

## STATE OF MINNESOTA

## EIGHTY-FIFTH SESSION — 2008

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 NINETY-SECOND DAY

SAINT PAUL, MINNESOTA, TUESDAY, MARCH 18, 2008

The House of Representatives convened at 12:00 noon and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Richard D. Buller, House Chaplain.

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

The roll was called and the following members were present:

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

A quorum was present.

Gardner, Hoppe, Kohls, Olson and Peterson, N., were excused.

Erickson was excused until 12:45 p.m. Buesgens was excused until 12:55 p.m. Paymar was excused until 1:05 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Severson 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. 3286 and H. F. No. 3649, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Hosch moved that S. F. No. 3286 be substituted for H. F. No. 3649 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3323 and H. F. No. 3412, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Loeffler moved that S. F. No. 3323 be substituted for H. F. No. 3412 and that the House File be indefinitely postponed. The motion prevailed.

**REPORTS OF STANDING COMMITTEES AND DIVISIONS**

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

H. F. No. 599, A bill for an act relating to health; establishing the Grieving Parents Act; requiring a mother to be notified of burial and cremation options in the case of a miscarriage; proposing coding for new law in Minnesota Statutes, chapter 145.

Reported the same back with the following amendments:

Page 1, line 21, delete "2007" and insert "2008"

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

The report was adopted.

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

H. F. No. 1097, A bill for an act relating to local government; modifying the definition of "dependent" for purposes of group benefits for local government officers and employees; amending Minnesota Statutes 2006, section 471.61, subdivision 1a.

Reported the same back with the following amendments:

Page 1, line 9, strike "minor" and strike "18" and insert "25"

Page 1, line 10, strike the old language

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. 1724, A bill for an act relating to health; providing for licensing of naturopathic doctors; providing criminal penalties; amending Minnesota Statutes 2006, sections 116J.70, subdivision 2a; 144.335, subdivision 1; 145.61, subdivision 2; 146.23, subdivision 7; 148B.60, subdivision 3; 151.01, subdivision 23; 214.23, subdivision 1; 604A.01, subdivision 2; 604A.015; proposing coding for new law as Minnesota Statutes, chapter 147E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

GENERAL

Section 1. **[147E.01] DEFINITIONS.**

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

Subd. 2. **Advisory council.** "Advisory council" means the Registered Naturopathic Doctor Advisory Council established under section 147E.35.

Subd. 3. **Approved naturopathic medical program.** "Approved naturopathic medical program" means a naturopathic medical education program in the United States or Canada and meets the requirements for accreditation by the Council on Naturopathic Medical Education (CNME) or an equivalent federally recognized accrediting body for the naturopathic medical profession recognized by the board. This program must offer graduate-level full-time didactic and supervised clinical training leading to the degree of Doctor of Naturopathy or Doctor of Naturopathic Medicine. The program must be an institution, or part of an institution, of higher education that at the time the student completes the program is:

(1) either accredited or is a candidate for accreditation by a regional institution accrediting agency recognized by the United States Secretary of Education; or

(2) a degree granting college or university that prior to the existence of CNME offered a full-time structured curriculum in basic sciences and supervised patient care comprising a doctoral naturopathic medical education that is at least 132 weeks in duration, must be completed in at least 35 months, and is reputable and in good standing in the judgment of the board.

Subd. 4. **Board.** "Board" means the Board of Medical Practice or its designee.

Subd. 5. **Contact hour.** "Contact hour" means an instructional session of 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Subd. 6. **Homeopathic preparations.** "Homeopathic preparations" means medicines prepared according to the Homeopathic Pharmacopoeia of the United States.

Subd. 7. **Registered naturopathic doctor.** "Registered naturopathic doctor" means a person authorized and registered to practice naturopathic medicine under this chapter.

Subd. 8. **Minor office procedures.** "Minor office procedures" means the use of operative, electrical, or other methods for the repair and care incidental to superficial lacerations and abrasions, superficial lesions, and the removal of foreign bodies located in the superficial tissues and the use of antiseptics and local topical anesthetics in connection with such methods, except that it shall not include general or spinal anesthetics, major surgery, surgery of the body cavities, or specialized surgeries such as plastic surgery, surgery involving the eye, or surgery when tendons are involved.

Subd. 9. **Naturopathic licensing examination.** "Naturopathic licensing examination" means the Naturopathic Physicians Licensing Examination or its successor administered by the North American Board of Naturopathic Examiners or its successor as recognized by the board.

Subd. 10. **Naturopathic medicine.** "Naturopathic medicine" means a system of primary health care practiced by registered naturopathic doctors for the prevention, assessment, and treatment of human health conditions, injuries, and diseases that uses:

(1) services and treatments as described in section 147E.05; and

(2) natural health procedures and treatments that do not require licensure as defined in chapter 146A.

Subd. 11. **Naturopathic physical medicine.** "Naturopathic physical medicine" includes, but is not limited to, the therapeutic use of the physical agents of air, water, heat, cold, sound, light, and electromagnetic nonionizing radiation and the physical modalities of electrotherapy, diathermy, ultraviolet light, hydrotherapy, massage, stretching, colon hydrotherapy, frequency specific microcurrent, electrical muscle stimulation, transcutaneous electrical nerve stimulation, and therapeutic exercise.

## Sec. 2. **[147E.05] SCOPE OF PRACTICE.**

Subdivision 1. **Practice parameters.** (a) The practice of naturopathic medicine by a registered naturopathic doctor includes, but is not limited to, the following services:

(1) ordering, administering, prescribing, or dispensing for preventive and therapeutic purposes: food, extracts of food, nutraceuticals, vitamins, minerals, amino acids, enzymes, botanicals and their extracts, botanical medicines, herbal remedies, homeopathic medicines, all dietary supplements and nonprescription drugs as defined by the federal Food, Drug, and Cosmetic Act, glandulars, protomorphogens, lifestyle counseling, hypnotherapy, biofeedback, dietary therapy, electrotherapy, galvanic therapy, naturopathic physical medicine, oxygen, therapeutic devices, barrier devices for contraception, and minor office procedures, including obtaining specimens to assess and treat disease;

(2) performing or ordering physical and orificial examinations, clinical laboratory tests and examinations, and physiological function tests;

(3) referring a patient for diagnostic imaging studies including x-ray, CT scan, MRI, ultrasound, mammogram, bone densitometry, and referring the studies to an appropriately licensed health care professional to conduct the study and interpret the results;

(4) prescribing nonprescription medications and therapeutic devices or ordering noninvasive diagnostic procedures commonly used by physicians in general practice;

(5) utilizing routes of administration that include oral, nasal, auricular, ocular, rectal, and vaginal; and

(6) prescribing or performing naturopathic physical medicine.

(b) A registered naturopathic doctor may admit patients to a hospital if the naturopathic doctor meets the hospital's governing body requirements regarding credentialing and privileging process.

Subd. 2. **Prohibitions on practice.** (a) The practice of naturopathic medicine does not include:

(1) administering therapeutic ionizing radiation or radioactive substances;

(2) administering general or spinal anesthesia;

(3) prescribing, dispensing, or administering all legend drugs including chemotherapeutic substances;

(4) performing major surgery, plastic surgery, or specialized surgeries; or

(5) performing or inducing abortions.

(b) A naturopathic doctor registered under this chapter shall not perform surgical procedures using a laser device or perform surgical procedures involving the eye, ear, tendons, nerves, veins, or arteries extending beyond superficial tissue. A naturopathic doctor shall not practice or claim to practice as a medical doctor, osteopath, dentist, podiatrist, optometrist, psychologist, advanced practice professional nurse, physician assistant, chiropractor, physical therapist, acupuncturist, or any other health care professional, unless the naturopathic physician also holds a license or registration for another health care practice profession.

### Sec. 3. **[147E.06] PROFESSIONAL CONDUCT.**

Subdivision 1. **Informed consent.** The registered naturopathic doctor shall obtain informed consent from the patient prior to initiating treatment and after advising the patient of the naturopathic doctor's qualifications including education, registration information, and outline of the scope of practice of registered naturopathic doctors in Minnesota. This information must be supplied to the patient in writing before or at the time of the initial visit. The registrant shall present treatment facts and options accurately to the patient or to the individual responsible for the patient's care and make treatment recommendations according to standards of good naturopathic medical practice.

Subd. 2. **Patient records.** (a) A registered naturopathic doctor shall maintain a record for seven years for each patient treated, including:

(1) a copy of the informed consent;

(2) evidence of a patient interview concerning the patient's medical history and current physical condition;

(3) evidence of an examination and assessment;

(4) record of the treatment; and

(5) evidence of evaluation and instructions given to the patient, including acknowledgment by the patient in writing that, if deemed necessary by the registered naturopathic doctor, the patient has been advised to consult with another health care provider.

(b) A registered naturopathic doctor shall maintain the records of minor patients for seven years or until the minor's 19th birthday, whichever is longer.

Subd. 3. **Data practices.** Data maintained on a naturopathic patient by a registered naturopathic doctor is subject to section 144.335.

Subd. 4. **State and municipal public health regulations.** A registered naturopathic doctor shall comply with all applicable state and municipal requirements regarding public health.

Sec. 4. **[147E.10] REGISTRATION.**

Subdivision 1. **Registration required.** After July 1, 2008, persons who practice naturopathic medicine, or represent themselves as practicing naturopathic medicine by use of a term in subdivision 2, shall conspicuously display the registration in the place of practice.

Subd. 2. **Designation.** No individual may use the title "registered naturopathic doctor," "naturopathic doctor," "doctor of naturopathic medicine," or use, in connection with the individual's name, the letters "N.D.," "R.N.D.," or "N.M.D.," or any other titles, words, letters, abbreviations, or insignia indicating or implying that the individual is eligible for registration by the state as a registered naturopath or a registered naturopathic doctor unless the individual has been registered as a registered naturopathic doctor according to this chapter.

Subd. 3. **Other health care practitioners.** Nothing in this chapter may be construed to prohibit or to restrict:

(1) the practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and are performing services within their authorized scope of practice or unlicensed complementary and alternative health care under chapter 146A;

(2) the practice of naturopathic medicine by an individual licensed, registered, or certified in another state and employed by the government of the United States while the individual is engaged in the performance of duties prescribed by the laws and regulations of the United States;

(3) the practice by a naturopathic doctor duly licensed, registered, or certified in another state, territory, or the District of Columbia when incidentally called into this state for consultation with a Minnesota licensed physician or Minnesota registered naturopathic doctor;

(4) the practice of naturopathic medicine by students enrolled in an approved naturopathic medical college if the performance of services is according to a course of instruction or assignments from, and under the supervision of an instructor who is a licensed physician, osteopath, chiropractor, or registered naturopathic doctor;

(5) an individual rendering aid in an emergency, when no fee or other consideration for the service is charged, received, expected, or contemplated;

(6) an individual administering a remedy to a family member;

(7) a person engaged in the sale of vitamins, health foods, dietary supplements, and other products of nature, the sale of which is not otherwise prohibited under state or federal law except that this clause does not:

(i) allow that person to diagnose any human disease, ailment, injury, infirmity, deformity, or other condition; or

(ii) prohibit providing truthful and nonmisleading information regarding anything in this chapter;

(8) a person engaged in good faith in the practice of religious tenets of any religious belief, without the use of prescription drugs;

(9) a person acting in good faith for religious reasons as a matter of conscience or as a personal belief when obtaining or providing information regarding health care and the use of any product under clause (7); and

(10) persons not registered by this chapter from the use of individual modalities which comprise the practice of naturopathic medicine, such as the use of nutritional supplements, herbs, foods, homeopathic preparations, and physical forces such as heat, cold, water, touch, and light.

Subd. 4. **Penalty.** A person violating subdivision 2 is guilty of a gross misdemeanor.

Sec. 5. **[147E.15] REGISTRATION REQUIREMENTS.**

Subdivision 1. **General requirements for registration.** To be eligible for registration, an applicant must:

(1) submit a completed application on forms provided by the board along with all fees required under section 147E.40 that includes:

(i) the applicant's name, Social Security number, home address and telephone number, and business address and telephone number;

(ii) the name and location of the naturopathic medical program the applicant completed;

(iii) a list of degrees received from other educational institutions;

(iv) a description of the applicant's professional training beyond the first degree received;

(v) a list of registrations, certifications, and licenses held in other jurisdictions;

(vi) a description of any other jurisdiction's refusal to credential the applicant;

(vii) a description of all professional disciplinary actions initiated against the applicant in any jurisdiction; and

(viii) any history of drug or alcohol abuse, and any misdemeanor or felony conviction;

(2) submit a copy of a diploma from an approved naturopathic medical education program;

(3) have successfully passed the Naturopathic Physicians Licensing Examination, a competency-based national naturopathic licensing examination administered by the North American Board of Naturopathic Examiners or successor agency as recognized by the board; passing scores are determined by the Naturopathic Physicians Licensing Examination;

(4) submit additional information as requested by the board, including providing any additional information necessary to ensure that the applicant is able to practice with reasonable skill and safety to the public;

(5) sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief; and

(6) sign a waiver authorizing the board to obtain access to the applicant's records in this or any other state in which the applicant has completed an approved naturopathic medical program or engaged in the practice of naturopathic medicine.

**Subd. 2. Registration by endorsement; reciprocity.** (a) To be eligible for registration by endorsement or reciprocity, the applicant must hold a current naturopathic license, registration, or certification in another state, Canadian province, the District of Columbia, or territory of the United States, whose standards for licensure, registration, or certification are at least equivalent to those of Minnesota, and must:

(1) submit the application materials and fees as required by subdivision 1, clauses (1), (2), and (4) to (6);

(2) have successfully passed either:

(i) the Naturopathic Physicians Licensing Examination; or

(ii) if prior to 1986, the state or provincial naturopathic board licensing examination required by that regulating state or province;

(3) provide a verified copy from the appropriate government body of a current license, registration, or certification for the practice of naturopathic medicine in another jurisdiction that has initial licensing, registration, or certification requirements equivalent to or higher than the requirements in subdivision 1; and

(4) provide letters of verification from the appropriate government body in each jurisdiction in which the applicant holds a license, registration, or certification. Each letter must state the applicant's name, date of birth, license, registration, or certification number, date of issuance, a statement regarding disciplinary actions, if any, taken against the applicant, and the terms under which the license, registration, or certification was issued.

(b) An applicant applying for license, registration, or certification by endorsement must be licensed, registered, or certified in another state or Canadian province prior to January 1, 2005, and have completed a 60-hour course and examination in pharmacotherapeutics.

**Subd. 3. Temporary registration.** The board may issue a temporary registration to practice as a registered naturopathic doctor to an applicant who is licensed, registered, or certified in another state or Canadian province and is eligible for registration under this section, if the application for registration is complete, all applicable requirements in this section have been met, and a nonrefundable fee has been paid. The temporary registration remains valid only until the meeting of the board at which time a decision is made on the registered naturopathic doctor's application for registration.

**Subd. 4. Registration expiration.** Registrations issued under this chapter expire annually.

**Subd. 5. Renewal.** (a) To be eligible for registration renewal a registrant must:

(1) annually, or as determined by the board, complete a renewal application on a form provided by the board;

(2) submit the renewal fee;

(3) provide evidence of a total of 25 hours of continuing education approved by the board as described in section 147E.25; and

(4) submit any additional information requested by the board to clarify information presented in the renewal application. The information must be submitted within 30 days after the board's request, or the renewal request is nullified.



**Subd. 6. Change of address.** A registrant who changes addresses must inform the board within 30 days, in writing, of the change of address. All notices or other correspondence mailed to or served on a registrant by the board are considered as having been received by the registrant.

**Subd. 7. Registration renewal notice.** At least 45 days before the registration renewal date, the board shall send out a renewal notice to the last known address of the registrant on file. The notice must include a renewal application and a notice of fees required for renewal or instructions for online renewal. It must also inform the registrant that registration will expire without further action by the board if an application for registration renewal is not received before the deadline for renewal. The registrant's failure to receive this notice does not relieve the registrant of the obligation to meet the deadline and other requirements for registration renewal. Failure to receive this notice is not grounds for challenging expiration of registration status.

**Subd. 8. Renewal deadline.** The renewal application and fee must be postmarked on or before December 31 of the year of renewal. If the postmark is illegible, the application is considered timely if received by the third working day after the deadline.

**Subd. 9. Inactive status and return to active status.** (a) A registrant may be placed in inactive status upon application to the board by the registrant and upon payment of an inactive status fee.

(b) Registrants seeking restoration to active from inactive status must pay the current renewal fees and all unpaid back inactive fees. They must meet the criteria for renewal specified in subdivision 5, including continuing education hours.

(c) Registrants whose inactive status period has been five years or longer must additionally have a period of no less than eight weeks of advisory council-approved supervision by another registered naturopathic doctor.

**Subd. 10. Registration following lapse of registration status for two years or less.** For any individual whose registration status has lapsed for two years or less, to regain registration status, the individual must:

(1) apply for registration renewal according to subdivision 5;

(2) document compliance with the continuing education requirements of section 147E.25 since the registrant's initial registration or last renewal; and

(3) submit the fees required under section 147E.40 for the period not registered, including the fee for late renewal.

**Subd. 11. Cancellation due to nonrenewal.** The board shall not renew, reissue, reinstate, or restore a registration that has lapsed and has not been renewed within two annual registration renewal cycles starting January 2007. A registrant whose registration is canceled for nonrenewal must obtain a new registration by applying for registration and fulfilling all requirements then in existence for initial registration as a registered naturopathic doctor.

**Subd. 12. Cancellation of registration in good standing.** (a) A registrant holding an active registration as a registered naturopathic doctor in the state may, upon approval of the board, be granted registration cancellation if the board is not investigating the person as a result of a complaint or information received or if the board has not begun disciplinary proceedings against the registrant. Such action by the board must be reported as a cancellation of registration in good standing.

(b) A registrant who receives board approval for registration cancellation is not entitled to a refund of any registration fees paid for the registration year in which cancellation of the registration occurred.

(c) To obtain registration after cancellation, a registrant must obtain a new registration by applying for registration and fulfilling the requirements then in existence for obtaining initial registration as a registered naturopathic doctor.

Subd. 13. **Emeritus status of registration.** A registrant may change the status of the registration to "emeritus" by filing the appropriate forms and paying the onetime fee of \$50 to the board. This status allows the registrant to retain the title of registered naturopathic doctor but restricts the registrant from actively seeing patients.

**Sec. 6. [147E.20] BOARD ACTION ON APPLICATIONS FOR REGISTRATION.**

(a) The board shall act on each application for registration according to paragraphs (b) to (d).

(b) The board shall determine if the applicant meets the requirements for registration under section 147E.15. The board or advisory council may investigate information provided by an applicant to determine whether the information is accurate and complete.

(c) The board shall notify each applicant in writing of action taken on the application, the grounds for denying registration if registration is denied, and the applicant's right to review under paragraph (d).

(d) Applicants denied registration may make a written request to the board, within 30 days of the board's notice, to appear before the advisory council or the board and for the advisory council to review the board's decision to deny the applicant's registration. After reviewing the denial, the advisory council shall make a recommendation to the board as to whether the denial shall be affirmed. Each applicant is allowed only one request for review each yearly registration period.

**Sec. 7. [147E.25] CONTINUING EDUCATION REQUIREMENT.**

Subdivision 1. **Number of required contact hours.** (a) A registrant applying for registration renewal must complete a minimum of 25 contact hours of board-approved continuing education in the year preceding registration renewal, with the exception of the registrant's first incomplete year, and attest to completion of continuing education requirements by reporting to the board.

(b) Of the 25 contact hours of continuing education requirement in paragraph (a), at least five hours of continuing education must be in pharmacotherapeutics.

Subd. 2. **Approved programs.** The board shall approve continuing education programs that have been approved for continuing education credit by the American Association of Naturopathic Physicians or any of its constituent state associations, the American Chiropractic Association or any of its constituent state associations, the American Osteopathic Association Bureau of Professional Education, the American Pharmacists Association or any of its constituent state associations, or an organization approved by the Accreditation Council for Continuing Medical Education.

Subd. 3. **Approval of continuing education programs.** The board shall also approve continuing education programs that do not meet the requirements of subdivision 2 but meet the following criteria:

(1) the program content directly relates to the practice of naturopathic medicine;

(2) each member of the program faculty is knowledgeable in the subject matter as demonstrated by a degree from an accredited education program, verifiable experience in the field of naturopathic medicine, special training in the subject matter, or experience teaching in the subject area;

(3) the program lasts at least 50 minutes per contact hour;

(4) there are specific, measurable, written objectives, consistent with the program, describing the expected outcomes for the participants; and

(5) the program sponsor has a mechanism to verify participation and maintains attendance records for three years.

Subd. 4. **Accumulation of contact hours.** A registrant may not apply contact hours acquired in one one-year reporting period to a future continuing education reporting period.

Subd. 5. **Verification of continuing education credits.** The board shall periodically select a random sample of registrants and require those registrants to supply the board with evidence of having completed the continuing education to which they attested. Documentation may come directly from the registrants from state or national organizations that maintain continuing education records.

Subd. 6. **Continuing education topics.** Continuing education program topics may include, but are not limited to, naturopathic medical theory and techniques including diagnostic techniques, nutrition, botanical medicine, homeopathic medicine, physical medicine, lifestyle modification counseling, anatomy, physiology, biochemistry, pharmacology, pharmacognosy, microbiology, medical ethics, psychology, history of medicine, and medical terminology or coding.

Subd. 7. **Restriction on continuing education topics.** (a) A registrant may apply no more than five hours of practice management to a one-year reporting period.

(b) A registrant may apply no more than 15 hours to any single subject area.

Subd. 8. **Continuing education exemptions.** The board may exempt any person holding a registration under this chapter from the requirements of subdivision 1 upon application showing evidence satisfactory to the board of inability to comply with the requirements because of physical or mental condition or because of other unusual or extenuating circumstances. However, no person may be exempted from the requirements of subdivision 1 more than once in any five-year period.

#### Sec. 8. **[147E.30] DISCIPLINE; REPORTING.**

For purposes of this chapter, registered naturopathic doctors and applicants are subject to sections 147.091 to 147.162.

#### Sec. 9. **[147E.35] REGISTERED NATUROPATHIC DOCTOR ADVISORY COUNCIL.**

Subdivision 1. **Membership.** The board shall appoint a seven-member Registered Naturopathic Doctor Advisory Council appointed by the governor consisting of one public member as defined in section 214.02, five registered naturopathic doctors who are residents of the state, and one licensed physician or osteopath with expertise in natural medicine.

Subd. 2. **Organization.** The advisory council shall be organized and administered under section 15.059. The council shall not expire.

Subd. 3. **Duties.** The advisory council shall:

(1) advise the board regarding standards for registered naturopathic doctors;

(2) provide for distribution of information regarding registered naturopathic doctors standards;

(3) advise the board on enforcement of sections 147.091 to 147.162;

(4) review applications and recommend granting or denying registration or registration renewal;

(5) advise the board on issues related to receiving and investigating complaints, conducting hearings, and imposing disciplinary action in relation to complaints against registered naturopathic doctors;

(6) advise the board regarding approval of continuing education programs using the criteria in section 147E.25, subdivision 3; and

(7) perform other duties authorized for advisory councils by chapter 214, as directed by the board.

Sec. 10. **[147E.40] FEES.**

Subdivision 1. **Fees.** Fees are as follows:

(1) registration application fee, \$200;

(2) renewal fee, \$150;

(3) late fee, \$75;

(4) inactive status fee, \$50; and

(5) temporary permit fee, \$25.

Subd. 2. **Proration of fees.** The board may prorate the initial annual registration fee. All registrants are required to pay the full fee upon registration renewal.

Subd. 3. **Penalty fee for late renewals.** An application for registration renewal submitted after the deadline must be accompanied by a late fee in addition to the required fees.

Subd. 4. **Nonrefundable fees.** All of the fees in subdivision 1 are nonrefundable.

Sec. 11. **EFFECTIVE DATE.**

This article is effective July 1, 2008.

## ARTICLE 2

### CONFORMING AMENDMENTS

Section 1. Minnesota Statutes 2006, section 116J.70, subdivision 2a, is amended to read:

Subd. 2a. **License; exceptions.** "Business license" or "license" does not include the following:

(1) any occupational license or registration issued by a licensing board listed in section 214.01 or any occupational registration issued by the commissioner of health pursuant to section 214.13;

- (2) any license issued by a county, home rule charter city, statutory city, township, or other political subdivision;
- (3) any license required to practice the following occupation regulated by the following sections:
  - (i) abstracters regulated pursuant to chapter 386;
  - (ii) accountants regulated pursuant to chapter 326A;
  - (iii) adjusters regulated pursuant to chapter 72B;
  - (iv) architects regulated pursuant to chapter 326;
  - (v) assessors regulated pursuant to chapter 270;
  - (vi) athletic trainers regulated pursuant to chapter 148;
  - (vii) attorneys regulated pursuant to chapter 481;
  - (viii) auctioneers regulated pursuant to chapter 330;
  - (ix) barbers and cosmetologists regulated pursuant to chapter 154;
  - (x) boiler operators regulated pursuant to chapter 183;
  - (xi) chiropractors regulated pursuant to chapter 148;
  - (xii) collection agencies regulated pursuant to chapter 332;
  - (xiii) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
  - (xiv) detectives regulated pursuant to chapter 326;
  - (xv) electricians regulated pursuant to chapter 326;
  - (xvi) mortuary science practitioners regulated pursuant to chapter 149A;
  - (xvii) engineers regulated pursuant to chapter 326;
  - (xviii) insurance brokers and salespersons regulated pursuant to chapter 60A;
  - (xix) certified interior designers regulated pursuant to chapter 326;
  - (xx) midwives regulated pursuant to chapter 147D;
  - (xxi) naturopathic doctors registered pursuant to chapter 147E;
  - (~~xxii~~) nursing home administrators regulated pursuant to chapter 144A;
  - (~~xxii~~) (xxiii) optometrists regulated pursuant to chapter 148;
  - (~~xxiii~~) (xxiv) osteopathic physicians regulated pursuant to chapter 147;

- ~~(xxiv)~~ (xxv) pharmacists regulated pursuant to chapter 151;
- ~~(xxv)~~ (xxvi) physical therapists regulated pursuant to chapter 148;
- ~~(xxvi)~~ (xxvii) physician assistants regulated pursuant to chapter 147A;
- ~~(xxvii)~~ (xxviii) physicians and surgeons regulated pursuant to chapter 147;
- ~~(xxviii)~~ (xxix) plumbers regulated pursuant to chapter 326;
- ~~(xxix)~~ (xxx) podiatrists regulated pursuant to chapter 153;
- ~~(xxx)~~ (xxxi) practical nurses regulated pursuant to chapter 148;
- ~~(xxxi)~~ (xxxii) professional fund-raisers regulated pursuant to chapter 309;
- ~~(xxxii)~~ (xxxiii) psychologists regulated pursuant to chapter 148;
- ~~(xxxiii)~~ (xxxiv) real estate brokers, salespersons, and others regulated pursuant to chapters 82 and 83;
- ~~(xxxiv)~~ (xxxv) registered nurses regulated pursuant to chapter 148;
- ~~(xxxv)~~ (xxxvi) securities brokers, dealers, agents, and investment advisers regulated pursuant to chapter 80A;
- ~~(xxxvi)~~ (xxxvii) steamfitters regulated pursuant to chapter 326;
- ~~(xxxvii)~~ (xxxviii) teachers and supervisory and support personnel regulated pursuant to chapter 125;
- ~~(xxxviii)~~ (xxxix) veterinarians regulated pursuant to chapter 156;
- ~~(xxxix)~~ (xl) water conditioning contractors and installers regulated pursuant to chapter 326;
- ~~(xl)~~ (xli) water well contractors regulated pursuant to chapter 103I;
- ~~(xli)~~ (xlii) water and waste treatment operators regulated pursuant to chapter 115;
- ~~(xlii)~~ (xliii) motor carriers regulated pursuant to chapter 221;
- ~~(xliii)~~ (xliv) professional firms regulated under chapter 319B;
- ~~(xliv)~~ (xlv) real estate appraisers regulated pursuant to chapter 82B;
- ~~(xlv)~~ (xlvi) residential building contractors, residential remodelers, residential roofers, manufactured home installers, and specialty contractors regulated pursuant to chapter 326; or
- ~~(xlvi)~~ (xlvii) licensed professional counselors regulated pursuant to chapter 148B;
- (4) any driver's license required pursuant to chapter 171;
- (5) any aircraft license required pursuant to chapter 360;

(6) any watercraft license required pursuant to chapter 86B;

(7) any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a state agency or instrumentality; and

(8) any pollution control rule or standard established by the Pollution Control Agency or any health rule or standard established by the commissioner of health or any licensing rule or standard established by the commissioner of human services.

Sec. 2. Minnesota Statutes 2006, section 145.61, subdivision 2, is amended to read:

Subd. 2. **Professional.** "Professional" means a person licensed or registered to practice a healing art under chapter 147, 147E, or 148, to practice dentistry under chapter 150A, to practice as a pharmacist under chapter 151, or to practice podiatry under chapter 153.

Sec. 3. Minnesota Statutes 2006, section 146.23, subdivision 7, is amended to read:

Subd. 7. **Exemption.** The provisions of subdivision 2 do not apply to physicians and doctors of osteopathy licensed under chapter 147 or naturopathic doctors registered under chapter 147E.

Sec. 4. Minnesota Statutes 2006, section 148B.60, subdivision 3, is amended to read:

Subd. 3. **Unlicensed mental health practitioner or practitioner.** "Unlicensed mental health practitioner" or "practitioner" means a person who provides or purports to provide, for remuneration, mental health services as defined in subdivision 4. It does not include persons licensed by the Board of Medical Practice under chapter 147 or 147E or registered by the Board of Medical Practice under chapter 147A; the Board of Nursing under sections 148.171 to 148.285; the Board of Psychology under sections 148.88 to 148.98; the Board of Social Work under chapter 148D; the Board of Marriage and Family Therapy under sections 148B.29 to 148B.39; the Board of Behavioral Health and Therapy under sections 148B.50 to 148B.593 and chapter 148C; or another licensing board if the person is practicing within the scope of the license; members of the clergy who are providing pastoral services in the context of performing and fulfilling the salaried duties and obligations required of a member of the clergy by a religious congregation; American Indian medicine men and women; licensed attorneys; probation officers; school counselors employed by a school district while acting within the scope of employment as school counselors; licensed occupational therapists; or licensed occupational therapy assistants. For the purposes of complaint investigation or disciplinary action relating to an individual practitioner, the term includes:

(1) persons employed by a program licensed by the commissioner of human services who are acting as mental health practitioners within the scope of their employment;

(2) persons employed by a program licensed by the commissioner of human services who are providing chemical dependency counseling services; persons who are providing chemical dependency counseling services in private practice; and

(3) clergy who are providing mental health services that are equivalent to those defined in subdivision 4.

Sec. 5. Minnesota Statutes 2006, section 214.23, subdivision 1, is amended to read:

Subdivision 1. **Commissioner of health.** The board shall enter into a contract with the commissioner to perform the functions in subdivisions 2 and 3. The contract shall provide that:

(1) unless requested to do otherwise by a regulated person, a board shall refer all regulated persons infected with HIV, HBV, or HCV to the commissioner;

(2) the commissioner may choose to refer any regulated person who is infected with HIV, HBV, or HCV as well as all information related thereto to the person's board at any time for any reason, including but not limited to: the degree of cooperation and compliance by the regulated person; the inability to secure information or the medical records of the regulated person; or when the facts may present other possible violations of the regulated persons practices act. Upon request of the regulated person who is infected with HIV, HBV, or HCV the commissioner shall refer the regulated person and all information related thereto to the person's board. Once the commissioner has referred a regulated person to a board, the board may not thereafter submit it to the commissioner to establish a monitoring plan unless the commissioner of health consents in writing;

(3) a board shall not take action on grounds relating solely to the HIV, HBV, or HCV status of a regulated person until after referral by the commissioner; and

(4) notwithstanding sections 13.39 and 13.41 and chapters 147, 147A, 147E, 148, 150A, 153, and 214, a board shall forward to the commissioner any information on a regulated person who is infected with HIV, HBV, or HCV that the Department of Health requests.

Sec. 6. Minnesota Statutes 2006, section 604A.01, subdivision 2, is amended to read:

Subd. 2. **General immunity from liability.** (a) A person who, without compensation or the expectation of compensation, renders emergency care, advice, or assistance at the scene of an emergency or during transit to a location where professional medical care can be rendered, is not liable for any civil damages as a result of acts or omissions by that person in rendering the emergency care, advice, or assistance, unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance. This subdivision does not apply to a person rendering emergency care, advice, or assistance during the course of regular employment, and receiving compensation or expecting to receive compensation for rendering the care, advice, or assistance.

(b) For the purposes of this section, the scene of an emergency is an area outside the confines of a hospital or other institution that has hospital facilities, or an office of a person licensed to practice one or more of the healing arts under chapter 147, 147A, 147E, 148, 150A, or 153. The scene of an emergency includes areas threatened by or exposed to spillage, seepage, fire, explosion, or other release of hazardous materials, and includes ski areas and trails.

(c) For the purposes of this section, "person" includes a public or private nonprofit volunteer firefighter, volunteer police officer, volunteer ambulance attendant, volunteer first provider of emergency medical services, volunteer ski patroller, and any partnership, corporation, association, or other entity.

(d) For the purposes of this section, "compensation" does not include payments, reimbursement for expenses, or pension benefits paid to members of volunteer organizations.

(e) For purposes of this section, "emergency care" includes providing emergency medical care by using or providing an automatic external defibrillator, unless the person on whom the device is to be used objects; or unless the person is rendering this care during the course of regular employment, the person is receiving or expects to receive compensation for rendering this care, and the usual and regular duties of the person include the provision of emergency medical care. "Automatic external defibrillator" means a medical device heart monitor and defibrillator that:

(1) has received approval of its premarket notification, filed pursuant to United States Code, title 21, section 360(k), from the United States Food and Drug Administration;

(2) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed; and



(3) upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

Sec. 7. Minnesota Statutes 2006, section 604A.015, is amended to read:

**604A.015 SCHOOL BUS DRIVER IMMUNITY FROM LIABILITY.**

A school bus driver who, while on duty, provides emergency care, advice, or assistance at the scene of an emergency or during transit to a location where professional medical care can be rendered, is not liable in ordinary negligence, for any civil damages as a result of acts or omissions to the person to whom assistance is rendered by the school bus driver in rendering the emergency care, advice, or assistance. For the purposes of this section, the scene of an emergency is an area outside the confines of a hospital or other institution that has hospital facilities, or an office of a person licensed to practice one or more of the healing arts under chapter 147, 147E, 148, 150A, or 153.

Sec. 8. **EFFECTIVE DATE.**

This article is effective July 1, 2008."

Delete the title and insert:

"A bill for an act relating to occupations and professions; providing for registration of naturopathic doctors; amending Minnesota Statutes 2006, sections 116J.70, subdivision 2a; 145.61, subdivision 2; 146.23, subdivision 7; 148B.60, subdivision 3; 214.23, subdivision 1; 604A.01, subdivision 2; 604A.015; proposing coding for new law as Minnesota Statutes, chapter 147E."

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. 2095, A bill for an act relating to veterans; broadening the eligibility criteria for peace officer reciprocity licensing exam to include certain persons in active military service; amending Minnesota Statutes 2006, section 626.8517.

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. 2351, A bill for an act relating to telecommunications; requiring a study of the impact of state video franchising in states that have enacted such legislation.

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. 2423, A bill for an act relating to public health; allowing municipalities to enact an ordinance authorizing dogs to accompany persons patronizing outdoor areas of food and beverage service establishments; proposing coding for new law in Minnesota Statutes, chapter 157.

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. 2600, A bill for an act relating to city of Minneapolis; allowing city to restrict use of engine brakes on Interstate Highway 394.

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

The report was adopted.

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

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

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

The report was adopted.

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

H. F. No. 2983, A bill for an act relating to early childhood education; creating an Office of Early Learning; proposing coding for new law in Minnesota Statutes, chapter 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[4.046] OFFICE OF EARLY LEARNING.**

(a) An Office of Early Learning is established to coordinate a high quality early childhood system in Minnesota to make such programs more effective, and to improve the educational outcomes of all children. The governor must appoint, and the senate must confirm, a director who is a recognized expert in the field of early childhood care and education who will facilitate communication and coordinate prekindergarten and child care programs under the administration of the Departments of Education, Health, and Human Services.

(b) The director of the Office of Early Learning must coordinate Departments of Education, Health, and Human Services staff efforts to:

(1) consolidate and coordinate resources and public funding streams for early education and child care, and ensure the accountability and coordinated development of all early education and child care services to children from birth to age five;

(2) work with the Departments of Education, Health, and Human Services and the Minnesota Early Learning Foundation (MELF) to create common standards for quality early childhood programming and rules for teacher training and certification;

(3) create a seamless transition from early childhood programs to kindergarten;

(4) encourage family choice by ensuring a mixed system of high-quality public and private programs, with local points of entry, staffed by well-qualified professionals;

(5) ensure parents a decisive role in the planning, operation, and evaluation of programs that aid families in the care of children;

(6) provide consumer education and accessibility to early education and child care resources;

(7) advance the quality of early education and child care programs in order to support the healthy development of children and preparation for their success in school;

(8) develop a seamless service delivery system of early education and child care programs administered by local, state, and federal agencies, with local points of entry;

(9) develop and manage an effective data collection system to support the necessary functions of a coordinated system of early education and child care in order to enable accurate evaluation of its impact;

(10) respect and be sensitive to family values and cultural heritage; and

(11) establish the administrative framework for and promote the development of early education and child care services in order to provide that these services, staffed by well-qualified professionals, are available in every community for all families that express a need for them.

(c) The director of the Office of Early Learning must report to the legislative committees with jurisdiction over the early childhood education and child care programs by February 1 of each year on the status of the work required under paragraph (b) and any statutory changes necessary to improve quality and increase access. The director also must present to these same legislative committees by February 1, 2009, a detailed plan, with an implementation timeline, to co-locate state early childhood education and child care assistance programs and services.

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

Sec. 2. **[124D.141] STATE ADVISORY BOARD ON SCHOOL READINESS.**

**Subdivision 1. Establishment.** A 12-member State Advisory Board on School Readiness is established. The director of the Office of Early Learning shall staff the advisory board and assist in developing a coordinated, efficient, and cost-effective system for delivering throughout Minnesota early childhood programs that focus on early care and education, health care, and family support.

Subd. 2. **Board members; terms.** (a) The advisory board includes the following 12 members:

(1) the commissioner of employment and economic development or the commissioner's designee;

(2) the commissioner of health or the commissioner's designee;

(3) the commissioner of education or the commissioner's designee;

(4) the commissioner of human services or the commissioner's designee;

(5) four public members appointed jointly by the majority and minority leaders in the house and senate who are recognized experts in early care and education;

(6) two public members appointed jointly by the majority and minority leaders in the house and senate who are community or business leaders; and

(7) two parents who have a child under age six.

The public members must be representative of communities of color.

(b) Members appointed by the majority and minority leaders in the house and senate serve staggered three-year terms. Board members must nominate and elect a chair and other officers from among the public members. Members initially appointed to the board shall assign themselves by lot to terms of one, two, or three years. The chair must notify the governor on the assignment of these terms. The board shall meet regularly at the times and places the board determines. Meetings shall be called by the chair or at the written request of any three members. Members' terms, compensation, removal, and vacancies are governed by section 15.0575.

Subd. 3. **Duties.** (a) The board shall recommend to the governor and the legislature:

(1) the most effective method to improve the coordination and delivery of early care and education services that integrates child care, preschools, and family support services and programs;

(2) a multiyear plan for effectively and efficiently coordinating and integrating state services for early care and education, improving service delivery and standards of care, avoiding duplication and fragmentation of service, and enhancing public and private investment;

(3) methods for measuring the quality, quantity, and effectiveness of early care and education programs throughout the state;

(4) how to identify and measure school readiness indicators on a regular basis;

(5) how to track, enhance, integrate, and coordinate federal, state, and local funds allocated for early care and education and related family support services;

(6) policy changes to improve children's ability to start school ready to learn; and

(7) how to provide technical assistance to community efforts that promote school readiness and encourage community organizations to collaborate in promoting school readiness.

(b) The board shall convene separate policy work groups to make recommendations to the governor and the legislature on:

(1) financing early childhood programs;

(2) building a coordinated service delivery system based on an assessment of early childhood systems and available state and federal funding;

(3) integrating a coordinated, collaborative health care component, including medical homes, parent education, family support, behavioral health, and early education, into early childhood programs and avoiding duplication of services;

(4) enhancing the quality and measuring the cost of child care and preschool programs; and

(5) improving the wages, benefits, and supply of early childhood professionals.

Subd. 4. **Board expenses.** Notwithstanding section 15.059, board members must not be paid a per diem or reimbursed for any expense associated with their membership on the advisory board.

Subd. 5. **Board expiration.** The State Advisory Board on School Readiness expires January 1, 2013.

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

Delete the title and insert:

"A bill for an act relating to early childhood education; creating an Office of Early Learning; creating an advisory board on school readiness; proposing coding for new law in Minnesota Statutes, chapters 4; 124D."

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

The report was adopted.

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

H. F. No. 3057, A bill for an act relating to natural resources; modifying requirements for youth operation of all-terrain vehicles; amending Minnesota Statutes 2006, section 84.9256, subdivision 1.

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. 3101, A bill for an act relating to public safety; increasing the criminal penalty for certain domestic abuse no contact order violations; amending Minnesota Statutes 2007 Supplement, section 518B.01, subdivision 22.

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. 3112, A bill for an act relating to insurance; creating statewide health insurance pool for school district employees; appropriating money; amending Minnesota Statutes 2006, sections 3.971, subdivision 6; 13.203; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

The report was adopted.

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

H. F. No. 3129, A bill for an act relating to real property; modifying certain plat requirements; amending Minnesota Statutes 2006, sections 505.20; 508.47, subdivision 4; 508A.47, subdivision 4; Minnesota Statutes 2007 Supplement, sections 505.01, subdivision 3; 505.021, subdivisions 8, 10.

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

The report was adopted.

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

H. F. No. 3134, A bill for an act relating to real property; providing for conveyance of interests in real property by transfer on death deeds; clarifying acknowledgments made in a representative capacity; clarifying application of certain common law doctrine to registered land; eliminating obsolete language and making other technical and conforming changes; amending Minnesota Statutes 2006, sections 272.12; 287.22; 508.02; 508.48; 508.52; 508.671, subdivision 1; 508A.02, subdivision 1; 508A.48; 508A.52; 524.2-702; 557.02; Minnesota Statutes 2007 Supplement, section 507.24, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 507.

Reported the same back with the following amendments:

Page 1, before line 14, insert:

"Section 1. Minnesota Statutes 2006, section 256B.15, subdivision 1h, is amended to read:

Subd. 1h. **Estates of specific persons receiving medical assistance.** (a) For purposes of this section, paragraphs (b) to (k) apply if a person received medical assistance for which a claim may be filed under this section and died single, or the surviving spouse of the couple and was not survived by any of the persons described in subdivisions 3 and 4.

(b) For purposes of this section, the person's estate consists of: (1) their probate estate; (2) all of the person's interests or proceeds of those interests in real property the person owned as a life tenant or as a joint tenant with a right of survivorship at the time of the person's death; (3) all of the person's interests or proceeds of those interests in securities the person owned in beneficiary form as provided under sections 524.6-301 to 524.6-311 at the time of the person's death, to the extent they become part of the probate estate under section 524.6-307; ~~and~~ (4) all of the person's interests in joint accounts, multiple party accounts, and pay on death accounts, or the proceeds of those

accounts, as provided under sections 524.6-201 to 524.6-214 at the time of the person's death to the extent they become part of the probate estate under section 524.6-207; and (5) the person's legal title or interest at the time of the person's death in real property transferred under a transfer on death deed under section 507.071, or in the proceeds from the subsequent sale of the person's interest in real property. Notwithstanding any law or rule to the contrary, a state or county agency with a claim under this section shall be a creditor under section 524.6-307.

(c) Notwithstanding any law or rule to the contrary, the person's life estate or joint tenancy interest in real property not subject to a medical assistance lien under sections 514.980 to 514.985 on the date of the person's death shall not end upon the person's death and shall continue as provided in this subdivision. The life estate in the person's estate shall be that portion of the interest in the real property subject to the life estate that is equal to the life estate percentage factor for the life estate as listed in the Life Estate Mortality Table of the health care program's manual for a person who was the age of the medical assistance recipient on the date of the person's death. The joint tenancy interest in real property in the estate shall be equal to the fractional interest the person would have owned in the jointly held interest in the property had they and the other owners held title to the property as tenants in common on the date the person died.

(d) The court upon its own motion, or upon motion by the personal representative or any interested party, may enter an order directing the remaindermen or surviving joint tenants and their spouses, if any, to sign all documents, take all actions, and otherwise fully cooperate with the personal representative and the court to liquidate the decedent's life estate or joint tenancy interests in the estate and deliver the cash or the proceeds of those interests to the personal representative and provide for any legal and equitable sanctions as the court deems appropriate to enforce and carry out the order, including an award of reasonable attorney fees.

(e) The personal representative may make, execute, and deliver any conveyances or other documents necessary to convey the decedent's life estate or joint tenancy interest in the estate that are necessary to liquidate and reduce to cash the decedent's interest or for any other purposes.

(f) Subject to administration, all costs, including reasonable attorney fees, directly and immediately related to liquidating the decedent's life estate or joint tenancy interest in the decedent's estate, shall be paid from the gross proceeds of the liquidation allocable to the decedent's interest and the net proceeds shall be turned over to the personal representative and applied to payment of the claim presented under this section.

(g) The personal representative shall bring a motion in the district court in which the estate is being probated to compel the remaindermen or surviving joint tenants to account for and deliver to the personal representative all or any part of the proceeds of any sale, mortgage, transfer, conveyance, or any disposition of real property allocable to the decedent's life estate or joint tenancy interest in the decedent's estate, and do everything necessary to liquidate and reduce to cash the decedent's interest and turn the proceeds of the sale or other disposition over to the personal representative. The court may grant any legal or equitable relief including, but not limited to, ordering a partition of real estate under chapter 558 necessary to make the value of the decedent's life estate or joint tenancy interest available to the estate for payment of a claim under this section.

(h) Subject to administration, the personal representative shall use all of the cash or proceeds of interests to pay an allowable claim under this section. The remaindermen or surviving joint tenants and their spouses, if any, may enter into a written agreement with the personal representative or the claimant to settle and satisfy obligations imposed at any time before or after a claim is filed.

(i) The personal representative may, at their discretion, provide any or all of the other owners, remaindermen, or surviving joint tenants with an affidavit terminating the decedent's estate's interest in real property the decedent owned as a life tenant or as a joint tenant with others, if the personal representative determines in good faith that neither the decedent nor any of the decedent's predeceased spouses received any medical assistance for which a claim could be filed under this section, or if the personal representative has filed an affidavit with the court that the

estate has other assets sufficient to pay a claim, as presented, or if there is a written agreement under paragraph (h), or if the claim, as allowed, has been paid in full or to the full extent of the assets the estate has available to pay it. The affidavit may be recorded in the office of the county recorder or filed in the Office of the Registrar of Titles for the county in which the real property is located. Except as provided in section 514.981, subdivision 6, when recorded or filed, the affidavit shall terminate the decedent's interest in real estate the decedent owned as a life tenant or a joint tenant with others. The affidavit shall: (1) be signed by the personal representative; (2) identify the decedent and the interest being terminated; (3) give recording information sufficient to identify the instrument that created the interest in real property being terminated; (4) legally describe the affected real property; (5) state that the personal representative has determined that neither the decedent nor any of the decedent's predeceased spouses received any medical assistance for which a claim could be filed under this section; (6) state that the decedent's estate has other assets sufficient to pay the claim, as presented, or that there is a written agreement between the personal representative and the claimant and the other owners or remaindermen or other joint tenants to satisfy the obligations imposed under this subdivision; and (7) state that the affidavit is being given to terminate the estate's interest under this subdivision, and any other contents as may be appropriate.

The recorder or registrar of titles shall accept the affidavit for recording or filing. The affidavit shall be effective as provided in this section and shall constitute notice even if it does not include recording information sufficient to identify the instrument creating the interest it terminates. The affidavit shall be conclusive evidence of the stated facts.

(j) The holder of a lien arising under subdivision 1c shall release the lien at the holder's expense against an interest terminated under paragraph (h) to the extent of the termination.

(k) If a lien arising under subdivision 1c is not released under paragraph (j), prior to closing the estate, the personal representative shall deed the interest subject to the lien to the remaindermen or surviving joint tenants as their interests may appear. Upon recording or filing, the deed shall work a merger of the recipient's life estate or joint tenancy interest, subject to the lien, into the remainder interest or interest the decedent and others owned jointly. The lien shall attach to and run with the property to the extent of the decedent's interest at the time of the decedent's death.

Sec. 2. Minnesota Statutes 2006, section 256B.15, subdivision 1i, is amended to read:

Subd. 1i. **Estates of persons receiving medical assistance and survived by others.** (a) For purposes of this subdivision, the person's estate consists of the person's probate estate and all of the person's interests in real property the person owned as a life tenant or a joint tenant at the time of the person's death and the person's legal title or interest at the time of the person's death in real property transferred to a beneficiary under a transfer on death deed under section 507.071, or in the proceeds from the subsequent sale of the person's interest in the transferred real property.

(b) Notwithstanding any law or rule to the contrary, this subdivision applies if a person received medical assistance for which a claim could be filed under this section but for the fact the person was survived by a spouse or by a person listed in subdivision 3, or if subdivision 4 applies to a claim arising under this section.

(c) The person's life estate or joint tenancy interests in real property not subject to a medical assistance lien under sections 514.980 to 514.985 on the date of the person's death shall not end upon death and shall continue as provided in this subdivision. The life estate in the estate shall be the portion of the interest in the property subject to the life estate that is equal to the life estate percentage factor for the life estate as listed in the Life Estate Mortality Table of the health care program's manual for a person who was the age of the medical assistance recipient on the date of the person's death. The joint tenancy interest in the estate shall be equal to the fractional interest the medical assistance recipient would have owned in the jointly held interest in the property had they and the other owners held title to the property as tenants in common on the date the medical assistance recipient died.



(d) The county agency shall file a claim in the estate under this section on behalf of the claimant who shall be the commissioner of human services, notwithstanding that the decedent is survived by a spouse or a person listed in subdivision 3. The claim, as allowed, shall not be paid by the estate and shall be disposed of as provided in this paragraph. The personal representative or the court shall make, execute, and deliver a lien in favor of the claimant on the decedent's interest in real property in the estate in the amount of the allowed claim on forms provided by the commissioner to the county agency filing the lien. The lien shall bear interest as provided under section 524.3-806, shall attach to the property it describes upon filing or recording, and shall remain a lien on the real property it describes for a period of 20 years from the date it is filed or recorded. The lien shall be a disposition of the claim sufficient to permit the estate to close.

(e) The state or county agency shall file or record the lien in the office of the county recorder or registrar of titles for each county in which any of the real property is located. The recorder or registrar of titles shall accept the lien for filing or recording. All recording or filing fees shall be paid by the Department of Human Services. The recorder or registrar of titles shall mail the recorded lien to the Department of Human Services. The lien need not be attested, certified, or acknowledged as a condition of recording or filing. Upon recording or filing of a lien against a life estate or a joint tenancy interest, the interest subject to the lien shall merge into the remainder interest or the interest the recipient and others owned jointly. The lien shall attach to and run with the property to the extent of the decedent's interest in the property at the time of the decedent's death as determined under this section.

(f) The department shall make no adjustment or recovery under the lien until after the decedent's spouse, if any, has died, and only at a time when the decedent has no surviving child described in subdivision 3. The estate, any owner of an interest in the property which is or may be subject to the lien, or any other interested party, may voluntarily pay off, settle, or otherwise satisfy the claim secured or to be secured by the lien at any time before or after the lien is filed or recorded. Such payoffs, settlements, and satisfactions shall be deemed to be voluntary repayments of past medical assistance payments for the benefit of the deceased recipient, and neither the process of settling the claim, the payment of the claim, or the acceptance of a payment shall constitute an adjustment or recovery that is prohibited under this subdivision.

(g) The lien under this subdivision may be enforced or foreclosed in the manner provided by law for the enforcement of judgment liens against real estate or by a foreclosure by action under chapter 581. When the lien is paid, satisfied, or otherwise discharged, the state or county agency shall prepare and file a release of lien at its own expense. No action to foreclose the lien shall be commenced unless the lien holder has first given 30 days' prior written notice to pay the lien to the owners and parties in possession of the property subject to the lien. The notice shall: (1) include the name, address, and telephone number of the lien holder; (2) describe the lien; (3) give the amount of the lien; (4) inform the owner or party in possession that payment of the lien in full must be made to the lien holder within 30 days after service of the notice or the lien holder may begin proceedings to foreclose the lien; and (5) be served by personal service, certified mail, return receipt requested, ordinary first class mail, or by publishing it once in a newspaper of general circulation in the county in which any part of the property is located. Service of the notice shall be complete upon mailing or publication."

Page 4, line 15, delete "interested" and insert "interests"

Page 4, line 30, delete "transfer" and insert "transfers"

Page 5, line 15, after the period, insert "To show compliance with this subdivision and subdivision 23, a beneficiary must record a clearance certificate issued in accordance with subdivision 23 in each county in which the real property described in the transfer on death deed is located."

Page 9, line 17, after the period, insert "The application for a clearance certificate and the clearance certificate itself must contain the legal description of each parcel of real property to be covered by the clearance certificate. The county agency shall provide enough clearance certificates to allow a clearance certificate to be recorded in each county in which the real property described in the transfer on death deed is located. The real property described in the clearance certificate shall be bound by any conditions or other requirements imposed by the county agency as specified in the clearance certificate. If the real property is registered property, a new certificate of title shall not be issued until the clearance certificate is recorded. If the clearance certificate shows the continuation of a medical assistance claim or lien after issuance of the clearance certificate, the real property shall remain subject to the claim or lien, and if the real property is registered property the clearance certificate shall be carried forward as a memorial in any new certificate of title."

Renumber the sections in sequence

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 3163, A bill for an act relating to environment; prohibiting use of certain construction debris as cover material; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[115A.936] CONSTRUCTION DEBRIS AS COVER MATERIAL PROHIBITED.**

(a) Construction debris or residuals from processed construction debris containing any amount of gypsum shall not be managed as cover material at disposal facilities unless:

(1) residual material is managed in an industrial or construction and demolition disposal facility equipped with a liner and leachate collection system;

(2) residual material is not mechanically pulverized or size-reduced prior to processing, screening, or application;

(3) a maximum effort is made to remove gypsum from the waste prior to processing, screening, or application;

(4) residual material is mixed at a ratio of three parts soil to one part residual material; and

(5) the disposal facility does not accept any amount of cover material greater than what is operationally necessary.

(b) For the purposes of this section, "residual material" means construction debris or residuals from processed construction debris containing any amount of gypsum."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3229, A bill for an act relating to utilities; requiring reporting of utility disconnections so local governments may get notice; amending Minnesota Statutes 2006, section 13.681, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 13.681, is amended by adding a subdivision to read:

Subd. 6. **Utility disconnection.** Utility data on disconnections provided to cities under section 216B.0976 shall be treated as private data on individuals or nonpublic data.

Sec. 2. **[216B.0976] NOTICE TO CITIES OF UTILITY DISCONNECTION.**

Subdivision 1. **Notice required.** Notwithstanding section 13.685 or any other law or administrative rule to the contrary, a public utility, cooperative electric association, or municipal utility must provide notice to a statutory city or home rule charter city, as prescribed by this section, of disconnection of a customer's gas or electric service. Upon written request from a city, on October 15 and November 1 of each year, or the next business day if that date falls on a Saturday or Sunday, a report must be made available to the city of the address of properties currently disconnected and the date of the disconnection. Upon written request from a city, between October 15 and April 15, daily reports must be made available of the address and date of any newly disconnected properties.

For the purpose of this section, "disconnection" means a cessation of services initiated by the public utility, cooperative electric association, or municipal utility that affects the primary heat source of a residence and service is not reconnected within 24 hours.

Subd. 2. **Data.** Data on customers that are provided to cities under subdivision 1 are private data on individuals or nonpublic data, as defined in section 13.02.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to utilities; requiring notice to cities of utility disconnections; requiring reports; amending Minnesota Statutes 2006, section 13.681, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B."

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. 3236, A bill for an act relating to commerce; regulating contracts for deed, rates of interest on certain contracts, and mortgage lending; providing verification of the borrower's reasonable ability to repay a mortgage loan; providing penalties and remedies for a mortgage broker's failure to comply with the broker's duties of agency; amending Minnesota Statutes 2006, sections 47.20, subdivision 2; 334.01, subdivision 2; Minnesota Statutes 2007 Supplement, sections 58.13, subdivision 1; 58.18, subdivisions 1, 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 47.20, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purposes of this section the terms defined in this subdivision have the meanings given them:

(1) "Actual closing costs" mean reasonable charges for or sums paid for the following, whether or not retained by the mortgagee or lender:

(a) Any insurance premiums including but not limited to premiums for title insurance, fire and extended coverage insurance, flood insurance, and private mortgage insurance, but excluding any charges or sums retained by the mortgagee or lender as self-insured retention.

(b) Abstracting, title examination and search, and examination of public records.

(c) The preparation and recording of any or all documents required by law or custom for closing a conventional or cooperative apartment loan.

(d) Appraisal and survey of real property securing a conventional loan or real property owned by a cooperative apartment corporation of which a share or shares of stock or a membership certificate or certificates are to secure a cooperative apartment loan.

(e) A single service charge, which includes any consideration, not otherwise specified herein as an "actual closing cost" paid by the borrower and received and retained by the lender for or related to the acquisition, making, refinancing or modification of a conventional or cooperative apartment loan, and also includes any consideration received by the lender for making a borrower's interest rate commitment or for making a borrower's loan commitment, whether or not an actual loan follows the commitment. The term service charge does not include forward commitment fees. The service charge shall not exceed one percent of the original bona fide principal amount of the conventional or cooperative apartment loan, except that in the case of a construction loan, the service charge shall not exceed two percent of the original bona fide principal amount of the loan. That portion of the service charge imposed because the loan is a construction loan shall be itemized and a copy of the itemization furnished the borrower. A lender shall not collect from a borrower the additional one percent service charge permitted for a construction loan if it does not perform the service for which the charge is imposed or if third parties perform and charge the borrower for the service for which the lender has imposed the charge.

(f) Charges and fees necessary for or related to the transfer of real or personal property securing a conventional or cooperative apartment loan or the closing of a conventional or cooperative apartment loan paid by the borrower and received by any party other than the lender.

(2) "Contract for deed" means an executory contract for the conveyance of real estate, the original principal amount of which is less than ~~\$100,000~~ \$300,000. A commitment for a contract for deed shall include an executed purchase agreement or earnest money contract wherein the seller agrees to finance any part or all of the purchase price by a contract for deed.

(3) "Conventional loan" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less than \$100,000, secured by a mortgage upon real property containing one or more residential units or upon which at the time the loan is made it is intended that one or more residential units are to be constructed, and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the Farmers Home Administration, and which is not made pursuant to the authority granted in subdivision 1, clause (3) or (4). The term mortgage does not include contracts for deed or installment land contracts.

(4) "Cooperative apartment loan" means a loan or advance of credit, other than a loan or advance of credit made by a credit union or made pursuant to section 334.011, to a noncorporate borrower in an original principal amount of less than \$100,000, secured by a security interest on a share or shares of stock or a membership certificate or certificates issued to a stockholder or member by a cooperative apartment corporation, which may be accompanied by an assignment by way of security of the borrower's interest in the proprietary lease or occupancy agreement in property issued by the cooperative apartment corporation and which is not insured or guaranteed by the secretary of housing and urban development, by the administrator of veterans affairs, or by the administrator of the Farmers Home Administration.

(5) "Cooperative apartment corporation" means a corporation or cooperative organized under chapter 308A or 317A, the shareholders or members of which are entitled, solely by reason of their ownership of stock or membership certificates in the corporation or association, to occupy one or more residential units in a building owned or leased by the corporation or association.

(6) "Forward commitment fee" means a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of residential units, or a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make conventional loans to two or more credit worthy purchasers, including future purchasers, of units to be created out of existing structures pursuant to chapter 515B, or a fee or other consideration paid to a lender for the purpose of securing a binding forward commitment by or through the lender to make cooperative apartment loans to two or more credit worthy purchasers, including future purchasers, of a share or shares of stock or a membership certificate or certificates in a cooperative apartment corporation; provided, that the forward commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

(7) "Borrower's interest rate commitment" means a binding commitment made by a lender to a borrower wherein the lender agrees that, if a conventional or cooperative apartment loan is made following issuance of and pursuant to the commitment, the conventional or cooperative apartment loan shall be made at a rate of interest not in excess of the rate of interest agreed to in the commitment, provided that the rate of interest agreed to in the commitment is not in excess of the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower.

(8) "Borrower's loan commitment" means a binding commitment made by a lender to a borrower wherein the lender agrees to make a conventional or cooperative apartment loan pursuant to the provisions, including the interest rate, of the commitment, provided that the commitment rate of interest does not exceed the maximum lawful rate of interest effective as of the date the commitment is issued and the commitment when issued and agreed to shall constitute a legally binding obligation on the part of the mortgagee or lender to make a conventional or cooperative

apartment loan within a specified time period in the future at a rate of interest not exceeding the maximum lawful rate of interest effective as of the date the commitment is issued by the lender to the borrower; provided that a lender who issues a borrower's loan commitment pursuant to the provisions of a forward commitment is authorized to issue the borrower's loan commitment at a rate of interest not to exceed the maximum lawful rate of interest effective as of the date the forward commitment is issued by the lender.

(9) "Finance charge" means the total cost of a conventional or cooperative apartment loan including extensions or grant of credit regardless of the characterization of the same and includes interest, finders fees, and other charges levied by a lender directly or indirectly against the person obtaining the conventional or cooperative apartment loan or against a seller of real property securing a conventional loan or a seller of a share or shares of stock or a membership certificate or certificates in a cooperative apartment corporation securing a cooperative apartment loan, or any other party to the transaction except any actual closing costs and any forward commitment fee. The finance charges plus the actual closing costs and any forward commitment fee, charged by a lender shall include all charges made by a lender other than the principal of the conventional or cooperative apartment loan. The finance charge, with respect to wraparound mortgages, shall be computed based upon the face amount of the wraparound mortgage note, which face amount shall consist of the aggregate of those funds actually advanced by the wraparound lender and the total outstanding principal balances of the prior note or notes which have been made a part of the wraparound mortgage note.

(10) "Lender" means any person making a conventional or cooperative apartment loan, or any person arranging financing for a conventional or cooperative apartment loan. The term also includes the holder or assignee at any time of a conventional or cooperative apartment loan.

(11) "Loan yield" means the annual rate of return obtained by a lender over the term of a conventional or cooperative apartment loan and shall be computed as the annual percentage rate as computed in accordance with sections 226.5 (b), (c), and (d) of Regulation Z, Code of Federal Regulations, title 12, section 226, but using the definition of finance charge provided for in this subdivision. For purposes of this section, with respect to wraparound mortgages, the rate of interest or loan yield shall be based upon the principal balance set forth in the wraparound note and mortgage and shall not include any interest differential or yield differential between the stated interest rate on the wraparound mortgage and the stated interest rate on the one or more prior mortgages included in the stated loan amount on a wraparound note and mortgage.

(12) "Person" means an individual, corporation, business trust, partnership or association or any other legal entity.

(13) "Residential unit" means any structure used principally for residential purposes or any portion thereof, and includes a unit in a common interest community, a nonowner occupied residence, and any other type of residence regardless of whether the unit is used as a principal residence, secondary residence, vacation residence, or residence of some other denomination.

(14) "Vendor" means any person or persons who agree to sell real estate and finance any part or all of the purchase price by a contract for deed. The term also includes the holder or assignee at any time of the vendor's interest in a contract for deed.

Sec. 2. Minnesota Statutes 2007 Supplement, section 58.13, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) No person acting as a residential mortgage originator or servicer, including a person required to be licensed under this chapter, and no person exempt from the licensing requirements of this chapter under section 58.04, except as otherwise provided in paragraph (b), shall:

(1) fail to maintain a trust account to hold trust funds received in connection with a residential mortgage loan;

(2) fail to deposit all trust funds into a trust account within three business days of receipt; commingle trust funds with funds belonging to the licensee or exempt person; or use trust account funds for any purpose other than that for which they are received;

(3) unreasonably delay the processing of a residential mortgage loan application, or the closing of a residential mortgage loan. For purposes of this clause, evidence of unreasonable delay includes but is not limited to those factors identified in section 47.206, subdivision 7, clause (d);

(4) fail to disburse funds according to its contractual or statutory obligations;

(5) fail to perform in conformance with its written agreements with borrowers, investors, other licensees, or exempt persons;

(6) charge a fee for a product or service where the product or service is not actually provided, or misrepresent the amount charged by or paid to a third party for a product or service;

(7) fail to comply with sections 345.31 to 345.60, the Minnesota unclaimed property law;

(8) violate any provision of any other applicable state or federal law regulating residential mortgage loans including, without limitation, sections 47.20 to 47.208;

(9) make or cause to be made, directly or indirectly, any false, deceptive, or misleading statement or representation in connection with a residential loan transaction including, without limitation, a false, deceptive, or misleading statement or representation regarding the borrower's ability to qualify for any mortgage product;

(10) conduct residential mortgage loan business under any name other than that under which the license or certificate of exemption was issued;

(11) compensate, whether directly or indirectly, coerce or intimidate an appraiser for the purpose of influencing the independent judgment of the appraiser with respect to the value of real estate that is to be covered by a residential mortgage or is being offered as security according to an application for a residential mortgage loan;

(12) issue any document indicating conditional qualification or conditional approval for a residential mortgage loan, unless the document also clearly indicates that final qualification or approval is not guaranteed, and may be subject to additional review;

(13) make or assist in making any residential mortgage loan with the intent that the loan will not be repaid and that the residential mortgage originator will obtain title to the property through foreclosure;

(14) provide or offer to provide for a borrower, any brokering or lending services under an arrangement with a person other than a licensee or exempt person, provided that a person may rely upon a written representation by the residential mortgage originator that it is in compliance with the licensing requirements of this chapter;

(15) claim to represent a licensee or exempt person, unless the person is an employee of the licensee or exempt person or unless the person has entered into a written agency agreement with the licensee or exempt person;

(16) fail to comply with the record keeping and notification requirements identified in section 58.14 or fail to abide by the affirmations made on the application for licensure;

(17) represent that the licensee or exempt person is acting as the borrower's agent after providing the nonagency disclosure required by section 58.15, unless the disclosure is retracted and the licensee or exempt person complies with all of the requirements of section 58.16;

(18) make, provide, or arrange for a residential mortgage loan that is of a lower investment grade if the borrower's credit score or, if the originator does not utilize credit scoring or if a credit score is unavailable, then comparable underwriting data, indicates that the borrower may qualify for a residential mortgage loan, available from or through the originator, that is of a higher investment grade, unless the borrower is informed that the borrower may qualify for a higher investment grade loan with a lower interest rate and/or lower discount points, and consents in writing to receipt of the lower investment grade loan;

For purposes of this section, "investment grade" refers to a system of categorizing residential mortgage loans in which the loans are: (i) commonly referred to as "prime" or "subprime"; (ii) commonly designated by an alphabetical character with "A" being the highest investment grade; and (iii) are distinguished by interest rate or discount points or both charged to the borrower, which vary according to the degree of perceived risk of default based on factors such as the borrower's credit, including credit score and credit patterns, income and employment history, debt ratio, loan-to-value ratio, and prior bankruptcy or foreclosure;

(19) make, publish, disseminate, circulate, place before the public, or cause to be made, directly or indirectly, any advertisement or marketing materials of any type, or any statement or representation relating to the business of residential mortgage loans that is false, deceptive, or misleading;

(20) advertise loan types or terms that are not available from or through the licensee or exempt person on the date advertised, or on the date specified in the advertisement. For purposes of this clause, advertisement includes, but is not limited to, a list of sample mortgage terms, including interest rates, discount points, and closing costs provided by licensees or exempt persons to a print or electronic medium that presents the information to the public;

(21) use or employ phrases, pictures, return addresses, geographic designations, or other means that create the impression, directly or indirectly, that a licensee or other person is a governmental agency, or is associated with, sponsored by, or in any manner connected to, related to, or endorsed by a governmental agency, if that is not the case;

(22) violate section 82.49, relating to table funding;

(23) make, provide, or arrange for a residential mortgage loan all or a portion of the proceeds of which are used to fully or partially pay off a "special mortgage" unless the borrower has obtained a written certification from an authorized independent loan counselor that the borrower has received counseling on the advisability of the loan transaction. For purposes of this section, "special mortgage" means a residential mortgage loan originated, subsidized, or guaranteed by or through a state, tribal, or local government, or nonprofit organization, that bears one or more of the following nonstandard payment terms which substantially benefit the borrower: (i) payments vary with income; (ii) payments of principal or interest are not required or can be deferred under specified conditions; (iii) principal or interest is forgivable under specified conditions; or (iv) where no interest or an annual interest rate of two percent or less is charged in connection with the loan. For purposes of this section, "authorized independent loan counselor" means a nonprofit, third-party individual or organization providing homebuyer education programs, foreclosure prevention services, mortgage loan counseling, or credit counseling certified by the United States Department of Housing and Urban Development, the Minnesota Home Ownership Center, the Minnesota Mortgage Foreclosure Prevention Association, AARP, or NeighborWorks America;



(24) make, provide, or arrange for a residential mortgage loan without verifying the borrower's reasonable ability to pay the scheduled payments of the following, as applicable: principal; interest; real estate taxes; homeowner's insurance, assessments, and mortgage insurance premiums. For loans in which the interest rate may vary, the reasonable ability to pay shall be determined based on a fully indexed rate and a repayment schedule which achieves full amortization over the life of the loan. For all residential mortgage loans, the borrower's income and financial resources must be verified by tax returns, payroll receipts, bank records, or other similarly reliable documents.

Nothing in this section shall be construed to limit a mortgage originator's or exempt person's ability to rely on criteria other than the borrower's income and financial resources to establish the borrower's reasonable ability to repay the residential mortgage loan, including criteria established by the United States Department of Veterans Affairs or the United States Department of Housing and Urban Development for interest rate reduction refinancing loans or streamline loans or criteria authorized or promulgated by Fannie Mae or Freddie Mac; however, such other criteria must be verified through reasonably reliable methods and documentation. A statement by the borrower to the residential mortgage originator or exempt person of the borrower's income and resources is not sufficient to establish the existence of the income or resources when verifying the reasonable ability to pay.

(25) engage in "churning." As used in this section, "churning" means knowingly or intentionally making, providing, or arranging for a residential mortgage loan when the new residential mortgage loan does not provide a reasonable, tangible net benefit to the borrower considering all of the circumstances including the terms of both the new and refinanced loans, the cost of the new loan, and the borrower's circumstances;

(26) the first time a residential mortgage originator orally informs a borrower of the anticipated or actual periodic payment amount for a first-lien residential mortgage loan which does not include an amount for payment of property taxes and hazard insurance, the residential mortgage originator must inform the borrower that an additional amount will be due for taxes and insurance and, if known, disclose to the borrower the amount of the anticipated or actual periodic payments for property taxes and hazard insurance. This same oral disclosure must be made each time the residential mortgage originator orally informs the borrower of a different anticipated or actual periodic payment amount change from the amount previously disclosed. A residential mortgage originator need not make this disclosure concerning a refinancing loan if the residential mortgage originator knows that the borrower's existing loan that is anticipated to be refinanced does not have an escrow account; or

(27) make, provide, or arrange for a residential mortgage loan, other than a reverse mortgage pursuant to United States Code, title 15, chapter 41, if the borrower's compliance with any repayment option offered pursuant to the terms of the loan will result in negative amortization during any six-month period.

(b) Paragraph (a), clauses (24) through (27), do not apply to a state or federally chartered bank, savings bank, or credit union, an institution chartered by Congress under the Farm Credit Act, or to a person making, providing, or arranging a residential mortgage loan originated or purchased by a state agency or a tribal or local unit of government. This paragraph supersedes any inconsistent provision of this chapter.

Sec. 3. Minnesota Statutes 2007 Supplement, section 58.18, subdivision 1, is amended to read:

Subdivision 1. **Remedies.** A borrower injured by a violation of the standards, duties, prohibitions, or requirements of sections 58.13, 58.136, 58.137, ~~and~~ 58.16, and 58.161 shall have a private right of action and the court shall award:

(1) actual, incidental, and consequential damages;

(2) statutory damages equal to the amount of all lender fees included in the amount of the principal of the residential mortgage loan as defined in section 58.137;

(3) punitive damages if appropriate, and as provided in sections 549.191 and 549.20; and

(4) court costs and reasonable attorney fees.

Sec. 4. Minnesota Statutes 2007 Supplement, section 58.18, subdivision 2, is amended to read:

Subd. 2. **Private attorney general statute.** A borrower injured by a violation of the standards, duties, prohibitions, or requirements of sections 58.13, 58.136, 58.137, ~~and 58.16,~~ and 58.161 also may bring an action under section 8.31. A private right of action by a borrower under this chapter is in the public interest.

Sec. 5. Minnesota Statutes 2006, section 334.01, subdivision 2, is amended to read:

Subd. 2. **Contracts of \$100,000 or more.** Notwithstanding any law to the contrary, except as stated in section 58.137, and with respect to contracts for deed, section 47.20, subdivision 4a, no limitation on the rate or amount of interest, points, finance charges, fees, or other charges applies to a loan, mortgage, credit sale, or advance made under a written contract, signed by the debtor, for the extension of credit to the debtor in the amount of \$100,000 or more, or any written extension and other written modification of the written contract. The written contract, written extension, and written modification are exempt from the other provisions of this chapter.

Sec. 6. **EFFECTIVE DATES.**

Sections 1 and 5 are effective August 1, 2008. Section 2 is effective the day following final enactment. Sections 3 and 4 are effective the day following final enactment for actions commenced on or after that date."

Delete the title and insert:

"A bill for an act relating to commerce; regulating contracts for deed, rates of interest on certain contracts, and mortgage lending; providing verification of the borrower's reasonable ability to repay a mortgage loan; providing penalties and remedies for a mortgage broker's failure to comply with the broker's duties of agency; amending Minnesota Statutes 2006, sections 47.20, subdivision 2; 334.01, subdivision 2; Minnesota Statutes 2007 Supplement, sections 58.13, subdivision 1; 58.18, subdivisions 1, 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3273, A bill for an act relating to natural resources; modifying monument designation authority; modifying state park names; modifying state park permit requirements; eliminating certain finance report requirements; making technical corrections; amending Minnesota Statutes 2006, sections 85.011; 85.012, subdivisions 28, 49a; 85.013, subdivision 1; 85.054, subdivision 3, by adding a subdivision; 97A.055, subdivision 4b; repealing Minnesota Statutes 2006, sections 84.961, subdivision 4; 85.013, subdivision 21b; Laws 1989, chapter 335, article 1, section 21, subdivision 8, as amended.

Reported the same back with the following amendments:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 2006, section 84.9256, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public road rights-of-way that is permitted under section 84.928, a driver's license issued by the state or another state is required to operate an all-terrain vehicle along or on a public road right-of-way.

(b) A person under 12 years of age shall not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an all-terrain vehicle on a public road right-of-way in the state; or

(3) operate an all-terrain vehicle on public lands or waters, except as provided in paragraph (f).

(c) Except for public road rights-of-way of interstate highways, a person 12 years of age but less than 16 years may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway or operate on public lands and waters or state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied on another all-terrain vehicle by a person 18 years of age or older who holds a valid driver's license.

(d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old, but less than 16 years old, must:

(1) successfully complete the safety education and training program under section 84.925, subdivision 1, including a riding component; and

(2) be able to properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle.

(e) A person at least 11 years of age may take the safety education and training program and may receive an all-terrain vehicle safety certificate under paragraph (d), but the certificate is not valid until the person reaches age 12.

(f) A person at least ten years of age but under 12 years of age may operate an all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if accompanied by a parent or legal guardian.

(g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

(h) A person under the age of 16 may not operate an all-terrain vehicle on public lands or waters or on state or grant-in-aid trails if the person cannot properly reach and control the handle bars and reach the foot pegs while sitting upright on the seat of the all-terrain vehicle."

Page 3, after line 4, insert:

"Sec. 8. Minnesota Statutes 2006, section 88.15, subdivision 2, is amended to read:

Subd. 2. **Not to be left burning.** Every person who starts or maintains a campfire shall:

(1) exercise every reasonable precaution to prevent the campfire from spreading and shall;

(2) before lighting the campfire, clear the ground of all combustible material ~~within a radius of five feet from the base of the campfire. The person lighting the campfire shall;~~

(3) remain with the campfire at all times; and ~~shall~~

(4) before leaving the site, completely extinguish the campfire.

Sec. 9. Minnesota Statutes 2006, section 89.715, is amended to read:

**89.715 ALTERNATIVE RECORDING FOR STATE FOREST ROAD.**

Subdivision 1. **Authorization.** The commissioner may adopt a ~~recorded~~ state forest road map under this section to record the department's state forest road prescriptive easements. For purposes of this section, "~~recorded~~ state forest road map" means the official map of state forest roads adopted by the commissioner.

Subd. 2. **Map requirements.** The ~~recorded~~ state forest road map must:

- (1) show state forest roads at the time the map is adopted;
- (2) be prepared at a scale ~~of at least four inches equals one mile~~ compliant with county recorder standards;
- (3) include section numbers;
- (4) include a north point arrow;
- (5) include the name of the county and state;
- (6) include a blank and a description under the blank for the date of public hearing and date of adoption;
- (7) include blanks for signatures and dates of signatures for the commissioner; and
- (8) include a list of legal descriptions of all parcels crossed by state forest road prescriptive easements.

Subd. 3. **Procedure to adopt map.** (a) The commissioner must prepare an official map for each county or smaller geographic area as determined by the commissioner as provided in subdivision 2, and set a time, place, and date for a public hearing on adopting a ~~recorded~~ state forest road map to record roads.

(b) The hearing notice must state that the roads to be recorded will be to the width of the actual use including ditches, backslopes, fills, and maintained rights-of-way, unless otherwise specified in a prior easement of record. The hearing notice must be published once a week for two successive weeks in a qualified newspaper of general circulation that serves the county or smaller geographic areas as determined by the commissioner, the last publication to be made at least ten days before the date of the public hearing. At least 30 days before the hearing, the hearing notice must be sent by certified mail to the property owners directly affected in the county or smaller geographic areas as determined by the commissioner at the addresses listed on the tax assessment notices at least seven days before appearing in the qualified newspaper. The hearing notice may be sent with the tax assessment, but all additional costs incurred shall be billed to the department.

(c) After the public hearing is held, the commissioner may amend and adopt the ~~recorded~~ state forest road map. The ~~recorded~~ adopted state forest road map must be dated and signed by the commissioner and must be ~~recorded~~ filed for recording with the county recorder within 90 days after the map is adopted. The map is effective when filed with the county recorder.

(d) The ~~recorded~~ state forest road map that is recorded with the county recorder must comply with the standards of the county recorder where the state forest roads are located.

(e) A ~~recorded~~ state forest road map that was prepared by using aerial photographs to establish road centerlines and that has been duly recorded with the county recorder is an adequate description for purposes of recording road easements and the map is the legally constituted description and prevails when a deed for a parcel abutting a road contains no reference to a road easement. Nothing prevents the commissioner from accepting a more definitive metes and bounds or survey description of a road easement for a road of record if the description of the easement is referenced to equal distance on both sides of the existing road centerline.

(f) The commissioner shall consult with representatives of county land commissioners, county auditors, county recorders, and Torrens examiners in implementing this subdivision.

Subd. 4. **Appeal.** (a) ~~Before filing an appeal under paragraph (b), a person may seek resolution of concerns regarding a decision to record a road under this section by contacting the commissioner in writing.~~

~~(b) A person may appeal a decision to record or exclude recording a road under this section to the district court within 120 days after the date the commissioner adopts the state forest road map. Appeals may be filed only by property owners who are directly affected by a proposed map designation and only for those portions of the map designation that directly affect them.~~

(b) A property owner may appeal the map designation to the commissioner within 60 days of the map being recorded by filing a written request for review. The commissioner shall review the request and any supporting evidence and render a decision within 45 days of receipt of the request for review.

(c) If a property owner wishes to appeal a decision of the commissioner after review under paragraph (b), the property owner must file an appeal with the district court within 60 days of the commissioner's decision.

(d) If any portion of a map appealed under paragraph (b) is modified or found to be invalid by a court of competent jurisdiction under paragraph (c), the remainder of the map shall not be affected and its recording with the county recorder shall stand.

Subd. 5. **Unrecorded road or trail not affected.** This section does not affect or diminish the legal status or state obligations of roads and trails not shown on the ~~recorded~~ state forest road map.

Subd. 6. **Exemption.** Adoption of a ~~recorded~~ state forest road map under this section is exempt from the rulemaking requirements of chapter 14 and section 14.386 does not apply."

Page 4, delete section 8 and insert:

"Sec. 11. Minnesota Statutes 2006, section 97A.141, subdivision 1, is amended to read:

Subdivision 1. **Acquisition; generally.** The commissioner shall acquire access sites adjacent to public waters and easements and rights-of-way necessary to connect the access sites with public highways. The land may be acquired by gift, lease, or purchase, or by condemnation with approval of the Executive Council. ~~An access site may not exceed seven acres and may only be acquired where access is inadequate.~~

Sec. 12. **REPEALER.**

Minnesota Statutes 2006, sections 84.961, subdivision 4; 85.013, subdivision 21b; and 97A.141, subdivision 2, and Laws 1989, chapter 335, article 1, section 21, subdivision 8, as amended by Laws 2002, chapter 323, section 19, are repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the second semicolon, insert "modifying requirements for youth operation of all-terrain vehicles; modifying campfire provisions; modifying requirements for alternative recording for state forest roads; modifying public water access site acquisition authority;"

Correct the title numbers accordingly

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

The report was adopted.

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

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

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 3296, A bill for an act relating to unemployment compensation; eliminating an exception to the general rule for determining independent contractor status; requiring certain audit activities; repealing Minnesota Statutes 2007 Supplement, section 268.035, subdivision 25b.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 268.035, subdivision 25b, is amended to read:

Subd. 25b. **Trucking industry/independent contractors.** In the trucking industry, an owner-operator of a vehicle that is licensed and registered as a truck, tractor, or truck-tractor by a governmental motor vehicle regulatory agency is an independent contractor, and is not considered an employee, while performing services in the operation of the truck only if each of the following factors is present:

(1) the individual owns the equipment or holds it under a bona fide lease arrangement;

(2) the individual is responsible for the maintenance of the equipment;

(3) the individual bears the principal burdens of the operating costs, including fuel, repairs, supplies, vehicle insurance, and personal expenses while on the road;

(4) the individual is responsible for supplying the necessary personal services to operate the equipment;

(5) the individual's compensation is based on factors related to the work performed, such as a percentage of any schedule of rates, and not on the basis of the hours or time expended; and

(6) the individual enters into a written contract that specifies the relationship to be that of an independent contractor and not that of an employee.

This subdivision does not apply to parcel delivery drivers who deliver shipments less than 250 pounds per parcel.

**EFFECTIVE DATE.** This section is effective October 1, 2008."

Page 1, line 14, after the period, insert "The commissioner shall report on the findings of the audits by October 1, 2010, to the chairs of the standing committees of the senate and house of representatives having jurisdiction over unemployment compensation issues."

Page 1, delete section 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "requiring a report;"

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. 3301, A bill for an act relating to transportation; changing provisions relating to disclosure of construction project cost estimates and proposal scoring; amending design-build transportation project provisions; requiring compensation for certain Technical Review Committee members; modifying provisions relating to design-build requests for proposals, scoring, project awards, and protests; requiring disclosure of reasons for change in stipulated fee; requiring rejection of nonresponsive proposals; amending Minnesota Statutes 2006, sections 13.72, subdivisions 1, 11; 161.3420, subdivisions 2, 3, 4; 161.3422; 161.3426, subdivisions 1, 3, 4; repealing Minnesota Statutes 2006, section 161.3426, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 13.72, subdivision 11, is amended to read:

Subd. 11. **Design-build transportation project.** When the Department of Transportation undertakes a design-build transportation project as defined in section 161.3410, subdivision 6, the statement of qualification evaluation criteria and scoring methodology, statement of qualification evaluations, technical proposal evaluation criteria and scoring methodology, ~~and~~ technical proposal evaluations, and audio recordings of meetings with proposers are classified as protected nonpublic data with regard to data not on individuals and as confidential data on individuals. The statement of qualification evaluation criteria and scoring methodology and statement of qualification evaluations are public when the Department of Transportation announces the short list of qualified contractors. The technical proposal evaluation criteria, scoring methodology, ~~and~~ technical proposal evaluations, and audio recordings of meetings with proposers are public when the project is awarded.

Sec. 2. Minnesota Statutes 2006, section 161.3420, subdivision 2, is amended to read:

Subd. 2. **Technical Review Committee.** During the phase-one request for qualifications (RFQ) and before solicitation, the commissioner shall appoint a Technical Review Committee of at least five individuals. The Technical Review Committee must include an individual whose name and qualifications are submitted to the commissioner by the Minnesota chapter of the Associated General Contractors, after consultation with other commercial contractor associations in the state. Members of the Technical Review Committee who are not state employees are subject to the Minnesota Government Data Practices Act and section 16C.06 to the same extent that state agencies are subject to those provisions. The commissioner shall pay reasonable compensation to Technical Review Committee members who are not public employees for their services. A minimum of two state employees on the Technical Review Committee must be at the level of senior administrative engineer or above. A Technical Review Committee member may not participate in the review or discussion of responses to an RFQ or request for proposals (RFP) when the member has a financial interest in any of the design-build firms that respond to that RFQ or RFP. "Financial interest" includes, but is not limited to, being or serving as an owner, employee, partner, limited liability partner, shareholder, joint venturer, family member, officer, or director of a design-build firm responding to an RFQ or RFP for a specific project, or having any other economic interest in that design-build firm. The members of the Technical Review Committee must be treated as state employees in the event of litigation resulting from any action arising out of their service on the committee. The commissioner shall create an audio recording of each meeting that is scheduled or described in the RFP with a proposer.

Sec. 3. Minnesota Statutes 2006, section 161.3420, subdivision 3, is amended to read:

Subd. 3. **Contents.** The commissioner shall prepare or have prepared an RFQ. The RFQ must include the following:

- (1) the minimum qualifications of design-builders necessary to meet the requirements for acceptance;
- (2) a scope of work statement and schedule;
- (3) documents defining the project requirements;
- (4) the form of contract to be awarded;
- (5) the weighted selection criteria for compiling a short list and the number of firms to be included in the short list, which must be at least two but not more than five;
- (6) a description of the request for proposals (RFP) requirements;



(7) the maximum time allowed for design and construction;

(8) the commissioner's estimated cost of design and construction;

(9) requirements for construction experience, design experience, financial, personnel, and equipment resources available from potential design-builders for the project and experience in other design-build transportation projects or similar projects, provided that these requirements may not unduly restrict competition; and

(10) a statement that "past performance," ~~or~~ "experience," or other criteria used in the RFQ evaluation process does not include the exercise or assertion of a person's legal rights.

Sec. 4. Minnesota Statutes 2006, section 161.3420, subdivision 4, is amended to read:

Subd. 4. **Evaluation.** The ~~selection team~~ Technical Review Committee shall evaluate the design-build qualifications of responding firms and shall compile a short list of no more than five most highly qualified firms in accordance with qualifications criteria described in the request for qualifications (RFQ). If only one design-build firm responds to the RFQ or remains on the short list, the commissioner may readvertise or cancel the project as the commissioner deems necessary.

Sec. 5. Minnesota Statutes 2006, section 161.3422, is amended to read:

#### **161.3422 RFP FOR DESIGN-BUILD.**

During phase two, the commissioner shall issue a request for proposals (RFP) to the design-builders on the short list. The request must include:

(1) the scope of work, including (i) performance and technical requirements, (ii) conceptual design, (iii) specifications, and (iv) functional and operational elements for the delivery of the completed project, which must be prepared by a registered or licensed professional engineer;

(2) a description of the qualifications required of the design-builder and the selection criteria, including the weight ~~or relative order, or both,~~ of each criterion and subcriterion;

(3) copies of the contract documents that the successful proposer will be expected to sign;

(4) the maximum time allowable for design and construction;

(5) the road authority's estimated cost of design and construction;

(6) the requirement that a submitted proposal be segmented into two parts, a technical proposal and a price proposal;

(7) the requirement that each proposal be in a separately sealed, clearly identified package and include the date and time of the submittal deadline;

(8) the requirement that the technical proposal include a critical path method; bar schedule of the work to be performed, or similar schematic; design plans and specifications; technical reports; calculations; permit requirements; applicable development fees; and other data requested in the RFP;

(9) the requirement that the price proposal contain all design, construction, engineering, inspection, and construction costs of the proposed project;

(10) the date, time, and location of the public opening of the sealed price proposals; ~~and~~

(11) other information relevant to the project; and

(12) a statement that "past performance," "experience," or other criteria used in the RFP evaluation process does not include the exercise or assertion of a person's legal rights.

Sec. 6. Minnesota Statutes 2006, section 161.3426, subdivision 1, is amended to read:

Subdivision 1. **Award; computation; announcement.** Except as provided in subdivision 2, a design-build contract shall be awarded as follows:

(a) The Technical Review Committee shall score the technical proposals using the selection criteria in the request for proposals (RFP). The Technical Review Committee shall then submit a technical proposal score for each design-builder to the commissioner. The Technical Review Committee shall reject any ~~proposal it deems~~ nonresponsive proposal.

(b) The commissioner shall announce the technical proposal score for each design-builder and shall publicly open the sealed price proposals and shall divide each design-builder's price by the technical score that the Technical Review Committee has given to it to obtain an adjusted score. The design-builder selected must be that responsive and responsible design-builder whose adjusted score is the lowest score that does not exceed 110 percent of the lowest adjusted price, within the meaning of paragraph (c), that is submitted by a responsive, responsible design-builder.

(c) If a time factor is included with the selection criteria in the RFP package, the commissioner ~~may also adjust the bids using a~~ shall include the value of the time factor established by the commissioner as a criterion within the RFP. The value of the time factor must be expressed as a value per day. The adjustment must be based on the total time value. The total time value is the design-builder's total number of days to complete the project multiplied by the factor. The time-adjusted price is the total time value plus the bid amount. This time adjustment to the bids must be used for selection purposes only, and must not affect the Department of Transportation's liquidated damages schedule or incentive or disincentive program. An adjusted score must then be obtained by dividing each design-builder's time-adjusted price by the score given by the technical review team. The commissioner shall select the responsive and responsible design-builder whose adjusted score is the lowest.

(d) Unless all proposals are rejected, the commissioner shall award the contract to the responsive and responsible design-builder with the lowest adjusted score. The commissioner shall reserve the right to reject all proposals.

(e) The commissioner shall not limit the ability of design-builders that have submitted proposals to protest a contemplated or actual award by the commissioner by, among other things, unreasonably restricting the time to protest, restricting the right to seek judicial review of the commissioner's actions, attempting to change the judicial standard of review, or attempting to shift the commissioner's costs or damages from a protest to a protestor. The commissioner shall wait at least seven days after both the award of the project and public disclosure of the Technical Review Committee's scoring data and the successful proposal before executing a contract for the project.

Sec. 7. Minnesota Statutes 2006, section 161.3426, subdivision 3, is amended to read:

Subd. 3. **Stipulated fee.** The commissioner shall award a stipulated fee not less than two-tenths of one percent of the department's estimated cost of design and construction to each short-listed, responsible proposer who provides a responsive but unsuccessful proposal. Any increases to the stipulated fee must be made only by the commissioner and the reasons for those changes must be publicly announced at the time of the change. If the commissioner does not award a contract, all short-listed proposers must receive the stipulated fee. If the commissioner cancels the

contract before reviewing the technical proposals, the commissioner shall award each design-builder on the short list a stipulated fee of not less than two-tenths of one percent of the commissioner's estimated cost of design and construction. The commissioner shall pay the stipulated fee to each proposer within 90 days after the award of the contract or the decision not to award a contract without conditions other than those stated in this subdivision. In consideration for paying the stipulated fee, the commissioner may use any ideas or information contained in the proposals in connection with any contract awarded for the project or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful proposers. Notwithstanding the other provisions of this subdivision, an unsuccessful short-list proposer may elect to waive the stipulated fee. If an unsuccessful short-list proposer elects to waive the stipulated fee, the commissioner may not use ideas and information contained in that proposer's proposal. Upon the request of the commissioner, a proposer who waived a stipulated fee may withdraw the waiver, in which case the commissioner shall pay the stipulated fee to the proposer and thereafter may use ideas and information in the proposer's proposal.

Sec. 8. Minnesota Statutes 2006, section 161.3426, subdivision 4, is amended to read:

Subd. 4. **Low-bid design-build process.** (a) The commissioner may also use low-bid, design-build procedures to award a design-build contract where the scope of the work can be clearly defined.

(b) Low-bid design-build projects may require a request for qualifications (RFQ) and short-listing, and must require a request for proposals (RFP).

(c) Submitted proposals under this subdivision must include separately a technical proposal and a price proposal. The low-bid, design-build procedures must follow a two-step process for review of the responses to the RFP as follows:

(1) The first step is the review of the technical proposal by the Technical Review Committee as provided in section 161.3420, subdivision 2. The Technical Review Committee must open the technical proposal first and must determine if it complies with the requirements of the RFP and is responsive. The Technical Review Committee shall reject any nonresponsive proposal. The Technical Review Committee may not perform any ranking or scoring of the technical proposals.

(2) The second step is the determination of the low bidder based on the price proposal. The commissioner may not open the price proposal until the review of the technical proposal is complete.

(d) The contract award under low-bid, design-build procedures must be made to the proposer whose sealed bid is responsive to the technical requirements ~~as determined by the Technical Review Committee~~ and ~~that~~ is also the lowest bid.

(e) A stipulated fee may be paid for unsuccessful bids on low-bid, design-build projects only when the commissioner has required an RFQ and short-listed the most highly qualified responsive bidders.

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

Sec. 9. **REPEALER.**

Minnesota Statutes 2006, section 161.3426, subdivision 2, is repealed."

Delete the title and insert:

"A bill for an act relating to transportation; modifying provisions related to design-build project requests for proposals, scoring, project awards, protests, and stipulated fees; modifying provisions relating to Technical Review Committee; amending Minnesota Statutes 2006, sections 13.72, subdivision 11; 161.3420, subdivisions 2, 3, 4; 161.3422; 161.3426, subdivisions 1, 3, 4; repealing Minnesota Statutes 2006, section 161.3426, subdivision 2."

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. 3332, A bill for an act relating to commerce; regulating surcharges on credit cards; amending Minnesota Statutes 2006, section 325G.051, subdivision 1.

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. 3374, A bill for an act relating to public safety; making certain emergency responders exempt from permit requirement for emergency communications equipment; amending Minnesota Statutes 2006, section 299C.37, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 299C.37, subdivision 3, is amended to read:

Subd. 3. **Permit.** (a) The superintendent of the bureau shall, upon written application, issue a written permit, which shall be nontransferable, to a person, firm, political subdivision, or corporation showing good cause to use radio equipment capable of receiving a police emergency frequency, as a necessity, in the lawful pursuit of a business, trade, or occupation.

(b) Notwithstanding paragraph (a), a permit is not required for emergency response personnel, as defined in section 299F.092, who are members of a public safety agency, as defined in section 403.02, to use agency-issued radio equipment as described in subdivision 1, paragraph (a), when the holder of a Federal Communications Commission (FCC) license has granted the public safety agency written permission for the use of the frequencies authorized under the FCC license, where the agency is authorized to monitor or operate on any police emergency talkgroup on the ARMER public safety radio system in accordance with the technical and operational standards adopted by the Statewide Radio Board, as provided in section 403.37, or where the public safety agency use of a frequency allocated to police interoperability is consistent with any applicable rules or regulations."

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. 3396, A bill for an act relating to civil commitments; modifying and clarifying time requirements for hearings; providing an exception from prehearing discharge for commitment petitions involving persons alleged to be mentally ill and dangerous or a sexual psychopathic personality or sexually dangerous person; amending Minnesota Statutes 2006, section 253B.08, subdivision 1.

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. 3408, A bill for an act relating to public safety; changing the due date of the Gang and Drug Oversight Council's annual report to the legislature; amending Minnesota Statutes 2006, section 299A.641, subdivision 12.

Reported the same back with the following amendments:

Page 1, line 8, delete "15" and insert "1"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 3433, A bill for an act relating to natural resources; establishing Lake Vermilion State Park; amending Minnesota Statutes 2006, section 85.012, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, delete section 3 and insert:

"Sec. 3. **ACQUISITION; LAKE VERMILION STATE PARK.**

The commissioner of natural resources may acquire by gift or purchase the lands for Lake Vermilion State Park. Minnesota Statutes, section 84.0272, subdivision 1, does not apply to a purchase, except for the requirement that the lands be appraised. Prior to the purchase of any land within the boundaries described, the state must receive from St. Louis County a resolution supporting the purchase. Notwithstanding Minnesota Statutes, section 92.45, or any other law to the contrary, within 24 months of the acquisition of the state park established in section 2, the state shall transfer to St. Louis County or sell at public auction state lands within St. Louis County of equal ad valorem value to the lands described to be purchased in section 2. The state lands transferred or sold at auction must not be located in the Boundary Waters Canoe Area and may include school trust fund lands as defined in Minnesota Statutes, section 92.025. The state lands transferred or sold at auction must include shoreland footage equaling the shoreland footage described in section 2, including any island shorelands."

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. 3438, A bill for an act relating to health; changing provisions for handling genetic information; amending Minnesota Statutes 2006, section 13.386, subdivision 3; Minnesota Statutes 2007 Supplement, section 144.125, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 21, delete "this subdivision" and insert "paragraph (a)"

Page 2, line 4, after "parents" insert "or legal guardians"

Page 2, lines 5 and 7, strike "or tissue"

Page 2, line 8, reinstate the stricken language

Page 2, line 10, delete ", or (iii) to decline to have" and insert "or that"

Page 2, line 11, after "samples" insert "not be"

Page 2, line 14, after "parents" insert "or legal guardians"

Page 2, line 15, strike "the parents" and insert "a parent or legal guardian" and strike "object" and insert "objects"

Page 2, line 16, strike "elect" and insert "elects"

Page 2, line 17, strike the comma and delete "elect to decline to have" and insert "that" and after "results" insert "not be"

Page 2, line 19, after "parent" insert "or legal guardian"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3439, A bill for an act relating to natural resources; modifying requirements for alternative recording for state forest roads; amending Minnesota Statutes 2006, section 89.715.

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. 3448, A bill for an act relating to children; regulating gestational carrier arrangements; proposing coding for new law in Minnesota Statutes, chapter 257.

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. 3498, A bill for an act relating to public safety; authorizing compensation for members of Firefighter Training and Education Board; amending Minnesota Statutes 2006, section 299N.02, subdivision 2.

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

The report was adopted.

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

H. F. No. 3503, A bill for an act relating to public safety; modifying provision relating to disability of peace officer or firefighter; amending Minnesota Statutes 2006, section 299A.465, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 299A.465, subdivision 1, is amended to read:

Subdivision 1. **Officer or firefighter disabled in line of duty.** (a) This subdivision applies ~~when a peace officer or firefighter suffers a disabling injury that:~~

~~(1) results in the officer's or firefighter's retirement or separation from service;~~

~~(2) occurs while the officer or firefighter is acting in the course and scope of duties as a peace officer or firefighter; and~~

~~(3) the officer or firefighter has been approved to receive the officer's or firefighter's duty related disability pension; to any peace officer or firefighter;~~

(1) who the Public Employees Retirement Association determines is eligible to receive a duty disability benefit pursuant to section 353.656; or

(2) who (i) does not qualify to receive disability benefits by operation of the eligibility requirements set forth in section 353.656, subdivision 1, paragraph (b), (ii) retires pursuant to section 353.651, subdivision 4, or (iii) is a member of a local police or salaried firefighters relief association and qualifies for a duty disability benefit under the terms of plans of the relief associations, and the peace officer or firefighter described in item (i), (ii), or (iii) has discontinued public service as a peace officer or firefighter as a result of a disabling injury and has been determined, by the Public Employees Retirement Association, to have otherwise met the duty disability criteria set forth in section 353.01, subdivision 41.

A determination made on behalf of a peace officer or firefighter who does not meet the eligibility requirements of section 353.656, subdivision 1, paragraph (b), or who retires pursuant to section 353.651, subdivision 4, must be at the request of the peace officer or firefighter and, for the purposes of this section, is binding on the peace officer or firefighter, employer, and state. The determination must be made by the executive director of the Public Employees Retirement Association and is not subject to section 356.96, subdivision 2. Upon making a determination, the executive director shall provide written notice to the peace officer or firefighter, employer, and state. This notice serves as a final decision and order under section 14.63. Review of a determination made by the executive director under this section may only be obtained by way of writ of certiorari to the Minnesota Court of Appeals. Only the peace officer or firefighter, employer, and state has standing to participate in a judicial review of the decision of the executive director.

(b) The officer's or firefighter's employer shall continue to provide health coverage for:

(1) the officer or firefighter; and

(2) the officer's or firefighter's dependents if the officer or firefighter was receiving dependent coverage at the time of the injury under the employer's group health plan.

(c) The employer is responsible for the continued payment of the employer's contribution for coverage of the officer or firefighter and, if applicable, the officer's or firefighter's dependents. Coverage must continue for the officer or firefighter and, if applicable, the officer's or firefighter's dependents until the officer or firefighter reaches or, if deceased, would have reached the age of 65. However, coverage for dependents does not have to be continued after the person is no longer a dependent.

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

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. 3505, A bill for an act relating to public safety; prohibiting predatory offenders required to register from accessing and using social networking Web sites; amending Minnesota Statutes 2006, sections 243.166, subdivisions 1a, 4; 244.05, subdivision 6.

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. 3526, A bill for an act relating to insurance; requiring equal access to acupuncture services by certain group policies and subscriber contracts; requiring claim determinations regarding acupuncture services to be made or reviewed by acupuncture practitioners; requiring reporting on referrals to acupuncture practitioners and reimbursement rates; amending Minnesota Statutes 2006, section 62A.15, subdivision 4, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

Reported the same back with the following amendments:

Page 2, line 10, after "state" insert "performed by a licensed acupuncture practitioner"

Page 2, line 30, after "state" insert "performed by a licensed acupuncture practitioner"

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. 3531, A bill for an act relating to crime; clarifying that registration time period of predatory offender restarts after conviction of a new crime; amending Minnesota Statutes 2006, section 243.166, subdivision 6.

Reported the same back with the following amendments:

Page 1, line 23, delete the second "or" and insert a comma and after "parole" insert ", supervised release, or conditional release"

Page 2, line 1, after "probation," insert "parole."

Page 2, line 5, delete "incarceration" and insert "incarcerated"

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. 3536, A bill for an act relating to the city of Minneapolis; modifying the city's housing replacement district law; amending Laws 1995, chapter 264, article 5, sections 44, subdivision 4, as amended; 45, subdivision 1, as amended; 46, subdivision 2.

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

The report was adopted.

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

H. F. No. 3538, A bill for an act relating to insurance taxes; providing a credit for investment in start-up and emerging Minnesota businesses; proposing coding for new law in Minnesota Statutes, chapters 116J; 297I.

Reported the same back with the following amendments:

Page 10, delete lines 1 to 5

Page 10, line 6, delete "(i)" and insert "(h)"

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. 3543, A bill for an act relating to business organizations; providing for the return of documents submitted to the secretary of state; regulating foreign cooperatives; removing the request that the attorney general and the Department of Revenue be notified of the dissolution of foreign cooperatives and nonprofit corporations; allowing foreign limited liability partnerships to use alternative names under certain circumstances; eliminating contest of name filings; amending Minnesota Statutes 2006, sections 47.12, subdivision 2; 60A.07, subdivision 1; 303.11; 303.16, subdivision 4; 303.17, subdivision 4; 308A.005, by adding a subdivision; 308B.211, subdivision 2; 308B.221, subdivision 4; 317A.823, subdivision 2; 321.0108; 323A.1102; proposing coding for new law in Minnesota Statutes, chapters 5; 308A; 308B; repealing Minnesota Statutes 2006, sections 5.22; 302A.115, subdivision 8; 303.05, subdivision 4; 308A.121, subdivision 3; 308B.151; 317A.115, subdivision 6; 322B.12, subdivision 6.

Reported the same back with the following amendments:

Page 3, delete section 5

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3549, A bill for an act relating to natural resources; establishing medical standards for permitting off-highway vehicle use by disabled persons on public trails; amending Minnesota Statutes 2006, section 84.926, subdivision 1.

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. 3559, A bill for an act relating to human services; modifying license requirements for day training and habilitation programs; amending Minnesota Statutes 2006, section 245B.07, subdivision 12.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 245A.10, subdivision 4, is amended to read:

Subd. 4. **License or certification fee for certain programs.** (a) Child care centers and programs with a licensed capacity shall pay an annual nonrefundable license or certification fee based on the following schedule:

Licensed Capacity	Child Care Center License Fee	Other Program License Fee
1 to 24 persons	\$225	\$400
25 to 49 persons	\$340	\$600
50 to 74 persons	\$450	\$800
75 to 99 persons	\$565	\$1,000
100 to 124 persons	\$675	\$1,200
125 to 149 persons	\$900	\$1,400
150 to 174 persons	\$1,050	\$1,600
175 to 199 persons	\$1,200	\$1,800
200 to 224 persons	\$1,350	\$2,000
225 or more persons	\$1,500	\$2,500

(b) A day training and habilitation program serving persons with developmental disabilities or related conditions shall be assessed a license fee based on the schedule in paragraph (a) unless the license holder serves more than 50 percent of the same persons at two or more locations in the community. Except as provided in paragraph (c), when a day training and habilitation program serves more than 50 percent of the same persons in two or more locations in a community, the day training and habilitation program shall pay a license fee based on the licensed capacity of the largest facility and the other facility or facilities shall be charged a license fee based on a licensed capacity of a residential program serving one to 24 persons.

(c) When a day training and habilitation program serving persons with developmental disabilities or related conditions seeks a single license allowed under section 245B.07, subdivision 12, clause (2) or (3), the licensing fee must be based on the combined licensed capacity for each location.

Sec. 2. Minnesota Statutes 2006, section 245B.07, subdivision 12, is amended to read:

Subd. 12. **Separate license required for separate sites.** The license holder shall apply for separate licenses for each day training and habilitation service site owned or leased by the license holder at which persons receiving services and the provider's employees who provide training and habilitation services are present for a cumulative total of more than 30 days within any 12-month period, and for each residential service site. Notwithstanding this subdivision, a separate license is not required for:

(1) a day training and habilitation service site used only for the limited purpose of providing transportation to consumers receiving community-based day training and habilitation services from a license holder;

(2) a day training and habilitation program that is in a separate building that is adjacent to the central operation of the day training and habilitation program; or

(3) a satellite day training and habilitation program. For purposes of this clause, a satellite day training and habilitation program is a program that is affiliated with the central operations of an existing day training and habilitation program and is in a separate nonadjacent building in the same county as the central operation day training and habilitation program."

Delete the title and insert:

"A bill for an act relating to human services; modifying license requirements for day training and habilitation programs; amending Minnesota Statutes 2006, sections 245A.10, subdivision 4; 245B.07, subdivision 12."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3561, A bill for an act relating to natural resources; modifying public water access site acquisition authority; amending Minnesota Statutes 2006, section 97A.141, subdivision 1; repealing Minnesota Statutes 2006, section 97A.141, 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. 3574, A bill for an act relating to the State Building Code; regulating the application and enforcement of the State Building Code; amending Minnesota Statutes 2006, sections 16B.616, subdivision 4; 16B.62; 16B.71; Minnesota Statutes 2007 Supplement, sections 16B.61, subdivision 3; 16B.735; repealing Minnesota Statutes 2007 Supplement, sections 16B.72; 16B.73.

Reported the same back with the following amendments:

Page 3, line 12, delete "or" and insert "and"

Page 7, line 26, before the period, insert "where a fee has been collected by the municipality"

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. 3575, A bill for an act relating to pupil transportation; establishing qualifications for type III school bus drivers; providing criminal penalties; authorizing rulemaking; amending Minnesota Statutes 2006, sections 169.01, subdivision 75; 169.448, subdivision 1; 169A.03, subdivision 23; 171.02, by adding subdivisions; Minnesota Statutes 2007 Supplement, sections 169.443, subdivision 9; 171.02, subdivision 2; repealing Minnesota Statutes 2007 Supplement, section 171.02, subdivision 2a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 169.443, subdivision 9, is amended to read:

Subd. 9. **Personal cellular phone call prohibition.** (a) As used in this subdivision, "school bus" has the meaning given in section 169.01, subdivision 6. In addition, the term includes type III school buses as described in section 169.01, subdivision 6, clause (5), when driven by employees or agents of school districts for transportation.

(b) A school bus driver may not operate a school bus while communicating over, or otherwise operating, a cellular phone for personal reasons, whether hand-held or hands free, when the vehicle is in motion.

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

Sec. 2. Minnesota Statutes 2006, section 169A.03, subdivision 23, is amended to read:

Subd. 23. **School bus.** "School bus" has the meaning given in section 169.01, subdivision 6. In addition, the term includes type III school buses as described in section 169.01, subdivision 6, clause (5), when driven by employees or agents of school districts for transportation.

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

Sec. 3. Minnesota Statutes 2006, section 171.02, is amended by adding a subdivision to read:

Subd. 2b. **Exception for type III school bus drivers.** (a) Notwithstanding subdivision 2, paragraph (c), the holder of a class D driver's license, without a school bus endorsement, may operate a type III school bus as described in section 169.01, subdivision 6, clause (5), under the conditions in paragraphs (b) through (n).

(b) The operator is an employee of the entity that owns, leases, or contracts for the school bus.

(c) The operator's employer has adopted and implemented a policy that provides for annual training and certification of the operator in:

(1) safe operation of a type III school bus;

(2) understanding student behavior, including issues relating to students with disabilities;

(3) encouraging orderly conduct of students on the bus and handling incidents of misconduct appropriately;

(4) knowing and understanding relevant laws, rules of the road, and local school bus safety policies;

(5) handling emergency situations;

(6) proper use of seat belts and child safety restraints;

(7) performance of pretrip vehicle inspections; and

(8) safe loading and unloading of students, including, but not limited to:

(i) utilizing a safe location for loading and unloading students at the curb, on the nontraffic side of the roadway, or at off-street loading areas, driveways, yards, and other areas to enable the student to avoid hazardous conditions;

(ii) refraining from loading and unloading students in a vehicular traffic lane, on the shoulder, in a designated turn lane, or in a lane adjacent to a designated turn lane;

(iii) avoiding a loading or unloading location that would require a pupil to cross a road, or ensuring that the driver or an aide personally escort the pupil across the road if it is not reasonably feasible to avoid such a location; and

(iv) placing the type III school bus in "park" during loading and unloading.

(d) A background check or background investigation of the operator has been conducted that meets the requirements under section 122A.18, subdivision 8, or 123B.03 for school district employees; section 144.057 or chapter 245C for day care employees; or section 171.321, subdivision 3, for all other persons operating a type A or type III school bus under this subdivision.

(e) Operators shall submit to a physical examination as required by section 171.321, subdivision 2.

(f) The operator's employer has adopted and implemented a policy that provides for mandatory drug and alcohol testing of applicants for operator positions and current operators, in accordance with section 181.951, subdivisions 2, 4, and 5.

(g) The operator's driver's license is verified annually by the entity that owns, leases, or contracts for the school bus.

(h) A person who sustains a conviction, as defined under section 609.02, of violating section 169A.25, 169A.26, 169A.27, or 169A.31, or whose driver's license is revoked under sections 169A.50 to 169A.53 of the implied consent law, or who is convicted of or has their driver's license revoked under a similar statute or ordinance of another state, is precluded from operating a type III school bus for five years from the date of conviction.

(i) A person who has ever been convicted of a disqualifying offense as defined in section 171.3215, subdivision 1, paragraph (c), may not operate a type III school bus under this subdivision.

(j) A person who sustains a conviction, as defined under section 609.02, of a moving offense in violation of chapter 169 within three years of the first of three other moving offenses is precluded from operating a type III school bus for one year from the date of the last conviction.

(k) An operator who sustains a conviction as described in paragraph (h), (i), or (j) while employed by the entity that owns, leases, or contracts for the school bus, shall report the conviction to the employer within ten days of the date of the conviction.

(l) Students riding the type III school bus must have training required under section 123B.90, subdivision 2.

(m) Documentation of meeting the requirements listed in this subdivision must be maintained under separate file at the business location for each type III school bus operator. The business manager, school board, governing body of a nonpublic school, or any other entity that owns, leases, or contracts for the type III school bus operating under this subdivision is responsible for maintaining these files for inspection.

(n) The type III school bus must bear a current certificate of inspection issued under section 169.451.

(o) An operator employed by a school or school district, whose normal duties do not include operating a type III school bus, who holds a class D driver's license without a school bus endorsement, may operate a type III school bus and is exempt from paragraphs (d), (e), (f), (g), and (k).

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

Sec. 4. Minnesota Statutes 2006, section 171.02, is amended by adding a subdivision to read:

Subd. 2c. **Rulemaking.** The commissioner may adopt rules regarding the qualifications and requirements for drivers of type III school buses.

**EFFECTIVE DATE.** This section is effective August 1, 2008."

Delete the title and insert:

"A bill for an act relating to pupil transportation; establishing qualifications for type III school bus drivers; providing criminal penalties; authorizing rulemaking; amending Minnesota Statutes 2006, sections 169A.03, subdivision 23; 171.02, by adding subdivisions; Minnesota Statutes 2007 Supplement, section 169.443, subdivision 9.

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. 3583, A bill for an act relating to public safety; modifying the retention of juvenile adjudication history; amending Minnesota Statutes 2006, section 299C.095, subdivisions 1, 2.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 2, line 29, reinstate the stricken language

Page 2, line 31, reinstate the stricken language and delete the new language

Page 2, delete lines 32 to 34

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3612, A bill for an act relating to real property; providing for the Minnesota Subprime Foreclosure Deferment Act of 2008; proposing coding for new law in Minnesota Statutes, chapter 583.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[583.33] CITATION.**

Sections 583.33 to 583.40 shall be cited as the "Minnesota Subprime Foreclosure Deferment Act of 2008."

Sec. 2. **[583.34] DEFINITIONS.**

Subdivision 1. **Scope.** For purposes of sections 583.33 to 583.40, the terms defined in this section have the meanings given to them.

Subd. 2. **The act.** "The act" means the Minnesota Subprime Foreclosure Deferment Act of 2008.

Subd. 3. **Deferment payment.** "Deferment payment" means the monthly amount that is due to the foreclosing lender by an eligible foreclosed borrower under section 583.37 to maintain the right to deferment.

Subd. 4. **Deferment period.** "Deferment period" means the period that begins on the effective date of the act and expires one year following the effective date of the act.

Subd. 5. **Deferment right.** "Deferment right" means the relief provided to an eligible foreclosed borrower in section 583.35.

Subd. 6. **Eligible foreclosed loan.** "Eligible foreclosed loan" means a residential mortgage loan currently subject to a pending foreclosure sale under chapter 580 or 581 for which: (1) the closing of the loan occurred after January 1, 2001, and prior to August 1, 2007; and (2) either is a subprime loan, or is a loan with negative amortization for which the required minimum payment of principal and interest increased after the date the loan was originated.

Subd. 7. **Eligible foreclosed borrower.** "Eligible foreclosed borrower" means a borrower who: (1) is a mortgagor under an eligible foreclosed loan; and (2) resides at the mortgaged property and intends to reside at the mortgaged property at least until the end of the deferment period.

Subd. 8. **Foreclosing lender.** "Foreclosing lender" means the mortgagee who is foreclosing the mortgage of an eligible foreclosed borrower.

Subd. 9. **Minnesota Residential Mortgage Originator and Servicer Licensing Act definitions.** The following terms defined in section 58.02 have the same meanings for purposes of sections 583.33 to 583.40: "residential mortgage loan"; "residential mortgage servicer or servicer"; "residential real property" or "residential real estate"; "subprime loan"; "negative amortization" and "fully indexed rate."

Subd. 10. **Subprime loan.** "Subprime loan" means a loan as defined in section 58.02, subdivision 27, except a subprime loan does not include a loan originated by a federal or state chartered bank, savings bank, or credit union.



Sec. 3. **[583.35] RIGHT TO FORECLOSURE DEFERMENT.**

An eligible foreclosed borrower has the right to defer a foreclosure sale under chapter 580 or 581 until the expiration of the deferment period by providing an affidavit of deferment to the foreclosing lender in accordance with section 583.36. A foreclosing lender shall rescind notice of a foreclosure sale if the eligible foreclosed borrower has submitted to the foreclosing lender an affidavit of deferment prior to or at the time of the foreclosure sale. Upon expiration of the deferment period or the loss of the deferment under section 583.37, subdivision 4, a foreclosing lender may schedule a deferred foreclosure sale by publishing the notice of foreclosure sale once in the newspaper in which the original advertisement was published and by serving a copy of the notice of foreclosure sale in a like manner as a summons in a civil action in the district court upon the person in possession of the mortgaged premises at least four weeks prior to the sale.

Sec. 4. **[583.36] AFFIDAVIT OF DEFERMENT.**

Subdivision 1. **Affidavit of deferment.** The affidavit of deferment shall state the name of the eligible foreclosed borrower, the address of the property in foreclosure, and contain the following statements:

"(1) I am the borrower on a mortgage loan on residential property located at [address of property] (hereinafter "subject property");

(2) A foreclosure sale has been scheduled on the subject property;

(3) I currently reside at the subject property;

(4) If permitted to reside at the subject property, I intend to reside at the subject property until at least [end of deferment period];

(5) I believe that the mortgage loan on the subject property is either:

(i) a subprime loan; or

(ii) a loan with negative amortization for which the required minimum payment has increased."

The affidavit shall be signed by at least one eligible foreclosed borrower who is the mortgagor of the residential real property being foreclosed.

Subd. 2. **Service on foreclosing lender.** A foreclosing lender shall accept the affidavit of deferment if delivered through any reasonable means to the mortgagee or counsel for the mortgagee identified in the notice of foreclosure. Reasonable means of delivery include, but are not limited to, delivery in person to any agent or employee of the mortgagee or counsel for the mortgagee, or delivery by United States mail or other reliable delivery service to the address of the mortgagee or counsel for the mortgagee in the notice of foreclosure, in the notice of right to deferment required by section 583.39, or at the address of the registered agent with the secretary of state. Notwithstanding the above, a sheriff conducting a foreclosure sale shall accept an affidavit of deferment, deliver it to the foreclosing lender, and cancel the foreclosure sale.

Subd. 3. **Acknowledgment by foreclosing lender.** The foreclosing lender shall promptly provide to the eligible foreclosed borrower a written acknowledgment that it has received the affidavit of deferment. The acknowledgment shall state the following:

(1) that the foreclosure sale has been canceled;

(2) the deferment payment amount that is due by the eligible foreclosed borrower;

(3) the date that the first deferment payment is due;

(4) the date that each subsequent deferment payment is due; and

(5) the address to which the borrower should send the deferment payment or the payment delivery methods that are acceptable to the foreclosing lender. The acknowledgment shall be on a single sheet of paper, shall use plain language, and no other documents shall be included with the acknowledgment. The bottom of the acknowledgment shall include the following disclosure in bold, 14-point type:

The cancellation of the foreclosure sale on your property is the result of a law passed by the Minnesota Legislature in 2008. You must make the monthly payment in full by the due dates listed in this letter. If you do not make the payments on time, we will have the right to schedule a foreclosure sale on your property.

Subd. 4. **Charges prohibited.** A foreclosing lender shall not charge an eligible foreclosed borrower any amount other than the deferment payment for exercising the deferment right.

Sec. 5. **[583.37] BORROWER PAYMENT REQUIREMENT.**

Subdivision 1. **Borrower payment required.** An eligible foreclosed borrower who has a deferment right shall make monthly payments to the foreclosing lender. The payment shall be made no later than the 15th day of each month. The first payment is not due until the 15th day of the month that is a minimum of 30 days after the date that the foreclosing lender sends the acknowledgment required by section 583.36, subdivision 3.

Subd. 2. **Amount of payment.** For an eligible foreclosed borrower with a subprime loan, the amount of payment would be the lesser of: (1) the minimum monthly payment on the date the loan was originated; or (2) 65 percent of the minimum monthly payment at the time the borrower defaulted prior to foreclosure. For an eligible foreclosed borrower with a negative amortization loan that is not also a subprime loan, the amount of payment would be the minimum monthly payment on the date the loan was originated. For purposes of this subdivision, "payment" means principle and interest.

Subd. 3. **Payment advice notice.** The foreclosing lender shall provide to the eligible foreclosed borrower monthly written payment advice notices. The notice shall be sent by the first day of each month until the expiration of the deferment period or the loss of the deferment under subdivision 4. Each notice shall state (1) the amount of payment owed from the eligible foreclosed borrower; (2) the address to which the borrower should send the deferment payment; and (3) the date that the payment must be received to avoid loss of the deferment right under subdivision 4. The payment advice notice shall be on a single sheet of paper, shall use plain language, and no other documents shall be included with the notice. The bottom of the notice shall include the following disclosure in bold, 14-point type:

The deferment of the foreclosure sale on your property is the result of a law passed by the Minnesota Legislature in 2008. You must continue to make the monthly payment in full by the 15th day of each month. If you do not make the payments on time, we will have the right to schedule a foreclosure sale on your property. The deferment period will end on (last day of deferment period).

Subd. 4. **Borrower failure to pay.** An eligible foreclosed borrower who fails to make payments in the amount required and by the date required under this section shall lose the deferment right.

Sec. 6. **[583.38] RESOLUTION OF DISPUTES.**

Subdivision 1. **Dispute as to eligible foreclosed loan status.** If the foreclosing lender determines after a reasonable investigation and in good faith that the person submitting an affidavit of deferment is not the mortgagor under an eligible foreclosed loan, the foreclosing lender shall provide a notice of denial of deferment to the person submitting the affidavit of deferment. The foreclosing lender must send a notice of denial by certified mail through the United States mail within five business days of receiving the affidavit of deferment. The notice of denial shall be on a single sheet of paper and no other documents shall be included with the notice. Such notice must include an explanation, in plain language, of the reasons that the loan is not an eligible foreclosed loan. Such notice must also inform the person who executed the affidavit of deferment that the person has the right to apply to the court for an order deferring the foreclosure sale.

Subd. 2. **Other disputes.** For any other dispute about the deferment right or other rights or requirements under the act, a person can apply to the district court in the county where the property is located for an order establishing the rights of the parties to the dispute.

Sec. 7. **[583.39] NOTICE OF RIGHT TO DEFERMENT.**

Subdivision 1. **Notice requirement; form and delivery of notice.** Every foreclosing lender shall send to each borrower who has an eligible foreclosed loan a notice of right to deferment. The notice of right to deferment shall be in the form of, and subject to the delivery requirements specified in, section 580.041, subdivision 1b. The notice of right to deferment must also indicate an address at which the foreclosing lender will accept service of an affidavit of deferment under section 583.36, subdivision 2. The terms of section 580.041, subdivisions 3 and 4, apply to this section. Notwithstanding the above, a foreclosing lender must within three days after the first day of the deferment period send the notice of right to deferment to each borrower who has an eligible foreclosed loan who has a foreclosure sale scheduled within 20 days of the first day of the deferment period, and must within 14 days after the first day of the deferment period send the notice of right to deferment to all other borrowers who have an eligible foreclosed loan at the beginning of the deferment period.

Subd. 2. **Content.** The notice required by this section must appear substantially as follows:

"Emergency Help For Homeowners in Foreclosure:

**IMPORTANT: You are eligible to have the foreclosure of your home stopped until at least (end of deferment period).**

The state of Minnesota recently passed a law which lets homeowners stop a foreclosure sale. To qualify, you must currently live at the home in foreclosure and intend to live at the home for at least the next 12 months.

You will also need to complete and sign a special form (called an "affidavit") and provide that affidavit to us at the following address: (insert address in the state of Minnesota).

There are many government agencies and nonprofit organizations that can help you complete this affidavit. For the name and telephone number of an organization near you, please call the Minnesota Housing Finance Agency (MHFA) at (insert telephone number/Web site). The state does not guarantee the advice of these agencies.

**Do not delay** dealing with the foreclosure because your options for foreclosure deferment end with the foreclosure sale."

Sec. 8. **[583.40] BAD FAITH OR RECKLESS VIOLATION.**

A foreclosing lender who acts in bad faith or recklessly in violation of sections 583.35 to 583.39 shall be liable to a person injured by the violation for actual damages, statutory damages of up to \$25,000, punitive damages in an amount determined by the court, costs, and reasonable attorney's fees.

Sec. 9. **EFFECTIVE DATE.**

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

Delete the title and insert:

"A bill for an act relating to real property; providing for the Minnesota Subprime Foreclosure Deferment Act of 2008; proposing coding for new law in Minnesota Statutes, chapter 583."

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.

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

H. F. No. 3624, A bill for an act relating to education finance; expanding Minnesota's public education mission to include a framework to guide future education policy decisions; amending Minnesota Statutes 2006, section 120A.03.

Reported the same back with the following amendments:

Page 2, delete lines 14 to 35

Page 3, delete lines 1 and 2 and insert:

"(1) in the area of early childhood education, ensure that investment in educational success starts early;

(2) in the area of educator quality, ensure that excellent teachers and principals are recruited, prepared, supported, and retained;

(3) in the area of academic rigor, ensure all programs and initiatives are rigorous and lead to higher education;

(4) in the area of family and community involvement, ensure families and communities are full education partners;

(5) ensure that all cultures are included and supported, and connections are made across local and global cultural divides;

(6) in the area of data and research, ensure that educators use data and research to improve teaching and learning on a daily basis;

(7) ensure schools receive predictable and sufficient funding to produce world class performance;

(8) ensure school schedules and calendars help all students reach high standards;

(9) in the area of special education, ensure services for students with disabilities are proactive, effective, efficient, and adequately funded; and

(10) in the area of health and wellness, encourage parents and other stakeholders to ensure that students come to school physically and mentally ready to learn."

Page 3, delete section 2

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. 3657, A bill for an act relating to Carver County; making the library board advisory to the county board.

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. 3708, A bill for an act relating to health; changing licensing requirements for certain health professions; amending Minnesota Statutes 2006, sections 148.512, subdivisions 10b, 20; 148.5161, subdivisions 2, 3; 148.5175; 148.519, subdivision 3; 148.5194, subdivisions 7, 8; 148.5195, subdivision 3; 148.6425; 148.6428; 148.6440; 148.6443, subdivisions 1, 3; 148.6445, subdivision 11; 153A.13, subdivision 4; 153A.14, subdivisions 2i, 4a, 11; 153A.175; Minnesota Statutes 2007 Supplement, section 148.515, subdivision 2.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 146A.11, subdivision 1, is amended to read:

Subdivision 1. **Scope.** (a) All unlicensed complementary and alternative health care practitioners shall provide to each complementary and alternative health care client prior to providing treatment a written copy of the complementary and alternative health care client bill of rights. A copy must also be posted in a prominent location in the office of the unlicensed complementary and alternative health care practitioner. Reasonable accommodations shall be made for those clients who cannot read or who have communication impairments and those who do not read or speak English. The complementary and alternative health care client bill of rights shall include the following:

(1) the name, complementary and alternative health care title, business address, and telephone number of the unlicensed complementary and alternative health care practitioner;

(2) the degrees, training, experience, or other qualifications of the practitioner regarding the complimentary and alternative health care being provided, followed by the following statement in bold print:

**"THE STATE OF MINNESOTA HAS NOT ADOPTED ANY EDUCATIONAL AND TRAINING STANDARDS FOR UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS. THIS STATEMENT OF CREDENTIALS IS FOR INFORMATION PURPOSES ONLY.**

Under Minnesota law, an unlicensed complementary and alternative health care practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments. If a client desires a diagnosis from a licensed physician, chiropractor, or acupuncture practitioner, or services from a physician, chiropractor, nurse, osteopath, physical therapist, dietitian, nutritionist, acupuncture practitioner, athletic trainer, or any other type of health care provider, the client may seek such services at any time.";

(3) the name, business address, and telephone number of the practitioner's supervisor, if any;

(4) notice that a complementary and alternative health care client has the right to file a complaint with the practitioner's supervisor, if any, and the procedure for filing complaints;

(5) the name, address, and telephone number of the office of unlicensed complementary and alternative health care practice and notice that a client may file complaints with the office;

(6) the practitioner's fees per unit of service, the practitioner's method of billing for such fees, the names of any insurance companies that have agreed to reimburse the practitioner, or health maintenance organizations with whom the practitioner contracts to provide service, whether the practitioner accepts Medicare, medical assistance, or general assistance medical care, and whether the practitioner is willing to accept partial payment, or to waive payment, and in what circumstances;

(7) a statement that the client has a right to reasonable notice of changes in services or charges;

(8) a brief summary, in plain language, of the theoretical approach used by the practitioner in providing services to clients;

(9) notice that the client has a right to complete and current information concerning the practitioner's assessment and recommended service that is to be provided, including the expected duration of the service to be provided;

(10) a statement that clients may expect courteous treatment and to be free from verbal, physical, or sexual abuse by the practitioner;

(11) a statement that client records and transactions with the practitioner are confidential, unless release of these records is authorized in writing by the client, or otherwise provided by law;

(12) a statement of the client's right to be allowed access to records and written information from records in accordance with sections 144.291 to 144.298;

(13) a statement that other services may be available in the community, including where information concerning services is available;

(14) a statement that the client has the right to choose freely among available practitioners and to change practitioners after services have begun, within the limits of health insurance, medical assistance, or other health programs;

(15) a statement that the client has a right to coordinated transfer when there will be a change in the provider of services;

(16) a statement that the client may refuse services or treatment, unless otherwise provided by law; and

(17) a statement that the client may assert the client's rights without retaliation.

(b) This section does not apply to an unlicensed complementary and alternative health care practitioner who is employed by or is a volunteer in a hospital or hospice who provides services to a client in a hospital or under an appropriate hospice plan of care. Patients receiving complementary and alternative health care services in an inpatient hospital or under an appropriate hospice plan of care shall have and be made aware of the right to file a complaint with the hospital or hospice provider through which the practitioner is employed or registered as a volunteer.

Sec. 2. Minnesota Statutes 2006, section 147.03, subdivision 1, is amended to read:

Subdivision 1. **Endorsement; reciprocity.** (a) The board may issue a license to practice medicine to any person who satisfies the requirements in paragraphs (b) to (f).

(b) The applicant shall satisfy all the requirements established in section 147.02, subdivision 1, paragraphs (a), (b), (d), (e), and (f).

(c) The applicant shall:

(1) have passed an examination prepared and graded by the Federation of State Medical Boards, the National Board of Medical Examiners, or the United States Medical Licensing Examination (USMLE) program in accordance with section 147.02, subdivision 1, paragraph (c), clause (2); the National Board of Osteopathic Examiners; or the Medical Council of Canada; and

(2) have a current license from the equivalent licensing agency in another state or Canada and, if the examination in clause (1) was passed more than ten years ago, either:

(i) pass the Special Purpose Examination of the Federation of State Medical Boards with a score of 75 or better within three attempts; or

(ii) have a current certification by a specialty board of the American Board of Medical Specialties, of the American Osteopathic Association Bureau of Professional Education, the Royal College of Physicians and Surgeons of Canada, or of the College of Family Physicians of Canada; or

(3) if the applicant fails to meet the requirement established in section 147.02, subdivision 1, paragraph (c), clause (2), because the applicant failed to pass each of steps one, two, and three of the USMLE within the required three attempts, the applicant may be granted a license provided the applicant:

(i) has passed each of steps one, two, and three with passing scores as recommended by the USMLE program within no more than four attempts for any of the three steps;

(ii) is currently licensed in another state; and

(iii) has current certification by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association Bureau of Professional Education, the Royal College of Physicians and Surgeons of Canada, or the College of Family Physicians of Canada.

(d) The applicant shall pay a fee established by the board by rule. The fee may not be refunded.

(e) The applicant must not be under license suspension or revocation by the licensing board of the state or jurisdiction in which the conduct that caused the suspension or revocation occurred.

(f) The applicant must not have engaged in conduct warranting disciplinary action against a licensee, or have been subject to disciplinary action other than as specified in paragraph (e). If an applicant does not satisfy the requirements stated in this paragraph, the board may issue a license only on the applicant's showing that the public will be protected through issuance of a license with conditions or limitations the board considers appropriate.

(g) Upon the request of an applicant, the board may conduct the final interview of the applicant by teleconference.

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

Sec. 3. Minnesota Statutes 2007 Supplement, section 147.037, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** The board shall issue a license to practice medicine to any person who satisfies the requirements in paragraphs (a) to (g).

(a) The applicant shall satisfy all the requirements established in section 147.02, subdivision 1, paragraphs (a), (e), (f), (g), and (h).

(b) The applicant shall present evidence satisfactory to the board that the applicant is a graduate of a medical or osteopathic school approved by the board as equivalent to accredited United States or Canadian schools based upon its faculty, curriculum, facilities, accreditation, or other relevant data. If the applicant is a graduate of a medical or osteopathic program that is not accredited by the Liaison Committee for Medical Education or the American Osteopathic Association, the applicant may use the Federation of State Medical Boards' Federation Credentials Verification Service (FCVS) or its successor. If the applicant uses this service as allowed under this paragraph, the physician application fee may be less than \$200 but must not exceed the cost of administering this paragraph.

(c) The applicant shall present evidence satisfactory to the board that the applicant has been awarded a certificate by the Educational Council for Foreign Medical Graduates, and the applicant has a working ability in the English language sufficient to communicate with patients and physicians and to engage in the practice of medicine.

(d) The applicant shall present evidence satisfactory to the board of the completion of two years of graduate, clinical medical training in a program located in the United States, its territories, or Canada and accredited by a national accrediting organization approved by the board. This requirement does not apply:

(1) to an applicant who is admitted as a permanent immigrant to the United States on or before October 1, 1991, as a person of exceptional ability in the sciences according to Code of Federal Regulations, title 20, section 656.22(d);

(2) to an applicant holding a valid license to practice medicine in another country and issued a permanent immigrant visa after October 1, 1991, as a person of extraordinary ability in the field of science or as an outstanding professor or researcher according to Code of Federal Regulations, title 8, section 204.5(h) and (i), or a temporary nonimmigrant visa as a person of extraordinary ability in the field of science according to Code of Federal Regulations, title 8, section 214.2(o),

provided that a person under clause (1) or (2) is admitted pursuant to rules of the United States Department of Labor; or



(3) to an applicant who is licensed in another state, has practiced five years without disciplinary action in the United States, its territories, or Canada, has completed one year of the graduate, clinical medical training required by this paragraph, and has passed the Special Purpose Examination of the Federation of State Medical Boards within three attempts in the 24 months before licensing.

(e) The applicant must:

(1) have passed an examination prepared and graded by the Federation of State Medical Boards, the United States Medical Licensing Examination program in accordance with section 147.02, subdivision 1, paragraph (c), clause (2), or the Medical Council of Canada; and

(2) have a current license from the equivalent licensing agency in another state or country and, if the examination in clause (1) was passed more than ten years ago, either:

(i) pass the Special Purpose Examination of the Federation of State Medical Boards with a score of 75 or better within three attempts; or

(ii) have a current certification by a specialty board of the American Board of Medical Specialties, of the American Osteopathic Association Bureau of Professional Education, of the Royal College of Physicians and Surgeons of Canada, or of the College of Family Physicians of Canada; or

(3) if the applicant fails to meet the requirement established in section 147.02, subdivision 1, paragraph (c), clause (2), because the applicant failed to pass each of steps one, two, and three of the USMLE within the required three attempts, the applicant may be granted a license provided the applicant:

(i) has passed each of steps one, two, and three with passing scores as recommended by the USMLE program within no more than four attempts for any of the three steps;

(ii) is currently licensed in another state; and

(iii) has current certification by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association Bureau of Professional Education, the Royal College of Physicians and Surgeons of Canada, or the College of Family Physicians of Canada.

(f) The applicant must not be under license suspension or revocation by the licensing board of the state or jurisdiction in which the conduct that caused the suspension or revocation occurred.

(g) The applicant must not have engaged in conduct warranting disciplinary action against a licensee, or have been subject to disciplinary action other than as specified in paragraph (f). If an applicant does not satisfy the requirements stated in this paragraph, the board may issue a license only on the applicant's showing that the public will be protected through issuance of a license with conditions or limitations the board considers appropriate.

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

Page 4, line 11, before the period, insert "or 2a"

Page 18, delete section 17 and insert:

"Sec. 19. **[148B.195] DUTY TO WARN.**

A licensee must comply with the duty to warn established in section 148.975.

Sec. 20. Minnesota Statutes 2006, section 151.01, subdivision 27, is amended to read:

Subd. 27. **Practice of pharmacy.** "Practice of pharmacy" means:

- (1) interpretation and evaluation of prescription drug orders;
- (2) compounding, labeling, and dispensing drugs and devices (except labeling by a manufacturer or packager of nonprescription drugs or commercially packaged legend drugs and devices);
- (3) participation in clinical interpretations and monitoring of drug therapy for assurance of safe and effective use of drugs;
- (4) participation in drug and therapeutic device selection; drug administration for first dosage and medical emergencies; drug regimen reviews; and drug or drug-related research;
- (5) participation in administration of influenza ~~and pneumococcal vaccine~~ vaccines to all eligible individuals over 18 ten years of age and all other vaccines to patients 18 years of age and older under standing orders from a physician licensed under chapter 147 or by written protocol with a physician provided that:
  - (i) the pharmacist is trained in a program approved by the American Council of Pharmaceutical Education for the administration of immunizations or graduated from a college of pharmacy in 2001 or thereafter; and
  - (ii) the pharmacist reports the administration of the immunization to the patient's primary physician or clinic;
- (6) participation in the practice of managing drug therapy and modifying drug therapy, according to section 151.21, subdivision 1, ~~on a case-by-case basis~~ according to a written protocol between the specific pharmacist and the individual dentist, optometrist, physician, podiatrist, or veterinarian who is responsible for the patient's care and authorized to independently prescribe drugs. Any significant changes in drug therapy must be reported by the pharmacist to the patient's medical record;
- (7) participation in the storage of drugs and the maintenance of records;
- (8) responsibility for participation in patient counseling on therapeutic values, content, hazards, and uses of drugs and devices; and
- (9) offering or performing those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of a pharmacy."

Page 19, line 23, delete "American Board of Audiology,"

Page 21, after line 21, insert:

"Sec. 25. **EXEMPTION.**

The Board of Physical Therapy shall grant a waiver of the examination requirements under Minnesota Statutes, section 148.723, to an applicant applying for licensure before July 1, 2008, who has been issued physical therapy licenses between 1980 and 1995 in at least three other states and one or more foreign countries. The licenses issued by the other states and foreign country must be in good standing or were in good standing at the time the license expired. The applicant must meet all other requirements of Minnesota Statutes, section 148.705. This waiver expires on September 1, 2008.

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

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "changing a provision for unlicensed complementary and alternative health care practitioners;"

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. 3710, A bill for an act relating to health; permitting hospital records to be transferred to electronic image; amending Minnesota Statutes 2006, sections 145.30; 145.31; Minnesota Statutes 2007 Supplement, section 145.32, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 17, strike "PHOTOSTATIC"

Page 2, after line 27, insert:

"Sec. 4. Minnesota Statutes 2007 Supplement, section 149A.80, subdivision 1, is amended to read:

Subdivision 1. **Advance directives and will of decedent.** A person may direct the preparation for, type, or place of that person's final disposition, as well as the type of conveyance to be used to transport the body to the place of final disposition, either by oral or written instructions. Arrangements made in advance of need with a funeral establishment must be in writing and dated, signed, and notarized. The person or persons otherwise entitled to control the final disposition under this chapter shall faithfully carry out the reasonable and otherwise lawful directions of the decedent to the extent that the decedent has provided resources for the purpose of carrying out the directions. If the instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date, subject to other provisions of this chapter or any other law of this state. This subdivision shall be administered and construed so that the reasonable and lawful instructions of the decedent or the person entitled to control the final disposition shall be faithfully and promptly performed.

Sec. 5. Minnesota Statutes 2007 Supplement, section 149A.93, subdivision 6, is amended to read:

Subd. 6. **Conveyances permitted for transportation.** A dead human body may be transported by means of public transportation provided that the body must be properly embalmed and encased in an appropriate container, or by any private vehicle or aircraft that meets the following standards:

(1) promotes respect for and preserves the dignity of the dead human body;

(2) shields the body from being viewed from outside of the conveyance;

(3) has ample enclosed area to accommodate a regulation ambulance cot, aircraft ambulance stretcher, casket, alternative container, or cremation container in a horizontal position;

(4) is designed to permit loading and unloading of the body without excessive tilting of the casket, alternative container, or cremation container; and

(5) if used for the transportation of more than one dead human body at one time, the vehicle must be designed so that a body or container does not rest directly on top of another body or container and that each body or container is secured to prevent the body or container from excessive movement within the conveyance; ~~and.~~

~~(6) is designed so that the driver and the dead human body are in the same cab.~~

A vehicle that is a dignified conveyance and was specified for use by the deceased or by the family of the deceased may be used to transport the body to the place of final disposition."

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "changing provisions for advance directive and will of decedent regarding transport of body to place of final disposition;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3721, A bill for an act relating to insurance; regulating small employer insurance; requiring notice of certain plan availability; amending Minnesota Statutes 2006, section 62L.05, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 10, before the period, insert ", and in section 62L.056"

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. 3767, A bill for an act relating to public safety; permitting written verification of predatory offender residence in another state; amending Minnesota Statutes 2006, section 243.166, subdivision 3.

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

The report was adopted.

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

H. F. No. 3786, A bill for an act relating to natural resources; reinstating an exemption from the Wetland Conservation Act for approved development; amending Minnesota Statutes 2006, section 103G.2241, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 16, after the period, insert "This exemption applies only in a greater than 80 percent area or an adjacent county bordering Canada and expires on January 1, 2013."

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. 3790, A bill for an act relating to real property; providing for electronic recording; amending Minnesota Statutes 2006, sections 14.03, subdivision 3; 287.08; 287.241; 287.25; 386.03; 386.19; 386.26, subdivision 1; 386.31; 386.409; 507.093; 507.40; 507.46, subdivision 1; Minnesota Statutes 2007 Supplement, section 507.24, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 272; 507.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

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

H. F. No. 3822, A bill for an act relating to insurance; regulating motor vehicle insurance adjustments; amending Minnesota Statutes 2007 Supplement, section 72B.092, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 2, after "any" insert "other industry recognized"

Page 2, line 3, after "repair" insert "unless agreed upon by the insurer and the collision repair facility"

Page 2, line 4, after "vehicle" insert "unless agreed upon by the insurer and the collision repair facility"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3829, A bill for an act relating to alcohol; making technical changes to State Fair provisions; amending Minnesota Statutes 2007 Supplement, section 340A.412, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 169A.35, subdivision 6, is amended to read:

Subd. 6. **Exceptions.** (a) This section does not prohibit the possession or consumption of alcoholic beverages by passengers in:

(1) a bus that is operated by a motor carrier of passengers, as defined in section 221.011, subdivision 48; ~~or~~

(2) a vehicle that is operated for commercial purposes in a manner similar to a bicycle as defined in section 169.01, subdivision 51, with three or more passengers who provide pedal power to the drive train of the vehicle; or

~~(2)~~ (3) a vehicle providing limousine service as defined in section 221.84, subdivision 1.

(b) Subdivisions 3 and 4 do not apply to a bottle or receptacle that is in the trunk of the vehicle if it is equipped with a trunk, or that is in another area of the vehicle not normally occupied by the driver and passengers if the vehicle is not equipped with a trunk. However, a utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

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

Sec. 2. Minnesota Statutes 2006, section 340A.315, subdivision 2, is amended to read:

Subd. 2. **Sales.** A license authorizes the sale, on the farm winery premises, of table, sparkling, or fortified wines, ~~or cognacs and brandies,~~ produced by that farm winery at on-sale or off-sale, in retail, or wholesale lots in total quantities not in excess of 50,000 gallons in a calendar year, glassware, wine literature and accessories, cheese and cheese spreads, other wine-related food items, and the dispensing of free samples of the wines offered for sale. Sales at on-sale and off-sale may be made on Sundays between 12:00 noon and 12:00 midnight. Labels for each type or brand produced must be registered with the commissioner, without fee prior to sale.

Sec. 3. Minnesota Statutes 2006, section 340A.315, is amended by adding a subdivision to read:

Subd. 7. **Cognac and brandy permitted.** Farm wineries licensed under this section are permitted to manufacture distilled spirits as defined under section 340A.101, subdivision 9, including brandies and cognacs which may exceed 25 percent alcohol by volume, made from Minnesota produced or grown grapes, grape juice, other fruit bases, or honey. The following conditions pertain:

(1) no farm winery or firm owning multiple farm wineries may manufacture more than 5,000 gallons of distilled spirits in a given year, and this 5,000 gallon limit is part of the 50,000 gallon limit found in subdivision 2;

(2) farm wineries must pay an additional annual fee of \$500 to the commissioner before beginning production of distilled spirits; and

(3) farm wineries may not sell or produce distilled spirits for direct sale to manufacturers licensed under section 340A.301, subdivision 6, paragraph (a).

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

Sec. 4. Minnesota Statutes 2007 Supplement, section 340A.412, subdivision 4, is amended to read:

Subd. 4. **Licenses prohibited in certain areas.** (a) No license to sell intoxicating liquor may be issued within the following areas:

(1) where restricted against commercial use through zoning ordinances and other proceedings or legal processes regularly had for that purpose, except licenses may be issued to restaurants in areas which were restricted against commercial uses after the establishment of the restaurant;

(2) within the Capitol or on the Capitol grounds, except as provided under Laws 1983, chapter 259, section 9, or Laws 1999, chapter 202, section 13;

(3) on the State Fairgrounds, except as provided under section 37.21, subdivision 2;

(4) on the campus of the College of Agriculture of the University of Minnesota;

(5) within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision or control, in whole or in part, of the commissioner of human services or the commissioner of corrections;

(6) in a town or municipality in which a majority of votes at the last election at which the question of license was voted upon were not in favor of license under section 340A.416, or within one-half mile of any such town or municipality, except that intoxicating liquor manufactured within this radius may be sold to be consumed outside it;

(7) within 1,500 feet of a state university, except that:

(i) the minimum distance in the case of Winona and Southwest State University is 1,200 feet, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;

(ii) within 1,500 feet of St. Cloud State University one on-sale wine and two off-sale intoxicating liquor licenses may be issued, measured by a direct line from the nearest corner of the administration building to the main entrance of the licensed establishment;

(iii) at Mankato State University the distance is measured from the front door of the student union of the Highland campus;

(iv) a temporary license under section 340A.404, subdivision 10, may be issued to a location on the grounds of a state university for an event sponsored or approved by the state university; and

(v) this restriction does not apply to the area surrounding the premises of Metropolitan State University in Minneapolis; and

(8) within 1,500 feet of any public school that is not within a city.

(b) The restrictions of this subdivision do not apply to a manufacturer or wholesaler of intoxicating liquor or to a drugstore or to a person who had a license originally issued lawfully prior to July 1, 1967.

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

Sec. 5. **SPECIAL LICENSE; MINNEAPOLIS.**

Notwithstanding any law, local ordinance, or charter provision, the city of Minneapolis may issue an on-sale intoxicating liquor license to a restaurant located at 1367 Willow Street South. The provisions of Minnesota Statutes, chapter 340A, apply to licenses issued under this section. The license authorizes sales on all days of the week.

**EFFECTIVE DATE.** This section is effective upon approval by the Minneapolis City Council in the manner provided by Minnesota Statutes, section 645.021, notwithstanding Minnesota Statutes, section 645.023, subdivision 1, paragraph (a)."

Delete the title and insert:

"A bill for an act relating to liquor; regulating consumption of alcohol under certain conditions; authorizing farm wineries to produce distilled spirits; authorizing a liquor license; amending Minnesota Statutes 2006, sections 169A.35, subdivision 6; 340A.315, subdivision 2, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 340A.412, subdivision 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3838, A bill for an act relating to natural resources; modifying invasive species provisions; providing civil penalties; amending Minnesota Statutes 2006, sections 84D.10, subdivisions 1, 2; 84D.13, subdivisions 4, 5.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 1, line 13, reinstate the stricken language

Page 1, line 15, after "blinds" insert "attached in or on watercraft"

Page 2, line 6, after "has" insert "aquatic" and delete ", zebra mussels,"

Page 2, delete section 4

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "providing"



Page 1, line 3, delete "civil penalties;"

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. 3873, A bill for an act relating to human services; prohibiting the release of the names of certain potential enrollees to health plans for marketing purposes; amending Minnesota Statutes 2006, section 256B.69, subdivision 28.

Reported the same back with the following amendments:

Page 2, line 33, delete everything after the period

Page 2, delete lines 34 and 35 and insert "The commissioner may mail marketing materials to potential enrollees on behalf of health plans, in which case the health plans shall cover any costs incurred by the commissioner for mailing marketing materials."

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. 3888, A bill for an act relating to commerce; regulating real estate transactions; defining terms; regulating closing agents; amending Minnesota Statutes 2006, sections 68A.04; 82.17, subdivision 3; 82.49.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 60A.06, subdivision 1, is amended to read:

Subdivision 1. **Statutory lines.** Insurance corporations may be authorized to transact in any state or territory in the United States, in the Dominion of Canada, and in foreign countries, when specified in their charters or certificates of incorporation, either as originally granted or as thereafter amended, any of the following kinds of business, upon the stock plan, or upon the mutual plan when the formation of such mutual companies is otherwise authorized by law; and business trusts as authorized by law of this state shall only be authorized to transact in this state the following kind of business hereinafter specified in clause (7) hereof when specified in their "declaration of trust":

(1) To insure against loss or damage to property on land and against loss of rents and rental values, leaseholds of buildings, use and occupancy and direct or consequential loss or damage caused by fire, smoke or smudge, water or other fluid or substance, lightning, windstorm, tornado, cyclone, earthquake, collapse and slippage, rain, hail, frost, snow, freeze, change of temperature, weather or climatic conditions, excess or deficiency of moisture, floods, the rising of waters, oceans, lakes, rivers or their tributaries, bombardment, invasion, insurrection, riot, civil war or commotion, military or usurped power, electrical power interruption or electrical breakdown from any cause, railroad equipment, motor vehicles or aircraft, accidental injury to sprinklers, pumps, conduits or containers or other apparatus erected for extinguishing fires, explosion, whether fire ensues or not, except explosions on risks specified in clause (3); provided, however, that there may be insured hereunder the following: (a) explosion of any kind originating outside the insured building or outside of the building containing the property insured, (b) explosion of pressure vessels which do not contain steam or which are not operated with steam coils or steam jackets; and (c) risks under home owners multiple peril policies;

(2)(a) To insure vessels, freight, goods, wares, merchandise, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interest, and every insurance appertaining to or connected with risks of transportation and navigation on and under water, on land or in the air;

(b) To insure all personal property floater risks;

(3) To insure against any loss from either direct or indirect damage to any property or interest of the assured or of another, resulting from the explosion of or injury to (a) any boiler, heater or other fired pressure vessel; (b) any unfired pressure vessel; (c) pipes or containers connected with any of said boilers or vessels; (d) any engine, turbine, compressor, pump or wheel; (e) any apparatus generating, transmitting or using electricity; (f) any other machinery or apparatus connected with or operated by any of the previously named boilers, vessels or machines; and including the incidental power to make inspections of and to issue certificates of inspection upon, any such boilers, apparatus, and machinery, whether insured or otherwise;

(4) To make contracts of life and endowment insurance, to grant, purchase, or dispose of annuities or endowments of any kind; and, in such contracts, or in contracts supplemental thereto to provide for additional benefits in event of death of the insured by accidental means, total permanent disability of the insured, or specific dismemberment or disablement suffered by the insured, or acceleration of life or endowment or annuity benefits in advance of the time they would otherwise be payable;

(5)(a) To insure against loss or damage by the sickness, bodily injury or death by accident of the assured or dependents, or those for whom the assured has assumed a portion of the liability for the loss or damage, including liability for payment of medical care costs or for provision of medical care;

(b) To insure against the legal liability, whether imposed by common law or by statute or assumed by contract, of employers for the death or disablement of, or injury to, employees;

(6) To guarantee the fidelity of persons in fiduciary positions, public or private, or to act as surety on official and other bonds, and for the performance of official or other obligations;

(7) To insure owners and others interested in real estate ~~against loss or damage, by reason of defective titles, encumbrances, or otherwise~~ or personal property as described in section 68A.04;

(8) To insure against loss or damage by breakage of glass, located or in transit;

(9)(a) To insure against loss by burglary, theft, or forgery;

(b) To insure against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptance or any other valuable paper or document, resulting from any cause, except while in the custody or possession of and being transported by any carrier for hire or in the mail;

(c) To insure individuals by means of an all risk type of policy commonly known as the "personal property floater" against any kind and all kinds of loss of or damage to, or loss of use of, any personal property other than merchandise;

(d) To insure against loss or damage by water or other fluid or substance;

(10) To insure against loss from death of domestic animals and to furnish veterinary service;

(11) To guarantee merchants and those engaged in business, and giving credit, from loss by reason of giving credit to those dealing with them; this shall be known as credit insurance;

(12) To insure against loss or damage to automobiles or other vehicles or aircraft and their contents, by collision, fire, burglary, or theft, and other perils of operation, and against liability for damage to persons, or property of others, by collision with such vehicles or aircraft, and to insure against any loss or hazard incident to the ownership, operation, or use of motor or other vehicles or aircraft;

(13) To insure against liability for loss or damage to the property or person of another caused by the insured or by those for whom the insured is responsible, including insurance of medical, hospital, surgical, funeral or other related expense of the insured or other person injured, irrespective of legal liability of the insured, when issued with or supplemental to policies of liability insurance;

(14) To insure against loss of or damage to any property of the insured, resulting from the ownership, maintenance or use of elevators, except loss or damage by fire;

(15) To insure against attorneys fees, court costs, witness fees and incidental expenses incurred in connection with the use of the professional services of attorneys at law.

Sec. 2. Minnesota Statutes 2006, section 68A.04, is amended to read:

**68A.04 DEFINITION OF DIRECT RISK PREMIUMS DEFINITIONS.**

Subdivision 1. Direct risk premiums. For purposes of this chapter, "direct risk premiums" means the charge for title insurance made by a title insurance company or its agents according to the company's rate filing approved by the commissioner of commerce without a deduction for commissions paid to or retained by the agent and is that portion of the fee charged by a title insurance company to an insured or an applicant for insurance for the assumption by the title insurance company of the risk created by the issuance of the title insurance policy. Direct risk premiums of a title insurance company do not include any other charge or fee for abstracting, searching, or examining the title, or for escrow, closing, or other related services.

Subd. 2. Title insurance. For purposes of this chapter, "title insurance" means insuring owners of real or personal property, the holders of liens, interests or encumbrances thereon, or others interested therein, against loss or damage suffered by reason of liens, encumbrances upon, defects in, or the unmarketability of the title to the property; the invalidity, impairment, lack of priority, or unenforceability of any liens or encumbrances on the property; or the doing, or proposing to do, any business in substance equivalent to any of the foregoing whether or not designed to evade the provisions of this chapter.

Sec. 3. Minnesota Statutes 2006, section 82.17, subdivision 3, is amended to read:

Subd. 3. **Closing agent; real estate closing agent.** "Closing agent" or "real estate closing agent" means any person whether or not acting as an agent for a title company, a licensed attorney, real estate broker, or real estate salesperson, who for another and with or without a commission, fee, or other valuable consideration or with or without the intention or expectation of receiving a commission, fee, or other valuable consideration, directly or indirectly provides closing services incident to the sale, trade, lease, or loan of residential real estate, including drawing or assisting in drawing papers incident to the sale, trade, lease, or loan of residential real estate, or advertises or claims to be engaged in these activities. A notary public who acknowledges a signature on a deed, mortgage, or other residential closing document is a closing agent if the notary public performs any other service or assistance in connection with the residential closing.

Sec. 4. Minnesota Statutes 2006, section 82.49, is amended to read:

**82.49 TABLE FUNDING.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms in this subdivision have the meanings given them.

(b) "Closing agent" has the meaning given in section 82.17, subdivision 3.

(c) "Collected funds" means funds deposited, finally settled, and credited to the closing agent's escrow account.

~~(d) "Established business relationship" means that the closing agent has performed at least 25 residential closings on behalf of the lender.~~

~~(e)~~ (d) "Federally insured financial institution" means an institution in which monetary deposits are insured by the Federal Deposit Insurance Corporation or National Credit Union Administration.

~~(f)~~ (e) "Lender" means a person who makes residential mortgage loans including a person who engages in table funding. "Lender" does not include any organization described in section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986, as amended, if the organization is exempt from tax under section 501(a) of the Internal Revenue Code of 1986, as amended. "Lender" does not include a state or any political subdivision of a state.

~~(g)~~ (f) "Qualified loan funds" means funds in one of the following forms:

(1) lawful money of the United States;

(2) wired funds when unconditionally held by the closing agent;

(3) cashier's checks, ~~certified checks, bank money orders, or teller's checks~~ issued by a federally insured financial institution and unconditionally held by the closing agent; and

(4) United States treasury checks, Federal Reserve Bank checks, federal home loan bank checks, and state of Minnesota warrants.

~~(h)~~ (g) "Table funding" means a closing or settlement at which a mortgage loan is funded by a lender by a contemporaneous advance of mortgage loan funds and an assignment of the mortgage loan to the lender advancing the funds.

Subd. 2. **Requirements.** (a) A closing agent shall not make disbursements out of an escrow, security deposit, settlement, or closing account unless the funds received from the lender are collected funds or qualified loan funds. ~~This subdivision does not prohibit a closing agent from electing to disburse out of an escrow, security deposit, settlement, or closing account, other than with collected funds or qualified loan funds, if the closing agent has an established business relationship with the lender on whose behalf the closing is being conducted.~~

(b) A lender, using the closing services of a closing agent, shall at or before the time of the closing deliver loan funds to the closing agent either in the form of collected funds or qualified loan funds."

Delete the title and insert:

"A bill for an act relating to commerce; regulating real estate transactions; defining terms; regulating closing agents; amending Minnesota Statutes 2006, sections 60A.06, subdivision 1; 68A.04; 82.17, subdivision 3; 82.49."

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. 3890, A bill for an act relating to natural resources; providing procedures for filling the Watonwan County Soil and Water Conservation District Board supervisor vacant positions.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 3898, A bill for an act relating to natural resources; modifying timber sales provisions; providing for refunds; amending Minnesota Statutes 2006, section 90.14.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **TIMBER SALE REFUND.**

This section applies in the case of a public auction timber sale conducted in June 2007 by an open bid process where a bidder was later found to be ineligible. The commissioner of natural resources shall refund to the qualified purchaser the difference between the purchase price paid and the price the purchaser would have paid at the qualified purchaser's lowest bid.

Sec. 2. **APPROPRIATION.**

\$50,000 is appropriated in fiscal year 2009 from the forest management investment account to the Forest Resources Council to conduct a study of options and make recommendations to the legislature for addressing the fragmentation and parcelization of large blocks of private forest land in the state. This is a onetime appropriation.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; requiring refunds on certain timber sales; appropriating money for a forest fragmentation study."

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. 3900, A bill for an act relating to public safety; providing for increased penalties for certain misdemeanors; amending Minnesota Statutes 2006, section 609.153, subdivisions 1, 3.

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

The report was adopted.

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

H. F. No. 3917, A bill for an act relating to natural resources; modifying campfire provisions; amending Minnesota Statutes 2006, section 88.15, 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. 3924, A bill for an act relating to occupations and professions; allowing optometrists to dispense a legend drug at retail under certain conditions; amending Minnesota Statutes 2006, sections 145.711, by adding a subdivision; 148.574.

Reported the same back with the following amendments:

Page 1, after line 9, insert:

"Sec. 2. Minnesota Statutes 2006, section 148.56, is amended to read:

**148.56 OPTOMETRISTS.**

Subdivision 1. **Optometry defined.** (a) Any person shall be deemed to be practicing optometry within the meaning of sections 148.52 to 148.62 ~~who shall display a sign, such as an eye, a pair of eyes, a pair of glasses or spectacles, or~~ who shall in any way:

- (1) advertise as an optometrist; or who shall
- (2) employ any means for the measurement of the powers of vision or the adaptation of lenses or prisms for the aid thereof; or
- (3) possess testing appliances for the purpose of the measurement of the powers of vision; or
- (4) diagnose any disease, optical deficiency or deformity, or visual or muscular anomaly of the human eye; or
- (5) prescribe lenses, prisms, or ocular exercises for the correction or the relief of same; or
- (6) prescribe or administer legend drugs to aid in the diagnosis, cure, mitigation, prevention, treatment, or management of disease, deficiency, deformity, or abnormality of the human eye and adnexa included in the curricula of accredited schools or colleges of optometry, and as limited by Minnesota statute and rules adopted by the Board of Optometry, or who holds oneself out as being able to do so.

(b) In the course of treatment, nothing in this section shall allow:

- (1) legend drugs to be administered intravenously, intramuscularly, or by injection, except for treatment of anaphylaxis;
- (2) invasive surgery including, but not limited to, surgery using lasers;
- (3) schedule II and III oral legend drugs and oral steroids to be administered or prescribed;
- (4) oral antivirals to be prescribed or administered for more than ten days; or
- (5) oral carbonic anhydrase inhibitors to be prescribed or administered for more than seven days.

Subd. 2. **Unlawful practices.** It shall be unlawful for any person who is not licensed as an optometrist in this state to:

- (1) perform any of the actions contained in subdivision 1;
- (2) fit, sell, or dispose of, or to take, receive, or solicit any order for the fitting, sale, or disposition of, any spectacles, eye glasses, or lenses for the correction of vision in any place within the state other than an established place of business ~~wherein such~~ where spectacles, eye glasses, or lenses are commonly sold and dealt in; ~~and it shall be unlawful for any person, not licensed as an optometrist thereunder, to; or~~
- (3) sell or dispose of, at retail, any spectacles, eye glasses, or lenses for the correction of vision in any established place of business or elsewhere in this state except under the supervision, direction, and authority of a duly licensed optometrist ~~holding who holds~~ a certificate under sections 148.52 to 148.62, ~~who shall be and is~~ in charge of and in personal attendance at the booth, counter, or place where such articles are sold or disposed of.

Subd. 3. **Unregulated sales.** Nothing in sections 148.52 to 148.62 shall be construed to apply to the sale of toy glasses, goggles consisting of plano-white or plano-colored lenses or ordinary colored glasses or to the replacement of duplications of broken lenses, nor to sales upon prescription from persons legally authorized by the laws of this state to examine eyes and prescribe glasses therefor, nor shall it apply to regularly licensed physicians and surgeons. Sections 148.52 to 148.62 also do not apply to the sale of spectacles, used for reading and containing only simple lenses having a plus power of up to and including 3.25, if no attempt is made to test the eyes. The term "simple lenses" does not include bifocals. The seller shall prominently display a sign on the counter or rack or other display device where the spectacles are offered for sale that reads as follows: "If you have experienced a vision loss, the selection of these glasses should not take the place of an eye exam."

Subd. 4. **License required.** It shall be unlawful for any person to engage in the practice of optometry without first procuring ~~and filing for record a certificate of registration as a licensed optometrist pursuant to this section a~~ license from the state Board of Optometry.

Sec. 3. Minnesota Statutes 2006, section 148.57, is amended to read:

**148.57 LICENSE.**

Subdivision 1. **Examination.** (a) A person not authorized to practice optometry in the state and desiring to do so shall apply to the ~~director of the state Board of Optometry and pay to the board by filling out and swearing to an application for a license granted by the board and accompanied by a fee in an amount set by the board of \$87. The candidate desiring to apply to the board shall complete a form furnished by the board.~~ With the submission of the application form, the candidate shall prove that the candidate:

(1) is of good moral character;

(2) has obtained a clinical doctorate degree from an optometry a board-approved school requiring at least two academic years of preprofessional training for admittance to the school and which has been approved by the board or college of optometry, or is currently enrolled in the final year of study at such ~~a school~~ an institution; and

(3) has passed all parts of an examination.

(b) The examination shall include both a written portion and a clinical practical portion and shall thoroughly test the fitness of the candidate to practice in this state. In regard to the written and clinical practical examinations, the board may:

(1) prepare, administer, and grade the examination itself;

(2) recognize and approve in whole or in part an examination prepared, administered and graded by a national board of examiners in optometry; or

(3) administer a recognized and approved examination prepared and graded by or under the direction of a national board of examiners in optometry.

(c) The board shall issue a license to each applicant who satisfactorily passes the examinations and fulfills the other requirements stated in this section and section 148.575 for board certification for the use of legend drugs. Applicants for initial licensure do not need to apply for or possess a certificate as referred to in sections 148.571 to 148.574. The applicant shall pay to the board a fee as set by the board upon issuance of the license. In the event the candidate fails to pass a part of the examination, upon the payment of an additional fee as set by the board, the candidate may reapply to the Board of Optometry. The fees mentioned in this section are for the use of the board and in no case shall be refunded.

Subd. 2. **Reciprocity Endorsement.** ~~A person~~ An optometrist who holds a certificate of registration, or current license, from another state, and who has practiced in that state not less than three years in that state immediately preceding application, may apply for licensure in Minnesota by filling out and swearing to an application for license by reciprocity form endorsement furnished by the board ~~and by filing that form with the board secretary along with a fee as set by the board at least two weeks prior to the regular meeting at which the board is considering such applications. The completed application with all required documentation shall be filed at the board office along with a fee of \$87.~~ The application fee ~~as set by the board~~ shall be for the use of the board and in no case shall be refunded. To verify that the applicant possesses the knowledge and ability essential to the practice of optometry in this state, ~~the board may for good cause request the applicant to perform a practical demonstration to its satisfaction.~~ applicant must provide evidence of:



- (1) having obtained a clinical doctorate degree from a board-approved school or college of optometry;
- (2) successful completion of both written and practical examinations for licensure in the applicant's original state of licensure that thoroughly tested the fitness of the applicant to practice;
- (3) successful completion of an examination of Minnesota state optometry laws;
- (4) compliance with the requirements for board certification in section 148.575;
- (5) compliance with all continuing education required for license renewal in every state in which the applicant currently holds an active license to practice; and
- (6) being in good standing with every state board from which a license has been issued.

Documentation from a national certification system or program, approved by the board, which supports any of the listed requirements, may be used as evidence. The applicant may then be issued a license if the requirements for registration or licensure in the other state are deemed by the board to be equivalent to those of sections 148.52 to 148.62; ~~provided, that the other state accords like privileges to holders of certificates from the Minnesota board.~~

Subd. 3. **Revocation, suspension.** The board may revoke the license or suspend or restrict the right to practice of any person who has been convicted of any violation of sections 148.52 to 148.62 or of any other criminal offense, or who violates any provision of sections 148.571 to 148.576 or who is found by the board to be incompetent or guilty of unprofessional conduct. "Unprofessional conduct" means any conduct of a character likely to deceive or defraud the public, including, among other things, free examination advertising, the loaning of a license by any licensed optometrist to any person; the employment of "cappers" or "steerers" to obtain business; splitting or dividing a fee with any person; the obtaining of any fee or compensation by fraud or misrepresentation; employing directly or indirectly any suspended or unlicensed optometrist to perform any work covered by sections 148.52 to 148.62; the advertising by any means of optometric practice or treatment or advice in which untruthful, improbable, misleading, or impossible statements are made. After one year, upon application and proof that the disqualification has ceased, the board may reinstate such person.

Subd. 4. **Peddling or canvassing forbidden.** Every licensed optometrist who shall temporarily practice optometry outside or away from the regular registered place of business shall display the license and deliver to each customer or person there fitted or supplied with glasses a receipt or record which shall contain the signature, permanent registered place of business or post office address, and number of license of the optometrist, together with the amount charged therefor, but nothing contained in this section shall be construed as to permit peddling or canvassing by licensed optometrists.

Sec. 4. Minnesota Statutes 2006, section 148.571, is amended to read:

#### **148.571 USE OF TOPICAL OCULAR DRUGS.**

Subdivision 1. **Authority.** Subject to the provisions of sections ~~148.57, subdivision 3, and~~ 148.571 to 148.574, ~~licensed~~ optometrists who are currently licensed on August 1, 2007, and are not board certified under section 148.575 may possess a valid topical ocular drug certificate, referred to in sections 148.571 to 148.574, allowing them to administer topical ocular drugs to the anterior segment of the human eye during an eye examination in the course of practice in their normal practice setting, solely for the purposes of determining the refractive, muscular, or functional origin of sources of visual discomfort or difficulty, and detecting abnormalities which may be evidence of disease. Authority granted under sections 148.571 to 148.574 is granted to optometrists who are board certified under section 148.575.

Subd. 2. **Drugs specified.** For purposes of sections ~~148.57, subdivision 3, and~~ 148.571 to 148.574, "topical ocular drugs" means:

(1) commercially prepared topical anesthetics as follows: proparacaine HC1 0.5 percent, tetracaine HC1 0.5 percent, and benoxinate HC1 0.4 percent;

(2) commercially prepared mydriatics as follows: phenylephrine HC1 in strength not greater than 2.5 percent and hydroxyamphetamine HBr in strength not greater than 1 percent; and

(3) commercially prepared cycloplegics/mydriatics as follows: tropicamide in strength not greater than 1 percent and cyclopentolate in strength not greater than 1 percent.

Sec. 5. Minnesota Statutes 2006, section 148.573, subdivision 1, is amended to read:

Subdivision 1. **Certificate required.** A licensed optometrist shall not purchase, possess, or administer any topical ocular drugs unless, ~~after August 1, 1982,~~ the optometrist has obtained a topical ocular drug certificate from the Board of Optometry certifying that the optometrist has complied with the ~~following~~ requirements: in paragraphs (a) and (b).

(a) Successful completion of 60 classroom hours of study in general and clinical pharmacology as it relates to the practice of optometry, with particular emphasis on the use of topical ocular drugs for examination purposes. At least 30 of the 60 classroom hours shall be in ocular pharmacology and shall emphasize the systemic effects of and reactions to topical ocular drugs, including the emergency management and referral of any adverse reactions that may occur. The course of study shall be approved by the Board of Optometry, and shall be offered by an institution which is accredited by a regional or professional accreditation organization recognized or approved by the Council on Postsecondary Education or the United States Department of Education or their successors. The course shall be completed prior to entering the examination required by this section;

(b) Successful completion of an examination approved by the Board of Optometry on the subject of general and ocular pharmacology as it relates to optometry with particular emphasis on the use of topical ocular drugs, including emergency management and referral of any adverse reactions that may occur;

~~(c) Successful completion, after August 1, 1982, of a course in cardiopulmonary resuscitation offered or approved by the Red Cross, American Heart Association, an accredited hospital, or a comparable organization or institution; and~~

~~(d) Establishment, after August 1, 1982, of an emergency plan for the management and referral to appropriate medical services of patients who may experience adverse drug reactions resulting from the application of topical ocular drugs. The plan must be approved by the Board of Optometry and shall, at least, require the optometrist to:~~

~~(1) Refer patients who notify the optometrist of an adverse drug reaction to appropriate medical specialists or facilities;~~

~~(2) Routinely advise the patient to immediately contact the optometrist if the patient experiences an adverse reaction;~~

~~(3) Place in the patient's permanent record information describing any adverse drug reaction experienced by the patient, and the date and time that any referral was made; and~~

~~(4) Include in the plan the names of at least three physicians, physician clinics, or hospitals to whom the optometrist will refer patients who experience an adverse drug reaction. At least one of these physicians shall be skilled in the diagnosis and treatment of diseases of the eye."~~

Page 1, line 10, delete "2" and insert "6"

Page 1, after line 20, insert:

"Sec. 7. Minnesota Statutes 2006, section 148.575, is amended to read:

**148.575 CERTIFICATE REQUIRED FOR USE OF TOPICAL LEGEND DRUGS.**

Subdivision 1. **Certificate required for use of legend drugs.** A licensed optometrist must be board certified to use legend drugs for therapy under section 148.576.

Subd. 2. **Board certified defined.** "Board certified" means that a licensed optometrist has been issued a certificate by the Board of Optometry certifying that the optometrist has complied with the following requirements for the use of legend drugs described in section 148.576:

(1) successful completion of at least 60 hours of study in general and ocular pharmacology emphasizing drugs used for examination or treatment purposes, their systemic effects and management or referral of adverse reactions;

(2) successful completion of at least 100 hours of study in the examination, diagnosis, and treatment of conditions of the human eye with legend drugs;

(3) successful completion of two years of supervised clinical experience in differential diagnosis of eye disease or disorders as part of optometric training or one year of that experience and ten years of actual clinical experience as a licensed optometrist; and

(4) successful completion of a nationally standardized examination approved or administered by the board on the subject of treatment and management of ocular disease ~~prepared, administered, and graded by the International Association of Boards of Examiners in Optometry or an equivalent national board examination.~~

Subd. 3. **Display of certificate required.** A certificate issued under this section to a licensed optometrist by the Board of Optometry supersedes any previously issued certificate limited to topical ocular drugs described in sections 148.571 to 148.574 and must be displayed in a prominent place in the licensed optometrist's office.

Subd. 4. **Accreditation of courses.** The Board of Optometry may approve courses of study in general or ocular pharmacology and examination, diagnosis, and treatment of conditions of the human eye only if they are taught by an institution that meets the following criteria:

(1) the institution has facilities for both didactic and clinical instruction in pharmacology and ocular disease treatment;

(2) the institution certifies to the Board of Optometry that the course of instruction is comparable in content to courses of instruction required by other health-related licensing boards whose license holders or registrants are permitted to administer pharmaceutical agents in their professional practice for either diagnostic or therapeutic purposes or both; and

(3) the institution is accredited by a regional or professional accrediting organization recognized by the ~~Council on Postsecondary Accreditation or the United States Department of Education, Council for Higher Education Accreditation or their successors~~ its successor agency.

Subd. 5. **Notice to Board of Pharmacy.** The Board of Optometry shall notify the Board of Pharmacy of each licensed optometrist who meets the certification requirements in this section.

Subd. 6. **Board certification required.** Optometrists who were licensed in this state prior to August 1, 2007, must have met the board certification requirements under this section by August 1, 2012, in order to renew their license.

Sec. 8. **REPEALER.**

(a) Minnesota Rules, part 6500.2100, is repealed.

(b) Minnesota Statutes 2006, section 148.573, subdivisions 2 and 3, are repealed."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "changing provisions related to the practice of optometry;"

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. 3928, A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2006, sections 13.202, subdivision 3; 13.322, subdivision 1; 13.3806, subdivision 1; 13.635, subdivision 1; 13.681, subdivision 1; 13.712, subdivision 1; 13.83, subdivision 10; 13.871, subdivisions 1, 6; 17.117, subdivision 3; 46.044, subdivision 1; 72A.20, subdivision 11; 103F.725, subdivision 1a; 103I.005, subdivision 22; 103I.311, subdivision 3; 115A.554; 123B.88, subdivision 19; 124D.59, subdivision 3; 126C.17, subdivision 9; 144.396, subdivision 9; 144.581, subdivision 1; 144A.461; 145B.02, subdivision 5; 148.736, subdivisions 2, 3; 169.01, subdivision 4b; 169.421, subdivision 5; 169.448, subdivision 1; 171.12, subdivision 2a; 174.03, subdivision 8; 175.35; 237.411, subdivision 5; 244.08; 256.98, subdivision 7; 256B.04, subdivision 16; 256B.35, subdivision 1; 256J.30, subdivision 9; 256J.32, subdivision 4; 256J.42, subdivisions 5, 6; 256J.425, subdivisions 5, 6; 256J.46, subdivision 1; 256J.50, subdivision 1; 256J.521, subdivision 4; 256J.54, subdivision 5; 260B.235, subdivision 5; 260C.007, subdivision 6; 270.81, subdivision 1; 270.82, subdivision 1; 270.83, subdivision 3; 273.1398, subdivision 6; 275.065, subdivision 5a; 282.01, subdivision 1b; 289A.08, subdivision 7; 289A.63, subdivision 6; 290.0921, subdivision 3; 297A.70, subdivision 13; 298.282, subdivision 2; 300.15; 300.64, subdivision 4; 321.0108; 332.30; 352.03, subdivision 11; 352.119, subdivision 3; 354.07, subdivision 3; 354A.12, subdivisions 1, 2a; 356.30, subdivision 1; 356.65, subdivision 2; 386.015, subdivision 5; 422A.101, subdivision 2; 424A.02, subdivision 8a; 458D.18, subdivision 9; 469.153, subdivision 2; 480.182; 484.012; 501B.86, subdivision 2; 508A.22, subdivision 3; 518C.310; 550.04; 609.101, subdivision 3; 609.75, subdivision 1; 609B.121; 609B.164; 609B.265, subdivision 3; 609B.515; 611.272; Minnesota Statutes 2007 Supplement, sections 16C.03, subdivision 10; 103I.235, subdivision 1; 136A.127, subdivision 8; 144.121,

subdivision 5b; 148.67, subdivision 1; 183.57, subdivision 2; 183.59; 216B.1637; 256.01, subdivision 23; 256.476, subdivision 4; 256B.0915, subdivisions 3a, 3e; 256B.49, subdivision 16a; 256J.49, subdivision 13; 256J.55, subdivision 1; 268.101, subdivision 2; 325E.386, subdivision 1; 326.91, subdivision 1; 352.01, subdivision 2b; 446A.051, subdivision 1; 446A.072, subdivision 5a; Laws 2007, chapter 147, article 19, section 3, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 609B; repealing Minnesota Statutes 2006, sections 35.701; 35.96, subdivision 5; 62Q.64; 216C.30, subdivision 4; 256E.21, subdivision 3; 289A.11, subdivision 2; 383D.47; 473.1551, subdivision 1; 473.553, subdivision 14; 473.616; 484.69, subdivision 1a; 525.091, subdivision 2; Laws 2006, chapter 270, article 2, section 13; Laws 2007, chapter 128, article 6, section 16; Laws 2007, chapter 134, article 1, section 8; Laws 2007, chapter 147, article 1, section 32.

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. 3936, A bill for an act relating to workers' compensation; providing for disability payments to an employee of a bomb squad.

Reported the same back with the following amendments:

Page 1, delete lines 7 to 16 and insert:

"Notwithstanding any law to the contrary, the employer or former employer of a public employee who was injured in February 2005 while working on a bomb squad must pay the person permanent total disability benefits under Minnesota Statutes, chapter 176, equal to the difference between: (1) the salary the person received from the public employer at the time of the injury; and (2) the disability benefit the person receives from the Public Employees Retirement Association. The salary used as the basis for calculating the payment under this section must be deemed to increase by the same percentage as the annual increase in Social Security benefits. The weekly payments required under this section must continue until the employee who was injured attains age 67.

**EFFECTIVE DATE.** This section is effective the day following final enactment. The obligation to make payments under this section applies retroactively from February 1, 2007."

With the recommendation that when so amended the bill be re-referred to the Committee on Rules and Legislative Administration without further recommendation.

The report was adopted.

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

H. F. No. 3974, A bill for an act relating to public safety; authorizing the continuation of the domestic fatality review team; amending Laws 1999, chapter 216, article 2, section 27, subdivisions 1, as amended, 4; repealing Laws 2002, chapter 266, section 1, as amended.

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

The report was adopted.

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

H. F. No. 3977, A bill for an act relating to energy; modifying provisions relating to power transmission lines, renewable energy obligations, and related activities and costs; amending Minnesota Statutes 2006, sections 216B.16, subdivision 7b; 216B.1645, subdivisions 1, 2; 216B.2425, subdivisions 2, 3; 216B.243, subdivision 8; Minnesota Statutes 2007 Supplement, section 216B.1645, subdivision 2a.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 216B.16, subdivision 7b, is amended to read:

Subd. 7b. **Transmission cost adjustment.** (a) Notwithstanding any other provision of this chapter, the commission may approve a tariff mechanism for the automatic annual adjustment of charges for the Minnesota jurisdictional costs of new transmission facilities that have been separately filed and reviewed and approved by the commission under section 216B.243-~~or~~, are certified as a priority project or deemed to be a priority transmission project under section 216B.2425, or are charges from a regional transmission organization that are incurred by the utility for network integration transmission facilities owned by other transmission owners.

(b) Upon filing by a public utility or utilities providing transmission service, the commission may approve, reject, or modify, after notice and comment, a tariff that:

(1) allows the utility to recover on a timely basis the costs net of revenues of facilities approved under section 216B.243 or certified or deemed to be certified under section 216B.2425 or exempt from the requirements of section 216B.243;

(2) allows the utility to recover on a timely basis the charges from a regional transmission organization that are incurred by the utility for network integration transmission facilities owned by other transmission owners;

(3) allows a return on investment at the level approved in the utility's last general rate case, unless a different return is found to be consistent with the public interest;

~~(3)~~ (4) provides a current return on construction work in progress, provided that recovery from Minnesota retail customers for the allowance for funds used during construction is not sought through any other mechanism;

~~(4)~~ (5) allows for recovery of other expenses if shown to promote a least-cost project option or is otherwise in the public interest;

~~(5)~~ (6) allocates project costs appropriately between wholesale and retail customers;

~~(6)~~ (7) provides a mechanism for recovery above cost, if necessary to improve the overall economics of the project or projects or is otherwise in the public interest; and

~~(7)~~ (8) terminates recovery once costs have been fully recovered or have otherwise been reflected in the utility's general rates.

(c) A public utility may file annual rate adjustments to be applied to customer bills paid under the tariff approved in paragraph (b). In its filing, the public utility shall provide:

(1) a description of and context for the facilities included for recovery;

(2) a schedule for implementation of applicable projects;

(3) the utility's costs for these projects;

(4) a description of the utility's efforts to ensure the lowest costs to ratepayers for the project; and

(5) calculations to establish that the rate adjustment is consistent with the terms of the tariff established in paragraph (b).

(d) Upon receiving a filing for a rate adjustment pursuant to the tariff established in paragraph (b), the commission shall approve the annual rate adjustments provided that, after notice and comment, the costs included for recovery through the tariff were or are expected to be prudently incurred and achieve transmission system improvements at the lowest feasible and prudent cost to ratepayers.

Sec. 2. Minnesota Statutes 2006, section 216B.1645, subdivision 1, is amended to read:

Subdivision 1. **Commission authority.** Upon the petition of a public utility, the Public Utilities Commission shall approve or disapprove power purchase contracts, investments, or expenditures entered into or made by the utility to satisfy the wind and biomass mandates contained in sections 216B.169, 216B.2423, and 216B.2424, and to satisfy the renewable energy ~~objectives~~ obligations set forth in section 216B.1691, including reasonable investments and expenditures made to:

(1) transmit the electricity generated from sources developed under those sections that is ultimately used to provide service to the utility's retail customers, including studies necessary to identify new transmission facilities needed to transmit electricity to Minnesota retail customers from generating facilities constructed to satisfy the renewable energy ~~objectives~~ obligations, provided that the costs of the studies have not been recovered previously under existing tariffs and the utility has filed an application for a certificate of need or for certification as a priority project under section 216B.2425 for the new transmission facilities identified in the studies;

(2) provide ancillary services to generation facilities that satisfy the renewable energy objectives and standards including, but not limited to, storage facilities for renewable energy that contribute to the reliability, efficiency, or economics of the renewable facilities; or

~~(2)~~ (3) develop renewable energy sources from the account required in section 116C.779.

Sec. 3. Minnesota Statutes 2006, section 216B.1645, subdivision 2, is amended to read:

Subd. 2. **Cost recovery.** The expenses incurred by the utility over the duration of the approved contract or useful life of the investment and expenditures made pursuant to section 116C.779 shall be recoverable from the ratepayers of the utility, to the extent they are not offset by utility revenues attributable to the contracts, investments, or expenditures. Upon petition by a public utility, the commission shall approve or approve as modified a rate schedule providing for the automatic adjustment of charges to recover the expenses or costs approved by the commission under subdivision 1, which, in the case of transmission expenditures, are limited to the portion of actual transmission costs that are directly allocable to the need to transmit power from the renewable sources of energy. The commission may not approve recovery of the costs for that portion of the power generated from sources governed by this section that the utility sells into the wholesale market.

Sec. 4. Minnesota Statutes 2007 Supplement, section 216B.1645, subdivision 2a, is amended to read:

Subd. 2a. **Cost recovery for owned renewable facilities.** (a) A utility may petition the commission to approve a rate schedule that provides for the automatic adjustment of charges to recover prudently incurred investments, expenses, or costs associated with facilities constructed, owned, or operated by a utility to satisfy the requirements of section 216B.1691, provided those facilities were previously approved by the commission under section 216B.2422-~~01~~, 216B.243, or 216B.243, subdivision 9. The commission may approve, or approve as modified, a rate schedule that:

(1) allows a utility to recover directly from customers on a timely basis the costs of qualifying renewable energy projects, including:

(i) return on investment;

(ii) depreciation;

(iii) ongoing operation and maintenance costs;

(iv) taxes; and

(v) costs of transmission and other ancillary expenses directly allocable to transmitting electricity generated from a project meeting the specifications of this paragraph;

(2) provides a current return on construction work in progress, provided that recovery of these costs from Minnesota ratepayers is not sought through any other mechanism;

(3) allows recovery of other expenses incurred that are directly related to a renewable energy project, including but not limited to expenses for energy storage, provided that the utility demonstrates to the commission's satisfaction that the expenses improve project economics, ensure project implementation, or facilitate coordination with the development of transmission necessary to transport energy produced by the project to market;

(4) allocates recoverable costs appropriately between wholesale and retail customers;

(5) terminates recovery when costs have been fully recovered or have otherwise been reflected in a utility's rates.

(b) A petition filed under this subdivision must include:

(1) a description of the facilities for which costs are to be recovered;

(2) an implementation schedule for the facilities;

(3) the utility's costs for the facilities;

(4) a description of the utility's efforts to ensure that costs of the facilities are reasonable and were prudently incurred; and

(5) a description of the benefits of the project in promoting the development of renewable energy in a manner consistent with this chapter.



Sec. 5. Minnesota Statutes 2006, section 216B.243, subdivision 8, is amended to read:

Subd. 8. **Exemptions.** This section does not apply to:

(1) cogeneration or small power production facilities as defined in the Federal Power Act, United States Code, title 16, section 796, paragraph (17), subparagraph (A), and paragraph (18), subparagraph (A), and having a combined capacity at a single site of less than 80,000 kilowatts; plants or facilities for the production of ethanol or fuel alcohol; or any case where the commission has determined after being advised by the attorney general that its application has been preempted by federal law;

(2) a high-voltage transmission line proposed primarily to distribute electricity to serve the demand of a single customer at a single location, unless the applicant opts to request that the commission determine need under this section or section 216B.2425;

(3) the upgrade to a higher voltage of an existing transmission line that serves the demand of a single customer that primarily uses existing rights-of-way, unless the applicant opts to request that the commission determine need under this section or section 216B.2425;

(4) a high-voltage transmission line of one mile or less required to connect a new or upgraded substation to an existing, new, or upgraded high-voltage transmission line;

(5) conversion of the fuel source of an existing electric generating plant to using natural gas; or

(6) the modification of an existing electric generating plant to increase efficiency, as long as the capacity of the plant is not increased more than ten percent or more than 100 megawatts, whichever is greater; ~~or.~~

~~(7) a large energy facility that (i) generates electricity from wind energy conversion systems, (ii) will serve retail customers in Minnesota, (iii) is specifically intended to be used to meet the renewable energy objective under section 216B.1691 or addresses a resource need identified in a current commission-approved or commission-reviewed resource plan under section 216B.2422, and (iv) derives at least ten percent of the total nameplate capacity of the proposed project from one or more C BED projects, as defined under section 216B.1612, subdivision 2, paragraph (f).~~

Sec. 6. Minnesota Statutes 2006, section 216B.243, is amended by adding a subdivision to read:

Subd. 9. **Renewable energy standard facilities.** The requirements of this section do not apply to a generation facility that is intended to be used to meet or exceed the obligations of section 216B.1691; provided that, after notice and comment, the commission determines that the facility is a reasonable and prudent approach to meeting the utility's obligations under that section. When making this determination, the commission may consider the size of the facility relative to the utility's total need for renewable resources, alternative approaches for supplying the renewable energy to be supplied by the proposed facility, the facility's ability to promote rural economic development, maintain electric system reliability, maximize greenhouse gas emissions reductions, and minimize costs to consumers, and other criteria as the commission may determine are relevant."

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3991, A resolution relating to Lake of the Woods.

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

The report was adopted.

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

H. F. No. 3996, A bill for an act relating to natural resources; modifying definitions related to native prairie restorations; amending Minnesota Statutes 2007 Supplement, section 84.02, subdivisions 2, 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 84.02, subdivision 7, is amended to read:

Subd. 7. **Restored native prairie.** "Restored native prairie" means a restoration using at least 25 representative and biologically diverse native prairie plant species of a local ecotype originating in the same ~~county as the~~ restoration site or within 25 miles of the county's border, but not across the boundary of an ecotype region.

Sec. 2. **REPEALER.**

Minnesota Statutes 2007 Supplement, section 84.02, subdivision 2, is repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying definitions related to native prairie restorations; amending Minnesota Statutes 2007 Supplement, section 84.02, subdivision 7; repealing Minnesota Statutes 2007 Supplement, section 84.02, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3997, A bill for an act relating to environment; prohibiting siting of land disposal facilities in certain areas; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[115A.9175] LANDFILL; SITING.**

(a) An applicant for a permit for a solid waste land disposal facility (1) that was not in operation prior to March 1, 2008, and (2) at which solid waste, industrial waste, hazardous waste, or ash are proposed to be accepted for disposal must submit as part of the application the results of an independent laboratory analysis for major cations and anions and for tritium in water samples taken from an upgradient and downgradient well finished in the uppermost unconsolidated aquifer encountered, and an upgradient and downgradient well finished in the uppermost bedrock aquifer at the site. If 150 feet of continuous nonaquifer material is encountered above the bedrock, testing of bedrock wells is not required. If no unconsolidated or bedrock aquifers are found within the first 150 feet at the site, no cation, anion, or tritium testing is required.

(b) The commissioner may not issue a solid waste land disposal facility permit to an applicant whose test results for tritium required in paragraph (a) report concentrations of five tritium units or greater in any well tested, except as provided in paragraph (c).

(c) If test results report concentrations of five tritium units or greater for any well, an applicant may present to the commissioner reasons, and supporting documentation, why the tritium test results may not indicate that the site is highly sensitive to groundwater contamination at the site. If the commissioner determines that the applicant's reasons and supporting documentation are scientifically valid, the commissioner shall specify additional testing of groundwater samples from the site that will allow a better estimate to be made of the sensitivity of groundwater contamination at the site. If, after reviewing the additional data, the commissioner determines that the conclusion that the site is not highly sensitive to groundwater contamination is supported by a preponderance of the scientifically valid evidence available, the commissioner may issue the permit.

For the purposes of this section, "highly sensitive to groundwater contamination" means that the travel time of water from the land surface to the water table or bedrock is less than 20 years.

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

With the recommendation that when so amended the bill be re-referred to the Committee on Finance without further recommendation.

The report was adopted.

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

H. F. No. 4004, A bill for an act relating to the city of Crystal; authorizing creation of a housing development account.

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

The report was adopted.

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

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **PAINT STEWARDSHIP PILOT PROGRAM.**

Subdivision 1. **Definitions.** For purposes of sections 1 to 3, the following terms have the meanings given:

(1) "architectural paint" means interior and exterior architectural coatings, including paints and stains purchased for commercial or homeowner use, but does not include architectural coatings purchased for industrial or original equipment manufacturer use;

(2) "commissioner" means the commissioner of the Pollution Control Agency;

(3) "consumer-based cost recovery system" means a system whereby the costs of the paint stewardship pilot program are passed on to the consumer through the purchase price of the product;

(4) "consumer paint stewardship fee" means the fee charged by the retailer or distributor on each purchase of architectural paint sold in the state;

(5) "manufacturer" means a manufacturer of architectural paint;

(6) "paint stewardship fee" means the fee paid by each manufacturer that covers the amount of the consumer paint stewardship fee for architectural paint the manufacturer sells in the state;

(7) "postconsumer paint" means architectural paint not used by the purchaser; and

(8) "retailer" means a person who sells architectural paint at retail.

Subd. 2. **Purpose.** The purpose of the paint stewardship pilot program established under this section is to allow paint manufacturers to develop and implement a program to collect, transport, and process postconsumer paint to reduce the costs and environmental impacts of the disposal of postconsumer paint in Minnesota.

Subd. 3. **Plan.** (a) By July 1, 2008, manufacturers of architectural paint sold at retail in this state must, through a representative organization, implement a pilot stewardship program to undertake responsibility for the development and implementation of strategies to reduce the generation of postconsumer paint, promote the reuse of postconsumer paint, and collect, transport, and process the end-of-life management of postconsumer paint. A consumer-based cost recovery system must be established to collect a fee assessed on all paint sold in the state to recover from consumers the life cycle costs of environmentally sound reuse or disposal of postconsumer paint. The consumer-based cost recovery system shall fund the pilot stewardship program in the following manner:

(1) all architectural paint manufacturers shall pay a paint stewardship fee based on the amount of architectural paint they sell in the state;

(2) all Minnesota retailers or distributors of architectural paint shall include a consumer paint stewardship fee in the final retail sales price of all architectural paint sold by such retailers or distributors in the state; and

(3) architectural paint manufacturers shall recover the paint stewardship fees by invoicing each of their Minnesota retailers or distributors of the architectural paint, who in turn, shall remit payment for the fees to the architectural paint manufacturer. The funds used by retailers and distributors to pay such invoices shall be derived from the consumer paint stewardship fee attached to the sale of architectural paints by retailers and distributors.

(b) To ensure that the consumer cost recovery mechanism is equitable and sustainable, a uniform consumer paint stewardship fee is established for all paint sold in the state. The assessed consumer paint stewardship fee must be sufficient to recover the costs of the program and shall not exceed \$1 per gallon.

(c) Point-of-purchase material shall be provided to the consumer, in a manner that is designed to ensure that consumers are made aware that a consumer paint stewardship fee has been included in the final sales price of the architectural paint.

Subd. 4. **Nonpublic data.** Data reported to the commissioner by a manufacturer or organization of manufacturers is classified as nonpublic data, as defined in Minnesota Statutes, section 13.02, subdivision 9, except that the commissioner may release the data in summary form in which individual manufacturers or retailers are not identified and from which neither their identities nor any other characteristics that could uniquely identify an individual manufacturer or retailer is ascertainable.

## Sec. 2. **ANTICOMPETITIVE CONDUCT.**

A manufacturer or organization of manufacturers that organizes collection, transport, and processing of postconsumer paint under section 1 may engage in anticompetitive conduct to the extent necessary to plan and implement its chosen organized collection or recycling system and is immune from liability under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

## Sec. 3. **REPORTS.**

(a) Manufacturers of architectural paint sold at retail in this state must, through a representative organization, submit an annual report to the commissioner describing the paint stewardship pilot program. At a minimum, the report must contain:

(1) a description of methods used to collect, transport, and process postconsumer paint in all regions of Minnesota;

(2) the total cost of implementing the pilot program;

(3) an evaluation of how the pilot program's funding mechanism operated; and

(4) examples of educational materials that were provided to consumers of architectural paint and an evaluation of those methods.

(b) By January 1, 2011, the commissioner shall submit a report to the chairs and ranking minority members of the committees in the senate and house of representatives that have primary jurisdiction over solid waste policy describing the results of the paint stewardship pilot program and recommending whether it should be made permanent and any modifications to improve the functioning and efficiency of the program.

## Sec. 4. **EXPIRATION.**

Sections 1 to 3 expire November 30, 2010.

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, before the period, insert "; requiring reports"

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. 4060, A resolution memorializing the governor to incorporate certain principles into a Regional Greenhouse Gas Emission Reduction Cap and Trade Accord.

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

The report was adopted.

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

S. F. No. 65, A resolution memorializing the President and Congress and others to protect the Great Lakes from aquatic invasive species.

Reported the same back with the following amendments:

Page 1, delete lines 7 to 9 and insert:

"*Whereas*, ballast water discharges from ships entering the Great Lakes are the leading pathway for the introduction of aquatic invasive species, with more than 30 new species being introduced in the last 50 years; and

*Whereas*, current federal ballast water regulations designed to protect the Great Lakes are ineffective. At least 11 new aquatic invasive species have been introduced from ballast water since current requirements for ballast water exchange with open ocean water went into effect, including the recent introduction of viral hemorrhagic septicemia (VHS) that directly threatens the Great Lakes fishery; and"

Page 1, delete lines 17 to 21 and insert:

"*Whereas*, the United States Congress and the legislatures of the Great Lakes states have the authority and responsibility for protecting the health and safety of their citizens and to protect and preserve the waters of the Great Lakes; *Now, Therefore*,"

Page 2, line 6, delete "national"

Page 2, line 7, delete everything after "program" and insert "that would establish uniform standards, which Great Lakes states may supplement in order to meet their responsibilities to protect the health and safety of their citizens and the integrity of their natural resources; and"

Page 2, delete lines 8 to 15

Page 2, line 20, delete "federal"

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:

S. F. No. 2379, A bill for an act relating to eminent domain; amending provisions concerning reestablishment costs limit; amending Minnesota Statutes 2006, sections 117.51; 117.52, subdivision 1a.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

S. F. No. 3154, A bill for an act relating to commerce; regulating residential mortgage originators and services; verifying the borrower's ability to pay; amending Minnesota Statutes 2007 Supplement, section 58.13, subdivision 1.

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

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 599, 1097, 2095, 2423, 3057, 3163, 3236, 3295, 3296, 3332, 3374, 3396, 3408, 3438, 3439, 3448, 3503, 3526, 3531, 3543, 3549, 3559, 3561, 3574, 3575, 3583, 3624, 3657, 3708, 3710, 3721, 3767, 3786, 3822, 3829, 3838, 3888, 3890, 3917, 3924, 3928, 3974, 3977, 3991, 3996, 4051 and 4060 were read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. Nos. 3286, 3323, 65, 2379 and 3154 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Marquart introduced:

H. F. No. 4095, A bill for an act relating to employment; modifying prevailing wage requirements; amending Minnesota Statutes 2006, section 177.42, subdivision 4.

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

Lenczewski introduced:

H. F. No. 4096, A bill for an act relating to taxation; individual income; modifying alternative minimum taxable income to exclude charitable contributions made by nonitemizers; amending Minnesota Statutes 2006, section 290.091, subdivision 2, as amended.

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

Davnie introduced:

H. F. No. 4097, A bill for an act relating to taxation; allowing for payment of property tax refunds to counties when property taxes are delinquent; amending Minnesota Statutes 2006, section 290A.10.

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

Marquart introduced:

H. F. No. 4098, A bill for an act relating to property taxation; removing agricultural land from the tax base for school bonded debt levies; amending Minnesota Statutes 2006, sections 123B.53, subdivision 5; 126C.01, by adding subdivisions; 275.08, subdivision 1b.

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

Nornes introduced:

H. F. No. 4099, A bill for an act relating to appropriations; appropriating money for higher education; reducing and adjusting appropriations for higher education for the fiscal year ending June 30, 2009.

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



Morrow introduced:

H. F. No. 4100, A bill for an act relating to transportation; establishing driver and vehicle services technology account; imposing technology surcharge; adjusting certain fees; amending Minnesota Statutes 2006, sections 168.013, by adding a subdivision; 168A.29, as amended; 299A.705, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 171.06, subdivision 2.

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

Gottwalt introduced:

H. F. No. 4101, A bill for an act relating to human services; creating a program for respite care for family adult foster care providers; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Gottwalt introduced:

H. F. No. 4102, A bill for an act relating to human services; establishing a state health care outreach incentive program for licensed producers; appropriating money; amending Minnesota Statutes 2007 Supplement, section 256.962, by adding a subdivision.

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

Lenczewski introduced:

H. F. No. 4103, A bill for an act relating to taxation; modifying the treatment of foreign income and operations under the corporation franchise tax; authorizing grants; eliminating foreign operating corporations; defining tax havens; taxing certain development subsidies; reducing the corporate franchise tax rate; repealing the job opportunity building zone, the international economic development zone, and biotechnology and health sciences industry zone programs; repealing the airline industry job credit, the research credit, and the bovine testing credit; repealing the corporate alternative minimum tax; eliminating property tax exemptions for certain airport property; appropriating money; amending Minnesota Statutes 2006, sections 275.025, subdivisions 1, 2; 290.01, subdivisions 5, 19c, as amended, 19d, as amended, 29, by adding subdivisions; 290.06, subdivisions 1, 2c, as amended; 290.067, subdivision 1; 290.0671, subdivision 1; 290.091, subdivision 2; 290.0922, subdivision 3; 290.17, subdivision 4; 297B.03; Minnesota Statutes 2007 Supplement, section 290.01, subdivision 19b, as amended; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 2006, sections 272.02, subdivision 83; 290.01, subdivision 6b; 290.06, subdivisions 29, 30, 31, 32, 33; 290.068; 290.0921; 290.191, subdivision 4; 297A.68, subdivisions 37, 38, 41; 469.311; 469.312; 469.313; 469.314; 469.315; 469.316; 469.317; 469.318; 469.3201; 469.321, subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10; 469.3215; 469.322; 469.323; 469.324; 469.325; 469.326; 469.327; 469.328; 469.329; 469.330; 469.331; 469.332; 469.333, subdivision 1; 469.337; 469.338; 469.339; Minnesota Statutes 2007 Supplement, sections 272.02, subdivision 64; 469.321, subdivision 1; 469.333, subdivision 2; 469.334; 469.335; 469.336; Laws 2005, First Special Session chapter 3, article 10, section 23, as amended.

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

Shimanski, Brod, Severson, Koenen, Otremba, Urdahl and Haws introduced:

H. F. No. 4104, A bill for an act relating to veterans; adding a lawful purpose for the use of lawful gambling revenues; amending Minnesota Statutes 2007 Supplement, section 349.12, subdivision 25.

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

Tillberry introduced:

H. F. No. 4105, A bill for an act relating to commerce; regulating motor vehicle service contracts; regulating contracts and coverages; defining a term; amending Minnesota Statutes 2006, sections 59B.01; 59B.02, subdivision 11, by adding a subdivision; 59B.05, subdivision 5; repealing Minnesota Statutes 2006, section 65B.29.

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

Clark introduced:

H. F. No. 4106, A bill for an act relating to education; providing funding for summer programming for American Indian youth.

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

Dill introduced:

H. F. No. 4107, A bill for an act relating to motor fuels; modifying provisions relating to petroleum product distribution; amending Minnesota Statutes 2006, sections 296A.01, subdivisions 44, 45; 296A.03, subdivision 2.

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

### **MESSAGES FROM THE SENATE**

The following message was received from the Senate:

Madam Speaker:

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

S. F. Nos. 457, 3443, 3147, 2830 and 3084.

PATRICE DWORAK, First Assistant Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 457, A bill for an act relating to elections; providing for establishment of single-member school board election districts in Independent School District No. 271, Bloomington.

The bill was read for the first time.

Lenczewski moved that S. F. No. 457 and H. F. No. 1394, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3443, A bill for an act relating to veterans; designating July 27 as Korean War Veterans Day; proposing coding for new law in Minnesota Statutes, chapter 197.

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

S. F. No. 3147, A bill for an act relating to communications; repealing a sunset provision; repealing Laws 2005, chapter 81, section 7.

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

S. F. No. 2830, A bill for an act relating to payroll card accounts; repealing a sunset; repealing Laws 2005, chapter 158, section 4, as amended.

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

S. F. No. 3084, A bill for an act relating to the city of Duluth; correcting the legal description of the boundaries of the tracts of land administered by the Spirit Mountain Recreation Area Authority; amending Laws 1973, chapter 327, section 2, subdivision 1, as amended.

The bill was read for the first time.

Jaros moved that S. F. No. 3084 and H. F. No. 3454, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

**CALENDAR FOR THE DAY**

H. F. No. 3420, A bill for an act relating to local government; revising procedures and fees charged by county registrars of title for registering supplemental declarations of common interest communities; amending Minnesota Statutes 2006, sections 508.82, subdivision 1; 515B.1-116.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 3114 was reported to the House.

Emmer and Zellers moved to amend H. F. No. 3114, the first engrossment, as follows:

Page 2, line 14, before the semicolon, insert "and made after public notice and a hearing on the proposed purchase"

A roll call was requested and properly seconded.

The question was taken on the Emmer and Zellers amendment and the roll was called. There were 44 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Erickson	Holberg	Peppin	Ward
Anderson, S.	Demmer	Finstad	Magnus	Ruth	Wardlow
Beard	Dettmer	Garofalo	McFarlane	Seifert	Westrom
Berns	Doty	Gottwalt	McNamara	Severson	Zellers
Brod	Drazkowski	Gunther	Morgan	Shimanski	
Buesgens	Eastlund	Hackbarth	Nornes	Simpson	
Cornish	Emmer	Hamilton	Otremba	Smith	
Dean	Erhardt	Heidgerken	Paulsen	Urdahl	

Those who voted in the negative were:

Anzelc	Eken	Jaros	Lillie	Olin	Solberg
Atkins	Faust	Johnson	Loeffler	Ozment	Swails
Benson	Fritz	Juhnke	Madore	Pelowski	Thao
Bigham	Greiling	Kahn	Mahoney	Peterson, A.	Thissen
Bly	Hansen	Kalin	Mariani	Peterson, S.	Tillberry
Brown	Hausman	Knuth	Marquart	Poppe	Tingelstad
Brynaert	Haws	Koenen	Masin	Rukavina	Tschumper
Bunn	Hilstrom	Kranz	Moe	Ruud	Wagenius
Carlson	Hilty	Laine	Morrow	Sailer	Walker
Clark	Hornstein	Lanning	Mullery	Scalze	Welti
Davnie	Hortman	Lenczewski	Murphy, E.	Sertich	Winkler
Dill	Hosch	Lesch	Murphy, M.	Simon	Wollschlager
Dittrich	Howes	Liebling	Nelson	Slawik	Spk. Kelliher
Dominguez	Huntley	Lieder	Norton	Slocum	

The motion did not prevail and the amendment was not adopted.

Zellers and Emmer moved to amend H. F. No. 3114, the first engrossment, as follows:

Page 2, line 14, after "city" insert "and the purchase price is under \$100,000"

A roll call was requested and properly seconded.

The question was taken on the Zellers and Emmer amendment and the roll was called. There were 37 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Finstad	Holberg	Ruth	Westrom
Anderson, S.	Demmer	Garofalo	Magnus	Seifert	Zellers
Beard	Dettmer	Gottwalt	McFarlane	Shimanski	
Brod	Drazkowski	Gunther	McNamara	Simpson	
Buesgens	Eastlund	Hackbarth	Nornes	Smith	
Cornish	Emmer	Hamilton	Otremba	Urdahl	
Dean	Erickson	Heidgerken	Peppin	Wardlow	

Those who voted in the negative were:

Abeler	Clark	Hansen	Johnson	Liebling	Morrow
Anzelc	Davnie	Hausman	Juhnke	Lieder	Mullery
Atkins	Dill	Haws	Kahn	Lillie	Murphy, E.
Benson	Dittrich	Hilstrom	Kalin	Loeffler	Murphy, M.
Berns	Dominguez	Hilty	Knuth	Madore	Nelson
Bigham	Doty	Hornstein	Koenen	Mahoney	Norton
Bly	Eken	Hortman	Kranz	Mariani	Olin
Brown	Erhardt	Hosch	Laine	Marquart	Ozment
Brynaert	Faust	Howes	Lanning	Masin	Paulsen
Bunn	Fritz	Huntley	Lenczewski	Moe	Pelowski
Carlson	Greiling	Jaros	Lesch	Morgan	Peterson, A.

Peterson, S.	Sailer	Slawik	Thao	Tschumper	Welti
Poppe	Scalze	Slocum	Thissen	Wagenius	Winkler
Rukavina	Sertich	Solberg	Tillberry	Walker	Wollschlager
Ruud	Simon	Swails	Tingelstad	Ward	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

Hackbarth moved to amend H. F. No. 3114, the first engrossment, as follows:

Page 2, line 14, after "city" insert "and when there is no net loss of private land and tax capacity as a result of the purchase"

A roll call was requested and properly seconded.

The question was taken on the Hackbarth amendment and the roll was called. There were 40 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Emmer	Hamilton	Peppin	Urdahl
Anderson, B.	Demmer	Erickson	Heidgerken	Ruth	Ward
Beard	Dettmer	Finstad	Holberg	Seifert	Wardlow
Brod	Dill	Garofalo	Magnus	Severson	Westrom
Buesgens	Doty	Gottwalt	Nornes	Shimanski	Zellers
Cornish	Drazkowski	Gunther	Olin	Simpson	
Dean	Eastlund	Hackbarth	Otremba	Smith	

Those who voted in the negative were:

Anderson, S.	Eken	Jaros	Loeffler	Norton	Slocum
Anzelc	Erhardt	Johnson	Madore	Ozment	Solberg
Atkins	Faust	Juhnke	Mahoney	Paulsen	Swails
Benson	Fritz	Kahn	Mariani	Paymar	Thao
Berns	Greiling	Kalin	Marquart	Pelowski	Thissen
Bigham	Hansen	Knuth	Masin	Peterson, A.	Tillberry
Bly	Hausman	Koenen	McFarlane	Peterson, S.	Tingelstad
Brown	Haws	Kranz	McNamara	Poppe	Tschumper
Brynaert	Hilstrom	Laine	Moe	Rukavina	Wagenius
Bunn	Hilty	Lanning	Morgan	Ruud	Walker
Carlson	Hornstein	Lenczewski	Morrow	Sailer	Welti
Clark	Hortman	Lesch	Mullery	Scalze	Winkler
Davnie	Hosch	Liebling	Murphy, E.	Sertich	Wollschlager
Dittrich	Howes	Lieder	Murphy, M.	Simon	Spk. Kelliher
Dominguez	Huntley	Lillie	Nelson	Slawik	

The motion did not prevail and the amendment was not adopted.

Buesgens moved to amend H. F. No. 3114, the first engrossment, as follows:

Page 1, line 22, strike the first "or" and insert "," and after "devise," strike "by purchase or by condemnation" and insert "or purchase"

Page 2, line 4, strike everything after the period

Page 2, strike lines 5 and 6

Page 2, line 7, strike everything before "Either"

Page 2, line 9, strike "or condemnation"

Page 2, line 15, strike "by condemnation"

The motion prevailed and the amendment was adopted.

Erhardt was excused for the remainder of today's session.

H. F. No. 3114, A bill for an act relating to park districts; providing that a park district may acquire property within a city in accordance with the adopted comprehensive plan of the city; amending Minnesota Statutes 2006, section 398.09.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 99 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Jaros	Mahoney	Paulsen	Swails
Anderson, S.	Dominguez	Johnson	Mariani	Paymar	Thao
Anzelc	Doty	Juhnke	Marquart	Pelowski	Thissen
Atkins	Eken	Kahn	Masin	Peterson, A.	Tillberry
Benson	Faust	Kalin	McFarlane	Peterson, S.	Tingelstad
Berns	Fritz	Knuth	McNamara	Poppe	Tschumper
Bigham	Garofalo	Koenen	Moe	Rukavina	Urdahl
Bly	Greiling	Kranz	Morgan	Ruth	Wagenius
Brown	Gunther	Laine	Morrow	Ruud	Walker
Brynaert	Hansen	Lanning	Mullery	Sailer	Ward
Bunn	Hausman	Lenczewski	Murphy, E.	Scalze	Welti
Carlson	Hilstrom	Lesch	Murphy, M.	Sertich	Winkler
Clark	Hilty	Liebling	Nelson	Simon	Wollschlager
Cornish	Hornstein	Lieder	Norton	Simpson	Spk. Kelliher
Davnie	Hortman	Lillie	Olin	Slawik	
Demmer	Hosch	Loeffler	Otremba	Slocum	
Dill	Huntley	Madore	Ozment	Solberg	

Those who voted in the negative were:

Anderson, B.	DeLaForest	Erickson	Haws	Nornes	Smith
Beard	Dettmer	Finstad	Heidgerken	Peppin	Wardlow
Brod	Drazkowski	Gottwalt	Holberg	Seifert	Westrom
Buesgens	Eastlund	Hackbarth	Howes	Severson	Zellers
Dean	Emmer	Hamilton	Magnus	Shimanski	

The bill was passed, as amended, and its title agreed to.

H. F. No. 3240 was reported to the House.

Dominguez moved to amend H. F. No. 3240, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. **PURPOSE.**

The Legislature and Minnesota's Mexican-American veterans wish to honor all Minnesota veterans who have honorably and bravely served in the United States armed forces, during both peacetime and war, since the founding of this great nation.

Sec. 2. **PLAQUE AUTHORIZED.**

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

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

Delete the title and insert:

"A bill for an act relating to veterans; authorizing the placement of a plaque in the court of honor on the Capitol grounds by Minnesota's Mexican-American veterans to honor all Minnesota veterans who have served at any time in the United States armed forces."

The motion prevailed and the amendment was adopted.

H. F. No. 3240, A bill for an act relating to veterans; authorizing the placement of a plaque in the court of honor on the Capitol grounds by Minnesota's Mexican-American veterans to honor all Minnesota veterans who have served at any time in the United States armed forces.

The bill was read for the third time, as amended, and placed upon its final passage.



The question was taken on the passage of the bill and the roll was called. There were 122 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Beard	Buesgens	Draskowski	Emmer	Severson
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The bill was passed, as amended, and its title agreed to.

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

### MOTIONS AND RESOLUTIONS

Dittrich moved that the name of Simon be added as an author on H. F. No. 3292. The motion prevailed.

Pelowski moved that the name of Simon be added as an author on H. F. No. 3367. The motion prevailed.

Marquart moved that the name of Simon be added as an author on H. F. No. 3386. The motion prevailed.

Winkler moved that the name of Simon be added as an author on H. F. No. 3470. The motion prevailed.

Olin moved that the name of Simon be added as an author on H. F. No. 3531. The motion prevailed.

Tingelstad moved that the name of Simon be added as an author on H. F. No. 3591. The motion prevailed.

Hortman moved that the name of Simon be added as an author on H. F. No. 3752. The motion prevailed.

Murphy, E., moved that the name of Hansen be added as an author on H. F. No. 3762. The motion prevailed.

Moe moved that the name of Simon be added as an author on H. F. No. 3765. The motion prevailed.

Thissen moved that the name of Simon be added as an author on H. F. No. 3812. The motion prevailed.

Mariani moved that the name of Simon be added as an author on H. F. No. 3816. The motion prevailed.

Thissen moved that the name of Simon be added as an author on H. F. No. 3872. The motion prevailed.

Hilty moved that the name of Heidgerken be added as an author on H. F. No. 3929. The motion prevailed.

Hornstein moved that the name of Paymar be added as an author on H. F. No. 4015. The motion prevailed.

Davnie moved that the names of Hansen; Murphy, E.; Dittrich; Wollschlager; Hilstrom; Loeffler; Solberg; Sailer; Howes; Moe and Tschumper be added as authors on H. F. No. 4065. The motion prevailed.

Gunther moved that the name of Erhardt be added as an author on H. F. No. 4073. The motion prevailed.

Olin moved that the name of Magnus be added as an author on H. F. No. 4075. The motion prevailed.

Juhnke moved that H. F. No. 3124, now on the Calendar for the Day, be re-referred to the Committee on Finance. The motion prevailed.

Clark moved that H. F. No. 3293, now on the General Register, be re-referred to the Committee on Finance. The motion prevailed.

Tingelstad moved that H. F. No. 3371 be recalled from the Committee on Finance and be re-referred to the Committee on Public Safety and Civil Justice. The motion prevailed.

Clark moved that H. F. No. 3821 be recalled from the Committee on Taxes and be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

Dill moved that S. F. No. 2379, now on the Technical Consent Calendar, be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

Mullery moved that S. F. No. 2861 be recalled from the Committee on Public Safety and Civil Justice and together with H. F. No. 3408, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

Davnie moved that S. F. No. 2881 be recalled from the Committee on Commerce and Labor and together with H. F. No. 3236, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

#### ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:00 noon, Wednesday, March 19, 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, Wednesday, March 19, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives