knowledge and skills students need for college readiness and advanced work in the particular subject area.

(b) The commissioner in the 2006-2007 school year must revise and align the state's academic standards and high school graduation requirements in mathematics to require that students satisfactorily complete the revised mathematics standards, beginning in the 2010-2011 school year. Under the revised standards:

(1) students must satisfactorily complete an algebra I credit by the end of eighth grade; and

(2) students scheduled to graduate in the 2014-2015 school year or later must satisfactorily complete an algebra II credit or its equivalent.

The commissioner also must ensure that the statewide mathematics assessments administered to students in grades 3 through 8 ~~and 11~~ beginning in the 2010-2011 school year are aligned with the state academic standards in mathematics. The commissioner must ensure that the statewide 11th-grade mathematics test assessment administered to students under clause (2) in grade 11 beginning in the 2013-2014 school year must include is aligned with state academic standards in mathematics, including algebra II test items that are aligned with corresponding state academic standards in mathematics. The commissioner must implement a review of the academic standards and related benchmarks in mathematics beginning in the 2015-2016 school year.

(c) The commissioner in the 2007-2008 school year must revise and align the state's academic standards and high school graduation requirements in the arts to require that students satisfactorily complete the revised arts standards beginning in the 2010-2011 school year. The commissioner must implement a review of the academic standards and related benchmarks in arts beginning in the 2016-2017 school year.

(d) The commissioner in the 2008-2009 school year must revise and align the state's academic standards and high school graduation requirements in science to require that students satisfactorily complete the revised science standards, beginning in the 2011-2012 school year. The commissioner also must ensure that the statewide science assessments administered to students under section 120B.30, subdivision 1a, beginning in the 2011-2012 school year, are aligned with the state academic standards in science. Under the revised standards, students scheduled to graduate in the 2014-2015 school year or later must satisfactorily complete a chemistry or physics credit. The commissioner must implement a review of the academic standards and related benchmarks in science beginning in the 2017-2018 school year.

(e) The commissioner in the 2009-2010 school year must revise and align the state's academic standards and high school graduation requirements in language arts to require that students satisfactorily complete the revised language arts standards beginning in the 2012-2013 school year. The commissioner also must ensure that the statewide language arts assessments administered to students in grades 3 through 8 and grade 10 beginning in the 2012-2013 school year are aligned with the state academic standards in language arts. The commissioner must implement a review of the academic standards and related benchmarks in language arts beginning in the 2018-2019 school year.

(f) The commissioner in the 2010-2011 school year must revise and align the state's academic standards and high school graduation requirements in social studies to require that students satisfactorily complete the revised social studies standards beginning in the 2013-2014 school year. The commissioner must implement a review of the academic standards and related benchmarks in social studies beginning in the 2019-2020 school year.

(g) School districts and charter schools must revise and align local academic standards and high school graduation requirements in health, physical education, world languages, and career and technical education to require students to complete the revised standards beginning in a school year determined by the school district or charter school. School districts and charter schools must formally establish a periodic review cycle for the academic standards and related benchmarks in health, physical education, world languages, and career and technical education.

Sec. 6. Minnesota Statutes 2006, section 120B.131, subdivision 2, is amended to read:

Subd. 2. **Reimbursement for examination fees.** The state may reimburse college-level examination program (CLEP) fees for a Minnesota public or nonpublic high school student who has successfully completed one or more college-level courses in high school in the subject matter of each examination in the following subjects: composition and literature, mathematics and science, social sciences and history, foreign languages, and business and humanities. ~~The state may reimburse each student for up to six examination fees.~~ The commissioner shall establish application procedures and a process and schedule for fee reimbursements. The commissioner must give priority to reimburse the CLEP examination fees of students of low-income families.

Sec. 7. Minnesota Statutes 2007 Supplement, section 120B.15, is amended to read:

120B.15 GIFTED AND TALENTED STUDENTS PROGRAMS.

(a) School districts may identify students, locally develop programs, provide staff development, and evaluate programs to provide gifted and talented students with challenging educational programs.

(b) School districts may adopt guidelines for assessing and identifying students for participation in gifted and talented programs. The guidelines should include the use of:

- (1) multiple and objective criteria; ~~and~~
- (2) assessments and procedures that are valid and reliable, fair, and based on current theory and research; and
- (3) an identification appeals process.

(c) School districts must adopt procedures for the academic acceleration of gifted and talented students. These procedures must include how the district will:

- (1) assess a student's readiness and motivation for acceleration; and
- (2) match the level, complexity, and pace of the curriculum to a student to achieve the best type of academic acceleration for that student.

Sec. 8. **[120B.299] DEFINITIONS.**

Subdivision 1. **Definitions.** The definitions in this section apply to this chapter.

Subd. 2. **Growth.** "Growth" compares the difference between a student's achievement score at two distinct points in time.

Subd. 3. **Value-added.** "Value-added" is the amount of achievement a student demonstrates above an established baseline.

Subd. 4. **Growth-based value-added.** "Growth-based value-added" is a value-added system of assessments that measures the difference between an established baseline of growth and a student's growth over time.

Subd. 5. **Adequate yearly progress.** "Adequate yearly progress" compares the average achievement of two different groups of students at two different points in time.

Subd. 6. **State growth norm.** "State growth norm" is an established statewide percentile or standard applicable to all students in a particular grade benchmarked to an established school year. Beginning in the 2008-2009 school year, the state growth norm is benchmarked to 2006-2007 school year data until the commissioner next changes the vertically linked scale score. Each time the commissioner changes the vertically linked scale score, a recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers, in collaboration with the Independent Office of Educational Accountability under section 120B.31, subdivision 3, must recommend a new state growth norm that the commissioner shall consider with the revised standards. For each newly established state growth norm, the commissioner also must establish criteria for identifying schools and school districts that demonstrate accelerated growth in order to advance educators' professional development and to replicate programs that succeed in meeting students' diverse learning needs.

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

Sec. 9. Minnesota Statutes 2007 Supplement, section 120B.30, is amended to read:

120B.30 STATEWIDE TESTING AND REPORTING SYSTEM.

Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, consistent with subdivision 1a, shall include in the comprehensive assessment system, for each grade level to be tested, state-constructed tests developed from and aligned with the state's required academic standards under section 120B.021 and administered annually to all students in grades 3 through 8 and at the high school level. A state-developed test in a subject other than writing, ~~developed after the 2002-2003 school year,~~ must include both machine-scoreable and constructed response questions. The commissioner shall establish one or more months during which schools shall administer the tests to students each school year. Schools that the commissioner identifies for stand-alone field testing or other national sampling must participate as directed. Superintendents or charter school directors may appeal in writing to the commissioner for an exemption from a field test based on undue hardship. The commissioner's decision regarding the appeal is final. For students enrolled in grade 8 before the 2005-2006 school year, only Minnesota basic skills tests in reading, mathematics, and writing shall fulfill students' basic skills testing requirements for a passing state notation. The passing scores of basic skills tests in reading and mathematics are the equivalent of 75 percent correct for students entering grade 9 ~~in 1997 and thereafter, as based on the first uniform test administration of~~ administered in February 1998.

(b) For students enrolled in grade 8 in the 2005-2006 school year and later, only the following options shall fulfill students' state graduation test requirements:

(1) for reading and mathematics:

(i) obtaining an achievement level equivalent to or greater than proficient as determined through a standard setting process on the Minnesota comprehensive assessments in grade 10 for reading and grade 11 for mathematics or achieving a passing score as determined through a standard setting process on the graduation-required assessment for diploma in grade 10 for reading and grade 11 for mathematics or subsequent retests;

(ii) achieving a passing score as determined through a standard setting process on the state-identified language proficiency test in reading and the mathematics test for English language learners or the graduation-required assessment for diploma equivalent of those assessments for students designated as English language learners;

(iii) achieving an individual passing score on the graduation-required assessment for diploma as determined by appropriate state guidelines for students with an individual education plan or 504 plan;

(iv) obtaining achievement level equivalent to or greater than proficient as determined through a standard setting process on the state-identified alternate assessment or assessments in grade 10 for reading and grade 11 for mathematics for students with an individual education plan; or

(v) achieving an individual passing score on the state-identified alternate assessment or assessments as determined by appropriate state guidelines for students with an individual education plan; and

(2) for writing:

(i) achieving a passing score on the graduation-required assessment for diploma;

(ii) achieving a passing score as determined through a standard setting process on the state-identified language proficiency test in writing for students designated as English language learners;

(iii) achieving an individual passing score on the graduation-required assessment for diploma as determined by appropriate state guidelines for students with an individual education plan or 504 plan; or

(iv) achieving an individual passing score on the state-identified alternate assessment or assessments as determined by appropriate state guidelines for students with an individual education plan.

(c) The 3rd through 8th grade and high school level test results shall be available to districts for diagnostic purposes affecting student learning and district instruction and curriculum, and for establishing educational accountability. The commissioner must disseminate to the public the test results upon receiving those results.

(d) State tests must be constructed and aligned with state academic standards. The commissioner shall determine the testing process and the order of administration ~~shall be determined by the commissioner~~. The statewide results shall be aggregated at the site and district level, consistent with subdivision 1a.

(e) In addition to the testing and reporting requirements under this section, the commissioner shall include the following components in the statewide public reporting system:

(1) uniform statewide testing of all students in grades 3 through 8 and at the high school level that provides appropriate, technically sound accommodations, alternate assessments, or exemptions consistent with applicable federal law, only with parent or guardian approval, for those very few students for whom the student's individual education plan team under sections 125A.05 and 125A.06 determines that the general statewide test is inappropriate for a student, or for a limited English proficiency student under section 124D.59, subdivision 2;

(2) educational indicators that can be aggregated and compared across school districts and across time on a statewide basis, including average daily attendance, high school graduation rates, and high school drop-out rates by age and grade level;

(3) state results on the American College Test; and

(4) state results from participation in the National Assessment of Educational Progress so that the state can benchmark its performance against the nation and other states, and, where possible, against other countries, and contribute to the national effort to monitor achievement.

Subd. 1a. **Statewide and local assessments; results.** (a) The commissioner must develop reading, mathematics, and science assessments aligned with state academic standards that districts and sites must use to monitor student growth toward achieving those standards. The commissioner must not develop statewide assessments for academic standards in social studies, health and physical education, and the arts. The commissioner must require:

(1) annual reading and mathematics assessments in grades 3 through 8 and at the high school level for the 2005-2006 school year and later; and

(2) annual science assessments in one grade in the grades 3 through 5 span, the grades 6 through 9 8 span, and a life sciences assessment in the grades ~~4~~ 9 through 12 span for the 2007-2008 school year and later.

(b) The commissioner must ensure that all statewide tests administered to elementary and secondary students measure students' academic knowledge and skills and not students' values, attitudes, and beliefs.

(c) Reporting of assessment results must:

(1) provide timely, useful, and understandable information on the performance of individual students, schools, school districts, and the state;

(2) include, by no later than the 2008-2009 school year, a growth-based value-added component that is in addition to a measure for student achievement growth over time indicator of student achievement under section 120B.35, subdivision 3, paragraph (b); and

(3)(i) for students enrolled in grade 8 before the 2005-2006 school year, determine whether students have met the state's basic skills requirements; and

(ii) for students enrolled in grade 8 in the 2005-2006 school year and later, determine whether students have met the state's academic standards.

(d) Consistent with applicable federal law and subdivision 1, paragraph (d), clause (1), the commissioner must include appropriate, technically sound accommodations or alternative assessments for the very few students with disabilities for whom statewide assessments are inappropriate and for students with limited English proficiency.

(e) A school, school district, and charter school must administer statewide assessments under this section, as the assessments become available, to evaluate student ~~progress in achieving the proficiency in the context of the state's grade level~~ academic standards. If a state assessment is not available, a school, school district, and charter school must determine locally if a student has met the required academic standards. A school, school district, or charter school may use a student's performance on a statewide assessment as one of multiple criteria to determine grade promotion or retention. A school, school district, or charter school may use a high school student's performance on a statewide assessment as a percentage of the student's final grade in a course, or place a student's assessment score on the student's transcript.

Subd. 2. **Department of Education assistance.** The Department of Education shall contract for professional and technical services according to competitive bidding procedures under chapter 16C for purposes of this section.

Subd. 3. **Reporting.** The commissioner shall report test data publicly and to stakeholders, including the performance achievement levels developed from students' unweighted test scores in each tested subject and a listing of demographic factors that strongly correlate with student performance. The commissioner shall also report data that compares performance results among school sites, school districts, Minnesota and other states, and Minnesota and other nations. The commissioner shall disseminate to schools and school districts a more comprehensive report containing testing information that meets local needs for evaluating instruction and curriculum.

Subd. 4. **Access to tests.** The commissioner must adopt and publish a policy to provide public and parental access for review of basic skills tests, Minnesota Comprehensive Assessments, or any other such statewide test and assessment. Upon receiving a written request, the commissioner must make available to parents or guardians a copy of their student's actual responses to the test questions ~~to be reviewed by the parent~~ for their review.

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

Sec. 10. Minnesota Statutes 2006, section 120B.31, as amended by Laws 2007, chapter 146, article 2, section 10, is amended to read:

120B.31 SYSTEM ACCOUNTABILITY AND STATISTICAL ADJUSTMENTS.

Subdivision 1. **Educational accountability and public reporting.** Consistent with the ~~process direction~~ to adopt a ~~results-oriented graduation rule~~ statewide academic standards under section 120B.02, the department, in consultation with education and other system stakeholders, must ~~establish~~ maintain a coordinated and

comprehensive system of educational accountability and public reporting that promotes ~~higher~~ greater academic achievement, preparation for higher academic education, preparation for the world of work, citizenship as outlined under sections 120B.021, subdivision 1, clause (4), and 120B.024, paragraph (a), clause (4), and the arts.

Subd. 2. **Statewide testing.** Each school year, all school districts shall give a uniform statewide test to students at specified grades to provide information on the status, needs and performance of Minnesota students.

Subd. 3. **Educational accountability.** (a) The Independent Office of Educational Accountability, as authorized by Laws 1997, First Special Session chapter 4, article 5, section 28, subdivision 2, is established, and shall be funded through the Board of Regents of the University of Minnesota. The office shall advise the education committees of the legislature and the commissioner of education, at least on a biennial basis, on the degree to which the statewide educational accountability and reporting system includes a comprehensive assessment framework that measures school accountability for students achieving the goals described in the state's ~~results-oriented high school~~ high school graduation rule. The office shall determine and annually report to the legislature whether and how effectively:

(1) the statewide system of educational accountability ~~utilizes~~ uses multiple indicators to provide valid and reliable comparative and contextual data on students, schools, districts, and the state, and if not, recommend ways to improve the accountability reporting system;

(2) the commissioner makes statistical adjustments when reporting student data over time, consistent with clause (4);

(3) the commissioner uses ~~indicators of student achievement growth~~ a growth-based value-added indicator of student achievement over time ~~and a value-added assessment model~~ that estimates the effects of the school and school district on student achievement to measure school performance, consistent with section ~~120B.36, subdivision 4~~ 120B.35, subdivision 3, paragraph (b);

(4) the commissioner makes data available on students who do not pass one or more of the state's required GRAD tests and do not receive a diploma as a consequence, and categorizes these data according to gender, race, eligibility for free or reduced lunch, and English language proficiency; and

(5) the commissioner fulfills the requirements under section 127A.095, subdivision 2.

(b) When the office reviews the statewide educational accountability and reporting system, it shall also consider:

(1) the objectivity and neutrality of the state's educational accountability system; and

(2) the impact of a testing program on school curriculum and student learning.

Subd. 4. **Statistical adjustments; student performance data.** In ~~developing~~ managing policies and assessment processes to hold schools and districts accountable for high levels of academic standards under section 120B.021, the commissioner shall aggregate student data over time to report student performance and growth levels measured at the school, school district, regional, ~~or~~ and statewide level. When collecting and reporting the performance data, the commissioner shall: (1) acknowledge the impact of significant demographic factors such as residential instability, the number of single parent families, parents' level of education, and parents' income level on school outcomes; and (2) organize and report the data so that state and local policy makers can understand the educational implications of changes in districts' demographic profiles over time. Any report the commissioner disseminates containing summary data on student performance must integrate student performance and the demographic factors that strongly correlate with that performance.

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

Sec. 11. Minnesota Statutes 2006, section 120B.35, as amended by Laws 2007, chapter 147, article 8, section 38, is amended to read:

120B.35 STUDENT ACADEMIC ACHIEVEMENT AND PROGRESS GROWTH.

Subdivision 1. ~~Adequate yearly progress of schools and students~~ **School and student indicators of growth and achievement.** The commissioner must ~~develop and implement~~ maintain a system for measuring and reporting academic achievement and individual student progress growth, consistent with the statewide educational accountability and reporting system. ~~The system components of the system~~ must measure the adequate yearly progress of schools and the growth of individual students: students' current achievement in schools under subdivision 2; and individual students' educational progress growth over time under subdivision 3. The system also must include statewide measures of student academic achievement growth that identify schools with high levels of achievement growth, and also schools with low levels of achievement growth that need improvement. When determining a school's effect, the data must include both statewide measures of student achievement and, ~~to the extent annual tests are administered,~~ indicators of achievement growth that take into account a student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments. Indicators that take into account a student's prior achievement must not be used to disregard a school's low achievement or to exclude a school from a program to improve low achievement levels. ~~The commissioner by January 15, 2002, must submit a plan for integrating these components to the chairs of the legislative committees having policy and budgetary responsibilities for elementary and secondary education.~~

Subd. 2. **Expectations for federally mandated student academic achievement.** (a) Each school year, a school district must determine if the student achievement levels at each school site meet ~~state and local~~ federally mandated expectations. If student achievement levels at a school site do not meet ~~state and local~~ federally mandated expectations and the site has not made adequate yearly progress for two consecutive school years, beginning with the 2001-2002 school year, the district must work with the school site to adopt a plan to raise student achievement levels to meet ~~state and local~~ federally mandated expectations. The commissioner of education shall establish student academic achievement levels to comply with this paragraph.

(b) School sites identified as not meeting federally mandated expectations must develop continuous improvement plans in order to meet ~~state and local~~ federally mandated expectations for student academic achievement. The department, at a district's request, must assist the district and the school site in developing a plan to improve student achievement. The plan must include parental involvement components.

(c) The commissioner must:

(1) ~~provide assistance to~~ assist school sites and districts identified as not meeting federally mandated expectations; and

(2) provide technical assistance to schools that integrate student ~~progress~~ measures ~~under subdivision 3~~ in the school continuous improvement plan.

(d) The commissioner shall establish and maintain a continuous improvement Web site designed to make data on every school and district available to parents, teachers, administrators, community members, and the general public.

Subd. 3. **Student ~~progress assessment~~ growth; other state measures.** (a) ~~The state's educational assessment system component measuring individual students' educational progress must be~~ growth is based, ~~to the extent annual tests are administered,~~ on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement ~~must be~~ are based on highly reliable statewide or districtwide assessments.

(b) The commissioner must identify effective models for measuring individual student progress that enable a school district or school site to perform gains based analysis, including evaluating the effects of the teacher, school, and school district on student achievement over time. At least one model must be a "value added" assessment model that reliably estimates those effects for classroom settings where a single teacher teaches multiple subjects to the same group of students, for team teaching arrangements, and for other teaching circumstances. use a growth-based value-added system. The commissioner must apply the state growth norm to students in grades 4 through 8 beginning in the 2008-2009 school year, consistent with section 120B.299, subdivision 6, initially benchmarking the state growth norm to 2006-2007 school year data. The model must allow the user to:

(1) report student growth at and above the state norm; and

(2) for all student categories with a cell size of at least 20, report and compare aggregated and disaggregated state growth data using the nine student categories identified under the federal 2001 No Child Left Behind Act and two student gender categories of male and female, respectively. The model must measure the effects on student growth at the teacher team level, grade teacher team level, school level, and school district level.

(c) If a district has an accountability plan that includes gains based analysis or "value added" assessment, the commissioner shall, to the extent practicable, incorporate those measures in determining whether the district or school site meets expectations. The department must coordinate with the district in evaluating school sites and continuous improvement plans, consistent with best practices. If a district has an accountability plan that includes other growth-based value-added analysis, the commissioner may, to the extent practicable and consistent with this section, incorporate those measures in determining whether the district or school site shows growth.

(d) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2011, must report two core measures indicating the extent to which current high school graduates are being prepared for postsecondary academic and career opportunities:

(1) a preparation measure indicating the number and percentage of high school graduates in the most recent school year who completed course work important to preparing them for postsecondary academic and career opportunities, consistent with the core academic subjects required for admission to Minnesota's public four-year colleges and universities as determined by the Office of Higher Education under chapter 136A; and

(2) a rigorous coursework measure indicating the number and percentage of high school graduates in the most recent school year who successfully completed one or more college-level advanced placement, international baccalaureate, postsecondary enrollment options including concurrent enrollment, other rigorous courses of study under section 120B.021, subdivision 1a, or industry certification courses or programs.

When reporting the core measures under clauses (1) and (2), the commissioner must also analyze and report separate categories of information using the nine student categories identified under the federal 2001 No Child Left Behind Act and two student gender categories of male and female, respectively.

(e) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2011, must include summary data showing students' average self-reported sense of school safety, engagement in school, and the quality of students' relationship with teachers, administrators, and other students. The commissioner must gather these data consistently from students in grade 4 or 5, in one grade level in grades 6 through 8, and in one grade level in high school, as determined by the commissioner in consultation with recognized and qualified experts.

Subd. 4. Improving schools. Consistent with the requirements of this section, the commissioner of education must establish a second achievement benchmark to identify improving schools. The commissioner must recommend to annually report to the public and the legislature by February 15, 2002, indicators in addition to the achievement

~~benchmark for identifying improving schools, including an indicator requiring a school to demonstrate ongoing successful use of best teaching practices~~ best practices learned from those schools that demonstrate accelerated growth compared to the state growth norm.

The commissioner also must use those learned best practices to provide additional assistance and intervention support to a district or school site that does not meet either federally mandated expectations or the state growth norm.

Subd. 5. **Improving graduation rates for students with emotional or behavioral disorders.** (a) A district must develop strategies in conjunction with parents of students with emotional or behavioral disorders and the county board responsible for implementing sections 245.487 to 245.4889 to keep students with emotional or behavioral disorders in school, when the district has a drop-out rate for students with an emotional or behavioral disorder in grades 9 through 12 exceeding 25 percent.

(b) A district must develop a plan in conjunction with parents of students with emotional or behavioral disorders and the local mental health authority to increase the graduation rates of students with emotional or behavioral disorders. A district with a drop-out rate for children with an emotional or behavioral disturbance in grades 9 through 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight to the commissioner.

EFFECTIVE DATE. Subdivision 3, paragraph (b), applies to students in the 2009-2010 school year and later. Subdivision 3, paragraph (c), applies to students in the 2010-2011 school year and later. Subdivision 3, paragraph (d), applies to high school students in the 2009-2010 school year and later, and to students in any grades 4 through 8 in the 2010-2011 school year and later, consistent with the commissioner's grade level determinations. Subdivision 4 applies in the 2011-2012 school year and later.

Sec. 12. Minnesota Statutes 2006, section 120B.36, as amended by Laws 2007, chapter 146, article 2, section 11, is amended to read:

120B.36 SCHOOL ACCOUNTABILITY; APPEALS PROCESS.

Subdivision 1. **School performance report cards.** (a) ~~The commissioner shall use objective criteria based on levels of student performance to report at least student academic performance under section 120B.35, subdivision 2, the percentages of students at and above the state growth norm under section 120B.35, subdivision 3, paragraph (b), school safety and student engagement under section 120B.35, subdivision 3, paragraph (d), rigorous coursework under section 120B.35, subdivision 3, paragraph (c), two separate student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios, and staff characteristics excluding salaries, with a value-added component added no later than the 2008-2009 school year student enrollment demographics, district mobility, and extracurricular activities. The report must indicate a school's adequate yearly progress status, and must not set any designations applicable to high and low performing schools due solely to adequate yearly progress status.~~

(b) The commissioner shall develop, annually update, and post on the department Web site school performance report cards.

(c) The commissioner must make available ~~the first~~ performance report cards by ~~November 2003, and during~~ the beginning of each school year ~~thereafter~~.

(d) A school or district may appeal its adequate yearly progress or other status determination in writing to the commissioner within 30 days of receiving the notice of its status determination. The commissioner must give the affected school or school district notice and the opportunity for a hearing before an appeals advisory committee

within 30 days after the commissioner receives the written appeal. The commissioner must notify the school or district of the date, time, and place of the hearing at least 21 days before the hearing date. Within 30 days after the hearing, the appeals advisory committee must submit a written recommendation to the commissioner regarding whether to grant or deny the appeal and include the reasons for its recommendation. The commissioner must finally decide an appeal based on an objective evaluation and must make and transmit to the school or district the commissioner's evaluation and final decision within 15 days of receiving the advisory committee recommendation. The commissioner, after consulting with the appeals advisory committee, may postpone the hearing date under special circumstances. The appeals advisory committee is composed of five members:

- (1) a representative of a statewide professional teachers' organization selected by the organization;
- (2) a representative of a statewide organization of school administrators selected by the organization;
- (3) a representative of a statewide parent and teachers organization selected by the organization;
- (4) a representative of a statewide commerce organization having a significant interest in K-12 education selected by the organization; and
- (5) a representative of a statewide school boards association selected by the organization.

Three members of the appeals advisory committee shall serve two-year terms and two members of the appeals advisory committee shall serve three-year terms beginning July 1, 2008. Appeals advisory committee members' terms and other matters are subject to section 15.059. The commissioner must reimburse appeals advisory committee members from federal revenue the department receives under the No Child Left Behind Act. The appeals advisory committee does not expire.

The commissioner must seek the advice of the appeals advisory committee before deciding an appeal. The commissioner's decision to uphold or deny an appeal is final.

(e) School performance report ~~cards~~ card data are nonpublic data under section 13.02, subdivision 9, until not later than ten days after the appeal procedure described in paragraph (d) concludes. The department shall annually post school performance report cards to its public Web site no later than September 1.

Subd. 1a. GRAD test appeals. (a) Consistent with this subdivision, the commissioner must collaborate with high school teachers, high school administrators, parents of high school students, school district assessment directors, higher education faculty with expertise in kindergarten through grade 12 education and assessment, and other interested experts and stakeholders to establish a timely, transparent, and data-based appeals process that allows school districts, at their discretion, to grant a diploma to high school seniors in the 2008-2009, 2009-2010, and 2010-2011 school years who do not receive a passing score on the state reading or math GRAD test.

(b) A high school student in the 2008-2009, 2009-2010, or 2010-2011 school year who does not receive a passing score on the state reading or math GRAD test by April of the student's senior year may appeal to the chief administrator of the high school where the student is enrolled, in the form and manner the commissioner determines, requesting that the school district grant the student a high school diploma without passing the reading or math GRAD test. The high school administrator, in collaboration with teachers and other school staff selected by the administrator, must formally decide whether or not to grant the student a high school diploma based on multiple, well-understood measures of student learning that measurement experts have determined to be valid and reliable and that are available to the educators deciding whether or not to grant the student's request. School district officials must use the data that form the bases of the student appeals under this subdivision, where appropriate, to revise district curriculum to ensure that all students have an equal opportunity to learn and provide appropriate academic intervention and remediation to students who fail to pass the state's reading or math GRAD test.

(c) The commissioner must evaluate the effectiveness and impact of the appeals process and recommend to the legislature by February 1, 2011, whether or not to continue the appeals process under this subdivision. If the commissioner recommends continuing this process, the commissioner also must recommend student performance levels for the state reading and math GRAD tests and the appropriate indicators for school districts to consider in deciding whether or not to grant a diploma to high school seniors who do not receive a passing score on the state reading or math GRAD test.

Subd. 2. **Adequate yearly progress data.** All data the department receives, collects, or creates ~~for purposes of determining to determine~~ adequate yearly progress ~~designations status~~ under Public Law 107-110, section 1116, ~~set state growth norms, and determine student growth~~ are nonpublic data under section 13.02, subdivision 9, until not later than ten days after the appeal procedure described in subdivision 1, paragraph (d), concludes. Districts must provide parents sufficiently detailed summary data to permit parents to appeal under Public Law 107-110, section 1116(b)(2). The department shall annually post federally mandated adequate yearly progress data and state student growth data to its public Web site no later than September 1.

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

Sec. 13. Minnesota Statutes 2006, section 120B.362, is amended to read:

120B.362 GROWTH-BASED VALUE-ADDED ASSESSMENT PROGRAM.

~~(a) The commissioner of education must implement a growth-based value-added assessment program to assist school districts, public schools, and charter schools in assessing and reporting individual students' growth in academic achievement under section 120B.30, subdivision 1a. The program must use assessments of individual students' academic achievement to make longitudinal comparisons of each student's academic growth over time. School districts, public schools, and charter schools may apply to the commissioner to participate in the initial trial program using a form and in the manner the commissioner prescribes. The commissioner must select program participants from urban, suburban, and rural areas throughout the state.~~

~~(b) The commissioner may issue a request for proposals to contract with an organization that provides a value-added assessment model that reliably estimates school and school district effects on students' academic achievement over time. The model the commissioner selects must accommodate diverse data and must use each student's test data across grades. Data on individual teachers generated under the model are personnel data under section 13.43.~~

~~(c) The contract under paragraph (b) must be consistent with the definition of "best value" under section 16C.02, subdivision 4.~~

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

Sec. 14. Minnesota Statutes 2006, section 121A.55, is amended to read:

121A.55 POLICIES TO BE ESTABLISHED.

(a) The commissioner of education shall promulgate guidelines to assist each school board. Each school board shall establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems and shall be designed to address students' inappropriate behavior from recurring. The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission.

(b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

(c) Each school district shall develop a policy and report it to the commissioner on the appropriate use of peace officers and crisis teams to remove students who have an individualized education plan from school grounds.

(d) Each school district must include in the student policies it annually disseminates to students and their parents an expectation that students cooperate with educators and, as educators and circumstances direct, provide information to educators on school disciplinary, classroom, and other education and school matters. For purposes of this paragraph, the requirements of section 13.04 apply only when a school administrator asks a student to provide information to the school administrator that may lead to the student's expulsion.

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

Sec. 15. Minnesota Statutes 2006, section 122A.07, subdivision 2, is amended to read:

Subd. 2. **Eligibility; board composition.** Except for the representatives of higher education and the public, to be eligible for appointment to the Board of Teaching a person must be a teacher currently teaching in a Minnesota school and fully licensed for the position held and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. Each nominee, other than a public nominee, must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure. The board must be composed of:

(1) six teachers who are currently teaching in a Minnesota school or who were teaching at the time of the appointment, at least four of whom must be teaching in a public school;

(2) one higher education representative, who must be a faculty member preparing teachers;

(3) one school administrator; and

(4) three members of the public, two of whom must be present or former members of school boards.

Sec. 16. Minnesota Statutes 2006, section 122A.07, subdivision 3, is amended to read:

Subd. 3. **Vacant position.** With the exception of a teacher who retires from teaching during the course of completing a board term, the position of a member who leaves Minnesota or whose employment status changes to a category different from that from which appointed is deemed vacant.

Sec. 17. Minnesota Statutes 2006, section 122A.09, subdivision 4, is amended to read:

Subd. 4. **License and rules.** (a) The board must adopt rules to license public school teachers and interns subject to chapter 14.

(b) The board must adopt rules requiring a person to successfully complete a skills examination in reading, writing, and mathematics as a requirement for initial teacher licensure. Such rules must require college and universities offering a board-approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language.

(c) The board must adopt rules to approve teacher preparation programs. The board, upon the request of a postsecondary student preparing for teacher licensure or a licensed graduate of a teacher preparation program, shall assist in resolving a dispute between the person and a postsecondary institution providing a teacher preparation program when the dispute involves an institution's recommendation for licensure affecting the person or the person's credentials. At the board's discretion, assistance may include the application of chapter 14.

(d) The board must provide the leadership and shall adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes. The board must require that persons enrolled in a teacher preparation program receive instruction in historical and cultural competencies related to Minnesota American Indian tribes and communities and their contributions to Minnesota, consistent with sections 120B.021, subdivision 1, and 124D.71 to 124D.82. The competencies related to Minnesota American Indian tribes and communities must include, among other components, standards for instructional practices most effective for successfully teaching elementary and secondary American Indian students.

(e) The board must adopt rules requiring successful completion of an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective on the dates determined by the board but not later than September 1, 2001.

(f) The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment.

(g) The board must grant licenses to interns and to candidates for initial licenses.

(h) The board must design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.

(j) The board must grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and 214.10. The board must not establish any expiration date for application for life licenses.

(k) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule.

(l) In adopting rules to license public school teachers who provide health-related services for disabled children, the board shall adopt rules consistent with license or registration requirements of the commissioner of health and the health-related boards who license personnel who perform similar services outside of the school.

(m) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect until they are approved by law. Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.

(n) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in understanding the key warning signs of early-onset mental illness in children and adolescents.

EFFECTIVE DATE. This section is effective for the 2008-2009 school year and later.

Sec. 18. Minnesota Statutes 2006, section 122A.14, is amended by adding a subdivision to read:

Subd. 2a. Gifted and talented preparation. A university approved by the board to prepare candidates for administrative licensure must provide candidates, as part of the traditional and alternative preparation programs, the opportunity to acquire competency in administering gifted and talented services.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to candidates who enroll in either a traditional or an alternative preparation administrator licensure program after August 15, 2009.

Sec. 19. Minnesota Statutes 2006, section 122A.14, is amended by adding a subdivision to read:

Subd. 2c. Gifted and talented preparation; board review. (a) The board must periodically review and approve traditional and alternative preparation sequences for school administrators and the sequence of competencies in administering gifted and talented student programs and services.

(b) The board also may advise a university on developing and implementing continuing education programs focused on building competencies for administering gifted and talented programs and other gifted services.

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

Sec. 20. Minnesota Statutes 2006, section 122A.18, is amended by adding a subdivision to read:

Subd. 10. Gifted and talented preparation; board review. (a) A college or university with a teacher preparation program approved by the board must provide teacher candidates with the opportunity to acquire competency in recognizing gifted students and in providing classroom instruction to gifted and talented students.

(b) The board must periodically review and approve traditional and alternative sequences for teacher candidates in recognizing gifted students and in providing classroom instruction to gifted and talented students.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to teacher candidates who enroll in either a traditional or an alternative preparation teacher licensure program after September 1, 2009.

Sec. 21. Minnesota Statutes 2006, section 122A.60, is amended to read:

122A.60 STAFF DEVELOPMENT PROGRAM.

Subdivision 1. **Staff development committee.** A school board must use the revenue authorized in section 122A.61 for ~~in-service education~~ for programs under section 120B.22, subdivision 2, or for staff development plans under this section. The board must establish an advisory staff development committee to develop the plan, assist site professional development teams in developing a site plan consistent with the goals of the plan, and evaluate staff development efforts at the site level. A majority of the advisory committee and the site professional development team must be teachers representing various grade levels, subject areas, and special education. The advisory committee must also include nonteaching staff, parents, and administrators.

Subd. 1a. **Effective staff development activities.** (a) Staff development activities must be aligned with the district and school site staff development plans, based on student achievement data, focused on student learning goals, and used in the classroom setting. Activities must:

- (1) focus on the school classroom and research-based strategies that improve student learning;
- (2) provide opportunities for teachers to practice and improve their instructional skills over time;
- (3) provide regular opportunities for teachers to use student data as part of their daily work to increase student achievement;
- (4) enhance teacher content knowledge and instructional skills;
- (5) align with state and local academic standards;
- (6) provide job-embedded or integrated professional development opportunities during teacher contract day to build professional relationships, foster collaboration among principals and staff who provide instruction to identify instructional strategies to meet student learning goals, plan for instruction, practice new teaching strategies, review the results of implementing strategies, and provide opportunities for teacher-to-teacher coaching and mentoring; and
- (7) align with the plan of the district or site for an alternative teacher professional pay system.

Staff development activities may also include curriculum development and curriculum training programs, and activities that provide teachers and other members of site-based teams training to enhance team performance. The school district also may implement other staff development activities required by law and activities associated with professional teacher compensation models.

(b) Release time provided for teachers to supervise students on field trips and school activities, or independent tasks not associated with enhancing the teacher's knowledge and instructional skills, such as preparing report cards, calculating grades, or organizing classroom materials, may not be counted as staff development time that is financed with staff development reserved revenue under section 122A.61.

Subd. 2. **Contents of the plan.** The plan must be based on student achievement and include student learning goals, the staff development outcomes under subdivision 3, the means to achieve the outcomes, and procedures for evaluating progress at each school site toward meeting education outcomes.

Subd. 3. **Staff development outcomes.** The advisory staff development committee must adopt a staff development plan for increasing teacher effectiveness and improving student achievement. The plan must be consistent with education outcomes that the school board determines. The plan must include ongoing staff development activities that contribute toward continuous improvement in achievement of the following goals:

- (1) improve student achievement of state and local education standards in all areas of the curriculum by using research-based best practices methods;
- (2) effectively meet the needs of a diverse student population, including at-risk children, English language learners, children with disabilities, and gifted children, within the regular classroom and other settings;
- (3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse student population that is consistent with the state education diversity rule and the district's education diversity plan;

(4) improve staff collaboration and develop mentoring and peer coaching programs for teachers new to the school or district or in their first five years of teaching;

(5) effectively teach and model violence prevention policy and curriculum that address early intervention alternatives, issues of harassment, and teach nonviolent alternatives for conflict resolution; and

(6) provide teachers and other members of site-based management teams with appropriate management and financial management skills.

Subd. 4. **Staff development report.** (a) By October 15 1 of each year, the district and site staff development committees shall write and submit a report of staff development activities and expenditures for the previous year, in the form and manner determined by the commissioner. The report, signed by the district superintendent and staff development chair, must include assessment and evaluation data indicating progress toward district and site staff development goals based on teaching and learning outcomes, including the percentage of teachers and other staff involved in instruction who participate in effective staff development activities under subdivision 3.

(b) The report must break down expenditures for:

(1) curriculum development and curriculum training programs; and

(2) staff development training models, workshops, and conferences, and the cost of releasing teachers or providing substitute teachers for staff development purposes.

The report also must indicate whether the expenditures were incurred at the district level or the school site level, and whether the school site expenditures were made possible by grants to school sites that demonstrate exemplary use of allocated staff development revenue. These expenditures must be reported using the uniform financial and accounting and reporting standards.

(c) The commissioner shall report the staff development progress and expenditure data to the house of representatives and senate committees having jurisdiction over education by February 15 each year.

Sec. 22. Minnesota Statutes 2006, section 122A.61, subdivision 1, is amended to read:

Subdivision 1. **Staff development revenue.** A district is required to reserve an amount equal to at least two percent of the basic revenue under section 126C.10, subdivision 2, for ~~in-service education for~~ programs under section 120B.22, subdivision 2, for with the primary purpose of creating and implementing district and school site staff development plans, including. Funds may also be used to support plans for challenging instructional activities and experiences under section 122A.60, ~~and for curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, the cost of substitute teachers staff development purposes,~~ preservice and in-service education for special education professionals and paraprofessionals, and other related costs for staff development efforts. A district may annually waive the requirement to reserve their basic revenue under this section if a majority vote of the licensed teachers in the district and a majority vote of the school board agree to a resolution to waive the requirement. A district in statutory operating debt is exempt from reserving basic revenue according to this section. Districts may expend an additional amount of unreserved revenue for staff development based on their needs. With the exception of amounts reserved for staff development from revenues allocated directly to school sites, the board must initially allocate 50 percent of the reserved revenue to each school site in the district on a per teacher basis, which must be retained by the school site until used. The board may retain 25 percent to be used for district wide staff development efforts. The remaining 25 percent of the revenue must be used to make grants to school sites for best practices methods. A grant may be used for any purpose authorized under section 120B.22, subdivision 2, 122A.60, ~~or for the costs of curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, substitute teachers for staff development purposes, and other staff~~

development efforts, and determined by the site professional development team. The site professional development team must demonstrate to the school board the extent to which staff at the site have met the outcomes of the program. The board may withhold a portion of initial allocation of revenue if the staff development outcomes are not being met.

Sec. 23. Minnesota Statutes 2006, section 122A.75, subdivision 1, is amended to read:

Subdivision 1. **Services.** An Administrators Academy is established. The academy shall provide at least the following services:

- (1) an administrator assessment that results in an individual professional development plan;
- (2) research and development assistance that provides current research and data of interest to administrators; ~~and~~
- (3) brokerage assistance to provide services and resources to help administrators with needs identified in their individual professional development plan; and
- (4) the opportunity for administrators to acquire competency in administering gifted and talented services, consistent with section 122A.14, subdivision 2c.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to administrators participating in an administrators academy program after August 1, 2009.

Sec. 24. Minnesota Statutes 2006, section 123B.03, subdivision 1, is amended to read:

Subdivision 1. **Background check required.** (a) A school hiring authority, as defined in subdivision 3, shall request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all individuals who are offered employment in the school, as defined in subdivision 3. In order to be eligible for employment, an individual who is offered employment must provide an executed criminal history consent form and a money order or check payable to either the Bureau of Criminal Apprehension or the school hiring authority, at the election of the school hiring authority, in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school district of conducting the criminal history background check. A school hiring authority electing to receive payment may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and shall pay the superintendent of the Bureau of Criminal Apprehension directly to conduct the background check. The superintendent of the Bureau of Criminal Apprehension shall conduct the background check by retrieving criminal history data maintained in the criminal justice information system computers. A school hiring authority, at its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the State Board of Teaching or the commissioner of education within the 12 months preceding an offer of employment.

(b) A school hiring authority may use the results of a criminal background check conducted at the request of another school hiring authority if:

- (1) the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
- (2) the other school hiring authority conducted a criminal background check within the previous 12 months;
- (3) the individual who is the subject of the criminal background check executes a written consent form giving a school hiring authority access to the results of the check; and

(4) there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment.

(c) A school hiring authority may, at its discretion, request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on any individual who seeks to enter a school or its grounds for the purpose of serving as a school volunteer or working as an independent contractor or student employee. In order for an individual to enter a school or its grounds under this paragraph when the school hiring authority elects to request a criminal history background check on the individual, the individual first must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school district in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school district of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.

(d) For all nonstate residents who are offered employment in a school, a school hiring authority shall request a criminal history background check on such individuals from the superintendent of the Bureau of Criminal Apprehension and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. Such individuals must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school hiring authority in an amount equal to the actual cost to the government agencies and the school district of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.

(e) Consistent with the terms in paragraph (a), a school hiring authority, as defined in subdivision 3, shall request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on an individual who elects to provide athletic coaching services or other extracurricular or cocurricular services to a district, regardless of the terms of the service.

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

Sec. 25. Minnesota Statutes 2006, section 123B.03, is amended by adding a subdivision to read:

Subd. 1a. **Investigation of disciplinary actions taken against prospective teachers.** At the time a school hiring authority conducts the criminal history background check required under subdivision 1 on an individual offered employment as a teacher, the school hiring authority must contact the Board of Teaching to determine whether the board has taken disciplinary action against the teacher based on a board determination that inappropriate sexual conduct or attempted inappropriate sexual conduct occurred between the teacher and a student. If disciplinary action has been taken based on this type of conduct, the school hiring authority must obtain access to data that are public under sections 13.41, subdivision 5, and 13.43, subdivision 2, that relate to the substance of the disciplinary action. In addition, the school hiring authority must require the individual to provide information in the employment application regarding all current and previous disciplinary actions in Minnesota and other states taken against the individual's teaching license as a result of inappropriate sexual conduct or attempted inappropriate sexual conduct with a student and indicate to the applicant that intentionally submitting false or incomplete information is a ground for dismissal.

EFFECTIVE DATE. This section is effective May 1, 2009.

Sec. 26. Minnesota Statutes 2006, section 123B.03, subdivision 2, is amended to read:

Subd. 2. **Conditional hiring; discharge.** A school hiring authority may hire an individual pending completion of a background check under subdivision 1 or an investigation of disciplinary actions under subdivision 1a but shall notify the individual that the individual's employment may be terminated based on the result of the background check or investigation. A school hiring authority is not liable for failing to hire or for terminating an individual's employment based on the result of a background check or investigation under this section.

EFFECTIVE DATE. This section is effective May 1, 2009.

Sec. 27. Minnesota Statutes 2007 Supplement, section 123B.143, subdivision 1, is amended to read:

Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary school must employ a superintendent who shall be an ex officio nonvoting member of the school board. The authority for selection and employment of a superintendent must be vested in the board in all cases. An individual employed by a board as a superintendent shall have an initial employment contract for a period of time no longer than three years from the date of employment. Any subsequent employment contract must not exceed a period of three years. A board, at its discretion, may or may not renew an employment contract. A board must not, by action or inaction, extend the duration of an existing employment contract. Beginning 365 days prior to the expiration date of an existing employment contract, a board may negotiate and enter into a subsequent employment contract to take effect upon the expiration of the existing contract. A subsequent contract must be contingent upon the employee completing the terms of an existing contract. If a contract between a board and a superintendent is terminated prior to the date specified in the contract, the board may not enter into another superintendent contract with that same individual that has a term that extends beyond the date specified in the terminated contract. A board may terminate a superintendent during the term of an employment contract for any of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall not rely upon an employment contract with a board to assert any other continuing contract rights in the position of superintendent under section 122A.40. Notwithstanding the provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law to the contrary, no individual shall have a right to employment as a superintendent based on order of employment in any district. If two or more districts enter into an agreement for the purchase or sharing of the services of a superintendent, the contracting districts have the absolute right to select one of the individuals employed to serve as superintendent in one of the contracting districts and no individual has a right to employment as the superintendent to provide all or part of the services based on order of employment in a contracting district. The superintendent of a district shall perform the following:

(1) visit and supervise the schools in the district, report and make recommendations about their condition when advisable or on request by the board;

(2) recommend to the board employment and dismissal of teachers;

(3) superintend school grading practices and examinations for promotions;

(4) make reports required by the commissioner; and

(5) ~~by January 10, submit an annual report to the commissioner in a manner prescribed by the commissioner, in consultation with school districts, identifying the expenditures that the district requires to ensure an 80 percent student passage rate on the MCA IIs taken in the eighth grade, identifying the highest student passage rate the district expects it will be able to attain on the MCA IIs by grade 12, and the amount of expenditures that the district requires to attain the targeted student passage rate; and~~

~~(6)~~ perform other duties prescribed by the board.

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

Sec. 28. Minnesota Statutes 2006, section 123B.51, is amended by adding a subdivision to read:

Subd. 5a. **Temporary closing.** A school district that proposes to temporarily close a schoolhouse or that intends to lease the facility to another entity for use as a schoolhouse for three or fewer years is not subject to subdivision 5 if the school board holds a public meeting and allows public comment on the schoolhouse's future.

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

Sec. 29. Minnesota Statutes 2007 Supplement, section 124D.095, subdivision 4, is amended to read:

Subd. 4. **Online learning parameters.** (a) An online learning student must receive academic credit for completing the requirements of an online learning course or program. Secondary credits granted to an online learning student must be counted toward the graduation and credit requirements of the enrolling district. An online learning provider must make available to the enrolling district the course syllabus, standard alignment, content outline, assessment requirements, and contact information for supplemental online courses taken by students in the enrolling district. The enrolling district must apply the same graduation requirements to all students, including online learning students, and must continue to provide nonacademic services to online learning students. If a student completes an online learning course or program that meets or exceeds a graduation standard or grade progression requirement at the enrolling district, that standard or requirement is met. The enrolling district must use the same criteria for accepting online learning credits or courses as it does for accepting credits or courses for transfer students under section 124D.03, subdivision 9. The enrolling district may reduce the course schedule of an online learning student in proportion to the number of online learning courses the student takes from an online learning provider that is not the enrolling district.

(b) An online learning student may:

(1) enroll in supplemental online learning courses during a single school year to a maximum of 50 percent of the student's full schedule of courses per term. A student may exceed the supplemental online learning registration limit if the enrolling district grants permission for supplemental online learning enrollment above the limit, or if an agreement is made between the enrolling district and the online learning provider for instructional services;

(2) complete course work at a grade level that is different from the student's current grade level; and

(3) enroll in additional courses with the online learning provider under a separate agreement that includes terms for payment of any tuition or course fees.

(c) An online learning student has the same access to the computer hardware and education software available in a school as all other students in the enrolling district. An online learning provider must assist an online learning student whose family qualifies for the education tax credit under section 290.0674 to acquire computer hardware and educational software for online learning purposes.

(d) An enrolling district may offer online learning to its enrolled students. Such online learning does not generate online learning funds under this section. Notwithstanding paragraph (e), an enrolling district that offers online learning only to its enrolled students is not subject to the reporting requirements or review criteria under subdivision 7, unless the enrolling district is a full-time online provider. A teacher with a Minnesota license must assemble and deliver instruction to enrolled students receiving online learning from an enrolling district. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher with a Minnesota license.

(e) An online learning provider ~~that is not the enrolling district~~ is subject to the reporting requirements and review criteria under subdivision 7. A teacher with a Minnesota license must assemble and deliver instruction to online learning students. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher with a Minnesota license. Unless the commissioner grants a waiver, a teacher providing online learning instruction must not instruct more than 40 students in any one online learning course or program.

(f) To enroll in more than 50 percent of the student's full schedule of courses per term in online learning, the student must qualify to exceed the supplemental online learning registration limit under paragraph (b) or apply for enrollment to an approved full-time online learning program following appropriate procedures in subdivision 3, paragraph (a). Full-time online learning students may enroll in classes at a local school per contract for instructional services between the online learning provider and the school district.

Sec. 30. Minnesota Statutes 2006, section 124D.10, subdivision 2a, is amended to read:

Subd. 2a. **Charter School Advisory Council.** (a) A Charter School Advisory Council is established under section 15.059 except that the term for each council member shall be three years. The advisory council is composed of seven members from throughout the state who have demonstrated experience with or interest in charter schools. The members of the council shall be appointed by the commissioner. The advisory council shall bring to the attention of the commissioner any matters related to charter schools that the council deems necessary and shall:

- (1) encourage school boards to make full use of charter school opportunities;
- (2) encourage the creation of innovative schools;
- (3) provide leadership and support for charter school sponsors to increase the innovation in and the effectiveness, accountability, and fiscal soundness of charter schools;
- (4) serve an ombudsman function in facilitating the operations of new and existing charter schools;
- (5) promote timely financial management training for newly elected members of a charter school board of directors and ongoing training for other members of a charter school board of directors; and
- (6) facilitate compliance with auditing and other reporting requirements. The advisory council shall refer all its proposals to the commissioner who shall provide time for reports from the council.

(b) The Charter School Advisory Council under this subdivision ~~expires June 30, 2007~~ does not expire and the expiration date provided in section 15.059, subdivision 5, does not apply to this section.

EFFECTIVE DATE. This section is effective retroactively from June 30, 2007.

Sec. 31. Minnesota Statutes 2007 Supplement, section 124D.10, subdivision 4, is amended to read:

Subd. 4. **Formation of school.** (a) A sponsor may authorize one or more licensed teachers under section 122A.18, subdivision 1, to operate a charter school subject to approval by the commissioner. A board must vote on charter school application for sponsorship no later than 90 days after receiving the application. The school must be organized and operated as a cooperative under chapter 308A or nonprofit corporation under chapter 317A and the provisions under the applicable chapter shall apply to the school except as provided in this section. Notwithstanding sections 465.717 and 465.719, a school district may create a corporation for the purpose of creating a charter school.

(b) Before the operators may form and operate a school, the sponsor must file an affidavit with the commissioner stating its intent to authorize a charter school. The affidavit must demonstrate the sponsor's abilities, capacities, and expertise in fulfilling the responsibilities of a sponsor and state the terms and conditions under which the sponsor would authorize a charter school and how the sponsor intends to oversee the fiscal and student performance of the charter school and to comply with the terms of the written contract between the sponsor and the charter school board of directors under subdivision 6 in the form and manner prescribed by the commissioner. The sponsor must submit an affidavit to the commissioner for each charter school it proposes to authorize. The commissioner must approve or disapprove the sponsor's proposed authorization within 90 days of receipt of the affidavit. Failure to obtain commissioner approval precludes a sponsor from authorizing the charter school that was the subject of the affidavit.

(c) The operators authorized to organize and operate a school, before entering into a contract or other agreement for professional or other services, goods, or facilities, must incorporate as a cooperative under chapter 308A or as a nonprofit corporation under chapter 317A and must establish a board of directors composed of at least five nonrelated members until a timely election for members of the charter school board of directors is held according to the school's articles and bylaws. A charter school board of directors must be composed of at least five members. Any staff members who are employed at the school, including teachers providing instruction under a contract with a cooperative, and all parents of children enrolled in the school may are eligible to participate in the election for members of the school's board of directors. Licensed teachers employed at the school, including teachers providing instruction under a contract with a cooperative, must be a majority of the members of the board of directors before the school completes its third year of operation, unless the commissioner waives the requirement for a majority of licensed teachers on the board. Board of director meetings must comply with chapter 13D.

(d) The granting or renewal of a charter by a sponsoring entity must not be conditioned upon the bargaining unit status of the employees of the school.

(e) The granting or renewal of a charter school by a sponsor must not be contingent on the charter school being required to contract, lease, or purchase services from the sponsor. A sponsor is prohibited from entering into a contract to provide management and financial services for a school that it is authorized to sponsor.

~~(f)~~ (f) A sponsor may authorize the operators of a charter school to expand the operation of the charter school to additional sites or to add additional grades at the school beyond those described in the sponsor's application as approved by the commissioner only after submitting a supplemental application to the commissioner in a form and manner prescribed by the commissioner. The supplemental application must provide evidence that:

- (1) the expansion of the charter school is supported by need and projected enrollment;
- (2) the charter school is fiscally sound;
- (3) the sponsor supports the expansion; and
- (4) the building of the additional site meets all health and safety requirements to be eligible for lease aid.

~~(g)~~ (g) The commissioner annually must provide timely financial management training to newly elected members of a charter school board of directors and ongoing training to other members of a charter school board of directors. Training must address ways to:

- (1) proactively assess opportunities for a charter school to maximize all available revenue sources;
- (2) establish and maintain complete, auditable records for the charter school;
- (3) establish proper filing techniques;

- (4) document formal actions of the charter school, including meetings of the charter school board of directors;
- (5) properly manage and retain charter school and student records;
- (6) comply with state and federal payroll record-keeping requirements; and
- (7) address other similar factors that facilitate establishing and maintaining complete records on the charter school's operations.

Sec. 32. Minnesota Statutes 2006, section 124D.10, subdivision 4a, is amended to read:

Subd. 4a. **Conflict of interest.** (a) A member of a charter school board of directors is prohibited from serving as a member of the board of directors or as an employee or agent of or a contractor with a for-profit entity with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities. A violation of this prohibition renders a contract voidable at the option of the commissioner. The commissioner may reduce a charter school's state aid under section 127A.42 if the charter school board fails to correct violations under this subdivision in a timely manner. A member of a charter school board of directors who violates this prohibition shall be individually liable to the charter school for any damage caused by the violation.

(b) An individual may serve as a member of the board of directors if no conflict of interest under paragraph (a) exists.

(c) A member of a charter school board of directors that serves as a member of the board of directors or as an employee or agent of or a contractor with a nonprofit entity with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities, must disclose all potential conflicts to the commissioner. A violation of this requirement makes a contract voidable at the option of the commissioner. The commissioner may reduce a charter school's aid under section 127A.42 if the charter school fails to correct violations under this subdivision in a timely manner.

(d) The conflict of interest provisions under this subdivision do not apply to compensation paid to a teacher employed by the charter school who also serves as a member of the board of directors.

(e) The conflict of interest provisions under this subdivision do not apply to a teacher who provides services to a charter school through a cooperative formed under chapter 308A when the teacher also serves on the charter school board of directors.

Sec. 33. Minnesota Statutes 2006, section 124D.10, subdivision 6, is amended to read:

Subd. 6. **Contract.** The sponsor's authorization for a charter school must be in the form of a written contract signed by the sponsor and the board of directors of the charter school. The contract must be completed within 90 days of the commissioner's approval of the sponsor's proposed authorization. The contract for a charter school must be in writing and contain at least the following:

- (1) a description of a program that carries out one or more of the purposes in subdivision 1;
- (2) specific outcomes pupils are to achieve under subdivision 10;
- (3) admission policies and procedures;
- (4) management and administration of the school;

- (5) requirements and procedures for program and financial audits;
- (6) how the school will comply with subdivisions 8, 13, 16, and 23;
- (7) assumption of liability by the charter school;
- (8) types and amounts of insurance coverage to be obtained by the charter school;
- (9) the term of the contract, which may be up to three years;

(10) if how the board of directors or the operators of the charter school will provide special instruction and services for children with a disability under sections 125A.03 to 125A.24, and 125A.65, a description of the financial parameters within which the charter school will operate to provide the special instruction and services to children with a disability; and

(11) the process and criteria the sponsor intends to use to monitor and evaluate the fiscal and student performance of the charter school, consistent with subdivision 15.

Sec. 34. Minnesota Statutes 2006, section 124D.10, subdivision 6a, is amended to read:

Subd. 6a. **Audit report.** (a) The charter school must submit an audit report to the commissioner by December 31 each year.

(b) The charter school, with the assistance of the auditor conducting the audit, must include with the report a copy of all charter school agreements for corporate management services. If the entity that provides the professional services to the charter school is exempt from taxation under section 501 of the Internal Revenue Code of 1986, that entity must file with the commissioner by February 15 a copy of the annual return required under section 6033 of the Internal Revenue Code of 1986.

(c) If the commissioner receives ~~as part of the~~ an audit report ~~a management letter~~ indicating that a material weakness exists in the financial reporting systems of a charter school, the charter school must submit a written report to the commissioner explaining how the material weakness will be resolved.

(d) Upon the request of an individual, the charter school must make available in a timely fashion the minutes of meetings of members, the board of directors, and committees having any of the authority of the board of directors, and statements showing the financial result of all operations and transactions affecting income and surplus during the school's last annual accounting period and a balance sheet containing a summary of its assets and liabilities as of the closing date of the accounting period.

Sec. 35. Minnesota Statutes 2006, section 124D.10, subdivision 7, is amended to read:

Subd. 7. **Public status; exemption from statutes and rules.** A charter school is a public school and is part of the state's system of public education. ~~Except as provided in this section, a charter school is exempt from all statutes and rules applicable to a school, a board, or a district, although it may elect to comply with one or more provisions of statutes or rules. A charter school is exempt from all statutes and rules applicable to a school, board, or district unless a statute or rule is made specifically applicable to a charter school.~~

Sec. 36. Minnesota Statutes 2006, section 124D.10, subdivision 8, is amended to read:

Subd. 8. **State and local requirements.** (a) A charter school shall meet all ~~applicable~~ applicable federal, state, and local health and safety requirements applicable to school districts.

(b) A school sponsored by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution.

(c) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(d) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.

(e) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(f) A charter school may not charge tuition.

(g) A charter school is subject to and must comply with chapter 363A and section 121A.04.

(h) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(i) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district. Audits must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act, if applicable, and section 6.65. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 123B.52, subdivision 5; 471.38; 471.391; 471.392; 471.425; 471.87; 471.88, subdivisions 1, 2, 3, 4, 5, 6, 12, 13, and 15; 471.881; and 471.89. The audit must comply with the requirements of sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the program at the school. Deviations must be approved by the commissioner. The Department of Education, state auditor, or legislative auditor may conduct financial, program, or compliance audits. A charter school determined to be in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(j) A charter school is a district for the purposes of tort liability under chapter 466.

(k) A charter school must comply with sections 13.32; 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

(l) A charter school is subject to the Pledge of Allegiance requirement under section 121A.11, subdivision 3.

Sec. 37. Minnesota Statutes 2006, section 124D.10, subdivision 23, is amended to read:

Subd. 23. **Causes for nonrenewal or termination of charter school contract.** (a) The duration of the contract with a sponsor must be for the term contained in the contract according to subdivision 6. The sponsor may or may not renew a contract at the end of the term for any ground listed in paragraph (b). A sponsor may unilaterally terminate a contract during the term of the contract for any ground listed in paragraph (b). At least 60 days before not renewing or terminating a contract, the sponsor shall notify the board of directors of the charter school of the proposed action in writing by registered mail. The notice shall state the grounds for the proposed action in reasonable detail and that the charter school's board of directors may request in writing an informal hearing before the sponsor within 14 days of receiving notice of nonrenewal or termination of the contract. Failure by the board of directors to make a written request for a hearing within the 14-day period shall be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the sponsor shall give reasonable notice to

the charter school's board of directors of the hearing date. The sponsor shall conduct an informal hearing before taking final action. The sponsor shall take final action to renew or not renew a contract ~~by the last day of classes in the school year~~ no later than 15 days before the termination date or the end of the contract. If the sponsor is a local board, the school's board of directors may appeal the sponsor's decision to the commissioner.

(b) A contract may be terminated or not renewed upon any of the following grounds:

- (1) failure to meet the requirements for pupil performance contained in the contract;
- (2) failure to meet generally accepted standards of fiscal management;
- (3) violations of law; or
- (4) other good cause shown.

If a contract is terminated or not renewed under this paragraph, the school must be dissolved according to the applicable provisions of chapter 308A or 317A, except when the commissioner approves the decision of a different eligible sponsor to authorize the charter school.

(c) If at the end of a contract term, ~~either the sponsor or~~ and the charter school board of directors ~~wants~~ mutually agree to voluntarily terminate the contract, a change in sponsors is allowed if the commissioner approves the decision of a different eligible sponsor to authorize the charter school. ~~The party intending to terminate the contract must notify the other party and the commissioner of its intent at least 90 days before the date on which the contract ends. The commissioner must determine whether the charter school and the prospective new sponsor can clearly identify and effectively resolve those circumstances causing the previous sponsor and the charter school to terminate the contract before the commissioner determines whether to grant the change of sponsor. Both parties must jointly submit in writing to the commissioner their intent to terminate the contract.~~ The sponsor that is a party to the existing contract at least must inform the approved different eligible sponsor about the fiscal and student performance of the school. If no different eligible sponsor is approved, the school must be dissolved according to applicable law and the terms of the contract.

(d) The commissioner, after providing reasonable notice to the board of directors of a charter school and the existing sponsor, and after providing an opportunity for a public hearing, may terminate the existing sponsorial relationship if the charter school has a history of:

- (1) sustained failure to meet the requirements for pupil performance contained in the contract;
- ~~(2)~~ (2) financial mismanagement; or
- ~~(3)~~ (3) repeated violations of the law; or
- (4) other good cause shown.

Sec. 38. Minnesota Statutes 2007 Supplement, section 124D.10, subdivision 23a, is amended to read:

Subd. 23a. **Related party lease costs.** (a) A charter school is prohibited from entering a lease of real property with a related party as defined in ~~subdivision 26~~ this subdivision, unless the lessor is a nonprofit corporation under chapter 317A or a cooperative under chapter 308A, and the lease cost is reasonable under section 124D.11, subdivision 4, clause (1).

(b) For purposes of this subdivision:

(1) "related party" means an affiliate or close relative of the other party in question, an affiliate of a close relative, or a close relative of an affiliate;

(2) "affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person;

(3) "close relative" means an individual whose relationship by blood, marriage, or adoption to another individual is no more remote than first cousin;

(4) "person" means an individual or entity of any kind; and

(5) "control" means the ability to affect the management, operations, or policies of a person, whether through ownership of voting securities, by contract, or otherwise.

~~(b)~~ (c) A lease of real property to be used for a charter school, not excluded in paragraph (a), must contain the following statement: "This lease is subject to Minnesota Statutes, section 124D.10, subdivision 23a."

~~(c)~~ (d) If a charter school enters into as lessee a lease with a related party and the charter school subsequently closes, the commissioner has the right to recover from the lessor any lease payments in excess of those that are reasonable under section 124D.11, subdivision 4, clause (1).

Sec. 39. **[124D.805] COMMITTEE ON AMERICAN INDIAN EDUCATION PROGRAMS.**

Subdivision 1. **Establishment.** The commissioner of education shall establish an American Indian education committee. Members appointed by the commissioner must include representatives of tribal bodies, community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, persons experienced in the training of teachers for American Indian education programs, persons involved in programs for American Indian children in American Indian schools, and persons knowledgeable in the field of American Indian education. Appointed members shall be representative of significant segments of the population of American Indians.

Subd. 2. **Committee to advise commissioner.** The committee on American Indian education programs shall advise the commissioner in the administration of the commissioner's duties under sections 124D.71 to 124D.82 and other programs for the education of American Indian people as determined by the commissioner.

Subd. 3. **Expenses.** The committee may be reimbursed for expenses according to section 15.059, subdivision 6. The commissioner must determine the membership terms and the duration of the committee, which expire no later than June 30, 2020.

Sec. 40. Minnesota Statutes 2006, section 124D.86, subdivision 1, is amended to read:

Subdivision 1. **Use of revenue.** (a) Integration revenue under this section must be used for programs established under a desegregation plan filed with the Department of Education according to Minnesota Rules, parts 3535.0100 to 3535.0180, or under court order. The revenue must be used to create or enhance learning opportunities which are designed to provide opportunities for students to have increased interracial contacts through classroom experiences, staff initiatives, and other educationally related programs.

(b) A school district, as a condition of receiving revenue each year under this section, must have:

(1) published specific desegregation or integration goals;

(2) identified valid and reliable indicators to measure annual progress toward achieving district goals; and

(3) using its identified indicators, demonstrated to the commissioner the amount of progress in achieving the district goals in the preceding school year.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to the 2008-2009 school year and later.

Sec. 41. **[125B.015] STATE AND SCHOOL DISTRICT TECHNOLOGY STANDARDS.**

Subdivision 1. **State technology standards; standard setting.** (a) Notwithstanding other law to the contrary, the commissioner, the Minnesota Education Technology Task Force, and representatives of school districts must enter into a technology partnership to identify for school districts the robust technology tools and systems that improve the educational achievement of all Minnesota students. The partnership must establish a foundation of flexible shared services that supports state development and implementation of new and more efficient educational business practices, including the use of modern analytical tools that help schools and school districts make data-driven decisions and increase instructional time. The partnership also must anticipate the needs of school districts for effectively using emerging technologies to make the best and most cost-effective use of finite educational resources.

(b) The commissioner, in collaboration with the other members of the technology partnership and other interested and affected stakeholders, must establish and then maintain, revise, and publish every four years beginning June 1, 2012, state and district technology standards and accompanying guidelines consistent with the requirements of this section. The state and school districts must use the technology standards to participate in a uniform data collection system premised on:

(1) common data definitions for all required data elements;

(2) a common course catalogue;

(3) common transcript definitions; and

(4) school district infrastructure technology standards.

(c) School districts, consistent with this section and other applicable law, may use financial resources in addition to state funding to provide students with the technology tools they need to succeed in an increasingly complex and information-rich environment.

Subd. 2. **District technology standards.** (a) The commissioner, in collaboration with the Minnesota Education Technology Task Force, must establish and then maintain, revise, and publish six categories of district technology standards consistent with this section. The district technology standards must encompass:

(1) instructional technology that include best practices in 21st century classroom instruction and student learning;

(2) technological tools that support formative and summative online assessments, equipment, and software;

(3) shared services that facilitate network and data systems administration;

(4) data practices that include technical security, Internet safety, and data privacy;

(5) data management that facilitates efficient data transfers involving school districts and the department; and

(6) facilities infrastructure that supports multipurpose technology facilities for instruction and assessment.

(b) School districts must align district technology expenditures with state and district technology standards established under this section.

(c) Beginning December 1, 2010, and each two-year period thereafter, school districts must use the district technology standards in this section to complete a review of the district technology environment that:

(1) examines the alignment of district technology expenditures to the technology standards under this section;

(2) identifies service gaps in the district technology plan; and

(3) estimates the funding needed to fill service gaps.

(d) School districts must transmit the substance of the review to the commissioner in the form and manner the commissioner determines in collaboration with the Minnesota Education Technology Task Force. The commissioner must evaluate and report the substance of the reviews to the legislature by February 15, 2011, and each two-year period thereafter.

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.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to the 2008-2009 school year and later.

Sec. 42. Minnesota Statutes 2006, section 471.88, is amended by adding a subdivision to read:

Subd. 21. **Contract with no bids required.** Notwithstanding subdivision 1, a local school board may contract with a class of school district employees such as teachers or custodians where the spouse of a school board member is a member of the class of employees contracting with the school board and the employee spouse receives no special monetary or other benefit that is substantially different from the benefits that other members of the class receive under the employment contract. A school board invoking this exception must have a majority of disinterested school board members vote to approve the contract, direct the school board member spouse to abstain from voting to approve the contract, and publicly set out the essential facts of the contract at the meeting where the contract is approved.

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

Sec. 43. Laws 2007, chapter 146, article 2, section 46, subdivision 13, is amended to read:

Subd. 13. **Preadvanced placement, advanced placement, international baccalaureate, and concurrent enrollment programs.** For preadvanced placement, advanced placement, international baccalaureate, and concurrent enrollment programs under Minnesota Statutes, sections 120B.132 and 124D.091:

\$6,500,000	2008
\$6,500,000	2009

Of this amount, \$2,500,000 each year is for concurrent enrollment program aid under Minnesota Statutes, section 124D.091. If the appropriation is insufficient, the commissioner must proportionately reduce the aid payment to each district. Any balance in the first year does not cancel but is available in the second year.

The base appropriation for fiscal year 2010 and later is \$2,000,000.

Sec. 44. **IMPLEMENTING A STUDENT GROWTH-BASED VALUE-ADDED SYSTEM.**

(a) To implement the requirements of Minnesota Statutes, section 120B.35, subdivision 3, paragraph (b), and to help parents and members of the public compare the reported data, the commissioner must convene a group of expert school district assessment and evaluation staff, including a recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers under Minnesota Statutes, section 120B.299, subdivision 6, and interested stakeholders, including school superintendents, school principals, school teachers, and parents to examine the actual statewide performance of students using Minnesota's growth-based value-added system and establish criteria for identifying schools and school districts that demonstrate accelerated growth in order to advance educators' professional development and replicate programs that succeed in meeting students' diverse learning needs.

(b) The commissioner must submit a written report to the education committees of the house of representatives and senate by February 15, 2009, describing the criteria for identifying schools and school districts that demonstrate accelerated growth.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to school report cards in the 2008-2009 school year and later.

Sec. 45. **IMPLEMENTING RIGOROUS COURSEWORK MEASURES RELATED TO STUDENT PERFORMANCE.**

To implement the requirements of Minnesota Statutes, section 120B.35, subdivision 3, paragraph (c), clauses (1) and (2), and to help parents and members of the public compare the reported data, the commissioner of education must convene a group of recognized and qualified experts and interested stakeholders, including parents among other stakeholders, to develop a model projecting anticipated performance of each high school on preparation and rigorous coursework measures that compares the school with similar schools. The model must use information about entering high school students based on particular background characteristics that are predictive of differing rates of college readiness. The characteristics include grade 8 achievement levels, high school student mobility, high school student attendance, and the size of each entering ninth grade class. The group of experts and stakeholders may examine other characteristics not part of the prediction model including the nine student categories identified under the federal 2001 No Child Left Behind Act, and two student gender categories of male and female, respectively. The commissioner annually must use the predicted level of entering students' performance to provide a context for interpreting graduating students' actual performance.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to school report cards beginning July 1, 2011.

Sec. 46. **IMPLEMENTING MEASURES FOR ASSESSING STUDENTS' SELF-REPORTED SENSE OF SCHOOL SAFETY, ENGAGEMENT IN SCHOOL, AND THE QUALITY OF RELATIONSHIPS WITH TEACHERS, ADMINISTRATORS, AND OTHER STUDENTS.**

(a) To implement the requirements of Minnesota Statutes, section 120B.35, subdivision 3, paragraph (d), and to help parents and members of the public compare the reported data, the commissioner of education, in consultation with interested stakeholders, including parents among other stakeholders, must convene a group of recognized and qualified experts to:

(1) analyze the University of Minnesota student safety and engagement survey instrument and other commonly recognized survey instruments to select or devise the survey instrument that best meets state accountability requirements;

(2) ensure that the identified survey instrument has sound psychometric properties and is useful for intervention planning;

(3) determine at what grade levels to administer the survey instrument and ensure that the survey instrument can be used at those grade levels; and

(4) determine through disaggregated use of survey indicators or other means how to report "safety" in order to comply with federal law.

(b) The commissioner must submit a written report to the education committees of the house of representatives and senate by February 15, 2009, presenting the experts' responses to paragraph (a), clauses (1) to (4).

EFFECTIVE DATE. This section is effective the day following final enactment and applies to school report cards beginning July 1, 2011.

Sec. 47. **GROWTH-BASED VALUE-ADDED SYSTEM.**

The growth-based value-added system used by the commissioner of education to comply with Minnesota Statutes, section 120B.35, subdivision 3, paragraph (b), must be consistent with the growth-based value-added model contained in the document labeled "Educational Report Card Growth Model." The document must be deposited with the Office of the Revisor of Statutes, the Legislative Reference Library, and the State Law Library, where the document shall be maintained until the commissioner implements the growth-based value-added system under Minnesota Statutes, section 120B.35, subdivision 3, paragraph (b), and developed in partnership with the Department of Education. The recognized Minnesota assessment group composed of assessment and evaluation directors and staff and researchers under Minnesota Statutes, section 120B.299, subdivision 6, must determine whether the growth-based value-added model the commissioner uses to comply with Minnesota Statutes, section 120B.35, subdivision 3, paragraph (b), is consistent with the deposited document and report its determination to the education committees of the house of representatives and senate by February 15, 2009.

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

Sec. 48. **SCHOOL DISTRICT PLANS TO IMPROVE STUDENTS' ACADEMIC ACHIEVEMENT.**

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

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

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

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

(b) A district must address the elements under section 49, paragraph (a), to the extent those elements are implicated in the district's plan.

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

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

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

(b) The commissioner of education must analyze the commonalities and differences of the district plans and the effective strategies and programs districts have implemented to improve students' academic achievement, and submit the analysis and underlying data to the advisory task force on improving students' academic achievement under section 49 by November 1, 2008, and also report the substance of the analyses to the education policy and finance committees of the legislature by January 1, 2009.

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

Sec. 49. **ADVISORY TASK FORCE ON IMPROVING STUDENTS' ACADEMIC ACHIEVEMENT.**

(a) An advisory task force on improving students' academic achievement is established to review the plans submitted to the commissioner of education under section 48 and recommend to the education committees of the legislature a proposal for improving students' academic achievement and eliminating differences in academic performance among groups of students defined by race, ethnicity, and income. The task force members must at least consider how the following education-related issues impact the educational achievement of low-income students and students of color:

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

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

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

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

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

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

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

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

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

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

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

(4) a faculty member from a Minnesota State Colleges and Universities teacher preparation program located outside the Twin Cities metropolitan area, appointed by the chancellor or the chancellor's designee;

(5) a classroom teacher appointed by Education Minnesota;

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

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

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

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

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

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

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

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

(c) Task force members' terms and other task force matters are subject to Minnesota Statutes, section 15.059. The commissioner may reimburse task force members from the education department's current operating budget but may not compensate task force members for task force activities. By February 15, 2009, the task force must submit a written proposal to the education policy and finance committees of the legislature on how to significantly improve students' academic achievement.

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

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

Sec. 50. **ADVISORY TASK FORCE; INTEGRATING SECONDARY AND POSTSECONDARY ACADEMIC AND CAREER EDUCATION.**

(a) An advisory task force on improving teacher quality and identifying institutional structures and strategies for effectively integrating secondary and postsecondary academic and career education is established to consider and recommend to the education policy and finance committees of the legislature proposals on how to:

(1) foster classroom teachers' interest and ability to acquire a master's degree in the teachers' substantive fields of licensure; and

(2) meet all elementary and secondary students' needs for adequate education planning and preparation and improve all students' ability to acquire the knowledge and skills needed for postsecondary academic and career education.

(b) The commissioner of education, or the commissioner's designee, shall appoint an advisory task force that is composed of a representative from each of the following entities: Education Minnesota, the University of Minnesota, the Department of Education, the Board of Teaching, the Minnesota Private College Council, the Office of Higher Education, the Minnesota Career College Association, the Minnesota PTA, the Minnesota Chamber of Commerce, the Minnesota Business Partnership, the Department of Employment and Economic Development, the Minnesota Association of Career and Technical Administrators, the Minnesota Association of Career and Technical Educators, the Minnesota State Colleges and Universities, and other representatives of other entities recommended by task force members. Task force members' terms and other task force matters are subject to Minnesota Statutes, section 15.059. The commissioner of education may reimburse task force members from the Department of Education's current operating budget but may not compensate task force members for task force activities. By

February 15, 2009, the task force must submit written recommendations to the education policy and finance committees of the legislature on improving teacher quality and identifying the institutional structures and strategies for effectively integrating secondary and postsecondary academic and career education, consistent with this section.

(c) Upon request, the commissioner of education must provide the task force with technical, fiscal, and other support services.

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

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

Sec. 51. **COMPUTER ADAPTIVE ASSESSMENTS.**

The Department of Education, by December 1, 2008, must report to the education committees of the legislature on its efforts to add a computer adaptive assessment that includes formative analytics to the Minnesota's comprehensive assessment administered under Minnesota Statutes, section 120B.30.

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

Sec. 52. **DEPARTMENT OF EDUCATION REPORT.**

The Department of Education must submit a report to the education committees of the legislature by January 15, 2009, analyzing existing stand-alone school district reporting requirements and recommend the elimination of any district reports that are duplicative of other data already collected by the department.

Sec. 53. **REVIVAL AND REENACTMENT.**

Minnesota Statutes, section 124D.10, subdivision 2a, is revived and reenacted effective retroactively and without interruption from June 30, 2007.

Sec. 54. **REVISOR'S INSTRUCTION.**

In Minnesota Statutes, the revisor of statutes shall renumber section 122A.60, subdivision 1a, as section 122A.60, subdivision 3a, and make necessary cross-reference changes consistent with the renumbering.

ARTICLE 3

SPECIAL PROGRAMS

Section 1. Minnesota Statutes 2006, section 124D.60, subdivision 1, is amended to read:

Subdivision 1. **Notice.** Within ~~ten~~ 30 days after the enrollment of any pupil in an instructional program for limited English proficient students, the district in which the pupil resides must notify the parent by mail. This notice must:

- (1) be in writing in English and in the primary language of the pupil's parents;
- (2) inform the parents that their child has been enrolled in an instructional program for limited English proficient students;
- (3) contain a simple, nontechnical description of the purposes, method and content of the program;

(4) inform the parents that they have the right to visit the educational program for limited English proficient students in which their child is enrolled;

(5) inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program; and

(6) inform the parents of their rights to withdraw their child from an educational program for limited English proficient students and the time and manner in which to do so.

The department shall, at the request of the district, prepare the notice in the primary language of the parent.

Sec. 2. Minnesota Statutes 2007 Supplement, section 125A.14, is amended to read:

125A.14 EXTENDED SCHOOL YEAR.

A district may provide extended school year services for children with a disability living within the district and nonresident children temporarily placed in the district pursuant to section 125A.15 ~~or 125A.16~~. Prior to March 31 or 30 days after the child with a disability is placed in the district, whichever is later, the providing district shall give notice to the district of residence of any nonresident children temporarily placed in the district pursuant to section 125A.15 ~~or 125A.16~~, of its intention to provide these programs. Notwithstanding any contrary provisions in sections 125A.15 ~~and 125A.16~~, the district providing the special instruction and services must apply for special education aid for the extended school year services. The unreimbursed actual cost of providing the program for nonresident children with a disability, including the cost of board and lodging, may be billed to the district of the child's residence and must be paid by the resident district. Transportation costs must be paid by the district responsible for providing transportation pursuant to section 125A.15 ~~or 125A.16~~ and transportation aid must be paid to that district.

Sec. 3. Minnesota Statutes 2006, section 125A.15, is amended to read:

125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.

The responsibility for special instruction and services for a child with a disability temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The district of residence of a child shall be the district in which the child's parent resides, if living, or the child's guardian, or the district designated by the commissioner if neither parent nor guardian is living within the state.

(b) If a district other than the resident district places a pupil for care and treatment, the district placing the pupil must notify and give the resident district an opportunity to participate in the placement decision. When an immediate emergency placement of a pupil is necessary and time constraints foreclose a resident district from participating in the emergency placement decision, the district in which the pupil is temporarily placed must notify the resident district of the emergency placement within 15 days. The resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.

(c) When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation to and from the care and treatment facility program and an appropriate educational program for the child. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident

district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district.

~~(e)~~ (d) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing an appropriate educational program for the child and necessary transportation while the child is attending the educational program; and must bill the district of the child's residence for the actual cost of providing the program, as outlined in section 125A.11, except as provided in paragraph ~~(d)~~ (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a disability placed outside of the school district of residence by the commissioner of human services or the commissioner of corrections or their agents, for reasons other than providing for the child's special educational needs must not become the responsibility of either the district providing the instruction or the district of the child's residence. For the purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment.

~~(d)~~ (e) A privately owned and operated residential facility may enter into a contract to obtain appropriate educational programs for special education children and services with a joint powers entity. The entity with which the private facility contracts for special education services shall be the district responsible for providing students placed in that facility an appropriate educational program in place of the district in which the facility is located. If a privately owned and operated residential facility does not enter into a contract under this paragraph, then paragraph ~~(e)~~ (d) applies.

~~(e)~~ (f) The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. The district of residence may claim general education aid for the child as provided by law. Transportation costs must be paid by the district responsible for providing the transportation and the state must pay transportation aid to that district.

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

Sec. 4. Minnesota Statutes 2006, section 125A.51, is amended to read:

125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION AND TRANSPORTATION.

The responsibility for providing instruction and transportation for a pupil without a disability who has a short-term or temporary physical or emotional illness or disability, as determined by the standards of the commissioner, and who is temporarily placed for care and treatment for that illness or disability, must be determined as provided in this section.

(a) The school district of residence of the pupil is the district in which the pupil's parent or guardian resides.

(b) When parental rights have been terminated by court order, the legal residence of a child placed in a residential or foster facility for care and treatment is the district in which the child resides.

(c) Before the placement of a pupil for care and treatment, the district of residence must be notified and provided an opportunity to participate in the placement decision. When an immediate emergency placement is necessary and time does not permit resident district participation in the placement decision, the district in which the pupil is temporarily placed, if different from the district of residence, must notify the district of residence of the emergency placement within 15 days of the placement. When a nonresident district makes an emergency placement without

first consulting with the resident district, the resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.

(d) When a pupil without a disability is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence during the care and treatment, the district of residence must provide instruction and necessary transportation to and from the care and treatment facility program for the pupil. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the instruction at a school within the district of residence, at the pupil's residence, or in the case of a placement outside of the resident district, in the district in which the day treatment program is located by paying tuition to that district. The district of placement may contract with a facility to provide instruction by teachers licensed by the state Board of Teaching.

(e) When a pupil without a disability is temporarily placed in a residential program for care and treatment, the district in which the pupil is placed must provide instruction for the pupil and necessary transportation while the pupil is receiving instruction, and in the case of a placement outside of the district of residence, the nonresident district must bill the district of residence for the actual cost of providing the instruction for the regular school year and for summer school, excluding transportation costs.

(f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or private homeless shelter, then the district that enrolls the pupil under section 127A.47, subdivision 2, shall provide the transportation, unless the district that enrolls the pupil and the district in which the pupil is temporarily placed agree that the district in which the pupil is temporarily placed shall provide transportation. When a pupil without a disability is temporarily placed in a residential program outside the district of residence, the administrator of the court placing the pupil must send timely written notice of the placement to the district of residence. The district of placement may contract with a residential facility to provide instruction by teachers licensed by the state Board of Teaching. For purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment.

(g) The district of residence must include the pupil in its residence count of pupil units and pay tuition as provided in section 123A.488 to the district providing the instruction. Transportation costs must be paid by the district providing the transportation and the state must pay transportation aid to that district. For purposes of computing state transportation aid, pupils governed by this subdivision must be included in the disabled transportation category if the pupils cannot be transported on a regular school bus route without special accommodations.

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

Sec. 5. Minnesota Statutes 2006, section 125A.744, subdivision 3, is amended to read:

Subd. 3. **Implementation.** Consistent with section 256B.0625, subdivision 26, school districts may enroll as medical assistance providers or subcontractors and bill the Department of Human Services under the medical assistance fee for service claims processing system for special education services which are covered services under chapter 256B, which are provided in the school setting for a medical assistance recipient, and for whom the district has secured informed consent consistent with section 13.05, subdivision 4, paragraph (d), and section 256B.77, subdivision 2, paragraph (p), to bill for each type of covered service. School districts shall be reimbursed by the commissioner of human services for the federal share of individual education plan health-related services that

qualify for reimbursement by medical assistance, minus up to five percent retained by the commissioner of human services for administrative costs, ~~not to exceed \$350,000 per fiscal year~~. The commissioner may withhold up to five percent of each payment to a school district. Following the end of each fiscal year, the commissioner shall settle up with each school district in order to ensure that collections from each district for departmental administrative costs are made on a pro rata basis according to federal earnings for these services in each district. A school district is not eligible to enroll as a home care provider or a personal care provider organization for purposes of billing home care services under sections 256B.0651 and 256B.0653 to 256B.0656 until the commissioner of human services issues a bulletin instructing county public health nurses on how to assess for the needs of eligible recipients during school hours. To use private duty nursing services or personal care services at school, the recipient or responsible party must provide written authorization in the care plan identifying the chosen provider and the daily amount of services to be used at school.

Sec. 6. Laws 2007, chapter 146, article 3, section 23, subdivision 2, is amended to read:

Subd. 2. **Report.** (a) The task force must submit to the education policy and finance committees of the legislature by February 15, 2008 2009, a report that identifies and clearly and concisely explains each provision in state law or rule that exceeds ~~or expands upon~~ a minimum federal requirement contained in law or regulation for providing special education programs and services to eligible students. The report also must recommend which state ~~provisions statutes and rules~~ that exceed ~~or expand upon~~ a minimum federal requirement may be amended to conform with minimum federal requirements or made more effective as determined by a majority of the task force members. The task force must recommend rules governing the use of aversive and deprivation procedures by school district employees or persons under contract with a school district. The task force expires when it submits its report to the legislature.

(b) Consistent with subdivision 1, the Department of Education member of the task force representing regulators shall be replaced with a parent advocate selected by a statewide organization that advocates on behalf of families with children with disabilities.

(c) The Department of Education must provide technical assistance at the request of the task force.

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

Sec. 7. **EXPEDITED PROCESS, SPECIFIC LEARNING DISABILITY RULE.**

The commissioner of education may use the expedited process under Minnesota Statutes, section 14.389, to conform Minnesota Rule, part 3525.1341, to new federal requirements on specific learning disabilities under Public Law 108-446, Sections 602(30) and 614(b)(6), the Individuals with Disabilities Education Improvement Act of 2004, and its implementing regulations.

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

Sec. 8. **REPEALER.**

Minnesota Statutes 2006, sections 121A.67; 125A.16; 125A.19; 125A.20; and 125A.57, and Laws 2006, chapter 263, article 3, section 16, are repealed.

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

ARTICLE 4

LIBRARIES

Section 1. Minnesota Statutes 2007 Supplement, section 134.31, subdivision 4a, is amended to read:

Subd. 4a. **Services to the blind and physically handicapped.** The Minnesota Department of Education shall provide specialized services to the blind and physically handicapped through the Minnesota Braille and Talking Book Library ~~for the Blind and Physically Handicapped~~ under a cooperative plan with the National Library Services for the Blind and Physically Handicapped of the Library of Congress.

Sec. 2. Minnesota Statutes 2006, section 134.31, subdivision 6, is amended to read:

Subd. 6. **Advisory committee.** The commissioner shall appoint an advisory committee of five members to advise the staff of the Minnesota Braille and Talking Book Library ~~for the Blind and Physically Handicapped~~ on long-range plans and library services. Members shall be people who use the library. Section 15.059 governs this committee except that the committee shall not expire.

Sec. 3. Minnesota Statutes 2006, section 134.31, is amended by adding a subdivision to read:

Subd. 7. **Telephone or electronic meetings.** (a) Notwithstanding section 13D.01, the Advisory Committee for the Minnesota Braille and Talking Book Library may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the committee participating in the meeting, wherever their physical locations, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the committee can hear all discussion, testimony, and votes of the members of the committee;

(3) at least one member of the committee is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's votes on each issue can be identified and recorded.

(b) Each member of the committee participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, to the extent practical, the committee shall allow a person to monitor the meeting electronically from a remote location. The committee may require the person making the connection to pay for the documented marginal costs that the committee incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the committee shall provide notice of the regular meeting location, the fact that some members may participate by telephone or other electronic means, and the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

ARTICLE 5

STATE AGENCIES

Section 1. Minnesota Statutes 2006, section 125A.65, subdivision 4, is amended to read:

Subd. 4. **Unreimbursed costs.** (a) For fiscal year 2006, in addition to the tuition charge allowed in subdivision 3, the academies may charge the child's district of residence for the academy's unreimbursed cost of providing an instructional aide assigned to that child, after deducting the special education aid under section 125A.76, attributable to the child, if that aide is required by the child's individual education plan. Tuition received under this paragraph must be used by the academies to provide the required service.

(b) For fiscal year ~~2007~~ 2008 and later, the special education aid paid to the academies shall be increased by the academy's unreimbursed cost of providing ~~an~~ one to one instructional ~~aide~~ aide and behavioral management aides assigned to a child, after deducting the special education aid under section 125A.76 attributable to the child, if ~~that aide is~~ the aides are required by the child's individual education plan. Aid received under this paragraph must be used by the academies to provide the required service.

(c) For fiscal year ~~2007~~ 2008 and later, the special education aid paid to the district of the child's residence shall be reduced by the amount paid to the academies for district residents under paragraph (b).

(d) Notwithstanding section 127A.45, subdivision 3, beginning in fiscal year 2008, the commissioner shall make an estimated final adjustment payment to the Minnesota State Academies for general education aid and special education aid for the prior fiscal year by August 15.

(e) For fiscal year 2008, the academies may retain receipts received through mutual agreements with school districts for one to one behavior management aides.

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

Sec. 2. Minnesota Statutes 2006, section 125A.65, is amended by adding a subdivision to read:

Subd. 11. **Third-party reimbursement.** The Minnesota State Academies must seek reimbursement under section 125A.21 from third parties for the cost of services provided by the Minnesota State Academies whenever the services provided are otherwise covered by a child's public or private health plan.

EFFECTIVE DATE. This section is effective the day following final enactment for revenue in fiscal year 2008.

ARTICLE 6

SELF-SUFFICIENCY AND LIFELONG LEARNING

Section 1. Minnesota Statutes 2006, section 120A.22, subdivision 5, is amended to read:

Subd. 5. **Ages and terms.** (a) Every child between seven and 16 years of age must receive instruction. Every child under the age of seven who is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days, or other kindergarten programs shall receive instruction. ~~Except as provided in subdivision 6, a parent may withdraw a child under the age of seven from enrollment at any time.~~

(b) A school district by annual board action may require children subject to this subdivision to receive instruction in summer school. A district that acts to require children to receive instruction in summer school shall establish at the time of its action the criteria for determining which children must receive instruction.

EFFECTIVE DATE. This section is effective for the 2008-2009 school year and later.

Sec. 2. Minnesota Statutes 2006, section 120A.22, subdivision 6, is amended to read:

Subd. 6. **Children under seven.** (a) Once a pupil under the age of seven is enrolled in ~~kindergarten~~ first grade or a higher grade in a public school, the pupil is subject to the compulsory attendance provisions of this chapter and section 120A.34, unless the board of the district in which the pupil is enrolled has a policy that exempts children under seven from this subdivision or paragraph (b) applies.

~~(b) In a district in which children under seven are subject to compulsory attendance under this subdivision, paragraphs (c) to (e) apply.~~

~~(c) A parent or guardian may withdraw the pupil from enrollment in the school for good cause by notifying the district. Good cause includes, but is not limited to, enrollment of the pupil in another school, as defined in subdivision 4, or the immaturity of the child.~~

~~(d) When the pupil enrolls, the enrolling official must provide the parent or guardian who enrolls the pupil with a written explanation of the provisions of this subdivision.~~

~~(e) A pupil under the age of seven who is withdrawn from enrollment in the public school under paragraph (c) is no longer subject to the compulsory attendance provisions of this chapter.~~

~~(f) (b) This subdivision does not apply to:~~

~~(1) a kindergartner under age seven whose parent withdraws the child after notifying the district;~~

~~(2) a child under age seven enrolled in first grade whose parent withdraws the child after notifying the district and enrolls the child in another school under subdivision 4; and~~

~~(3) a child under age seven enrolled in kindergarten or first grade in a charter school whose parent withdraws the child after notifying the charter school.~~

~~(c) In a district that had adopted a policy to exempt children under seven from this subdivision, the district's chief attendance officer must keep the truancy enforcement authorities supplied with a copy of the board's current policy certified by the clerk of the board.~~

EFFECTIVE DATE. This section is effective for the 2008-2009 school year and later.

Sec. 3. Minnesota Statutes 2007 Supplement, section 124D.13, subdivision 11, is amended to read:

Subd. 11. **Teachers.** A school board must employ necessary qualified licensed teachers ~~licensed in early childhood or parent education~~ for its early childhood family education programs. The Board of Teaching, at its discretion, may grant an applicant a variance under this subdivision, consistent with sections 122A.09, subdivision 10, and 122A.25, and Board of Teaching rules.

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

Sec. 4. Minnesota Statutes 2006, section 124D.19, subdivision 14, is amended to read:

Subd. 14. **Community education; annual report.** Each district offering a community education program under this section must annually complete a program report to the department ~~information regarding the cost per participant and cost per contact hour for each community education program, including youth after school enrichment programs, that receives aid or levy. The department must include cost per participant and cost per contact hour information by program in the community education annual report.~~

EFFECTIVE DATE. This section is effective for the 2008-2009 school year and later.

Sec. 5. Minnesota Statutes 2006, section 124D.522, is amended to read:

124D.522 ADULT BASIC EDUCATION SUPPLEMENTAL SERVICE GRANTS.

(a) The commissioner, in consultation with the policy review task force under section 124D.521, may make grants to nonprofit organizations to provide services that are not offered by a district adult basic education program or that are supplemental to either the statewide adult basic education program, or a district's adult basic education program. The commissioner may make grants for: staff development for adult basic education teachers and administrators; training for volunteer tutors; training, services, and materials for serving disabled students through adult basic education programs; statewide promotion of adult basic education services and programs; development and dissemination of instructional and administrative technology for adult basic education programs; programs which primarily serve communities of color; adult basic education distance learning projects, including television instruction programs; and other supplemental services to support the mission of adult basic education and innovative delivery of adult basic education services.

(b) The commissioner must establish eligibility criteria and grant application procedures. Grants under this section must support services throughout the state, focus on educational results for adult learners, and promote outcome-based achievement through adult basic education programs. Beginning in fiscal year 2002, the commissioner may make grants under this section from the state total adult basic education aid set aside for supplemental service grants under section 124D.531. Up to one-fourth of the appropriation for supplemental service grants must be used for grants for adult basic education programs to encourage and support innovations in adult basic education instruction and service delivery. A grant to a single organization cannot exceed ~~\$100,000~~ 25 percent of the total supplemental services aid. Nothing in this section prevents an approved adult basic education program from using state or federal aid to purchase supplemental services.

Sec. 6. Minnesota Statutes 2007 Supplement, section 124D.531, subdivision 1, is amended to read:

Subdivision 1. **State total adult basic education aid.** (a) The state total adult basic education aid for fiscal year 2005 is \$36,509,000. The state total adult basic education aid for fiscal year 2006 equals \$36,587,000 plus any amount that is not paid for during the previous fiscal year, as a result of adjustments under subdivision 4, paragraph (a), or section 124D.52, subdivision 3. The state total adult basic education aid for fiscal year 2007 equals \$37,673,000 plus any amount that is not paid for during the previous fiscal year, as a result of adjustments under subdivision 4, paragraph (a), or section 124D.52, subdivision 3. The state total adult basic education aid for fiscal year 2008 equals \$40,650,000, plus any amount that is not paid during the previous fiscal year as a result of adjustments under subdivision 4, paragraph (a), or section 124D.52, subdivision 3. The state total adult basic education aid for later fiscal years equals:

(1) the state total adult basic education aid for the preceding fiscal year plus any amount that is not paid for during the previous fiscal year, as a result of adjustments under subdivision 4, paragraph (a), or section 124D.52, subdivision 3; times

(2) the lesser of:

(i) 1.03; or

(ii) ~~the greater of 1.00 or the ratio of the state total contact hours in the first prior program year to the state total contact hours in the second prior program year~~ the average growth in state total contact hours over the prior ten program years.

Beginning in fiscal year 2002, two percent of the state total adult basic education aid must be set aside for adult basic education supplemental service grants under section 124D.522.

(b) The state total adult basic education aid, excluding basic population aid, equals the difference between the amount computed in paragraph (a), and the state total basic population aid under subdivision 2.

Sec. 7. Minnesota Statutes 2006, section 124D.55, is amended to read:

124D.55 GENERAL EDUCATION DEVELOPMENT (GED) TEST FEES.

The commissioner shall pay 60 percent of the fee that is charged to an eligible individual for the full battery of a general education development (GED) test, but not more than ~~\$20~~ \$40 for an eligible individual."

Delete the title and insert:

"A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, special programs, libraries, state agencies, and self-sufficiency and lifelong learning; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2006, sections 120A.22, subdivisions 5, 6; 120A.24, subdivisions 1, 2; 120B.02; 120B.023, subdivision 2; 120B.131, subdivision 2; 120B.31, as amended; 120B.35, as amended; 120B.36, as amended; 120B.362; 121A.55; 122A.07, subdivisions 2, 3; 122A.09, subdivision 4; 122A.14, by adding subdivisions; 122A.18, by adding a subdivision; 122A.60; 122A.61, subdivision 1; 122A.75, subdivision 1; 123B.03, subdivisions 1, 2, by adding a subdivision; 123B.14, subdivision 7; 123B.51, by adding a subdivision; 123B.77, subdivision 3; 123B.81, subdivisions 3, 5; 123B.83, subdivision 3; 124D.10, subdivisions 2a, 4a, 6, 6a, 7, 8, 23; 124D.19, subdivision 14; 124D.522; 124D.55; 124D.60, subdivision 1; 124D.86, subdivision 1; 125A.15; 125A.51; 125A.65, subdivision 4, by adding a subdivision; 125A.744, subdivision 3; 126C.40, subdivision 6; 134.31, subdivision 6, by adding a subdivision; 471.88, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 120B.021, subdivision 1; 120B.15; 120B.30; 123B.143, subdivision 1; 123B.81, subdivision 4; 124D.095, subdivision 4; 124D.10, subdivisions 4, 23a; 124D.13, subdivision 11; 124D.531, subdivision 1; 125A.14; 126C.10, subdivision 34; 127A.49, subdivisions 2, 3; 134.31, subdivision 4a; Laws 2007, chapter 146, article 2, section 46, subdivision 13; article 3, section 23, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 120B; 124D; 125B; repealing Minnesota Statutes 2006, sections 121A.67; 125A.16; 125A.19; 125A.20; 125A.57; Laws 2006, chapter 263, article 3, section 16."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3323, A bill for an act relating to local government; authorizing the Minneapolis Park and Recreation Board and the city of Minneapolis to adopt standards for dedication of land to the public or a payment of a dedication fee on certain new commercial and industrial development; amending Laws 2006, chapter 269, section 2.

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

The report was adopted.

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

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

Reported the same back with the 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. 3357, A bill for an act relating to municipal boundary adjustments; providing for changes in municipal boundaries; imposing powers and duties on the chief administrative law judge; amending Minnesota Statutes 2006, sections 4A.02; 40A.121, subdivision 1; 272.67, subdivision 1; 276A.09; 365.46, subdivision 2; 379.05; 412.021, subdivision 1; 412.091; 414.01, subdivisions 1, 1a, 8a, 16; 414.011, by adding a subdivision; 414.02, subdivision 1a; 414.031, subdivisions 1a, 4, by adding a subdivision; 414.0325, subdivisions 1, 5; 414.0333; 414.035; 414.067, subdivision 1; 414.12, subdivisions 1, 3, 4, by adding subdivisions; 462.3535, subdivision 5; 473F.13, subdivision 1; 473H.14; 572A.01, subdivision 2; 572A.015, subdivision 2; 572A.02, subdivision 6; Minnesota Statutes 2007 Supplement, section 414.0325, subdivision 1b; Laws 2006, chapter 270, article 2, section 1, as amended; repealing Minnesota Statutes 2006, sections 414.01, subdivision 7a; 414.011, subdivision 11; 414.12, subdivision 2.

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. 3365, A bill for an act relating to public employment; repealing final offer total package arbitration procedures for professional firefighters; repealing Minnesota Statutes 2006, section 179A.16, subdivision 7a.

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. 3366, A bill for an act relating to environment; modifying Petrofund program; amending Minnesota Statutes 2006, sections 115C.04, subdivision 3; 115C.09, subdivision 3h, by adding a subdivision; repealing Minnesota Statutes 2006, section 115C.09, subdivision 3j.

Reported the same back with the following amendments:

Page 2, line 30, delete "\$400" and insert "\$250" and after the second period, insert "The maximum expenditure from the fund may not exceed \$1,500,000."

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. 3371, A bill for an act relating to adoption; allowing adopted persons access to birth records; amending Minnesota Statutes 2006, sections 13.465, subdivision 8; 144.218, subdivision 1; 144.225, subdivision 2; 144.2252; 259.89, subdivision 1; 260C.317, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2006, sections 259.83, subdivision 3; 259.89, subdivisions 2, 3, 4, 5.

Reported the same back with the following amendments:

Page 3, delete section 5 and insert:

"Sec. 5. [144.2253] ACCESS TO ORIGINAL BIRTH RECORDS BY ADOPTED PERSON; DEPARTMENT DUTIES.

Subdivision 1. Disclosure. The state registrar shall provide a noncertified copy of the original birth record upon request to an adopted person age 19 or older if there is no affidavit of nondisclosure on file. Affidavits of disclosure and affidavits of nondisclosure must be honored by the state registrar.

Subd. 2. Affidavit of nondisclosure. The department shall make the affidavit of disclosure and affidavit of nondisclosure forms readily accessible for birth parents on the department's Web site.

Subd. 3. Rescission of affidavit. A birth parent may rescind an affidavit of disclosure or an affidavit of nondisclosure at any time.

Subd. 4. Affidavit of nondisclosure; access to birth record. (a) An adopted person age 19 or older may petition the appropriate court for disclosure of the original birth record pursuant to section 259.61, and the court shall grant the petition, if, after consideration of the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

(b) An adopted person age 19 or older may request the state registrar search the state death records to determine if the birth parent is deceased. The state registrar may impose a fee for the record search. If the birth parent is deceased, a noncertified copy of the original birth record must be released only to the adopted person making the request.

Subd. 5. **Outreach; counseling.** (a) The department shall, in consultation with adoption agencies and adoption advocates, develop and conduct an outreach and educational campaign to provide information to adopted persons and birth parents about the changes in the law affecting accessibility to birth records. For purposes of this subdivision, an adoption advocate is a nonprofit organization that works with adoption issues in Minnesota.

(b) The department shall provide a fact sheet about counseling or support services that are available for adopted persons and birth parents.

Subd. 6. **Fees.** (a) The department shall charge a fee of \$18 for noncertified copies of birth records provided to adopted persons age 19 or older; the fee shall cover the costs of providing the birth record and any costs associated with distribution of the fact sheet in subdivision 5.

(b) Adoption agencies may charge a fee for counseling and support services provided to adopted persons and birth parents."

Page 4, after line 13, insert:

"Sec. 9. **EFFECTIVE DATE.**

This act is effective July 1, 2009."

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. 3400, A bill for an act relating to human services; providing long-term care rate adjustments; providing funding for long-term care employee health insurance costs; modifying MinnesotaCare eligibility for long-term care employees; requiring development of a new nursing facility rate rebasing methodology; requiring a study of direct care staffing; amending Minnesota Statutes 2006, sections 256B.434, by adding a subdivision; 256B.441, by adding a subdivision; 256B.5012, by adding a subdivision; 256L.07, subdivision 2; Minnesota Statutes 2007 Supplement, sections 256B.434, subdivision 19; 256B.441, subdivisions 1, 50, 51a; 256B.5012, subdivision 7; Laws 2007, chapter 147, article 7, section 71; repealing Minnesota Statutes 2007 Supplement, section 256B.441, subdivisions 55, 56.

Reported the same back with the following amendments:

Page 15, delete section 11 and insert:

"Sec. 11. **REBASING.**

It is the intent of the legislature to establish in law a revised rebasing methodology for nursing facility rates during the 2009 legislative session. Prior to enactment of a revised rebasing methodology, the chairs of the house and senate committees with jurisdiction over health care policy and financing shall hold committee hearings to allow representatives of nursing facility and other long-term care service providers, consumers, and employees, representatives of the commissioners of human services and health, and other interested parties, to present recommendations for rebasing methods and objectives, including recommendations on whether the rebasing of nursing facility rates should be accompanied by the rebasing of rates for home and community-based long-term care providers."

Page 16, after line 33, insert:

"Sec. 14. **USE OF REBASING APPROPRIATION.**

The commissioner of human services shall use money appropriated for fiscal year 2009 for the phase-in of rebased operating payment rates under Minnesota Statutes, section 256B.441, subdivision 55, that is not spent due to the delay in implementing rebasing, to provide rate adjustments to long-term care providers as provided in this act."

Page 17, line 1, delete "14" and insert "15"

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

The report was adopted.

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

H. F. No. 3417, A bill for an act relating to business organizations; waiver of reinstatement fee after certain dissolution of an entity when a principal of the entity is a returning combat veteran; proposing coding for new law in Minnesota Statutes, chapter 5.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. **[5.33] RETURNING COMBAT VETERANS.**

If any Minnesota business or nonprofit corporation, limited liability company, cooperative, limited partnership, or limited liability partnership has been administratively or statutorily dissolved, revoked, or terminated for failure to file an annual or periodic report with the Office of the Secretary of State during a calendar year when an individual with substantial responsibility for the operation of the dissolved, revoked, or terminated business or nonprofit corporation, limited liability company, cooperative, limited partnership, or limited liability partnership was serving in active military service in the armed forces of the United States, including the reserves or National Guard, as defined in section 190.05, subdivision 5b or 5c, or was engaged in employment outside of the United States essential to the prosecution of a war or to the national defense, as designated by the United States Congress or the United States Department of Defense, the secretary of state shall waive any reinstatement fee otherwise required by law."

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

The report was adopted.

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

H. F. No. 3427, A bill for an act relating to veterans; establishing a loan program; adding certain veterans to those eligible for a program; changing an unemployment compensation provision; appropriating money; amending Minnesota Statutes 2007 Supplement, sections 116L.17, subdivision 1; 268.047, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Page 2, line 12, delete ", including principal and interest."

Page 3, line 9, delete "was deployed or discharged after"

Page 3, line 10, delete "September 11, 2001."

Page 3, line 11, after "conditions" insert "within the last 36 months" and after "and" insert "(i) is unemployed or (ii)"

Page 3, line 12, delete ", given additional marketable skills obtained during deployment"

Page 5, line 12, after the period, insert "The appropriation is available until spent."

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. 3437, A bill for an act relating to natural resources; providing a process for designating star lakes or rivers; creating a Star Lake Board as a nonprofit corporation; allowing for the placement of star lake or river signs on highways; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 103B; 173.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[103B.701] STAR LAKES OR RIVERS.**

Subdivision 1. Definition. For the purposes of this section:

(1) "lake association" means an organized association for the purpose of addressing issues on a specific lake or river, a lake improvement district, or a lake conservation district; and

(2) "board" means the Board of Water and Soil Resources.

Subd. 2. Application. (a) A lake association may apply to the board for designation as a star lake or river. The applicant must include a copy of a comprehensive management plan for the lake or river.

(b) After review of the application, the board shall determine whether designation as a star lake or river will be granted. The designation as a star lake or river becomes effective the day following designation by the board. The board shall publish the decision on a star lake or river designation in the State Register, including the effective date of the designation.

(c) The star lake or river designation is effective until the earlier of:

(1) five years after the date of designation; or

(2) when the board finds that the lake association is not fulfilling the requirements of this section or of the comprehensive lake or river management plan submitted.

(d) Within six months before the expiration date of the designation as a star lake or river, a lake association may apply to continue the star lake or river designation under this section.

Subd. 3. Eligibility. A lake association applying for designation as a star lake or river must:

(1) develop and update a comprehensive lake or river management plan as provided in subdivision 4;

(2) maintain a membership or participation of at least 50 percent of the private shoreland owners;

(3) participate in the Pollution Control Agency's citizen water quality monitoring program under section 115.06, subdivision 4; and

(4) meet at least annually with staff from the Department of Natural Resources and other appropriate state agencies in the development and monitoring of the comprehensive lake or river management plan.

Subd. 4. Comprehensive lake or river management plan. (a) A comprehensive lake or river management plan must include a summary of adopted shoreland zoning ordinances in the area and any specific further restrictions supported by the lake association and must address:

(1) increases in native vegetation in the littoral area of the lake or river, when appropriate;

(2) increases in native vegetation on the shoreline areas of the lake or river, when appropriate;

(3) prevention, reduction, or elimination of aquatic invasive species in the lake or river;

(4) increasing or maintaining a healthy diverse fishery that is appropriate for the lake or river;

(5) how the lake association will assure its involvement with total maximum daily load stakeholder processes for any impaired waters that are identified within the watershed of the lake or river;

(6) how the lake association will assure its involvement in public input opportunities for various local comprehensive and project-specific planning and zoning processes;

(7) how the lake association will train and supply volunteers through approved programs to generate data needed by state and local agencies in an appropriate format;

(8) education opportunities for shoreland owners and other entities that conduct activities affecting the quality of the lake or river; and

(9) other activities that will coordinate with or enhance other state and local water management efforts.

(b) The comprehensive lake or river management plan shall be updated within five years of adoption by the lake association.

Subd. 5. State resources. State agencies may consider star lake or river designation in determining the allocation of financial and staff resources.

Subd. 6. **Board duties.** (a) The board must work with private and public entities to leverage the resources available to achieve maximum results for Minnesota star lakes or rivers. The board may assist lake associations with finding appropriate technical and financial assistance that is available and make recommendations to state agencies regarding the manner in which technical or financial assistance can be most effectively delivered. To the extent that money is available, the board may provide direct financial assistance to meet specific needs of lake associations, when financial assistance is not otherwise available, for:

(1) completing a comprehensive lake or river management plan when the lake association does not have an existing management plan and the association is committed to the goals of a plan, as specified in subdivision 4; and

(2) addressing specific issues of the lake or river to achieve or maintain the goals of the lake or river management plan for lake associations that have achieved a star lake or river designation.

(b) By December 1 of each even-numbered year, the board shall submit a report to the legislature on the activities for which money has been or will be spent for the current biennium, the applications for designation, and the star lakes or rivers designated by the board.

Sec. 2. [173.0855] STAR LAKE OR RIVER SIGNS.

Subdivision 1. **Authority to erect.** (a) A county, statutory or home rule charter city, or town of Minnesota that contains a star lake or river designated under section 103B.701 may request the Department of Transportation to erect star lake or river signs under section 161.139. One sign may be erected at each approach to a lake or river within the right-of-way of an interstate or other highway that passes over the lake or river in the Department of Transportation's eight-county metropolitan district or near or over the lake or river in greater Minnesota.

(b) An official lake or river sign on the right-of-way of an interstate or other highway may be replaced with a star lake or river sign by the Department of Transportation under section 161.139.

Subd. 2. **Sign standards.** The Department of Transportation shall design and manufacture the star lake and river signs to specifications not contrary to other federal and state highway sign standards.

Sec. 3. CITIZEN ADVISORY COMMITTEE.

By January 15, 2009, the Board of Water and Soil Resources shall submit recommendations to the chairs of the house and senate committees having jurisdiction over natural resources for the composition and authority of a citizens advisory committee to provide input to the board on the process of designating lakes and rivers under Minnesota Statutes, section 103B.701.

Sec. 4. APPROPRIATION.

\$...... is appropriated in fiscal year 2009 from the general fund to the Board of Water and Soil Resources to implement Minnesota Statutes, section 103B.701."

Delete the title and insert:

"A bill for an act relating to natural resources; providing a process for designating star lakes and rivers; allowing for placement of star lake and river signs on highways; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 103B; 173."

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

The report was adopted.

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

H. F. No. 3441, A bill for an act relating to civil law; extending civil immunity to municipalities that donate public safety equipment; amending Minnesota Statutes 2006, section 466.03, 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 466.03, is amended by adding a subdivision to read:

Subd. 23. **Used public safety equipment.** (a) Any tort claim against a municipality resulting from the use of public safety equipment donated by the municipality, unless the claim is a direct result of the intentional misconduct, gross negligence, or ordinary negligence of the municipality including, but not limited to, the failure to disclose known defects or mechanical failures.

(b) As used in this subdivision, "public safety equipment" means any equipment purchased or obtained through gifts or grants by a municipality for use in responding to or training for emergencies.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to actions arising from incidents occurring on or after that date."

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. 3457, A bill for an act relating to trust property; authorizing the use of debit or credit cards to draw funds from custodial trust accounts; amending Minnesota Statutes 2006, section 529.08.

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. 3469, A bill for an act relating to student transportation; establishing procedures and standards for contracting for private student transportation services; amending Minnesota Statutes 2006, sections 123B.88, by adding a subdivision; 123B.91, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 123B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 123B.88, subdivision 3, is amended to read:

Subd. 3. **Transportation services contracts; requirements.** (a) The board may contract for the furnishing of authorized transportation under section 123B.52, and may purchase gasoline and furnish same to a contract carrier for use in the performance of a contract with the school district for transportation of school children to and from school.

(b) An initiated transportation services contract shall include by contract language, addendum, or supplementary information terms addressing:

(1) a summary of school bus driver training requirements, including the minimum number of preservice training hours and the minimum number of in-service training hours;

(2) a driver recruitment and retention plan, including:

(i) an explanation of the actions the contractor has taken or will take to recruit qualified drivers for the transportation services contract;

(ii) an explanation of the process for screening applicants to be certain that they meet the school bus driver requirements in federal law, state law, and the transportation services contract, including federal and state controlled substance and alcohol testing requirements;

(iii) an explanation of the training that drivers receive prior to assignment to transportation service; and

(iv) an explanation of the actions of the employer to retain qualified drivers to meet requirements of the transportation services contract, including an explanation of wage rates and employee benefits and policies on compensated absences such as paid vacations, holidays, and sick leave;

(3) the reporting to the local school district of all school bus accidents;

(4) the reporting to the local school district of all school bus driver reported traffic convictions, based upon the requirement of commercial drivers to report traffic convictions to their employer under Federal Motor Carrier Safety Administration, rule 383.31;

(5) the reporting within one week to the local school district the results of any Minnesota Highway Patrol inspection of school buses being regularly utilized for the transportation under the transportation contract;

(6) the school bus driver employee turnover ratio, defined as the number of school bus drivers during the most recent school year divided by the daily average number of school bus drivers during the same regular school year within bus garage location or other reasonable basis. The turnover rate may exclude those drivers whose employment is terminated or who are otherwise removed for cause from service; and

(7) the date of hire of the employer's current employees identified by their job classification, which may include any relevant prior experience. Summer and other regular school breaks should not be considered interruptions to employment.

(c) Notwithstanding section 123B.52, a school district may award a transportation contract in the interest of student safety and cost-effectiveness.

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

Sec. 2. **[123B.915] SCHOOL BUS DRIVERS.**

Subdivision 1. **Driver pay.** School bus driver employees must be paid for the actual time worked. If a route pay system or hourly estimation is used, school bus driver employees must be scheduled and paid for actual time for required inspection of buses.

Subd. 2. **Right to refuse.** School bus drivers who document needed bus repairs shall have the right to refuse to operate the bus immediately for a safety-related repair, which meets the out-of-service definition of Minnesota Rules, part 7470.0600. In this situation, the driver shall be provided an alternate bus, if available, and time to inspect it. The driver shall not be penalized in any way for fees, fines, or consequences incurred by the employer for delays or failure to provide the transportation service in a timely manner in this situation. Nothing in this section may diminish the rights, pay, or benefits of drivers covered by a collective bargaining agreement with an exclusive representative.

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

Delete the title and insert:

"A bill for an act relating to student transportation; requiring certain information in transportation services contracts; amending Minnesota Statutes 2006, section 123B.88, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 123B."

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

The report was adopted.

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

H. F. No. 3481, A bill for an act relating to payroll card accounts; repealing a sunset; repealing Laws 2005, chapter 158, section 4, as amended.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 3507, A bill for an act relating to agriculture; authorizing waiver of certain fees and expedited food handler plan review in certain declared disaster areas; changing certain embargo and condemnation provisions; changing certain food sanitary provisions; changing certain fee provisions; defining certain terms; regulating egg sales and handling; amending Minnesota Statutes 2006, sections 28A.03, by adding a subdivision; 28A.08; 28A.082, by adding a subdivision; 28A.09, subdivision 1; 29.23; 31.05; 31.171; Minnesota Statutes 2007 Supplement, section 31.175; proposing coding for new law in Minnesota Statutes, chapter 32.

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. 3522, A bill for an act relating to local government; changing the date by which counties must provide summary budget data; amending Minnesota Statutes 2006, section 6.745, subdivision 2.

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. 3547, A bill for an act relating to natural resources; modifying aquatic farm provisions; authorizing certain fees; modifying horse pass requirements; modifying report requirements for game and fish fund; modifying disposition of pheasant habitat improvement account; modifying wild turkey management account; modifying hunting and fishing licensing and taking provisions; requiring reports; providing for rulemaking; amending Minnesota Statutes 2006, sections 17.4981; 84.027, subdivision 15; 85.46, subdivision 1; 97A.015, by adding a subdivision; 97A.055, subdivision 4b; 97A.075, subdivisions 4, 5; 97A.311, subdivision 5; 97A.431, subdivision 2; 97A.433, subdivision 2; 97A.434, subdivision 2; 97A.435, subdivision 4; 97A.451, subdivision 4, by adding a subdivision; 97A.475, subdivision 5; 97A.485, subdivision 6; 97B.015, subdivision 5; 97B.041; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.301, subdivision 6, by adding a subdivision; 97B.405; 97B.431; 97B.621, subdivision 3; 97B.711, subdivision 1; 97B.721; 97C.001, subdivision 3; 97C.005, subdivision 3; 97C.315, subdivision 1; 97C.355, subdivisions 4, 7, 7a; 97C.371, subdivision 4; 97C.395, subdivision 1; Minnesota Statutes 2007 Supplement, sections 17.4984, subdivision 1; 97A.055, subdivision 4; 97A.405, subdivision 2; 97A.441, subdivision 7; 97A.451, subdivision 3; 97A.475, subdivisions 2, 3, 11, 12, 16; 97B.036; 97B.328; 97C.355, subdivisions 2, 8; proposing coding for new law in Minnesota Statutes, chapter 97C; repealing Minnesota Statutes 2006, section 97A.411, subdivision 2; Minnesota Rules, parts 6232.0200, subpart 4; 6232.0300, subpart 4.

Reported the same back with the following amendments:

Page 13, after line 16, insert:

"Sec. 23. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 7, is amended to read:

Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take fish by angling, \$37.50;
- (2) to take fish by angling limited to seven consecutive days selected by the licensee, \$26.50;
- (3) to take fish by angling for a 72-hour period selected by the licensee, \$22;
- (4) to take fish by angling for a combined license for a family for one or both parents and dependent children under the age of 16, \$50.50;
- (5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; ~~and~~
- (6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$38.50; and

(7) to take fish by spearing from a dark house, \$37.50.

(b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses issued under paragraph (a), clause (5). An additional commission may not be assessed on this surcharge."

Page 13, delete section 24 and insert:

"Sec. 25. Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 12, is amended to read:

Subd. 12. **Fish houses, dark houses, or shelters; nonresident.** Fees for fish house, dark house, or shelter licenses for a nonresident are:

(1) annual, \$33;

(2) seven consecutive days, \$19; and

(3) three-year, \$99."

Page 23, after line 3, insert:

"Sec. 51. Minnesota Statutes 2006, section 97C.371, is amended by adding a subdivision to read:

Subd. 5. **Nonresidents.** Nonresidents may spear from a fish house or dark house."

Page 24, after line 19, insert:

"Sec. 56. **NONRESIDENT SPEAR FISHING; RULEMAKING.**

The commissioner of natural resources shall adopt rules, including amending Minnesota Rules, part 6262.0600, to allow taking fish by spear by nonresidents. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388."

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.

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

H. F. No. 3566, A bill for an act relating to workers' compensation; adopting recommendations of the Workers' Compensation Advisory Council; amending Minnesota Statutes 2006, sections 176.011, subdivision 9; 176.041, subdivision 1; 176.101, subdivision 1; 176.102, subdivisions 2, 11; 176.135, by adding a subdivision; 176.136, subdivisions 1a, 1b; 176.1812, subdivision 1; 176.183, subdivision 1; 176.185, subdivision 8a; 176.231, subdivision 10; 176.245; 176.275, subdivision 1; 176.285; 176.83, subdivision 7; repealing Minnesota Statutes 2006, sections 176.1041; 176.669.

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

The report was adopted.

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

H. F. No. 3576, A bill for an act relating to human services; authorizing the ombudsman and Medical Review Subcommittee to gather data about deceased clients; amending Minnesota Statutes 2006, sections 245.91, subdivision 3, by adding a subdivision; 245.92; 245.94, subdivisions 1, 2a; 245.97, subdivision 5.

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. 3585, A bill for an act relating to energy; describing powers of qualifying owner of community-based energy development project; authorizing Metropolitan Council and counties to enter into contracts and to finance the purchase of energy and interests in renewable energy projects; amending Minnesota Statutes 2006, sections 216B.1612, by adding a subdivision; 473.1293, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 373.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 216B.1612, is amended by adding a subdivision to read:

Subd. 9. **Local government and political subdivision powers.** A Minnesota political subdivision or local government may plan, develop, purchase, acquire, construct, and own a C-BED project and may sell output from that project as provided for in this section. A Minnesota political subdivision or local government may operate, maintain, improve, and expand the C-BED project subject to any restrictions in this section.

Sec. 2. **[216F.09] COUNTY; WIND ENERGY CONVERSION SYSTEM.**

A county or the Metropolitan Council may own, construct, acquire, purchase, issue bonds and certificates of indebtedness for, maintain, and operate a wind energy conversion system, or a portion of a wind energy conversion system. A county or the Metropolitan Council may purchase and sell electricity from a wind energy conversion system only at wholesale on terms and conditions that the county board or the Metropolitan Council deems are in the best interests of the public. With respect to any wind energy conversion system, or any portion of a wind energy conversion system, a county or the Metropolitan Council may exercise the powers granted to a municipal power agency and to a city under sections 453.52, subdivisions 1, 6, and 9; 453.54, subdivision 10; 453.58, subdivision 4; and 453.59, except that output from that wind energy conversion system may not be sold, transmitted, or distributed at retail, or provided for end use from an off-site facility by the county or the Metropolitan Council. A county's on-site generation authorized under this subdivision is limited to a total of ten megawatts. Nothing in this section modifies the provisions governing exclusive service territories or a utility's exclusive service right under sections 216B.37 to 216B.43.

Sec. 3. **[373.48] FINANCING ENERGY PURCHASE CONTRACTS AND PARTICIPATION IN GENERATION AND TRANSMISSION PROJECTS.**

Subdivision 1. **Definitions.** For the purpose of this section, "project" means a facility that generates electricity from renewable energy sources listed in section 216B.1691, subdivision 1, paragraph (a), clause (1).

Subd. 2. Energy purchase contracts; generation projects. A county may, for itself or in cooperation with other counties, enter into agreements for the purchase of electrical energy from one or more projects, and may enter into agreements with a utility for the purchase and sale of the electrical energy so purchased. Agreements may be for a term of one year to 20 years. A county may also acquire an ownership interest in a project and may enter into agreements for the purchase and sale of electrical energy produced. A county may not sell, transmit, or distribute the electrical energy at retail or provide for end use from an off-site facility by the county or counties of the electrical energy. A county's on-site generation authorized under this subdivision is limited to a total of ten megawatts. Nothing in this section modifies the exclusive service territories or exclusive right to serve as provided in sections 216B.37 to 216B.43. The energy to be purchased by a county under agreements entered into under this section and the energy produced that is commensurate with the county's interest in projects shall not in any year exceed the total amount of energy used by the county for its own facilities in the immediately preceding year, regardless of the source from which energy was obtained.

Subd. 3. Joint purchase of energy and acquisition of generation projects; financing. A county may enter into agreements under section 471.59 with other counties for joint purchase of energy or joint acquisition of interests in projects. A county may annually levy an ad valorem tax for the purpose of paying the cost of energy purchased or acquiring interests in projects in an amount not exceeding 0.015 percent of the market value of taxable property in the county. A county that enters into a multiyear agreement for purchase of energy or acquires an interest in a project may finance the estimated cost of the energy to be purchased during the term of the agreement or the cost to the county of the interest in the project by the issuance of general obligation bonds of the county, provided that the annual debt service on all bonds issued under this section, together with the amounts to be paid by the county in any year for the purchase of energy under agreements entered into under this section, shall not exceed the amount of taxes authorized by this section. An agreement entered into under section 471.59 as provided by this section may provide that each county shall issue bonds to pay their respective shares of the cost of the projects, or that one of the counties shall issue bonds to pay the full costs of the project, and that the other participating counties shall levy the tax authorized under this subdivision and pledge the collections of the tax to the county that issues the bonds. Bonds issued under this section may be issued without an election and shall not constitute net debt of any participating county.

Sec. 4. Minnesota Statutes 2006, section 473.1293, is amended by adding a subdivision to read:

Subd. 6. Energy purchase contracts. In addition to the powers granted elsewhere in this section, the Metropolitan Council may exercise all of the powers granted to a county under section 373.48, provided that bonds may be issued by the Metropolitan Council for the purposes of section 373.48 only under its sewer bond authority in section 473.541. The Metropolitan Council may not sell, transmit, or distribute electrical energy at retail or provide for end use from an off-site facility by the Metropolitan Council of the electrical energy as provided by section 373.48, subdivision 2. The Metropolitan Council's on-site generation authorized by this subdivision is limited to a total of ten megawatts. Nothing in this section modifies the exclusive service territories or exclusive right to serve as provided in sections 216B.37 to 216B.43."

Delete the title and insert:

"A bill for an act relating to energy; authorizing certain governments to engage in energy-related activities, including ownership of renewable energy projects; authorizing bonds; authorizing an annual ad valorem tax; amending Minnesota Statutes 2006, sections 216B.1612, by adding a subdivision; 473.1293, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 216F; 373."

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

The report was adopted.

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

H. F. No. 3592, A bill for an act relating to health; requiring the commissioner of health to establish a registry of health care interpreter services; appropriating money; amending Minnesota Statutes 2006, section 295.52, subdivisions 1, 1a, 2; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[144.058] INTERPRETER SERVICES QUALITY INITIATIVE.**

(a) The commissioner shall establish a statewide roster, registry, and certification process for interpreters who provide high quality, spoken language health care interpreter services. The roster, registry, and certification process shall be based on the findings and recommendations set forth by the Interpreter Services Work Group required under Laws 2007, chapter 147, article 12, section 13. By January 1, 2009, the commissioner must do the following:

(1) develop a registry of spoken language health care interpreters, including:

(i) development of standards for registration that set forth educational requirements, training requirements, demonstration of language proficiency and interpreting skills, agreement to abide by a code of ethics, and a criminal background check;

(ii) recommendations for appropriate alternate requirements in languages for which testing and training programs do not exist;

(iii) recommendations for appropriate fees; and

(iv) recommendations for establishing and maintaining the standards for inclusion in the registry;

(2) establish a roster of all available interpreters to address access concerns, particularly in rural areas; and

(3) develop a certification process based on national testing and certification processes for spoken language interpreters for a statewide spoken language interpreter certification program to be implemented by January 1, 2012.

(b) The commissioner shall consult with the Interpreter Stakeholder Group of the Upper Midwest Translators and Interpreters Association for advice on the standards required to develop a registry and certification process.

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

Sec. 2. **APPROPRIATION.**

\$...... is appropriated from the state government special revenue fund for fiscal year 2009 to the commissioner of health to establish a roster and develop a registry of health care interpreters."

Delete the title and insert:

"A bill for an act relating to health; requiring the commissioner of health to establish a roster and develop a registry of health care interpreters; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144."

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

The report was adopted.

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

H. F. No. 3596, A bill for an act relating to education; prohibiting the commissioner of education from enforcing unadopted rules; amending Minnesota Statutes 2006, section 127A.05, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **EXPEDITED PROCESS; SPECIFIC LEARNING DISABILITIES RULE.**

The commissioner of education may use the expedited process under Minnesota Statutes, section 14.389, to conform Minnesota Rules, part 3525.1341, to new federal requirements on specific learning disabilities under Public Law 108-446, sections 602(30) and 614(b)(6), the Individuals with Disabilities Education Improvement Act of 2004, and its implementing regulations.

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

Sec. 2. **REPEALER.**

Minnesota Statutes 2006, section 121A.67, and Laws 2006, chapter 263, article 3, section 16, are repealed.

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

Delete the title and insert:

"A bill for an act relating to education; modifying learning disability rules; authorizing rulemaking; repealing Minnesota Statutes 2006, section 121A.67; Laws 2006, chapter 263, article 3, section 16."

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. 3597, A bill for an act relating to crimes; modifying law protecting victims of sexual assault; amending Minnesota Statutes 2006, section 628.26.

Reported the same back with the following amendments:

Page 2, after line 29, insert:

"EFFECTIVE DATE. This section is effective August 1, 2008, and applies to crimes committed on or after that date, and to crimes committed before that date if the limitations period for the crime did not expire before August 1, 2008."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 3617, A bill for an act relating to health; establishing a wound prevention and care formulary demonstration project for state veterans homes; requiring reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 198.

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. 3644, A bill for an act relating to local government; extending and changing the terms of guaranteed energy savings contracts under the uniform municipal contracting law; amending Minnesota Statutes 2007 Supplement, section 471.345, subdivision 13.

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. 3646, A bill for an act relating to local government; changing the contract threshold amounts subject to certain requirements of the Uniform Municipal Contracting Law; amending Minnesota Statutes 2006, sections 103E.705, subdivisions 5, 6, 7; 471.345, subdivisions 3, 4; Minnesota Statutes 2007 Supplement, section 471.345, subdivisions 3a, 4a, 5.

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. 3650, A bill for an act relating to consumer protection; prohibiting retail sales of toys that have been recalled for safety reasons; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Page 1, line 7, after "that" insert "the commercial retailer knows at the time of the sale"

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. 3654, A bill for an act relating to health; creating the Minnesota Responds Medical Reserve Corps; amending Minnesota Statutes 2006, sections 145A.04, by adding subdivisions; 145A.06, by adding subdivisions; 176.011, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 192.

Reported the same back with the following amendments:

Page 1, before line 7, insert:

"Section 1. Minnesota Statutes 2006, section 12.22, subdivision 2a, is amended to read:

Subd. 2a. **Volunteer protections.** (a) Individuals who volunteer to assist a local political subdivision during an emergency or disaster, who register with that subdivision, and who are under the direction and control of that subdivision are considered an employee of that subdivision for purposes of workers' compensation and tort claim defense and indemnification.

(b) Individuals who volunteer to assist the state during an emergency or disaster, who register with a state agency, and who are under the direction and control of the state agency are considered an employee of the state for purposes of workers' compensation and tort claim defense and indemnification.

(c) Notwithstanding qualification for volunteer protection under paragraph (a) or (b), a Minnesota Responds Medical Reserve Corps volunteer under sections 145A.04 to 145A.06, responding at the request of the commissioner of health, must receive state workers' compensation benefits and tort claim defense and indemnification as provided in section 145A.06, subdivision 7."

Page 2, line 27, after "Center" insert "or other public or private emergency preparedness partners"

Page 4, after line 24, insert:

"Sec. 7. Minnesota Statutes 2006, section 145A.06, is amended by adding a subdivision to read:

Subd. 8. **Volunteer health practitioners licensed in other states.** (a) While an emergency declaration is in effect, a volunteer health practitioner who is (1) registered with a registration system that complies with the emergency system for the advanced registration of volunteer health professionals (ESAR-VHP) established under United States Code, title 42, section 247d-7b; (2) licensed and in good standing in the state upon which the practitioner's registration is based; and (3) requested for deployment by the state's authorized representative under section 192.89, may practice in this state within the scope of practice authorized in the licensing state and to the extent authorized by this section as if the practitioner were licensed in this state.

(b) A volunteer health practitioner qualified under paragraph (a) is not entitled to the liability protections of section 192.89, subdivision 6, if the practitioner is licensed in more than one state and any license of the practitioner is suspended, revoked, or subject to an agency order limiting or restricting practice privileges, or has been voluntarily terminated under threat of sanction."

Page 8, after line 30, insert:

"Sec. 10. **EFFECTIVE DATE.**

This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "permitting volunteer health practitioners during an emergency declaration; providing volunteer protections;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3662, A bill for an act relating to local government; providing for a public hearing and public testimony before making an appointment to fill a vacancy on a county board or city council; changing the time period in which an appointment may be made; amending Minnesota Statutes 2006, sections 375.101, by adding a subdivision; 412.02, subdivision 2a, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 375.101, subdivision 4.

Reported the same back with the following amendments:

Page 2, line 6, delete "receive" and insert "invite"

Page 2, line 9, delete everything before "public" and insert "must notify"

Page 2, line 12, delete "consulted" and insert "notified"

Page 2, delete sections 3 and 4

Amend the title as follows:

Page 1, line 3, delete "or city council"

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. 3683, A bill for an act relating to public safety; providing for an e-charging service; requiring fingerprinting; amending Minnesota Statutes 2006, sections 13.871, by adding a subdivision; 299C.10, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299C.

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. 3692, A bill for an act relating to the city of Minneapolis; authorizing the creation of a nonprofit riverfront revitalization corporation; requiring a report.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **NONPROFIT RIVERFRONT REVITALIZATION CORPORATION.**

Subdivision 1. **Nonprofit corporation may be established.** The city of Minneapolis may create a nonprofit corporation under Minnesota Statutes, chapter 317A. The purpose of the nonprofit corporation must be to facilitate and support coordinated revitalization of the Mississippi riverfront within the city of Minneapolis. The corporation may seek tax exemption and 501(c)3 status under the Internal Revenue Code. The corporation may accept gifts, donations, money, property, and other assets and may transfer, donate, or otherwise provide such gifts, donations, money, property, and other assets consistent with its dedicated purpose. The corporation may choose to exercise any of the powers granted to a nonprofit corporation under Minnesota Statutes, chapter 317A, including the acquisition and disposition of real estate.

Subd. 2. **Formation; board of directors; employees.** The corporation's board of directors must include at least ten and no more than 24 members, including at least two representatives from the city of Minneapolis appointed by the city council and two representatives from the Minneapolis Park and Recreation Board appointed by the Minneapolis Park and Recreation Board. No more than half of the board may be representatives of governmental entities, with membership to be offered to the Mississippi Watershed Management Organization, Hennepin County, the University of Minnesota, and National Park Service/MNRRRA. At least half of the nongovernmental members of the board must be representatives of (1) community or neighborhood organizations from both river-adjacent neighborhoods and the city at large or (2) Minneapolis riverfront residents. The other nongovernmental members may include business leaders and representatives of civic and nonprofit organizations and foundations. The members of the board must not be compensated by the corporation for their services but may be reimbursed for reasonable expenses incurred in connection with their duties as board members.

Sec. 2. **FUNDING.**

The city of Minneapolis or the Minneapolis Park and Recreation Board, or both, may provide office space, administrative support, and funding to help create and establish the corporation. Until the corporation is established and functioning, the city of Minneapolis may accept gifts, donations, money, property, and other assets for purposes consistent with the corporation's purposes and shall, when the corporation is established and functioning, transfer such gifts, donations, money, property, and other assets to the corporation. The city of Minneapolis, the Minneapolis Park and Recreation Board, and any other political subdivisions of the state of Minnesota also may contribute gifts, donations, money, property, and other assets to the corporation for purposes consistent with the corporation's purposes. The use of governmental funds and resources for these purposes is a public purpose.

Sec. 3. **REPORT.**

On or before January 15, 2010, the city of Minneapolis shall prepare and submit to the chairs of the legislative committees and divisions with jurisdiction over metropolitan and local government a report on the creation and establishment of the corporation, including a description of the public and private funds and resources used to help create and establish the corporation.

Sec. 4. **APPLICATION.**

This act applies to the city of Minneapolis.

Sec. 5. **EFFECTIVE DATE.**

This act is effective the day after both the city of Minneapolis and the Minneapolis Park and Recreation Board comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3717, A bill for an act relating to energy; requiring advance notice to certain local units of government of intent to file route permit for construction of large energy facility; amending Minnesota Statutes 2006, section 216B.243, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 216E.03, is amended by adding a subdivision to read:

Subd. 3a. **Project notice.** At least 120 days before filing an application with the commission, the applicant shall provide notice to each local unit of government within which a route may be proposed. The notice must describe the proposed project and the opportunity for a preapplication consultation meeting with local units of government as provided in subdivision 3b.

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

Sec. 2. Minnesota Statutes 2006, section 216E.03, is amended by adding a subdivision to read:

Subd. 3b. **Preapplication consultation meetings.** Within 30 days of receiving a project notice, local units of government may request the applicant hold a consultation meeting with local units of government. Upon receiving notice from a local unit of government requesting a preapplication consultation meeting, the applicant shall arrange the meeting at a location chosen by the local unit of government.

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

Sec. 3. Minnesota Statutes 2006, section 216E.03, subdivision 4, is amended to read:

Subd. 4. **Notice of Application notice.** Within 15 days after submission of an application to the commission, the applicant shall publish notice of the application in a legal newspaper of general circulation in each county in which the site or route is proposed and send a copy of the application by certified mail to any regional development commission, county, incorporated municipality, and ~~township~~ town in which any part of the site or route is proposed. Within the same 15 days, the applicant shall also send a notice of the submission of the application and description of the proposed project to each owner whose property is on or adjacent to any of the proposed sites for

the power plant or along any of the proposed routes for the transmission line. The notice ~~shall~~ must identify a location where a copy of the application can be reviewed. For the purpose of giving mailed notice under this subdivision, owners ~~shall be~~ are those shown on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. The failure to give mailed notice to a property owner, or defects in the notice, ~~shall~~ does not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made. Within the same 15 days, the applicant shall also send the same notice of the submission of the application and description of the proposed project to those persons who have requested to be placed on a list maintained by the commission for receiving notice of proposed large electric generating power plants and high voltage transmission lines.

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

Delete the title and insert:

"A bill for an act relating to energy; modifying or adding provisions relating to notice and consultation meetings regarding permits for site selection of large electric generating plant or route selection for high-voltage transmission line; making clarifying changes; amending Minnesota Statutes 2006, section 216E.03, subdivision 4, by adding subdivisions."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3718, A bill for an act relating to energy; proposing the Business Energy Accountability Act of 2008; providing for a voluntary inventory of business energy use; proposing coding for new law in Minnesota Statutes, chapter 216C.

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. 3725, A bill for an act relating to transportation; authorizing urban partnership agreements to provide for user fees for use of high-occupancy vehicle lanes and dynamic shoulder lanes; exempting commissioner of transportation from rulemaking regarding urban partnership agreements, toll facilities, and final layouts for highways; imposing penalties; appropriating money; amending Minnesota Statutes 2006, sections 160.02, by adding a subdivision; 169.01, subdivision 31, by adding a subdivision; 169.306; proposing coding for new law in Minnesota Statutes, chapter 160.

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. 3727, A bill for an act relating to traffic regulations; establishing minimum requirements for city's permit program for long-term disability parking; amending Minnesota Statutes 2006, section 169.346, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 169.346, subdivision 5, is amended to read:

Subd. 5. **Local ordinance; long-term parking.** A statutory or home rule charter city may enact an ordinance establishing a permit program for long-term disability parking. If a city enacts the ordinance, a permit program for long-term disability parking must establish as a minimum:

(1) a limitation on disability parking of a maximum of four hours during the hours of enforcement, on one-hour, 90-minute, and two-hour parking meters;

(2) a requirement for city parking lots and ramps to provide a 50 percent discount on monthly fees for contracted parkers with disabilities, with appropriate vehicle identification, who park in designated disability parking spaces; and

(3) issuance of a special needs permit to an employed person with severe disability for an all-day, on-street parking permit that will accommodate the person's access needs."

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. 3729, A bill for an act relating to energy; establishing Legislative Energy Commission; abolishing Legislative Electric Energy Task Force; making conforming correction; appropriating money; amending Minnesota Statutes 2006, section 216B.2424, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 2006, section 216C.051, subdivisions 3, 4a, 6, 7, 8; Minnesota Statutes 2007 Supplement, section 216C.051, subdivisions 2, 8a, 9.

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

The report was adopted.

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

H. F. No. 3749, A bill for an act relating to veterans; authorizing and regulating state veterans cemeteries; amending Minnesota Statutes 2006, section 197.236.

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

The report was adopted.

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

H. F. No. 3762, A bill for an act relating to state government; creating the Veterans Health Care Advisory Council; proposing coding for new law in Minnesota Statutes, chapter 196.

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

The report was adopted.

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

H. F. No. 3763, A bill for an act relating to veterans; transferring functions of the Veterans Homes Board of Directors to commissioner of veterans affairs; amending Minnesota Statutes 2006, sections 196.021; 196.03; 198.32, subdivision 1; repealing Minnesota Statutes 2006, sections 198.001, subdivisions 6, 9; 198.002, subdivisions 1, 3, 6; 198.003, subdivisions 5, 6; 198.004, subdivision 2; Minnesota Statutes 2007 Supplement, sections 198.002, subdivision 2; 198.004, subdivision 1; Minnesota Rules, part 9050.0040, subpart 15.

Reported the same back with the recommendation that 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. 3766, A bill for an act relating to horse racing; modifying certain medication regulations; amending Minnesota Statutes 2006, section 240.24, subdivision 2.

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. 3770, A bill for an act relating to state government; requiring the Office of Enterprise Technology to report to the legislature regarding its approval process for state agency technology requests and assistance provided to state agencies in developing agency information systems plans; amending Minnesota Statutes 2006, sections 16E.01, subdivision 3; 16E.04, subdivision 2.

Reported the same back with the following amendments:

Page 3, line 2, delete "....." and insert "December 1"

Page 3, line 25, delete "....." and insert "December 1"

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

The report was adopted.

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

H. F. No. 3789, A bill for an act relating to agriculture; requiring wholesalers of lawn fertilizer containing phosphorous to provide retail signage; amending Minnesota Statutes 2006, section 18C.60, by adding a subdivision; repealing Minnesota Statutes 2006, section 18C.60, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 18C.60, is amended by adding a subdivision to read:

Subd. 5. **Retail signage.** (a) In the seven-county metropolitan area, a retailer of lawn fertilizer containing phosphorus must post a conspicuous sign stating the legal limitations on the fertilizer's use. "Conspicuous" means lettering in black Arial typeface at least three-eighths of an inch in height against a bright contrasting background. The sign must state:

"For the protection of water quality, Minnesota law prohibits application of lawn fertilizer containing phosphorus except when:

(1) establishing a new lawn with seed or sod;

(2) a soil test or plant tissue test shows a need for phosphorus;

(3) applied on a golf course by a trained person; or

(4) applied on farms growing sod for sale."

(b) A retailer offering lawn fertilizer containing phosphorus must post a sign with the fertilizer display.

(c) A retailer may substitute the sign in paragraph (a) with an alternative sign that meets requirements of paragraph (a).

Sec. 2. **REPEALER.**

Minnesota Statutes 2006, section 18C.60, subdivision 4, is repealed."

Delete the title and insert:

"A bill for an act relating to agriculture; requiring certain retailers to provide retail signage on the legal limitations on the use of lawn fertilizers containing phosphorus; amending Minnesota Statutes 2006, section 18C.60, by adding a subdivision; repealing Minnesota Statutes 2006, section 18C.60, subdivision 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3843, A bill for an act relating to energy; requiring certain amount of solar-produced energy under renewable energy standard; amending Minnesota Statutes 2007 Supplement, section 216B.1691, subdivision 2a.

Reported the same back with the following amendments:

Page 2, delete lines 9 to 14 and insert:

"(c) By the end of the year 2012, at least 0.0125 percent of the electricity required by paragraphs (a) and (b) to be generated by each electric utility must be generated by solar energy. At least 60 percent of the required solar energy electric generation by each utility must be distributed solar generated at a customer's site with customer-owned facilities. For the purposes of this paragraph, "distributed solar" 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, as defined by section 645.445, to reduce the effective electric load for that residence or business. An electric utility that generates less than 60 percent of its required solar energy electric generation with customer-owned distributed solar must demonstrate that reasonable efforts were made to achieve sufficient customer participation in a timely manner."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3863, A bill for an act relating to motor vehicles; authorizing automatic enforcement of official traffic-control devices; amending Minnesota Statutes 2006, sections 169.01, by adding subdivisions; 169.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

Reported the same back with the following amendments:

Page 3, after line 36, insert:

"Subd. 5. **Data; report.** A local authority that implements a program under this section must collect and report to the chairs of the legislative committees with jurisdiction over public safety, aggregate data on the program, including the number of citations issued and accidents before and after the program is implemented, and revenues and expenditures associated with the program.

The report is due January 15, 2011."

Page 4, line 2, before the period, insert ", except that subdivision 5 expires January 16, 2011"

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring report to the legislature;"

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

The report was adopted.

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

H. F. No. 3881, A bill for an act relating to human services; allowing certain home modifications to be allowed expenses for the home and community-based waiver programs.

Reported the same back with the recommendation that 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. 3913, A bill for an act relating to boxing; changing the name of the Minnesota Boxing Commission; providing penalties; extending jurisdiction of the commissions; authorizing rulemaking; amending Minnesota Statutes 2006, sections 341.21, as amended; 341.23; 341.24; 341.26; 341.28, as amended; 341.29; 341.30; 341.31; 341.32, as amended; 341.33; 341.34, subdivision 1; 341.35; 341.37; Minnesota Statutes 2007 Supplement, sections 214.04, subdivision 3; 341.22; 341.25; 341.27; 341.321; proposing coding for new law in Minnesota Statutes, chapter 341.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 214.04, subdivision 3, is amended to read:

Subd. 3. **Officers; staff.** The executive director of each health-related board and the executive secretary of each non-health-related board shall be the chief administrative officer for the board but shall not be a member of the board. The executive director or executive secretary shall maintain the records of the board, account for all fees received by it, supervise and direct employees servicing the board, and perform other services as directed by the board. The executive directors, executive secretaries, and other employees of the following boards shall be hired by the board, and the executive directors or executive secretaries shall be in the unclassified civil service, except as provided in this subdivision:

- (1) Dentistry;
- (2) Medical Practice;
- (3) Nursing;
- (4) Pharmacy;
- (5) Accountancy;
- (6) Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design;
- (7) Barber Examiners;
- (8) Cosmetology;
- (9) Teaching;

- (10) Peace Officer Standards and Training;
- (11) Social Work;
- (12) Marriage and Family Therapy;
- (13) Dietetics and Nutrition Practice; ~~and~~
- (14) Licensed Professional Counseling; and
- (15) Combative Sports Commission.

The executive directors or executive secretaries serving the boards are hired by those boards and are in the unclassified civil service, except for part-time executive directors or executive secretaries, who are not required to be in the unclassified service. Boards not requiring full-time executive directors or executive secretaries may employ them on a part-time basis. To the extent practicable, the sharing of part-time executive directors or executive secretaries by boards being serviced by the same department is encouraged. Persons providing services to those boards not listed in this subdivision, except executive directors or executive secretaries of the boards and employees of the attorney general, are classified civil service employees of the department servicing the board. To the extent practicable, the commissioner shall ensure that staff services are shared by the boards being serviced by the department. If necessary, a board may hire part-time, temporary employees to administer and grade examinations.

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

Sec. 2. Minnesota Statutes 2006, section 341.21, as amended by Laws 2007, chapter 135, article 3, section 30, is amended to read:

341.21 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions in this section apply to this chapter.

Subd. 2. **Boxing.** "Boxing" means the act of attack and defense with the fists, using padded gloves, that is practiced as a sport under the rules of the Association of Boxing Commissions, or equivalent. Where applicable, boxing includes tough person contests.

Subd. 2a. **Combatant.** "Combatant" means an individual who employs the act of attack and defense as a boxer, tough person, or mixed martial artist while engaged in a combative sport.

Subd. 2b. **Combative sport.** "Combative sport" means a sport that employs the act of attack and defense with the fists, with or without using padded gloves, or feet that is practiced as a sport under the rules of the Association of Boxing Commissions, unified rules for mixed martial arts, or their equivalent. Combative sports include professional boxing and professional and amateur tough person and professional and amateur mixed martial arts contests.

Subd. 3. **Commission.** "Commission" means the ~~Minnesota Boxing~~ Minnesota Combative Sports Commission.

Subd. 4. **Combative sports contest.** "Combative sports contest" means ~~any a professional~~ boxing, a professional or amateur tough person, or a professional or amateur mixed martial art bout, competition ~~contest,~~ match, or exhibition.

Subd. 4a. **Director.** "Director" means the executive director of the commission.

Subd. 4b. **HBV.** "HBV" means the hepatitis B virus with the e-antigen present in the most recent blood test.

Subd. 4c. **HCV.** "HCV" means the hepatitis C virus.

Subd. 4d. **HIV.** "HIV" means the human immunodeficiency virus.

Subd. 4e. **Individual.** "Individual" means a living human being.

Subd. 4f. **Mixed martial arts contest.** "Mixed martial arts contest" means a contest between two or more individuals consisting of any combination of full contact martial art including, but not limited to, Muay Thai and Karate, kickboxing, wrestling, grappling, or other recognized martial art.

Subd. 4g. **Person.** "Person" means an individual, corporation, partnership, limited liability company, organization, or other business entity organized and existing under law, its officers and directors, or a person holding 25 percent or more of the ownership of a corporation that is authorized to do business under the laws of this state.

Subd. 5. **Professional.** "Professional" means any person who competes for any money prize or a prize that exceeds the value of \$50 or teaches, pursues, or assists in the practice of boxing a combative sport as a means of obtaining a livelihood or pecuniary gain.

~~Subd. 6. **Director.** "Director" means the executive director of the commission.~~

Subd. 7. **Tough person contest.** "Tough person contest," including contests marketed as tough man ~~and or~~ tough woman contests, means ~~any boxing match consisting a contest of one minute rounds~~ two-minute rounds consisting of not more than four rounds between two or more ~~persons~~ individuals who use their hands, or their feet, or both, in any manner. Tough person contest does not include ~~kick boxing~~ kickboxing or any recognized martial arts ~~competition~~ contest.

~~Subd. 8. **Mixed martial arts.** "Mixed martial arts" means any combination of boxing, kick boxing, wrestling, grappling, or other recognized martial arts.~~

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

Sec. 3. Minnesota Statutes 2007 Supplement, section 341.22, is amended to read:

341.22 BOXING COMBATIVE SPORTS COMMISSION.

There is hereby created the Minnesota Boxing Combative Sports Commission consisting of nine members who are citizens of this state. The members must be appointed by the governor. One member of the commission must be a retired judge of the Minnesota district court, Minnesota Court of Appeals, Minnesota Supreme Court, the United States District Court for the District of Minnesota, or the Eighth Circuit Court of Appeals, and at least ~~three~~ four members must have knowledge of the boxing industry. At least four members must have knowledge of the mixed martial arts industry. The governor shall make serious efforts to appoint qualified women to serve on the commission. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements must be as provided in sections 214.07 to 214.09. Unless otherwise provided, the provision of staff, administrative services, and office space; the review and processing of complaints; the setting of fees; and other provisions relating to commission operations ~~must be~~ are as provided in chapter 214. The purpose of the commission is to protect health, promote safety, and ensure fair events.

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

Sec. 4. Minnesota Statutes 2006, section 341.23, is amended to read:

341.23 LIMITATIONS.

No member of the ~~Boxing~~ commission may directly or indirectly promote a ~~boxing~~ contest, directly or indirectly engage in the managing of a ~~boxer combatant~~, or have an interest in any manner in the proceeds from a ~~boxing combative sport~~ contest.

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

Sec. 5. Minnesota Statutes 2007 Supplement, section 341.25, is amended to read:

341.25 RULES.

(a) The commission may adopt rules that include standards for the physical examination and condition of ~~boxers combatants~~ and referees. Notwithstanding section 14.125, the commission shall publish a notice of intent to adopt rules or a notice of hearing on or before September 1, 2008.

(b) The commission may adopt other rules necessary to carry out the purposes of this chapter, including, but not limited to, the conduct of ~~boxing exhibitions, bouts, and fights~~, all combative sport contests and their manner, supervision, time, and place. Notwithstanding section 14.125, the commission shall publish a notice of intent to adopt rules or a notice of hearing on or before September 1, 2008.

(c) The commission must adopt unified rules for mixed martial arts contests.

(d) The commission may adopt the rules of the Association of Boxing Commissions, with amendments.

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

Sec. 6. Minnesota Statutes 2006, section 341.26, is amended to read:

341.26 MEETINGS.

The commission shall hold a regular meeting quarterly and may hold special meetings. Except as otherwise provided in law, all meetings of the commission must be open to the public and reasonable notice of the meetings must be given under chapter 13D. If compliance with section 13D.02 is impractical, the commission may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the commission participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the commission can hear clearly all discussion and testimony and all votes of members of the commission and, if needed, receive those services required by sections 15.44 and 15.441;

(3) at least one member of the commission is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Each member of the commission participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

If a telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the commission, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The commission may require the person making such a connection to pay for documented costs that the commission incurs as a result of the additional connection.

If a telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the commission shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and that a person may monitor the meeting electronically from a remote location. The timing and method of providing notice is governed by section 13D.04.

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

Sec. 7. Minnesota Statutes 2007 Supplement, section 341.27, is amended to read:

341.27 COMMISSION DUTIES.

The commission shall:

- (1) issue, deny, renew, suspend, or revoke licenses;
- (2) make and maintain records of its acts and proceedings including the issuance, denial, renewal, suspension, or revocation of licenses;
- (3) keep public records of the commission open to inspection at all reasonable times;
- (4) assist the director in the development of rules to be implemented under this chapter;
- (5) conform to the rules adopted under this chapter; ~~and~~
- (6) develop policies and procedures for regulating mixed martial arts;
- (7) immediately suspend an individual license for a medical condition, including but not limited to a medical condition resulting from an injury sustained during a match, bout, or contest that has been confirmed by the ringside physician. The medical suspension must be lifted after the commission receives written information from a physician licensed in the home state of the licensee indicating that the combatant may resume competition, and any other information that the commission may by rule require. Medical suspensions are not subject to section 214.10; and
- (8) evaluate the performance and compensation of the director, including eligibility for salary increases, in keeping with state procedures.

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

Sec. 8. **[341.271] GIFT AUTHORITY.**

The commission may apply for, receive, and expend in its own name grants and gifts of money consistent with the powers and duties specified in section 341.27. The commission may accept gifts, bequests, grants, payments for services, and other public and private money to help finance the activities of the commission.

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

Sec. 9. Minnesota Statutes 2006, section 341.28, as amended by Laws 2007, chapter 135, article 3, sections 34, 35, is amended to read:

341.28 REGULATION OF ~~BOXING~~ COMBATIVE SPORT CONTESTS.

Subdivision 1. **Regulatory authority; ~~boxing combative sports~~.** All ~~professional boxing combative sport~~ contests are subject to this chapter. ~~Every contestant in a boxing contest shall wear padded gloves that weigh at least eight ounces.~~ The commission shall, for every boxing combative sport contest:

- (1) direct a commission member to be present; and
- (2) direct the attending commission member to make a written report of the contest.

All boxing combative sport contests within this state must be conducted according to the requirements of this chapter.

Subd. 1a. **Regulatory authority; boxing contests.** All professional boxing contests are subject to this chapter. Every combatant in a boxing contest shall wear padded gloves that weigh at least eight ounces. Officials at all boxing contests must be licensed under this chapter.

Subd. 2. **Regulatory authority; tough person contests.** All professional and amateur tough person contests; ~~including amateur tough person contests~~, are subject to this chapter. All tough person contests are subject to American Association of Boxing Commission (ABC) Commissions rules. Every contestant in a tough person contest shall have a physical examination prior to their bouts. Every contestant in a tough person contest shall wear padded gloves that weigh at least 12 ounces. All tough person bouts are limited to two-minute rounds and a maximum of four total rounds. Officials at all tough person bouts contests shall be licensed under this chapter.

Subd. 3. **Regulatory authority; mixed martial arts contests; similar sporting events.** All professional and amateur mixed martial arts, ultimate fight contests, and similar sporting events are subject to this chapter and all officials at these events must be licensed under this chapter.

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

Sec. 10. Minnesota Statutes 2006, section 341.29, is amended to read:

341.29 JURISDICTION OF COMMISSION.

The commission shall:

(1) have sole direction, supervision, regulation, control, and jurisdiction over all boxing combative sports contests ~~and tough person contests~~ that are held within this state unless a contest is exempt from the application of this chapter under federal law;

(2) have sole control, authority, and jurisdiction over all licenses required by this chapter; and

(3) grant a license to an applicant if, in the judgment of the commission, the financial responsibility, experience, character, and general fitness of the applicant are consistent with the public interest, convenience, or necessity and the best interests of boxing combative sports and conforms with this chapter and the commission's rules.

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

Sec. 11. Minnesota Statutes 2006, section 341.30, is amended to read:

341.30 LICENSURE REQUIREMENTS.

Subdivision 1. **Licensure; individuals.** All referees, judges, matchmakers, promoters, trainers, ring announcers, timekeepers, ringside physicians, ~~boxers combatants~~, ~~boxers'~~ managers, and ~~boxers'~~ seconds are required to be licensed by the commission. The commission shall not permit any of these persons to participate in the holding or conduct of any boxing combative sport contest unless the commission has first issued the person a license.

Subd. 2. **Entity licensure.** Before participating in the holding or conduct of any boxing combative sport contest, a corporation, partnership, limited liability company, or other business entity organized and existing under law, its officers and directors, and any person holding 25 percent or more of the ownership of the corporation shall obtain a license from the commission and must be authorized to do business under the laws of this state.

Subd. 3. **Background investigation.** The commission may require referees, judges, matchmakers, promoters, and ~~boxers combatants~~ to furnish fingerprints and background information under commission rules before licensure. The commission shall charge a fee for receiving fingerprints and background information in an amount determined by the commission. The commission may require referees, judges, matchmakers, promoters, and ~~boxers combatants~~ to furnish fingerprints and background information before license renewal. The fee may include a reasonable charge for expenses incurred by the commission or the Department of Public Safety. For this purpose, the commission and the Department of Public Safety may enter into an interagency agreement.

Subd. 4. **Prelicensure requirements.** (a) Before the commission issues a license to a promoter, matchmaker, corporation, or other business entity, the applicant shall:

(1) provide the commission with a copy of any agreement between a ~~contestant combatant~~ and the applicant that binds the applicant to pay the ~~contestant combatant~~ a certain fixed fee or percentage of the gate receipts;

(2) show on the application the owner or owners of the applicant entity and the percentage of interest held by each owner holding a 25 percent or more interest in the applicant;

(3) provide the commission with a copy of the latest financial statement of the entity; and

(4) provide the commission with a copy or other proof acceptable to the commission of the insurance contract or policy required by this chapter.

(b) Before the commission issues a license to a promoter, the applicant shall deposit with the commission a cash bond or surety bond in an amount set by the commission. The bond shall be executed in favor of this state and shall be conditioned on the faithful performance by the promoter of the promoter's obligations under this chapter and the rules adopted under it. An applicant for a license as a promoter shall submit an application a minimum of six weeks before the combative sport contest is scheduled to occur.

(c) Before the commission issues a license to a ~~boxer combatant~~, the applicant shall submit to the commission the results of a current medical examination on forms furnished or approved by the commission. The medical examination must include an ophthalmological and neurological examination, and documentation of test results for HBV, HCV, and HIV, and any other blood test as the commission by rule may require. The ophthalmological examination must be designed to detect any retinal defects or other damage or condition of the eye that could be aggravated by boxing combative sports. The neurological examination must include an electroencephalogram or medically superior test if the ~~boxer combatant~~ has been knocked unconscious in a previous ~~boxing or other athletic competition contest~~. The commission may also order an electroencephalogram or other appropriate neurological or

physical examination before any contest, ~~match, or exhibition~~ if it determines that the examination is desirable to protect the health of the ~~boxer, combatant~~. The commission shall not issue a license to an applicant submitting positive test results for HBV, HCV, or HIV.

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

Sec. 12. Minnesota Statutes 2006, section 341.32, as amended by Laws 2007, chapter 135, article 3, section 36, is amended to read:

341.32 LICENSE FEES; EXPIRATION; RENEWAL.

Subdivision 1. **Annual licensure.** The commission may establish and issue annual licenses subject to the collection of advance fees by the commission for promoters, ~~matchmakers~~, managers, judges, referees, ring announcers, ringside physicians, timekeepers, ~~boxers~~ combatants, ~~boxers'~~ trainers, ~~boxers'~~ seconds, business entities filing for a license to participate in the holding of any ~~boxing~~ contest, and officers, directors, or other persons affiliated with the business entity.

Subd. 2. **Expiration and renewal.** A license issued after July 1, 2007, is valid for one year from the date it is issued and may be renewed by filing an application for renewal with the commission and payment of the license ~~fee fees~~ established in section 341.321. An application for a license and renewal of a license must be on a form provided by the commission. There is a 30-day grace period during which a license may be renewed if a late filing penalty fee equal to the license fee is submitted with the regular license fee. A licensee that files late shall not conduct any activity regulated by this chapter until the commission has renewed the license. If the licensee fails to apply to the commission within the 30-day grace period, the licensee must apply for a new license under subdivision 1.

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

Sec. 13. Minnesota Statutes 2007 Supplement, section 341.321, is amended to read:

341.321 FEE SCHEDULE.

(a) The fee schedule for professional licenses issued by the ~~Minnesota Boxing~~ commission is as follows:

- (1) referees, ~~\$45~~ \$25 for each initial license and each renewal;
- (2) promoters, \$400 for each initial license and each renewal;
- (3) judges and knockdown judges, ~~\$45~~ \$25 for each initial license and each renewal;
- (4) trainers, ~~\$45~~ \$25 for each initial license and each renewal;
- (5) ring announcers, ~~\$45~~ \$25 for each initial license and each renewal;
- (6) ~~boxers'~~ seconds, ~~\$45~~ \$25 for each initial license and each renewal;
- (7) timekeepers, ~~\$45~~ \$25 for each initial license and each renewal;
- (8) ~~boxers~~ combatant, ~~\$45~~ \$25 for each initial license and each renewal;

(9) managers, ~~\$45~~ \$25 for each initial license and each renewal; and

(10) ringside physicians, ~~\$45~~ \$25 for each initial license and each renewal.

In addition to the license fee and the late filing penalty fee in section 341.32, subdivision 2, if applicable, an individual who applies for a combatant license on the same day the combative sporting event is held shall pay a fee of \$100 at the time the application is submitted.

(b) The fee schedule for amateur licenses issued by the commission is as follows:

(1) referees, \$10 for each initial license and each renewal;

(2) promoters, \$100 for each initial license and each renewal;

(3) judges and knockdown judges, \$10 for each initial license and each renewal;

(4) trainers, \$10 for each initial license and each renewal;

(5) ring announcers, \$10 for each initial license and each renewal;

(6) seconds, \$10 for each initial license and each renewal;

(7) timekeepers, \$10 for each initial license and each renewal;

(8) combatant, \$10 for each initial license and each renewal;

(9) managers, \$10 for each initial license and each renewal; and

(10) ringside physicians, \$10 for each initial license and each renewal.

(c) The commission shall establish ~~and assess an event~~ a contest fee for each ~~sporting event~~ combative sport contest. The ~~event~~ contest fee is ~~set at a minimum of~~ \$1,500 per event or a ~~percentage not more than four percent of~~ the gross ticket sales as determined by the commission when the ~~sporting event~~ combative sport contest is scheduled, except that the amateur combative sport contest fee shall be \$150. The commission shall consider the size and type of venue when establishing a contest fee. The commission may establish the maximum number of complimentary tickets allowed for each event by rule. An amateur combative sport contest fee is nonrefundable.

~~(e)~~ (d) All fees collected by the ~~Minnesota Boxing~~ commission must be deposited in the ~~Boxing~~ commission account in the special revenue fund.

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

Sec. 14. Minnesota Statutes 2006, section 341.33, is amended to read:

341.33 PHYSICAL EXAMINATION REQUIRED; FEES.

Subdivision 1. **Examination by physician.** All ~~boxers and referees~~ combatants must be examined by a physician licensed by this state within ~~three~~ 36 hours before entering the ring, and the examining physician shall immediately file with the commission a written report of the examination. The physician's examination ~~shall~~ may report on the condition of the ~~boxer's~~ combatant's heart and general physical and general neurological condition. The physician's report may record the condition of the ~~boxer's~~ combatant's nervous system and brain as required by

the commission. The physician may prohibit the ~~boxer~~ combatant from entering the ring if, in the physician's professional opinion, it is in the best interest of the ~~boxer's~~ combatant's health. The cost of the examination is payable by the person or entity conducting the contest or exhibition.

Subd. 2. **Attendance of physician.** A person holding or sponsoring a ~~boxing contest~~ combative sport contest, shall have in attendance a physician licensed by this state. The commission may establish a schedule of fees to be paid to each attending physician by the person holding or sponsoring the contest.

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

Sec. 15. Minnesota Statutes 2006, section 341.34, subdivision 1, is amended to read:

Subdivision 1. **Required insurance.** The commission shall:

(1) require insurance coverage for a ~~boxer~~ combatant to provide for medical, surgical, and hospital care for injuries sustained in the ring in an amount of at least ~~\$20,000~~ \$10,000 and payable to the ~~boxer~~ combatant as beneficiary; and

(2) require life insurance for a ~~boxer~~ combatant in the amount of at least ~~\$20,000~~ \$10,000 payable in case of accidental death resulting from injuries sustained in the ring.

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

Sec. 16. Minnesota Statutes 2006, section 341.35, is amended to read:

341.35 PENALTIES FOR NONLICENSED EXHIBITIONS CONTESTS.

Any person or persons who send or cause to be sent, published, or otherwise made known, any challenge to fight what is commonly known as a prize fight, or engage in any public ~~boxing or sparring~~ combative sport match or contest, with or without gloves, for any prize, reward, or compensation, or for which any admission fee is charged directly or indirectly, or go into training preparatory for the fight, exhibition, or contest, or act as a trainer, aider, abettor, backer, umpire, referee, second, surgeon, assistant, or attendant at the fight, exhibition, or contest, or in any preparation for same, and any owner or lessee of any ground, building, or structure of any kind permitting the same to be used for any fight, exhibition, or contest, is guilty of a misdemeanor unless ~~a license~~ the licenses required for the holding of the fight, exhibition, or contest ~~has~~ have been issued by the commission in compliance with the rules adopted by it.

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

Sec. 17. **[341.355] PENALTIES.**

When the commission finds that a person has violated one or more provisions of any statute, rule, or order that the commission is empowered to regulate, enforce, or issue, the commission may impose, for each violation, a civil penalty of up to \$10,000 for each violation, or a civil penalty that deprives the person of any economic advantage gained by the violation, or both.

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

Sec. 18. Minnesota Statutes 2006, section 341.37, is amended to read:

341.37 APPROPRIATION.

A ~~Boxing~~ commission account is created in the special revenue fund. Money in the account is annually appropriated to the ~~Boxing~~ commission for the purposes of conducting its statutory responsibilities and obligations.

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

Sec. 19. **APPROPRIATION.**

\$80,000 is appropriated from the general fund to the Combative Sports Commission. The appropriation is available for the biennium ending June 30, 2009, and is added to the commission's base.

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

Sec. 20. **REPEALER.**

Minnesota Statutes 2006, section 341.31, is repealed.

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

Delete the title and insert:

"A bill for an act relating to boxing; changing the name of the Minnesota Boxing Commission; providing penalties; extending jurisdiction of the commission; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2006, sections 341.21, as amended; 341.23; 341.26; 341.28, as amended; 341.29; 341.30; 341.32, as amended; 341.33; 341.34, subdivision 1; 341.35; 341.37; Minnesota Statutes 2007 Supplement, sections 214.04, subdivision 3; 341.22; 341.25; 341.27; 341.321; proposing coding for new law in Minnesota Statutes, chapter 341; repealing Minnesota Statutes 2006, section 341.31."

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.

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

H. F. No. 3933, A bill for an act relating to state government; specifying duties and rights of executive branch employees; providing remedies; amending Minnesota Statutes 2007 Supplement, section 181.932, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A.

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. 3955, A bill for an act relating to human services; promoting community-based care for older adults through the establishment of a community consortium demonstration project; establishing a community consortium account in the general fund to distribute pooled resources; requiring an evaluation of the demonstration project.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 256B.092, is amended by adding a subdivision to read:

Subd. 4e. **Costs associated with physical activities.** Effective upon federal approval, the costs associated with physical exercise or other physical activities to maintain or improve a person's health and functioning included in a person's individual service plan shall be an allowed expense for home and community-based waiver programs for persons with disabilities to the extent that the costs will not increase the person's authorized annual budget amount. By October 1, 2008, the commissioner of human services shall submit an amendment to the Centers for Medicare and Medicaid Services consistent with this subdivision.

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

Sec. 2. Minnesota Statutes 2006, section 256B.49, is amended by adding a subdivision to read:

Subd. 22. **Costs associated with physical activities.** Effective upon federal approval, the costs associated with physical exercise or other physical activities to maintain or improve a person's health and functioning included in a person's individual service plan shall be an allowed expense for home and community-based waiver programs for persons with disabilities to the extent that the costs will not increase the person's authorized annual budget amount. By October 1, 2008, the commissioner of human services shall submit an amendment to the Centers for Medicare and Medicaid Services consistent with this subdivision.

Sec. 3. **OLDER ADULT SERVICES COMMUNITY CONSORTIUMS.**

Subdivision 1. **Establishment.** (a) The commissioner of human services, in cooperation with the commissioners of health and housing finance, shall develop and implement, beginning July 1, 2009, a three-year demonstration project for older adult services community consortiums. An older adult services community consortium may consist of health care and social service providers, county agencies, health plan companies, and other community stakeholders within a demonstration site that have established a process for joint decision making. Demonstration sites may include a portion of a county, an entire county, or multiple counties.

(b) Each community consortium seeking to participate as a demonstration site must submit an application to the commissioner of human services. The application must include:

(1) a description of the entities participating in the consortium, the scope of collaboration, and the process to be used for joint decision making;

(2) the methods by which the consortium plans to achieve the goals specified in subdivision 2;

(3) a description of the proposed demonstration site; and

(4) other information the commissioner of human services determines to be necessary to evaluate proposals.

(c) The commissioner of human services shall establish a process to review and consider applicants. The commissioner of human services shall designate up to three community consortiums as demonstration sites.

(d) Each community consortium selected to participate shall establish a local group to assist in planning, designing, implementing, and evaluating the coordinated service delivery system within the demonstration site. Planning for each consortium shall build upon current planning processes developed by county gaps analyses and ElderCare Development Partnerships under Minnesota Statutes, section 256B.0917.

Subd. 2. **Goals.** The community consortium demonstration project is intended to accelerate the development of community-based services to fill in gaps identified within communities, by using a pool of funds and providing flexibility in the use and distribution of these funds within each demonstration site. These projects must be designed to:

(1) ensure consumer access to a continuum of older adult services;

(2) create an adequate supply of affordable home-based alternatives to care for persons currently using nursing facilities, or likely to need nursing facility services in the future;

(3) establish and achieve measurable performance targets for care delivered throughout the continuum of care; and

(4) support the management of chronic and complex conditions through greater coordination of all services needed by older adults.

Subd. 3. **Priority for other grants.** The commissioner of health shall give priority to community consortiums selected as demonstration sites when awarding technology-related grants, if the consortiums are using technology as a part of their proposal. To the extent that the commissioner of the Housing Finance Agency funds projects to create or preserve affordable housing options for older adults, the commissioner of housing finance shall give priority to financially feasible projects proposed or supported by community consortiums selected as demonstration sites. The commissioner of transportation shall give priority to community consortiums selected as demonstration sites when distributing transportation-related funds to create transportation options for older adults.

Subd. 4. **Federal approval.** The commissioner of human services shall request any federal approvals or waivers necessary to implement the community consortiums under the medical assistance program and include medical assistance funding as specified in subdivision 7 in the community consortium account.

Subd. 5. **State waivers.** The commissioner of health may waive applicable state laws and rules on a time-limited basis if the commissioner of health determines that a participating consortium requires a waiver in order to achieve demonstration project goals.

Subd. 6. **Quality measures.** (a) Community consortiums participating in the demonstration project shall report information to the commissioner of human services necessary to evaluate the demonstration project, in the form and manner specified by the commissioners. The information collected by the commissioner of human services must include both process and outcome measures, including but not limited to measures related to enrollee satisfaction, service delivery, service coordination, service access, use of technology, individual outcomes, and costs.

(b) Participating consortiums shall identify state policies that limit the extent to which project goals can be achieved and recommend necessary changes to the appropriate state agencies.

Subd. 7. **Community consortium account; financing.** (a) The commissioner of finance shall establish a community consortium account as a special revenue account for the purpose of collecting funds for distribution to the selected community consortiums. Funds must be collected from the following existing grant programs within the Departments of Health and Human Services and must be transferred as follows to the community consortium account prior to awarding of the demonstration grants:

(1) ten percent of any funds appropriated for the biennium ending June 30, 2011, for the nursing home moratorium exceptions process under Minnesota Statutes, section 144A.073;

(2) ten percent of the funds appropriated for the biennium ending June 30, 2011, for community service grants under Minnesota Statutes, section 256B.0917, subdivision 13, and community services development grants under Minnesota Statutes, section 256.9754, subdivision 3; and

(3) ten percent of the funds appropriated for the biennium ending June 30, 2011, for nursing facility performance grants under Minnesota Statutes, section 256B.434, subdivision 4, paragraph (d).

(b) Money in the community consortium account may be used by the commissioner of human services to provide grants to participating community consortiums.

(c) Funds available from closure of nursing facility beds within a demonstration site may be used by the consortium to fund consortium-related activities if the closed beds have not been claimed as a planned closure rate adjustment under Minnesota Statutes, section 256B.437.

(d) The commissioner of human services, in consultation with the commissioner of health, may approve moratorium exception projects that are part of the applications submitted by the designated demonstration sites, using any funding made available under paragraph (a), clause (1), and subject to the limits of that funding. Nursing facilities receiving approval for moratorium exception projects under this paragraph shall receive a rate increase calculated in the same manner as facilities receiving exceptions under Minnesota Statutes, section 144A.073, and the rate increase shall continue to apply after the expiration of the demonstration project grant under this section. Once grants under this section are no longer made, any funds made available under paragraph (a), clause (1), that are not being used by demonstration projects, shall be transferred to the Department of Health to be used for moratorium exception projects approved under Minnesota Statutes, section 144A.073.

Subd. 8. **Evaluation and report.** The commissioner of human services, in cooperation with the commissioners of health and housing finance, shall evaluate the demonstration project, and report findings and recommendations to the legislature by November 15, 2011, on whether the demonstration project should be continued and whether the number of demonstration project sites increased. The evaluation and report must include:

(1) a comparison of the performance of demonstration sites relative to nonconsortium communities on the quality measures specified in subdivision 6;

(2) an assessment of the extent to which the demonstration project can be successfully expanded to other parts of the state; and

(3) legislative changes necessary to improve the effectiveness of the demonstration project and to expand the projects to other parts of the state.

The commissioner of human services may use up to \$50,000 of the funding provided to each participating community consortium under this section to fund the evaluation and report."

Delete the title and insert:

"A bill for an act relating to human services; promoting community-based care for older adults through the establishment of community consortiums; providing coverage for costs associated with physical activities for home and community-based waiver programs for persons with disabilities; amending Minnesota Statutes 2006, sections 256B.092, by adding a subdivision; 256B.49, by adding a subdivision."

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

The report was adopted.

Lieder from the Transportation Finance Division to which was referred:

H. F. No. 3960, A bill for an act relating to transportation; requiring driver education instruction relating to interaction with commercial motor vehicles; requiring modification to driver's manual; providing for rulemaking; amending Minnesota Statutes 2006, sections 171.0701; 171.13, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 3975, A bill for an act relating to insurance; providing recovery of damages and attorney fees for breach of an insurance policy; amending Minnesota Statutes 2006, section 471.982, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 60A.

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:

S. F. No. 1218, A bill for an act relating to elections; changing certain procedures and requirements for absent voters; providing for privacy of certain voter registration information; providing for certain emergency situations; authorizing rulemaking; amending Minnesota Statutes 2006, sections 201.091, subdivision 9; 203B.16, subdivision 2; 203B.17, subdivision 2; 203B.19; 203B.20; 203B.21, subdivisions 2, 3; 203B.22; 203B.23; 203B.24; 203B.25; 203B.26; proposing coding for new law in Minnesota Statutes, chapter 203B; repealing Minnesota Statutes 2006, section 203B.16, subdivision 3.

Reported the same back with the following amendments:

Page 9, line 21, delete everything after the period

Page 9, delete line 22

Amend the title as follows:

Page 1, line 4, delete "authorizing rulemaking;"

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:

S. F. No. 2262, A bill for an act relating to telecommunications; repealing certain obsolete rules; repealing Minnesota Rules, parts 7810.0800; 7810.1300; 7810.2700; 7810.4000; 7810.5700; 7810.6200; 7810.6300; 7810.6500.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2588, 2662, 2837, 2940, 2946, 3077, 3084, 3138, 3238, 3243, 3264, 3287, 3316, 3328, 3357, 3365, 3457, 3481, 3522, 3576, 3596, 3597, 3644, 3646, 3650, 3654, 3662, 3683, 3692, 3717, 3718, 3727, 3766, 3789, 3843, 3933 and 3975 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2667, 2912, 1218 and 2262 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Kahn and Paymar introduced:

H. F. No. 4061, A bill for an act relating to human rights; establishing requirements for investigations and fulfillment of statutory functions; appropriating money; amending Minnesota Statutes 2007 Supplement, section 363A.06, subdivision 1.

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

Nelson introduced:

H. F. No. 4062, A bill for an act relating to motor fuels; providing for tax refund on fuel used in certain auxiliary power devices; amending Minnesota Statutes 2006, section 296A.16, subdivision 2.

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

Jaros; Bly; Moe; Peterson, N., and Urdahl introduced:

H. F. No. 4063, A bill for an act relating to state government; allowing the Indian Affairs Council to conduct meetings by telephone or by electronic means; amending Minnesota Statutes 2007 Supplement, section 3.922, by adding a subdivision.

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

Davnie introduced:

H. F. No. 4064, A bill for an act relating to taxation; providing tax incentives for green economy businesses; providing for certification of qualified businesses; appropriating money; amending Minnesota Statutes 2006, sections 272.02, by adding a subdivision; 290.01, subdivision 29; 290.06, subdivision 2c, by adding a subdivision; 290.067, subdivision 1; 290.0671, subdivision 1; 290.091, subdivision 2; 290.0921, subdivision 3; 290.0922, subdivisions 2, 3; 297A.68, by adding a subdivision; 297B.03; Minnesota Statutes 2007 Supplement, section 290.01, subdivision 19b; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Davnie introduced:

H. F. No. 4065, A bill for an act relating to motor vehicles; creating special "Mississippi River" plate; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 168.

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

Otremba introduced:

H. F. No. 4066, A bill for an act relating to veterans; authorizing special license plates for veteran awarded silver star or bronze star medal; amending Minnesota Statutes 2006, sections 168.011, by adding a subdivision; 169.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 168.

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

Wagenius introduced:

H. F. No. 4067, A bill for an act relating to natural resources; providing standards for prevention of water contamination by nonferrous metallic mineral mining operations; specifying financial assurance instruments required of nonferrous metallic mineral mining owners; proposing coding for new law in Minnesota Statutes, chapter 93.

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

Dittrich; Peterson, S.; Benson and Garofalo introduced:

H. F. No. 4068, A bill for an act relating to education finance; modifying distribution of permanent school fund payments; setting growth in permanent school fund revenue aside for school technology purposes; amending Minnesota Statutes 2006, section 126C.21, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 127A.

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

Hamilton and Thissen introduced:

H. F. No. 4069, A bill for an act relating to insurance; limiting excessive co-payments on drugs to treat multiple sclerosis; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Hausman introduced:

H. F. No. 4070, A bill for an act relating to capital improvements; appropriating money for public facilities; authorizing the sale and issuance of state bonds.

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

Tillberry introduced:

H. F. No. 4071, A bill for an act relating to education; modifying safe schools levy; amending Minnesota Statutes 2007 Supplement, section 126C.44.

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

Hausman introduced:

H. F. No. 4072, A bill for an act relating to capital improvements; appropriating money for asset preservation at the University of Minnesota and Minnesota State Colleges and Universities; authorizing the sale and issuance of state bonds.

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

Gunther, Thissen, Finstad, Drazkowski, Magnus, Hackbarth, Urdahl, Nornes, Lanning, Cornish, Abeler, Tingelstad and Brod introduced:

H. F. No. 4073, A bill for an act relating to taxation; income taxes; increasing the long-term care insurance credit; amending Minnesota Statutes 2006, section 290.0672, subdivision 2.

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

Lanning, Solberg, Olin, Koenen and Otremba introduced:

H. F. No. 4074, A bill for an act relating to state government; appropriating money for the legislators' forum.

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

Olin, Sailer, Solberg, Juhnke and Hamilton introduced:

H. F. No. 4075, A bill for an act relating to agriculture; providing requirements for cattle herds within certain areas; appropriating money to the Board of Animal Health for the buyout of cattle herds in certain areas; proposing coding for new law in Minnesota Statutes, chapter 35.

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

Beard introduced:

H. F. No. 4076, A bill for an act relating to education; modifying Internet access equity aid; amending Minnesota Statutes 2006, section 125B.26, subdivision 4.

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

Paymar introduced:

H. F. No. 4077, A bill for an act relating to public safety; appropriating money for the Departments of Public Safety and Corrections.

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

Hornstein introduced:

H. F. No. 4078, A bill for an act relating to metropolitan government; providing for the additional financing of metropolitan area transit and paratransit capital expenditures; authorizing the issuance of certain obligations; amending Minnesota Statutes 2006, section 473.39, by adding a subdivision.

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

Madore introduced:

H. F. No. 4079, A bill for an act relating to health; appropriating money for a cost analysis on health care reform plans.

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

Hilty, Dill and Tschumper introduced:

H. F. No. 4080, A bill for an act relating to health; exempting environmental learning centers from certain space requirements; amending Minnesota Statutes 2006, section 84.0875.

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

Emmer introduced:

H. F. No. 4081, A bill for an act relating to health; requiring the commissioner to provide certain registry and surveillance information to the public; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Laine and Madore introduced:

H. F. No. 4082, A bill for an act relating to health; requiring prescription information be kept confidential; proposing coding for new law in Minnesota Statutes, chapter 151.

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

Rukavina, Clark and Hilty introduced:

H. F. No. 4083, A bill for an act relating to insurance; regulating the use of credit scores, insurance scores, and other credit information; amending Minnesota Statutes 2006, sections 72A.20, subdivision 36; 72A.499, subdivision 1; 72A.501, subdivision 2.

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

Beard introduced:

H. F. No. 4084, A bill for an act relating to transportation; requiring commissioner of transportation to consider insurance standards in road construction; reclassifying certain trucks and vans for vehicle registration purposes; prescribing method of registration of spotter trucks; modifying provisions relating to registration of special mobile equipment; requiring study of complete streets policy; amending Minnesota Statutes 2006, sections 162.02, by adding a subdivision; 168.011, subdivisions 7, 22, by adding a subdivision; 168.013, subdivision 1e; 168.28; 168A.01, subdivision 21; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Murphy, M., introduced:

H. F. No. 4085, A bill for an act relating to retirement; clarifying certain correctional plan covered positions; making technical changes; amending Minnesota Statutes 2006, section 352.91, subdivisions 1, 2, 3c, 3g, 4a; Minnesota Statutes 2007 Supplement, section 352.91, subdivisions 3d, 3e, 3f.

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

Erickson introduced:

H. F. No. 4086, A bill for an act relating to State Lottery; authorizing the director of the State Lottery to establish video lottery terminals; providing duties and powers to the director of the State Lottery; providing for the use of video lottery revenues; modifying certain lawful gambling taxes; making clarifying, conforming, and technical changes; amending Minnesota Statutes 2006, sections 297A.94; 297E.02, subdivision 1; 299L.02, subdivision 1; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349.15, subdivision 1, as amended; 349A.01, subdivisions 10, 11, 12, by adding subdivisions; 349A.04; 349A.06, subdivisions 1, 5, 8, 10, by adding subdivisions; 349A.08, subdivisions 1, 5, 8; 349A.09, subdivision 1; 349A.10, subdivisions 2, 3, 4, 6; 349A.11, subdivision 1; 349A.12, subdivisions 1, 2; 349A.13; 541.20; 541.21; 609.651, subdivision 1; 609.75, subdivisions 3, 4; 609.761, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 297A; 349A; repealing Minnesota Statutes 2006, sections 297E.01, subdivision 7; 297E.02, subdivisions 4, 6, 7.

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

Shimanski; Erickson; Seifert; Cornish; Drazkowski; Ruth; Beard; Anderson, B.; Dettmer; Olson; Emmer; Kohls; Brod; Gottwalt and Urdahl introduced:

H. F. No. 4087, A bill for an act relating to public safety; establishing English as the official state language; providing for laws concerning illegal immigration; providing for criminal penalties; providing for rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 1; 299A.

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

Kahn, Davnie, Clark, Hornstein and Paymar introduced:

H. F. No. 4088, A bill for an act relating to state and local government; prohibiting certain place names; proposing coding for new law in Minnesota Statutes, chapter 1.

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

Brod introduced:

H. F. No. 4089, A bill for an act relating to health; establishing the Legislative Commission on Autism.

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

Hornstein introduced:

H. F. No. 4090, A bill for an act relating to mental health; creating a mental health fatality review team; appropriating money.

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

Norton introduced:

H. F. No. 4091, A bill for an act relating to health; establishing a health coverage subsidy program for eligible small employers and employees and dependents; 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.

Hackbarth introduced:

H. F. No. 4092, A bill for an act relating to game and fish; proposing an amendment to the Minnesota Constitution, article XI, to dedicate a portion of the sales tax on hunting and fishing supplies and equipment to game and fish purposes; establishing the quality wildlife initiative fund and council; repealing sales tax on fur clothing; amending Minnesota Statutes 2006, sections 297A.61, by adding a subdivision; 297A.94; proposing coding for new law in Minnesota Statutes, chapter 97A; repealing Minnesota Statutes 2006, section 295.60.

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

Anderson, S., introduced:

H. F. No. 4093, A bill for an act relating to transportation; allowing fuel-efficient vehicles to be operated on high-occupancy vehicle lanes; amending Minnesota Statutes 2006, section 160.93, subdivision 4, by adding a subdivision.

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

Murphy, E., introduced:

H. F. No. 4094, A bill for an act relating to environment; modifying requirements for burning refuse-derived fuel in a solid waste fired boiler; amending Minnesota Statutes 2006, section 116.90, subdivision 1, by adding a subdivision; repealing Minnesota Statutes 2006, section 116.90, subdivision 2.

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

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 Files, herewith returned:

H. F. No. 2827, A bill for an act relating to local government; amending county historical society funding; amending Minnesota Statutes 2006, section 138.053.

H. F. No. 1219, A bill for an act relating to transportation; removing sunset date for weight exemptions for certain milk trucks; amending Minnesota Statutes 2006, section 169.87, subdivision 4.

PATRICE DWORAK, First Assistant Secretary of 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. 2553, A bill for an act relating to state government; creating a catastrophe survivor compensation fund; appropriating money; amending Minnesota Statutes 2006, section 13.635, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 8A.

PATRICE DWORAK, First Assistant Secretary of the Senate

Winkler moved that the House refuse to concur in the Senate amendments to H. F. No. 2553, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 10, A Senate concurrent resolution relating to adjournment for more than three days.

PATRICE DWORAK, First Assistant Secretary of the Senate

SUSPENSION OF RULES

Sertich moved that the rules be so far suspended that Senate Concurrent Resolution No. 10 be now considered and be placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 10

A Senate concurrent resolution relating to adjournment for more than three days.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon their adjournments on Wednesday, March 19, 2008, the Senate and House of Representatives may each set its next day of meeting for Tuesday, March 25, 2008.

2. Each house consents to adjournment of the other house for more than three days.

Sertich moved that Senate Concurrent Resolution No. 10 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 10 was adopted.

Madam Speaker:

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

S. F. Nos. 3161, 3286, 3323 and 3364.

PATRICE DWORAK, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3161, A bill for an act relating to highways; making changes to state highway system.

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

S. F. No. 3286, 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.

The bill was read for the first time.

Hosch moved that S. F. No. 3286 and H. F. No. 3649, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3323, A bill for an act relating to health; changing a provision for federally qualified health centers; amending Minnesota Statutes 2007 Supplement, section 145.9269, subdivision 2.

The bill was read for the first time.

Loeffler moved that S. F. No. 3323 and H. F. No. 3412, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3364, A bill for an act relating to state government; changing provisions of the Commission of Deaf, Deaf-blind and Hard-of-Hearing Minnesotans; amending Minnesota Statutes 2006, section 256C.28, as amended.

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Monday, March 17, 2008:

H. F. Nos. 3240 and 2582.

CALENDAR FOR THE DAY

H. F. No. 117, A bill for an act relating to courts; modifying personal jurisdiction over foreign corporations and nonresident individuals in certain matters; amending Minnesota Statutes 2006, section 543.19, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bunn	Eken	Hansen	Juhnke	Madore
Anderson, B.	Carlson	Emmer	Hausman	Kahn	Magnus
Anderson, S.	Clark	Erhardt	Haws	Kalin	Mahoney
Anzelc	Cornish	Erickson	Heidgerken	Knuth	Mariani
Atkins	Davnie	Faust	Hilstrom	Koenen	Marquart
Beard	Dean	Finstad	Hilty	Kranz	Masin
Benson	Demmer	Fritz	Holberg	Laine	McFarlane
Berns	Dettmer	Gardner	Hornstein	Lanning	McNamara
Bigham	Dill	Garofalo	Hortman	Lenczewski	Moe
Bly	Dittrich	Gottwalt	Hosch	Lesch	Morgan
Brod	Dominguez	Greiling	Howes	Liebling	Morrow
Brown	Doty	Gunther	Huntley	Lieder	Mullery
Brynaert	Drazkowski	Hackbarth	Jaros	Lillie	Murphy, E.
Buesgens	Eastlund	Hamilton	Johnson	Loeffler	Murphy, M.

Nelson	Paymar	Sailer	Slawik	Tingelstad	Westrom
Nornes	Peppin	Scalze	Slocum	Tschumper	Winkler
Norton	Peterson, A.	Seifert	Smith	Urdahl	Wollschlager
Olin	Peterson, N.	Sertich	Solberg	Wagenius	Zellers
Olson	Peterson, S.	Severson	Swails	Walker	Spk. Kelliher
Otremba	Poppe	Shimanski	Thao	Ward	
Ozment	Rukavina	Simon	Thissen	Wardlow	
Paulsen	Ruth	Simpson	Tillberry	Welti	

The bill was passed and its title agreed to.

H. F. No. 2898, A bill for an act relating to insurance; regulating claim denials under aviation liability coverage; amending Minnesota Statutes 2006, section 60A.081, subdivision 1; Minnesota Statutes 2007 Supplement, section 360.59, subdivision 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 3411, A bill for an act relating to motor fuels; updating standards for petroleum products; providing for use of number to advertise grade of gasoline; amending Minnesota Statutes 2006, sections 239.751, by adding a subdivision; 296A.01, subdivisions 19, 35; Minnesota Statutes 2007 Supplement, sections 239.761; 239.77, subdivision 1; 296A.01, subdivisions 7, 8, 8a, 14, 20, 23, 24, 25, 26, 28.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 3515 was reported to the House.

Emmer moved to amend H. F. No. 3515 as follows:

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 2006, section 115C.07, is amended by adding a subdivision to read:

Subd. 4. **Fee suspension.** The commissioner of revenue may not impose the fee on petroleum under this chapter if the commissioner determines that the average retail price of gas in Minnesota exceeds \$4 per gallon in the preceding month."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 39 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Finstad	Holberg	Otremba	Tingelstad
Anderson, S.	Dettmer	Garofalo	Hoppe	Peppin	Urdahl
Beard	Dittrich	Gottwalt	Kranz	Ruth	Westrom
Brod	Drazkowski	Gunther	Lanning	Seifert	Zellers
Buesgens	Eastlund	Hackbarth	McFarlane	Severson	
Cornish	Emmer	Hamilton	Nornes	Shimanski	
Dean	Erickson	Heidgerken	Olson	Smith	

Those who voted in the negative were:

Anzelc	Eken	Huntley	Madore	Olin	Solberg
Atkins	Erhardt	Jaros	Magnus	Ozment	Swails
Benson	Faust	Johnson	Mahoney	Paulsen	Thao
Berns	Fritz	Juhnke	Mariani	Paymar	Thissen
Bigham	Gardner	Kahn	Marquart	Peterson, A.	Tillberry
Bly	Greiling	Kalin	Masin	Peterson, S.	Tschumper
Brown	Hansen	Knuth	McNamara	Poppe	Wagenius
Brynaert	Hausman	Koenen	Moe	Rukavina	Walker
Bunn	Haws	Laine	Morgan	Sailer	Ward
Carlson	Hilstrom	Lenczewski	Morrow	Scalze	Wardlow
Clark	Hilty	Lesch	Mullery	Sertich	Welti
Davnie	Hornstein	Liebling	Murphy, E.	Simon	Winkler
Dill	Hortman	Lieder	Murphy, M.	Simpson	Wollschlager
Dominguez	Hosch	Lillie	Nelson	Slawik	Spk. Kelliher
Doty	Howes	Loeffler	Norton	Slocum	

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

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

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 113 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Abeler	Bly	Demmer	Fritz	Hausman	Hosch
Anderson, S.	Brown	Dill	Gardner	Haws	Howes
Anzelc	Brynaert	Dittrich	Garofalo	Heidgerken	Huntley
Atkins	Bunn	Dominguez	Greiling	Hilstrom	Jaros
Beard	Carlson	Doty	Gunther	Hilty	Johnson
Benson	Clark	Eken	Hackbarth	Hoppe	Juhnke
Berns	Cornish	Erhardt	Hamilton	Hornstein	Kahn
Bigham	Davnie	Faust	Hansen	Hortman	Kalin

Knuth	Madore	Mullery	Peterson, A.	Simon	Urdahl
Koenen	Magnus	Murphy, E.	Peterson, N.	Simpson	Wagenius
Kranz	Mahoney	Murphy, M.	Peterson, S.	Slawik	Walker
Laine	Mariani	Nelson	Poppe	Slocum	Ward
Lanning	Marquart	Nornes	Rukavina	Solberg	Wardlow
Lenczewski	Masin	Norton	Ruth	Swails	Welti
Lesch	McFarlane	Olin	Sailer	Thao	Westrom
Liebling	McNamara	Otremba	Scalze	Thissen	Winkler
Lieder	Moe	Ozment	Seifert	Tillberry	Wollschlager
Lillie	Morgan	Paulsen	Sertich	Tingelstad	Spk. Kelliher
Loeffler	Morrow	Paymar	Severson	Tschumper	

Those who voted in the negative were:

Anderson, B.	Dean	Eastlund	Finstad	Olson	Smith
Brod	Dettmer	Emmer	Gottwalt	Peppin	Zellers
Buesgens	Drazkowski	Erickson	Holberg	Shimanski	

The bill was passed and its title agreed to.

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.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2553:

Winkler, Kahn, Solberg, Simon and DeLaForest.

MOTIONS AND RESOLUTIONS

Hilty moved that the name of Sailer be added as an author on H. F. No. 995. The motion prevailed.

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

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

Otremba moved that her name be stricken as an author on H. F. No. 1724. The motion prevailed.

Pelowski moved that the name of Olson be added as an author on H. F. No. 2007. The motion prevailed.

Westrom moved that the name of Olson be added as an author on H. F. No. 2687. The motion prevailed.

Cornish moved that the name of Koenen be added as an author on H. F. No. 2722. The motion prevailed.

Paymar moved that the name of Hornstein be added as an author on H. F. No. 2996. The motion prevailed.

Atkins moved that the name of Hansen be added as an author on H. F. No. 3163. The motion prevailed.

Simon moved that the name of Slocum be added as an author on H. F. No. 3331. The motion prevailed.

Moe moved that the name of Ward be added as an author on H. F. No. 3356. The motion prevailed.

Fritz moved that the names of Tschumper and Morrow be added as authors on H. F. No. 3400. The motion prevailed.

Mullery moved that the name of Hornstein be added as an author on H. F. No. 3407. The motion prevailed.

Dettmer moved that the name of Olson be added as an author on H. F. No. 3427. The motion prevailed.

Mullery moved that the name of Dominguez be added as an author on H. F. No. 3475. The motion prevailed.

Kohls moved that the name of Ruud be added as an author on H. F. No. 3476. The motion prevailed.

Bigham moved that the name of Greiling be added as an author on H. F. No. 3505. The motion prevailed.

Simon moved that "by request" be added after his name on H. F. No. 3555. The motion prevailed.

Simon moved that "by request" be added after his name on H. F. No. 3556. The motion prevailed.

Johnson moved that the name of Hornstein be added as an author on H. F. No. 3583. The motion prevailed.

Dettmer moved that the name of Olson be added as an author on H. F. No. 3660. The motion prevailed.

Simon moved that "by request" be added after his name on H. F. No. 3701. The motion prevailed.

Hortman moved that the name of Haws be added as an author on H. F. No. 3752. The motion prevailed.

Swails moved that her name be stricken as an author on H. F. No. 3780. The motion prevailed.

Hornstein moved that the names of McFarlane and Zellers be added as authors on H. F. No. 3780. The motion prevailed.

Simon moved that "by request" be added after his name on H. F. No. 3787. The motion prevailed.

Murphy, E., moved that the name of Lesch be added as an author on H. F. No. 3801. The motion prevailed.

Clark moved that the name of Haws be added as an author on H. F. No. 3821. The motion prevailed.

Hornstein moved that the name of Slocum be added as an author on H. F. No. 3896. The motion prevailed.

Paulsen moved that the name of Lenczewski be added as an author on H. F. No. 3919. The motion prevailed.

Thissen moved that the name of Slocum be added as an author on H. F. No. 3925. The motion prevailed.

Thissen moved that the name of Slocum be added as an author on H. F. No. 3926. The motion prevailed.

Thissen moved that the name of Slocum be added as an author on H. F. No. 3927. The motion prevailed.

Moe moved that the name of Ruud be added as an author on H. F. No. 3935. The motion prevailed.

Kalin moved that the name of Tingelstad be added as an author on H. F. No. 3953. The motion prevailed.

Moe moved that the name of Slocum be added as an author on H. F. No. 3956. The motion prevailed.

Ward moved that the name of Slocum be added as an author on H. F. No. 3959. The motion prevailed.

Juhnke moved that the name of Magnus be added as an author on H. F. No. 3981. The motion prevailed.

Winkler moved that the name of Slocum be added as an author on H. F. No. 3990. The motion prevailed.

Bunn moved that the name of McNamara be added as an author on H. F. No. 3997. The motion prevailed.

Davnie moved that the name of Slocum be added as an author on H. F. No. 3998. The motion prevailed.

Davnie moved that the name of Slocum be added as an author on H. F. No. 3999. The motion prevailed.

Davnie moved that the name of Kalin be shown as chief author on H. F. No. 3999. The motion prevailed.

Thissen moved that the name of Slocum be added as an author on H. F. No. 4002. The motion prevailed.

Smith moved that the names of Kalin and Peterson, S., be added as authors on H. F. No. 4011. The motion prevailed.

Mullery moved that the name of Dominguez be added as an author on H. F. No. 4012. The motion prevailed.

Hornstein moved that the name of Slocum be added as an author on H. F. No. 4015. The motion prevailed.

Hornstein moved that the name of Slocum be added as an author on H. F. No. 4016. The motion prevailed.

Cornish moved that the name of Brod be added as an author on H. F. No. 4026. The motion prevailed.

Hausman moved that the name of Slocum be added as an author on H. F. No. 4034. The motion prevailed.

Olin moved that the name of Magnus be added as an author on H. F. No. 4038. The motion prevailed.

Slawik moved that the name of Lillie be added as an author on H. F. No. 4039. The motion prevailed.

Emmer moved that the name of Olson be added as an author on H. F. No. 4043. The motion prevailed.

Hortman moved that the names of Slocum and Liebling be added as authors on H. F. No. 4046. The motion prevailed.

Hortman moved that the names of Slocum and Liebling be added as authors on H. F. No. 4047. The motion prevailed.

Hortman moved that the names of Slocum and Liebling be added as authors on H. F. No. 4048. The motion prevailed.

Laine moved that the name of Slocum be added as an author on H. F. No. 4049. The motion prevailed.

Sailer moved that the name of Gardner be added as an author on H. F. No. 4051. The motion prevailed.

Wardlow moved that the name of Slocum be added as an author on H. F. No. 4053. The motion prevailed.

Dettmer moved that the name of Hamilton be added as an author on H. F. No. 4054. The motion prevailed.

Loeffler moved that H. F. No. 3199 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Finance. The motion prevailed.

Gardner moved that H. F. No. 3238, now on the General Register, be re-referred to the Committee on Finance. The motion prevailed.

Mariani moved that H. F. No. 3316, now on the General Register, be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections. The motion prevailed.

Walker moved that H. F. No. 3616 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Finance. The motion prevailed.

Walker moved that H. F. No. 3618 be recalled from the Committee on Health and Human Services and be re-referred to the Committee on Finance. The motion prevailed.

Fritz moved that H. F. No. 4014 be recalled from the Committee on Finance and be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

TAKEN FROM THE TABLE

Hornstein moved that H. F. No. 1351, which was laid on the table pursuant to Joint Rule 3.02(a), be taken from the table, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1351:

Hornstein, Nelson, Madore, Hortman and Ruth.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:00 noon, Tuesday, March 18, 2008. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Tuesday, March 18, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives