

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2007

 THIRTY-FIFTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MARCH 23, 2007

The House of Representatives convened at 11:30 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by Monsignor James D. Habiger, University of St. Thomas, St. Paul, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Brod, Eken, Hausman, Lanning, Paulsen, Scalze and Shimanski were excused.

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

Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 76, A bill for an act relating to natural resources; requiring designation of a canoe route.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 85.32, subdivision 1, is amended to read:

Subdivision 1. **Areas marked.** The commissioner of natural resources is authorized in cooperation with local units of government and private individuals and groups when feasible to mark canoe and boating routes on the Little Fork, Big Fork, Minnesota, St. Croix, Snake, Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine, Rum, Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan, Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail, North Fork of the Crow, South Fork of the Crow, and Crow Rivers which have historic and scenic values and to mark appropriately points of interest, portages, camp sites, and all dams, rapids, waterfalls, whirlpools, and other serious hazards which are dangerous to canoe and watercraft travelers.

Sec. 2. **APPROPRIATION.**

\$60,000 is appropriated in fiscal year 2008 from the water recreation account in the natural resources fund to the commissioner of natural resources to cooperate with local units of government in marking routes and designating river accesses and campsites under Minnesota Statutes, section 85.32. This is a onetime appropriation and available until spent."

Delete the title and insert:

"A bill for an act relating to natural resources; designating a canoe route; appropriating money; amending Minnesota Statutes 2006, section 85.32, subdivision 1."

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

The report was adopted.

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

H. F. No. 176, A bill for an act relating to state government; establishing Preservation of State Documents Act; proposing coding for new law in Minnesota Statutes, chapter 16E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **ELECTRONIC DOCUMENTS STUDY AND REPORT.**

Subdivision 1. **Study.** The chief information officer of the state shall study how electronic documents and the mechanisms and processes for accessing and reading electronic data can be created, maintained, exchanged, and preserved by the state in a manner that encourages appropriate government control, access, choice, interoperability, and vendor neutrality. The study must consider, but not be limited to, the policies of other states and nations, management guidelines for state archives as they pertain to electronic documents, public access, expected storage life of electronic documents, costs of implementation, and savings. The chief information officer shall solicit comments regarding the creation, maintenance, exchange, and preservation of electronic documents by the state from stakeholders, including but not limited to the legislative auditor, the attorney general, the state archivist, the state legislative reference librarian, other librarians, representatives of the state historical society, and other historians. The chief information officer shall also solicit comments from members of the public.

Subd. 2. **Report and recommendation.** The chief information officer shall report the officer's findings and recommendations to the chairs of the senate State and Local Government Operations and Oversight Committee; house Government Operations, Reform, Technology and Elections Committee; and the senate and house State Government Finance Divisions by January 15, 2008."

Delete the title and insert:

"A bill for an act relating to state government; requiring a study on electronic documents; requiring a report by January 15, 2008."

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. 245, A bill for an act relating to human services; modifying adult foster care licensing requirements; amending Minnesota Statutes 2006, section 256B.0919, subdivision 3.

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 2, is amended to read:

Subd. 2. **County fees for background studies and licensing inspections.** (a) For purposes of family and group family child care licensing under this chapter, a county agency may charge a fee to an applicant or license holder to recover the actual cost of background studies, but in any case not to exceed \$100 annually. A county agency may also charge a fee to an applicant or license holder to recover the actual cost of licensing inspections, but in any case not to exceed \$150 annually.

(b) A county agency may charge a fee to a legal nonlicensed child care provider or applicant for authorization to recover the actual cost of background studies completed under section 119B.125, but in any case not to exceed \$100 annually.

(c) Counties may elect to reduce or waive the fees in paragraph (a) or (b):

(1) in cases of financial hardship;

(2) if the county has a shortage of providers in the county's area;

(3) for new providers; or

(4) for providers who have attained at least 16 hours of training before seeking initial licensure.

(d) Counties may allow providers to pay the applicant fees in paragraph (a) or (b) on an installment basis for up to one year. If the provider is receiving child care assistance payments from the state, the provider may have the fees under paragraph (a) or (b) deducted from the child care assistance payments for up to one year and the state shall reimburse the county for the county fees collected in this manner.

(e) For purposes of adult foster care and child foster care licensing under this chapter, a county agency may charge a fee to a corporate applicant or corporate license holder to recover the actual cost of background studies. A county agency may also charge a fee to a corporate applicant or corporate license holder to recover the actual cost of licensing inspections, not to exceed \$500 annually.

(f) Counties may elect to reduce or waive the fees in paragraph (e) under the following circumstances: (1) in cases of financial hardship; (2) if the county has a shortage of providers in the county's area; or (3) for new providers.

Sec. 2. Minnesota Statutes 2006, section 256B.0919, is amended by adding a subdivision to read:

Subd. 4. County certification; licensed providers; related individual; developmentally disabled. (a) Notwithstanding any provision to the contrary, a county may certify an adult foster care license holder to provide foster care services to an individual with a developmental disability, who is related to the provider, if the following conditions are met:

(1) the individual is 18 years of age or older;

(2) the individual's service plan meets the standards of section 256B.092 and specifies any special conditions necessary to prevent a conflict of interest for the provider;

(3) the provider is not the legal guardian or conservator of the related individual;

(4) the provider maintains a license under Minnesota Rules, parts 9555.5105 to 9555.6265, to serve unrelated foster care recipients;

(5) the provider maintains a license under chapter 245B; and

(6) the county certifies the provider meets the adult foster care provider standards established in Minnesota Rules, parts 9555.5105 to 9555.6265, for services provided to the related individual.

(b) The county shall complete an annual certification review to ensure compliance with paragraph (a), clauses (1) to (6).

(c) Notwithstanding section 256I.04, subdivision 2a, clause (2), the adult foster care provider certified by the county under this subdivision may be reimbursed for room and board costs through the group residential housing program.

Sec. 3. Minnesota Statutes 2006, section 256B.092, is amended by adding a subdivision to read:

Subd. 4d. **Medicaid reimbursement; licensed provider; related individuals.** The commissioner shall seek a federal amendment to the home and community-based services waiver for individuals with developmental disabilities, to allow Medicaid reimbursement for the provision of supported living services to a related individual when the following conditions have been met:

(1) the individual is 18 years of age or older;

(2) the provider is certified initially and annually thereafter, by the county, as meeting the provider standards established in chapter 245B and the federal waiver plan;

(3) the provider has been certified by the county as meeting the adult foster care provider standards established in Minnesota Rules, parts 9555.5105 to 9555.6265;

(4) the provider is not the legal guardian or conservator of the related individual; and

(5) the individual's service plan meets the standards of section 256B.092 and specifies any special conditions necessary to prevent a conflict of interest for the provider."

Delete the title and insert:

"A bill for an act relating to human services; allowing counties to recoup costs of background studies and licensing inspections for foster care providers; allowing the certification of adult foster care license holders to provide services to certain related individuals; providing for Medicaid reimbursement; amending Minnesota Statutes 2006, sections 245A.10, subdivision 2; 256B.0919, by adding a subdivision; 256B.092, by adding a subdivision."

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

The report was adopted.

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

H. F. No. 274, A bill for an act relating to the Rural Finance Authority; providing for sale of bonds; appropriating money.

Reported the same back with the following amendments:

Page 1, line 19, after the period, insert "The authority may use a portion of this appropriation to pay bond sales expenses under Minnesota Statutes, section 16A.641, subdivision 8."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 333, A bill for an act relating to state government; compensating state employees for time they were not able to work due to the 2005 partial government shutdown.

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

The report was adopted.

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

H. F. No. 334, A bill for an act relating to health; allowing exclusions from income under MinnesotaCare for certain medical expenses; amending Minnesota Statutes 2006, sections 256L.01, subdivision 5; 256L.04, by adding a subdivision.

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. 422, A bill for an act relating to natural resources; designating the Redwood River as a canoe and boating route; amending Minnesota Statutes 2006, section 85.32, 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.

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

H. F. No. 456, A bill for an act relating to employment; increasing and indexing the minimum wage; eliminating the training wage; requiring notice to new employees; amending Minnesota Statutes 2006, section 177.24, subdivision 1, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 464, A bill for an act relating to insurance; creating a statewide health insurance pool for school district employees; appropriating money; amending Minnesota Statutes 2006, sections 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.

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

H. F. No. 506, A bill for an act relating to domestic abuse; making repeat offenders who violate domestic abuse no contact orders guilty of a felony; defining qualified domestic violence-related offenses; amending Minnesota Statutes 2006, sections 518B.01, subdivision 22; 609.02, subdivision 16.

Reported the same back with the following amendments:

Page 2, line 2, before the period, insert "as provided in section 518B.02"

Page 2, line 6, delete the colon

Page 2, line 7, delete "(1)"

Page 2, line 8, delete "; or" and insert a period

Page 2, delete line 9

Page 2, line 10, delete "6."

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. 520, A bill for an act relating to natural resources; adding a loop extension to the Minnesota River Trail; amending Minnesota Statutes 2006, section 85.015, 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. 541, A bill for an act relating to crimes; defining identity theft to include posing as another person for purposes of harassing or defaming; amending Minnesota Statutes 2006, section 609.527, subdivisions 1, 2, 3.

Reported the same back with the following amendments:

Page 2, line 13, after "subdivision 1" insert ", clause (1)"

Page 2, line 21, delete "poses" and insert "uses the Internet, a computer, or a computer network to pose"

Page 2, line 22, delete "with the intent to harass or defame" and insert "and harasses or defames"

Page 3, line 12, delete "(2)" and insert "(4)"

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. 744, A bill for an act relating to education; granting employment leave for certain designated individuals to attend school conferences and activities; allowing a parent to consent to a significant individual participating in school conferences; amending Minnesota Statutes 2006, sections 13.32, by adding a subdivision; 181.9412, subdivision 1a, by adding subdivisions.

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

The report was adopted.

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

H. F. No. 886, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2006, sections 16A.695, subdivisions 2, 3, by adding subdivisions; 16A.86, subdivision 3; 116R.01, subdivision 6; 116R.02, subdivisions 1, 2, 4, 5; 116R.03; 116R.05, subdivision 2; 116R.11, subdivision 1; 116R.12, by adding a subdivision; 272.01, subdivision 2; 290.06, subdivision 24; 297A.71, subdivision 10; 360.013, subdivision 39; 360.032, subdivision 1; 360.038, subdivision 4; Laws 2005, chapter 20, article 1, sections 7, subdivision 21; 20, subdivision 3; 23, subdivisions 8, 16; Laws 2006, chapter 258, sections 4, subdivision 4; 7, subdivision 11; 21, subdivisions 6, 15; repealing Minnesota Statutes 2006, sections 116R.02, subdivisions 3, 6, 7, 9; 116R.16.

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

The report was adopted.

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

H. F. No. 946, A bill for an act relating to transportation finance; appropriating money for transportation, Metropolitan Council, and public safety activities; providing for fund transfers, general contingent accounts, and tort claims; authorizing sale and issuance of trunk highway bonds for highways and transit facilities; modifying motor fuels and registration taxes; allocating motor vehicle sales tax revenue; modifying county state-aid allocation formula; modifying county wheelage tax; authorizing local transportation sales and use taxes; modifying provisions relating to various transportation-related funds and accounts; modifying fees for license plates, drivers' licenses, identification cards, and state patrol escort and flight services; making technical and clarifying changes; amending Minnesota Statutes 2006, sections 16A.88; 161.04, subdivision 3, by adding a subdivision; 162.06; 162.07, subdivision 1, by adding subdivisions; 163.051; 168.011, subdivision 6; 168.013, subdivisions 1, 1a; 168.017, subdivision 3; 168.12, subdivision 5; 168A.29, subdivision 1; 171.02, subdivision 3; 171.06, subdivision 2; 171.07, subdivisions 3a, 11; 171.20, subdivision 4; 296A.07, subdivision 3; 296A.08, subdivision 2; 297A.94; 297B.09, subdivision 1; 299D.09; 473.388, subdivision 4; 473.446, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 2006, section 174.32.

Reported the same back with the following amendments:

Page 2, line 19, delete "1,743,337,000" and insert "1,743,466,000" and delete "2,143,408,000" and insert "2,143,079,000"

Page 6, line 30, delete "57,972,000" and insert "58,101,000" and delete "75,254,000" and insert "74,925,000"

Page 6, line 31, delete "66,175,000" and insert "64,902,000"

Page 10, line 14, delete the first "78,753,000" and insert "94,363,000"

Page 11, after line 9, insert:

"Subd. 4. Projected deficiency	<u>15,610,000</u>	<u>0</u>
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This is a onetime appropriation."

Page 21, line 21, after "168.27" insert "and the vehicle is leased or rented for periods of time of not more than 28 days"

Page 21, line 24, after "must" insert "(1)"

Page 21, line 25, strike the second "at" and insert "a designated" and strike "offices as the registrar"

Page 21, line 26, strike "may designate" and insert "office, and (2) stamp in red, on the certificate of title, the phrase "The expiration month of this vehicle is", with the blank filled in with the month of expiration as if the vehicle is being registered for a period of 12 calendar months"

Page 35, after line 5, insert:

"(d) Notwithstanding the provisions of this subdivision, in fiscal year 2009, the joint powers board shall allocate at least \$18,850,000 of any revenues collected under this section to the Metropolitan Council for operating assistance for transit."

Adjust amounts accordingly

With the recommendation that when so amended the bill pass.

MINORITY REPORT

March 22, 2007

We, the undersigned, being a minority of the Committee on Ways and Means, recommend that H. F. No. 946 do pass with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSPORTATION APPROPRIATIONS

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2008</u>	<u>2009</u>	<u>Total</u>
<u>General</u>	\$109,704,000	\$108,188,000	\$217,892,000
<u>Special Revenue</u>	47,950,000	49,038,000	96,988,000
<u>Airports</u>	25,524,000	25,592,000	51,116,000
<u>M.S.A.S.</u>	116,942,000	121,368,000	238,310,000
<u>C.S.A.H.</u>	433,278,000	449,684,000	882,962,000
<u>Trunk Highway</u>	1,155,478,000	1,236,921,000	2,392,399,000
<u>Highway User</u>	8,938,000	9,238,000	18,176,000
<u>Total</u>	<u>\$1,897,814,000</u>	<u>\$2,000,029,000</u>	<u>\$3,897,843,000</u>

Sec. 2. **TRANSPORTATION APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the trunk highway fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2008" and "2009" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2008, or June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal year ending June 30, 2007, are effective the day following final enactment.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2008</u>	<u>2009</u>

Sec. 3. **TRANSPORTATION**

<u>Subdivision 1. Total Appropriation</u>	<u>\$1,668,686,000</u>	<u>\$1,766,788,000</u>
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APPROPRIATIONS
Available for the Year
Ending June 30
2008 2009

Appropriations by Fund

	<u>2008</u>	<u>2009</u>
<u>General</u>	19,230,000	19,239,000
<u>Airports</u>	25,474,000	25,542,000
<u>C.S.A.H.</u>	433,278,000	449,684,000
<u>M.S.A.S.</u>	116,942,000	121,368,00
<u>Trunk Highway</u>	1,073,762,000	1,150,955,000

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Multimodal Systems

(a) Aeronautics

(1) Airport Development and Assistance 20,298,000 20,298,000

This appropriation is from the state airports fund and must be spent according to Minnesota Statutes, section 360.305, subdivision 4.

\$6,000,000 the first year is a onetime appropriation and \$6,000,000 the second year is a onetime appropriation.

Notwithstanding Minnesota Statutes, section 16A.28, subdivision 6, this appropriation is available for five years after appropriation.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

(2) Aviation Support and Services

Appropriations by Fund

<u>Airports</u>	5,151,000	5,219,000
<u>Trunk Highway</u>	847,000	856,000

\$65,000 the first year and \$65,000 the second year are for the Civil Air Patrol.

APPROPRIATIONS
Available for the Year
Ending June 30
2008 **2009**

(b) TransitAppropriations by Fund

General	<u>18,812,000</u>	<u>18,814,000</u>
Trunk Highway	<u>733,000</u>	<u>747,000</u>

(c) FreightAppropriations by Fund

General	<u>353,000</u>	<u>360,000</u>
Trunk Highway	<u>4,970,000</u>	<u>5,055,000</u>

Subd. 3. **State Roads****(a) Infrastructure Investment and Planning****(1) Infrastructure Investment Support**174,542,000172,227,000

\$266,000 the first year and \$266,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area.

\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$600,000 the first year and \$600,000 the second year are available for grants for transportation-related activities outside the metropolitan area to identify critical concerns, problems, and issues. These grants are available (1) to regional development commissions, and (2) in regions where no regional development commission is functioning, to joint powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission, and (3) in regions where no regional development commission or joint powers board is functioning, to the department's district office for that region.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2008</u>	<u>2009</u>
<u>(2) State Road Construction</u>	<u>615,200,000</u>
	<u>556,200,000</u>

It is estimated that these appropriations will be funded as follows:

<u>Federal Highway Aid</u>	<u>193,500,000</u>	<u>350,400,000</u>
<u>Highway User Taxes</u>	<u>362,700,000</u>	<u>264,800,000</u>

The commissioner of transportation shall notify the chair of the Transportation Budget Division of the senate and the chair of the Transportation Finance Committee of the house of representatives of any significant events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways, including design-build contracts and consultant usage to support these activities. This includes the cost of actual payment to landowners for lands acquired for highway rights-of-way, payment to lessees, interest subsidies, and relocation expenses.

\$77,000,000 the second year is a onetime appropriation and does not add to the base appropriation.

The commissioner may transfer up to \$15,000,000 each year to the transportation revolving loan fund.

The commissioner may receive money covering other shares of the cost of partnership projects. These receipts are appropriated to the commissioner for these projects.

<u>(3) Highway Debt Service</u>	<u>57,684,000</u>	<u>75,151,000</u>
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\$53,895,000 the first year and \$65,128,000 the second year are for transfer to the state bond fund. If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the Committee on Finance of the senate and the Committee on Ways and Means of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation. Any excess appropriation cancels to the trunk highway fund.

<u>(b) Infrastructure Operations and Maintenance</u>	<u>216,324,000</u>	<u>218,663,000</u>
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APPROPRIATIONS
Available for the Year
Ending June 30
2008 **2009**

(c) Electronic Communications

Appropriations by Fund

<u>General</u>	<u>9,000</u>	<u>9,000</u>
<u>Trunk Highway</u>	<u>5,043,000</u>	<u>5,119,000</u>

The general fund appropriation is to equip and operate the Roosevelt signal tower for Lake of the Woods weather broadcasting.

Subd. 4. Local Roads

<u>(a) County State Aids</u>	<u>433,278,000</u>	<u>449,684,000</u>
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This appropriation is from the county state-aid highway fund and is available until spent.

<u>(b) Municipal State Aids</u>	<u>116,942,000</u>	<u>121,368,000</u>
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This appropriation is from the municipal state-aid street fund and is available until spent.

If an appropriation for either county state aids or municipal state aids does not exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the chair of the Transportation Finance Committee of the house of representatives and the chair of the Transportation Budget Division of the senate of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of county state aids or municipal state aids, as appropriate.

If the appropriation for either county state aids or municipal state aids does exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance shall notify the chair of the Transportation Finance Committee of the house of representatives and the chair of the Transportation Budget Division of the senate of the amount by which the appropriation exceeds the balance and shall then reduce that amount from the appropriation.

APPROPRIATIONS
Available for the Year
Ending June 30
2008 **2009**

Subd. 5. General Support and Services

(a) Department Support

<u>Appropriations by Fund</u>		
<u>Airports</u>	<u>25,000</u>	<u>25,000</u>
<u>Trunk Highway</u>	<u>40,201,000</u>	<u>40,688,000</u>

(b) Buildings

<u>Appropriations by Fund</u>		
<u>General</u>	<u>56,000</u>	<u>56,000</u>
<u>Trunk Highway</u>	<u>17,218,000</u>	<u>17,249,000</u>

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 6. Transfers

(a) With the approval of the commissioner of finance, the commissioner of transportation may transfer unencumbered balances among the appropriations from the trunk highway fund and the state airports fund made in this section. No transfer may be made from the appropriation for state road construction. No transfer may be made from the appropriations for debt service to any other appropriation. Transfers under this paragraph may not be made between funds. Transfers between programs must be reported immediately to the chair of the Transportation Budget Division of the senate and the chair of the Transportation Finance Committee of the house of representatives.

(b) The commissioner of finance shall transfer from the flexible account in the county state-aid highway fund \$5,950,000 the first year and \$2,820,000 the second year to the municipal turnback account in the municipal state-aid street fund and \$12,940,000 the first year and \$15,330,000 the second year to the trunk highway fund; and the remainder in each year to the county turnback account in the county state-aid highway fund.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2008</u>	<u>2009</u>

(c) On or after July 1, 2007, the commissioner of finance shall:

(1) transfer \$4,600,000 from the trunk highway revolving loan account in the transportation revolving loan fund to the trunk highway fund; and

(2) transfer \$101,221,000 from the general fund to the trunk highway fund.

Subd. 7. Use of State Road Construction Appropriations

Any money appropriated to the commissioner of transportation for state road construction for any fiscal year before fiscal year 2008 is available to the commissioner during fiscal years 2008 and 2009 to the extent that the commissioner spends the money on the state road construction project for which the money was originally encumbered during the fiscal year for which it was appropriated. The commissioner of transportation shall report to the commissioner of finance by August 1, 2007, and August 1, 2008, on a form the commissioner of finance provides, on expenditures made during the previous fiscal year that are authorized by this subdivision.

Subd. 8. Contingent Appropriation

The commissioner of transportation, with the approval of the governor after review by the Legislative Advisory Commission under Minnesota Statutes, section 3.30, may transfer all or part of the unappropriated balance in the trunk highway fund to an appropriation (1) for trunk highway design, construction, or inspection in order to take advantage of an unanticipated receipt of income to the trunk highway fund or to take advantage of federal advanced construction funding, (2) for trunk highway maintenance in order to meet an emergency, or (3) to pay tort or environmental claims. Any transfer as a result of the use of federal advanced construction funding must include an analysis of the effects on the long-term trunk highway fund balance. The amount transferred is appropriated for the purpose of the account to which it is transferred.

Sec. 4. METROPOLITAN COUNCIL

Subdivision 1. Total Appropriation

\$78,753,000

\$78,753,000

This appropriation is from the general fund.

The amounts that may be spent for each purpose are specified in the following subdivisions.

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2008</u>	<u>2009</u>
<u>Subd. 2. Bus Transit</u>	<u>73,453,000</u> <u>73,453,000</u>

This appropriation is for bus system operations.

<u>Subd. 3. Rail Operations</u>	<u>5,300,000</u> <u>5,300,000</u>
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This appropriation is for operations of the Hiawatha light rail transit line.

This appropriation is for paying a portion of the Metropolitan Council's 50 percent share of operating costs for the Hiawatha light rail transit line after operating revenue and federal funds are used for light rail transit operations. The remaining 50 percent share of operating costs are to be paid by the Hennepin County Regional Rail Authority, using any or all of these sources:

- (1) general tax revenues of Hennepin County;
- (2) the authority's reserves; and
- (3) taxes levied under Minnesota Statutes, section 398A.04, subdivision 8, notwithstanding any provision in that subdivision that limits amounts that may be levied for light rail transit purposes.

Sec. 5. **PUBLIC SAFETY**

<u>Subdivision 1. Total Appropriation</u>	<u>\$149,400,000</u>	<u>\$153,513,000</u>
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Appropriations by Fund

	<u>2008</u>	<u>2009</u>
<u>General</u>	<u>11,721,000</u>	<u>10,196,000</u>
<u>Trunk Highway</u>	<u>80,916,000</u>	<u>85,166,000</u>
<u>Highway User</u>	<u>8,813,000</u>	<u>9,113,000</u>
<u>Special Revenue</u>	<u>47,950,000</u>	<u>49,038,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

APPROPRIATIONS
Available for the Year
Ending June 30
2008 **2009**

Subd. 2. Administration and Related Services

(a) Office of Communications

Appropriations by Fund

<u>General</u>	<u>39,000</u>	<u>40,000</u>
<u>Trunk Highway</u>	<u>363,000</u>	<u>377,000</u>

(b) Public Safety Support

Appropriations by Fund

<u>General</u>	<u>3,245,000</u>	<u>3,336,000</u>
<u>Trunk Highway</u>	<u>3,331,000</u>	<u>3,420,000</u>
<u>Highway User</u>	<u>1,366,000</u>	<u>1,366,000</u>

\$380,000 the first year and \$380,000 the second year are for payment of public safety officer survivor benefits under Minnesota Statutes, section 299A.44. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$1,199,000 the first year and \$1,367,000 the second year are to be deposited in the public safety officer's benefit account. This money is available for reimbursements under Minnesota Statutes, section 299A.465.

\$508,000 the first year and \$508,000 the second year are for soft body armor reimbursements under Minnesota Statutes, section 299A.38.

\$792,000 the first year and \$792,000 the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on December 31, 2007, and December 31, 2008, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the administration and related services program.

APPROPRIATIONS
Available for the Year
Ending June 30
2008 **2009**

\$610,000 the first year and \$610,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the trunk highway fund on December 31, 2007, and December 31, 2008, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for highway user tax distribution fund purposes in the administration and related services program.

\$716,000 the first year and \$716,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the general fund on December 31, 2007, and December 31, 2008, respectively, in order to reimburse the general fund for expenses not related to the fund. These represent amounts appropriated out of the general fund for operation of the criminal justice data network related to driver and motor vehicle licensing.

(c) Technical Support Services

<u>Appropriations by Fund</u>		
<u>General</u>	<u>3,937,000</u>	<u>2,253,000</u>
<u>Trunk Highway</u>	<u>2,344,000</u>	<u>2,344,000</u>
<u>Highway User</u>	<u>19,000</u>	<u>19,000</u>

Subd. 3. State Patrol

(a) Patrolling Highways

<u>Appropriations by Fund</u>		
<u>General</u>	<u>37,000</u>	<u>37,000</u>
<u>Trunk Highway</u>	<u>67,497,000</u>	<u>71,393,000</u>
<u>Highway User</u>	<u>92,000</u>	<u>92,000</u>

\$2,060,000 the first year and \$3,653,000 the second year are to add 40 state troopers.

(b) Commercial Vehicle Enforcement 6,945,000 7,196,000

This appropriation is from the trunk highway fund.

<u>APPROPRIATIONS</u> <u>Available for the Year</u> <u>Ending June 30</u>	
<u>2008</u>	<u>2009</u>
<u>4,463,000</u>	<u>4,530,000</u>

(c) Capitol Security

This appropriation is from the general fund.

Subd. 4. Driver and Vehicle Services**(a) Vehicle Services**Appropriations by Fund

<u>Highway User</u>	<u>7,336,000</u>	<u>7,636,000</u>
<u>Special Revenue</u>	<u>18,696,000</u>	<u>18,973,000</u>

The base appropriation from the highway user tax distribution fund is \$7,936,000 for fiscal year 2010 and \$8,236,000 for fiscal year 2011.

The special revenue fund appropriation is from the vehicle services operating account.

(b) Driver ServicesAppropriations by Fund

<u>Special Revenue</u>	<u>27,939,000</u>	<u>28,711,000</u>
<u>Trunk Highway</u>	<u>1,000</u>	<u>1,000</u>

Subd. 5. Traffic Safety

<u>435,000</u>	<u>435,000</u>
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This appropriation is from the trunk highway fund.

The commissioner of public safety shall spend 50 percent of the money available to the state under Public Law 105-206, section 164, and the remaining 50 percent must be transferred to the commissioner of transportation for hazard elimination activities under United States Code, title 23, section 152.

Subd. 6. Pipeline Safety

<u>1,315,000</u>	<u>1,354,000</u>
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This appropriation is from the pipeline safety account in the special revenue fund.

	<u>APPROPRIATIONS</u> <u>Available for the Year</u> <u>Ending June 30</u>	
	<u>2008</u>	<u>2009</u>
Sec. 6. <u>GENERAL CONTINGENT ACCOUNTS</u>	<u>\$375,000</u>	<u>\$375,000</u>
<u>Appropriations by Fund</u>		
	<u>2008</u>	<u>2009</u>
<u>Trunk Highway</u>	<u>200,000</u>	<u>200,000</u>
<u>Highway User</u>	<u>125,000</u>	<u>125,000</u>
<u>Airports</u>	<u>50,000</u>	<u>50,000</u>

The appropriations in this section may only be spent with the approval of the governor after consultation with the Legislative Advisory Commission under Minnesota Statutes, section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Sec. 7. <u>TORT CLAIMS</u>	<u>\$600,000</u>	<u>\$600,000</u>
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To be spent by the commissioner of finance.

This appropriation is from the trunk highway fund.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

ARTICLE 2

HIGHWAY BONDS

Section 1. **HIGHWAY BONDING AND APPROPRIATIONS.**

Subdivision 1. **Trunk highway projects financed by state bonds.** (a) \$1,700,000,000 is appropriated from the bond proceeds account in the trunk highway fund to the commissioner of transportation for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payments to landowners for lands acquired for highway rights-of-way, payments to lessees, interest subsidies, and relocation expenses.

(b) The commissioner of transportation may use up to \$289,000,000 of this appropriation for program delivery.

(c) The commissioner shall use at least \$50,000,000 of this appropriation for accelerating transit facility improvements on or adjacent to trunk highways.

Subd. 2. **Bond sale.** To provide the money appropriated in subdivision 1 from the bond proceeds account in the trunk highway fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$1,700,000,000 in the manner, on the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the amount requested by the commissioner of transportation. The proceeds of the bonds, except accrued interest and any premium received from the sale of the bonds, must be deposited in the bond proceeds account in the trunk highway fund.

Subd. 3. **Bond sale expenses.** \$1,700,000 is appropriated from the bond proceeds account in the trunk highway fund to the commissioner of finance for bond sale expenses under Minnesota Statutes, sections 16A.641, subdivision 8, and 167.50, subdivision 4.

ARTICLE 3

TRANSPORTATION FINANCE

Section 1. Minnesota Statutes 2006, section 16A.88, is amended to read:

16A.88 TRANSIT FUNDS ASSISTANCE FUND.

Subdivision 1. **Transit assistance fund established.** A transit assistance fund is established within the state treasury. The fund receives money distributed under sections 297A.815, subdivision 3, and 297B.09, subdivision 1, and other money as specified by law. Money in the fund must be allocated to the greater Minnesota transit account under subdivision 1a and the metropolitan area transit account under subdivision 2 in the manner specified in sections 297A.815 and 297B.09, subdivision 1, and must be used for transit purposes.

Subd. 1a. **Greater Minnesota transit fund account.** The greater Minnesota transit fund account is established within the transit assistance fund in the state treasury. Money in the fund account is annually appropriated to the commissioner of transportation for assistance to transit systems outside the metropolitan area under section 174.24. ~~Beginning in fiscal year 2003,~~ The commissioner may use up to \$400,000 each year \$408,000 in fiscal year 2008 and \$416,000 in fiscal year 2009 and thereafter for administration of the transit program. The commissioner shall use the fund account for transit operations as provided in section 174.24 and related program administration.

Subd. 2. **Metropolitan area transit fund account.** The metropolitan area transit fund account is established within the transit assistance fund in the state treasury. All money in the fund account is annually appropriated to the Metropolitan Council for the funding of transit systems within the metropolitan area under sections 473.384, 473.386, 473.387, 473.388, and 473.405 to 473.449.

~~Subd. 3. **Metropolitan area transit appropriation account.** The metropolitan area transit appropriation account is established within the general fund. Money in the account is to be used for the funding of transit systems in the metropolitan area, subject to legislative appropriation.~~

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

Sec. 2. Minnesota Statutes 2006, section 161.04, subdivision 3, is amended to read:

Subd. 3. **Trunk highway revolving loan account.** A trunk highway revolving loan account is created in the transportation revolving loan fund under section 446A.085. The commissioner may transfer money from the trunk highway fund to the trunk highway revolving loan account and from the trunk highway revolving loan account to the trunk highway fund. Money in the account may be used to make loans. Funds in the trunk highway revolving loan account may not be used for any toll facilities project or congestion-pricing project and may be used only for trunk highway purposes and repayments and interest from loans of those funds must be credited to the trunk

highway revolving loan account in the transportation revolving loan fund. Money in the trunk highway revolving loan account is annually appropriated to the commissioner and does not lapse. Interest earned from investment of money in this account must be deposited in the trunk highway revolving loan account.

Sec. 3. Minnesota Statutes 2006, section 297A.70, subdivision 2, is amended to read:

Subd. 2. **Sales to government.** (a) All sales, except those listed in paragraph (b), to the following governments and political subdivisions, or to the listed agencies or instrumentalities of governments and political subdivisions, are exempt:

(1) the United States and its agencies and instrumentalities;

(2) school districts, the University of Minnesota, state universities, community colleges, technical colleges, state academies, the Perpich Minnesota Center for Arts Education, and an instrumentality of a political subdivision that is accredited as an optional/special function school by the North Central Association of Colleges and Schools;

(3) hospitals and nursing homes owned and operated by political subdivisions of the state of tangible personal property and taxable services used at or by hospitals and nursing homes;

(4) the Metropolitan Council, for its purchases of vehicles and repair parts to equip operations provided for in section 473.4051;

(5) other states or political subdivisions of other states, if the sale would be exempt from taxation if it occurred in that state; ~~and~~

(6) sales to public libraries, public library systems, multicounty, multitype library systems as defined in section 134.001, county law libraries under chapter 134A, state agency libraries, the state library under section 480.09, and the Legislative Reference Library; ~~and~~

(7) the Department of Transportation, for purchases that are made from the trunk highway fund.

(b) This exemption does not apply to the sales of the following products and services:

(1) building, construction, or reconstruction materials purchased by a contractor or a subcontractor as a part of a lump-sum contract or similar type of contract with a guaranteed maximum price covering both labor and materials for use in the construction, alteration, or repair of a building or facility;

(2) construction materials purchased by tax exempt entities or their contractors to be used in constructing buildings or facilities which will not be used principally by the tax exempt entities;

(3) the leasing of a motor vehicle as defined in section 297B.01, subdivision 5, except for leases entered into by the United States or its agencies or instrumentalities; or

(4) lodging as defined under section 297A.61, subdivision 3, paragraph (g), clause (2), and prepared food, candy, and soft drinks, except for lodging, prepared food, candy, and soft drinks purchased directly by the United States or its agencies or instrumentalities.

(c) As used in this subdivision, "school districts" means public school entities and districts of every kind and nature organized under the laws of the state of Minnesota, and any instrumentality of a school district, as defined in section 471.59.

Sec. 4. Minnesota Statutes 2006, section 297A.71, is amended by adding a subdivision to read:

Subd. 41. **Commuter rail; material, supplies, and equipment.** Materials and supplies used or consumed in, and equipment incorporated into, the construction or improvement of the commuter rail transportation system operated under sections 174.80 to 174.90 are exempt. This exemption includes railroad cars and engines and related equipment.

EFFECTIVE DATE. This section is effective for sales and purchases made after December 31, 2006, and before July 1, 2011.

Sec. 5. Minnesota Statutes 2006, section 297A.815, is amended by adding a subdivision to read:

Subd. 3. **Deposit of revenues.** Notwithstanding section 297A.94 or any law to the contrary, money collected and received under this section must be deposited in the same manner and in the same proportions as provided for revenues collected under chapter 297B.

EFFECTIVE DATE. This section is effective beginning with revenues collected and remitted beginning July 1, 2007.

Sec. 6. Minnesota Statutes 2006, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

(g) The revenues, including interest and penalties, collected under section 297A.815 must be deposited as provided for in that section.

EFFECTIVE DATE. This section is effective beginning with revenues collected and remitted beginning July 1, 2007.

Sec. 7. Minnesota Statutes 2006, section 297B.09, subdivision 1, is amended to read:

Subdivision 1. **Deposit of revenues.** (a) Money collected and received under this chapter must be deposited as provided in this subdivision.

(b) ~~From July 1, 2002, to June 30, 2003, 32 percent of the money collected and received must be deposited in the highway user tax distribution fund, 20.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, and 1.25 percent must be deposited in the greater Minnesota transit fund under section 16A.88. The remaining money must be deposited in the general fund.~~

~~(c) From July 1, 2003, to June 30, 2007, 30 percent of the money collected and received must be deposited in the highway user tax distribution fund, 21.5 percent must be deposited in the metropolitan area transit fund under section 16A.88, 1.43 percent must be deposited in the greater Minnesota transit fund under section 16A.88, 0.65 percent must be deposited in the county state aid highway fund, and 0.17 percent must be deposited in the municipal state aid street fund. The remaining money must be deposited in the general fund.~~

~~(d) On and after From July 1, 2007, ~~32~~ through June 30, 2008, 38.25 percent of the money collected and received must be deposited in the highway user tax distribution fund, ~~20.5~~ 23.95 percent must be deposited in the metropolitan area transit ~~fund~~ account under section 16A.88, and ~~1.25~~ 1.55 percent must be deposited in the greater Minnesota transit ~~fund~~ account under section 16A.88. The remaining money must be deposited in the general fund.~~

(c) From July 1, 2008, through June 30, 2009, 44.25 percent of the money collected and received must be deposited in the highway user tax distribution fund, 27.85 percent must be deposited in the metropolitan area transit account under section 16A.88, 1.65 percent must be deposited in the greater Minnesota transit account under section 16A.88, and the remaining money must be deposited in the general fund.

(d) From July 1, 2009, through June 30, 2010, 50.25 percent of the money collected and received must be deposited in the highway user tax distribution fund, 31.75 percent must be deposited in the metropolitan area transit account under section 16A.88, 1.75 percent must be deposited in the greater Minnesota transit account under section 16A.88, and the remaining money must be deposited in the general fund.

(e) From July 1, 2010, through June 30, 2011, 56.25 percent of the money collected and received must be deposited in the highway user tax distribution fund, 35.6 percent must be deposited in the metropolitan area transit account under section 16A.88, 1.9 percent must be deposited in the greater Minnesota transit account under section 16A.88, and the remaining money must be deposited in the general fund.

(f) On and after July 1, 2011, 60 percent of the money collected and received must be deposited in the highway user tax distribution fund, 38 percent must be deposited in the metropolitan area transit account under section 16A.88, and two percent must be deposited in the greater Minnesota transit account under section 16A.88.

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

Sec. 8. Minnesota Statutes 2006, section 473.388, subdivision 4, is amended to read:

Subd. 4. **Financial assistance.** (a) The council must grant the requested financial assistance if it determines that the proposed service is intended to replace the service to the applying city or town or combination thereof by the council and that the proposed service will meet the needs of the applicant at least as efficiently and effectively as the existing service.

(b) The amount of assistance which the council must provide to a system under this section may not be less than the sum of the amounts determined for each municipality comprising the system as follows:

(1) the transit operating assistance grants received under this subdivision by the municipality in calendar year 2001 or the tax revenues for transit services levied by the municipality for taxes payable in 2001, including that portion of the levy derived from the areawide pool under section 473F.08, subdivision 3, clause (a), plus the portion of the municipality's aid under section 273.1398, subdivision 2, attributable to the transit levy; times

(2) the ratio of (i) ~~the appropriation from the transit fund to the council for nondebt transit operations~~ an amount equal to 3.623 percent of the state revenues generated from the taxes imposed under section 297A.815 and chapter 297B for the current fiscal year to (ii) ~~the total levy certified by the council under section 473.446 and the opt-out transit operating assistance grants received under this subdivision in calendar year 2001 or the tax revenues for~~

transit services levied by all replacement service municipalities under this section for taxes payable in 2001, including that portion of the levy derived from the areawide pool under section 473F.08, subdivision 3, clause (a), plus the portion of homestead and agricultural credit aid under section 273.1398, subdivision 2, attributable to nondebt transit levies, times

(3) the ratio of (i) the municipality's total taxable market value for taxes payable in ~~the most recent year for which data is available~~ 2007 divided by the municipality's total taxable market value for taxes payable in 2001, to (ii) the total taxable market value of all property ~~in the metropolitan area~~ located in replacement service municipalities for taxes payable in ~~the most recent year for which data is available~~ 2007 divided by the total taxable market value of all property ~~in the metropolitan area~~ located in replacement service municipalities for taxes payable in 2001.

(c) The council shall pay the amount to be provided to the recipient from the funds the council ~~would otherwise use to fund its transit operations~~ receives in the metropolitan area transit account under section 16A.88.

Sec. 9. **REPEALER.**

Minnesota Statutes 2006, section 174.32, is repealed.

ARTICLE 4

PUBLIC SAFETY DEPARTMENT SERVICES FEES

Section 1. Minnesota Statutes 2006, section 168.017, subdivision 3, is amended to read:

Subd. 3. **Exceptions.** (a) The registrar shall register all vehicles subject to registration under the monthly series system for a period of 12 consecutive calendar months, unless:

(1) the application is an original rather than renewal application; or

(2) the applicant is a licensed motor vehicle lessor under section 168.27, in which case the applicant may apply for initial ~~or renewed~~ registration of a vehicle for a period of four or more months, the month of expiration to be designated by the applicant at the time of registration. However, to qualify for this exemption, the applicant must pay a \$10 administrative fee and present the application to the registrar at St. Paul, or at a designated deputy registrar offices as the registrar may designate, office. At the end of the initial registration period, the applicant may only renew the registration on the vehicle for the remainder of the period prescribed under subdivision 1 had the applicant not utilized the exception in this subdivision. Upon the renewal of registration, the applicant shall pay 1/12 of the annual tax for each calendar month remaining in the registration period in addition to a \$10 administrative fee. Nothing in this subdivision prohibits the applicant from purchasing registration for an additional full registration period in conjunction with the purchase of the remainder portion.

(b) In any instance except that of a licensed motor vehicle lessor, the registrar shall not approve registering the vehicle subject to the application for a period of less than three months, except when the registrar determines that to do otherwise will help to equalize the registration and renewal work load of the department.

(c) The fee collected under paragraph (a), clause (2), must be deposited in the vehicle services operating account in the special revenue fund as specified in section 299A.705.

Sec. 2. Minnesota Statutes 2006, section 168.12, subdivision 5, is amended to read:

Subd. 5. **Additional fee.** (a) In addition to any fee otherwise authorized or any tax otherwise imposed upon any vehicle, the payment of which is required as a condition to the issuance of any plate or plates, the commissioner shall impose the fee specified in paragraph (b) that is calculated to cover the cost of manufacturing and issuing the plate or plates, except for plates issued to disabled veterans as defined in section 168.031 and plates issued pursuant to section 168.124, 168.125, or 168.27, subdivisions 16 and 17, for passenger automobiles. ~~The commissioner shall issue graphic design plates only for vehicles registered pursuant to section 168.017 and recreational vehicles registered pursuant to section 168.013, subdivision 1g.~~

(b) Unless otherwise specified or exempted by statute, the following plate and validation sticker fees apply for the original, duplicate, or replacement issuance of a plate in a plate year:

Sequential Regular Double Plate	\$4.25	
Sequential Special Plate Double	\$7.00	
Sequential Regular Single Plate	\$3.00	
Sequential Special Plate Single	\$5.50	
Utility Trailer Self Adhesive Plate	\$2.50	
Nonsequential Double Plate	\$14.00	
Nonsequential Single Plate	\$10.00	
Duplicate Sticker	\$1.00	
<u>License Plate</u>	<u>Single</u>	<u>Double</u>
<u>Regular and Disability</u>	<u>\$4.50</u>	<u>\$6.00</u>
<u>Special</u>	<u>\$8.50</u>	<u>\$10.00</u>
<u>Personalized (Replacement)</u>	<u>\$10.00</u>	<u>\$14.00</u>
<u>Collector Category</u>	<u>\$13.50</u>	<u>\$15.00</u>
<u>Emergency Vehicle Display</u>	<u>\$3.00</u>	<u>\$6.00</u>
<u>Utility Trailer Self-Adhesive Stickers</u>	<u>\$2.50</u>	
<u>Duplicate year</u>	<u>\$1.00</u>	<u>\$1.00</u>
<u>International Fuel Tax Agreement</u>	<u>\$2.50</u>	

(c) For vehicles that require two of the categories above, the registrar shall only charge the higher of the two fees and not a combined total.

Sec. 3. Minnesota Statutes 2006, section 168A.29, subdivision 1, is amended to read:

Subdivision 1. **Amounts.** (a) The department must be paid the following fees:

(1) for filing an application for and the issuance of an original certificate of title, the sum of ~~\$5.50~~ \$6.25 of which ~~\$2.50~~ \$3.25 must be paid into the vehicle services operating account of the special revenue fund under section 299A.705;

(2) for each security interest when first noted upon a certificate of title, including the concurrent notation of any assignment thereof and its subsequent release or satisfaction, the sum of \$2, except that no fee is due for a security interest filed by a public authority under section 168A.05, subdivision 8;

(3) for the transfer of the interest of an owner and the issuance of a new certificate of title, the sum of \$5.50 of which \$2.50 must be paid into the vehicle services operating account of the special revenue fund under section 299A.705;

(4) for each assignment of a security interest when first noted on a certificate of title, unless noted concurrently with the security interest, the sum of \$1;

(5) for issuing a duplicate certificate of title, the sum of ~~\$6.50~~ \$7.25 of which ~~\$2.50~~ \$3.25 must be paid into the vehicle services operating account of the special revenue fund under section 299A.705.

(b) After June 30, 1994, in addition to each of the fees required under paragraph (a), clauses (1) and (3), the department must be paid \$3.50. The additional \$3.50 fee collected under this paragraph must be deposited in the special revenue fund and credited to the public safety motor vehicle account established in section 299A.70.

Sec. 4. Minnesota Statutes 2006, section 171.02, subdivision 3, is amended to read:

Subd. 3. **Motorized bicycle.** (a) A motorized bicycle may not be operated on any public roadway by any person who does not possess a valid driver's license, unless the person has obtained a motorized bicycle operator's permit or motorized bicycle instruction permit from the commissioner of public safety. The operator's permit may be issued to any person who has attained the age of 15 years and who has passed the examination prescribed by the commissioner. The instruction permit may be issued to any person who has attained the age of 15 years and who has successfully completed an approved safety course and passed the written portion of the examination prescribed by the commissioner.

(b) This course must consist of, but is not limited to, a basic understanding of:

- (1) motorized bicycles and their limitations;
- (2) motorized bicycle laws and rules;
- (3) safe operating practices and basic operating techniques;
- (4) helmets and protective clothing;
- (5) motorized bicycle traffic strategies; and
- (6) effects of alcohol and drugs on motorized bicycle operators.

(c) The commissioner may adopt rules prescribing the content of the safety course, examination, and the information to be contained on the permits. A person operating a motorized bicycle under a motorized bicycle permit is subject to the restrictions imposed by section 169.974, subdivision 2, on operation of a motorcycle under a two-wheel instruction permit.

(d) The fees for motorized bicycle operator's permits are as follows:

- | | |
|---|-------------------------------|
| (1) Examination and operator's permit, valid for one year | \$ 6 <u>6.75</u> |
| (2) Duplicate | \$ 3 <u>3.75</u> |
| (3) Renewal permit before age 21 and valid until age 21 | \$ 9 <u>9.75</u> |
| (4) Renewal permit age 21 or older and valid for four years | \$ 15 <u>15.75</u> |

(5) Duplicate of any renewal permit \$ ~~4.50~~ 5.25

(6) Written examination and instruction permit, valid for 30 days \$ ~~6~~ 6.75

Sec. 5. Minnesota Statutes 2006, section 171.06, subdivision 2, is amended to read:

Subd. 2. **Fees.** (a) The fees for a license and Minnesota identification card are as follows:

Classified Driver's License	D-\$21.50	C-\$25.50	B-\$32.50	A-\$40.50
Classified Under-21 D.L.	D-\$21.50	C-\$25.50	B-\$32.50	A-\$20.50
<u>Classified Driver's License</u>	<u>D-\$22.25</u>	<u>C-\$26.25</u>	<u>B-\$33.25</u>	<u>A-\$41.25</u>
<u>Classified Under-21 D.L.</u>	<u>D-\$22.25</u>	<u>C-\$26.25</u>	<u>B-\$33.25</u>	<u>A-\$21.25</u>
Instruction Permit				\$9.50 <u>\$10.25</u>
Provisional License				\$12.50 <u>\$13.25</u>
Duplicate License or duplicate identification card				\$11.00 <u>\$11.75</u>
Minnesota identification card or Under-21 Minnesota identification card, other than duplicate, except as otherwise provided in section 171.07, subdivisions 3 and 3a				\$15.50 <u>\$16.25</u>

(b) Notwithstanding paragraph (a), an individual who holds a provisional license and has a driving record free of (1) convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, (2) convictions for crash-related moving violations, and (3) convictions for moving violations that are not crash related, shall have a \$3.50 credit toward the fee for any classified under-21 driver's license. "Moving violation" has the meaning given it in section 171.04, subdivision 1.

(c) In addition to the driver's license fee required under paragraph (a), the commissioner shall collect an additional \$4 processing fee from each new applicant or individual renewing a license with a school bus endorsement to cover the costs for processing an applicant's initial and biennial physical examination certificate. The department shall not charge these applicants any other fee to receive or renew the endorsement.

Sec. 6. Minnesota Statutes 2006, section 171.07, subdivision 3a, is amended to read:

Subd. 3a. **Identification cards for seniors.** A Minnesota identification card issued to an applicant 65 years of age or over shall be of a distinguishing color and plainly marked "senior." The fee for the card issued to an applicant 65 years of age or over shall be one-half the required fee for a class D driver's license rounded down to the nearest quarter dollar. A Minnesota identification card or a Minnesota driver's license issued to a person 65 years of age or over shall be valid identification for the purpose of qualifying for reduced rates, free licenses or services provided by any board, commission, agency or institution that is wholly or partially funded by state appropriations.

Sec. 7. Minnesota Statutes 2006, section 171.07, subdivision 11, is amended to read:

Subd. 11. **Standby or temporary custodian.** (a) Upon the written request of the applicant and upon payment of an additional fee of ~~\$3.50~~ \$4.25, the department shall issue a driver's license or Minnesota identification card bearing a symbol or other appropriate identifier indicating that the license holder has appointed an individual to serve as a standby or temporary custodian under chapter 257B.

(b) The request must be accompanied by a copy of the designation executed under section 257B.04.

(c) The department shall maintain a computerized records system of all individuals listed as standby or temporary custodians by driver's license and identification card applicants. This data must be released to appropriate law enforcement agencies under section 13.69. Upon a parent's request and payment of a fee of ~~\$3.50~~ \$4.25, the department shall revise its list of standby or temporary custodians to reflect a change in the appointment.

(d) At the request of the license or cardholder, the department shall cancel the standby or temporary custodian indication without additional charge. However, this paragraph does not prohibit a fee that may be applicable for a duplicate or replacement license or card, renewal of a license, or other service applicable to a driver's license or identification card.

(e) Notwithstanding sections 13.08, subdivision 1, and 13.69, the department and department employees are conclusively presumed to be acting in good faith when employees rely on statements made, in person or by telephone, by persons purporting to be law enforcement and subsequently release information described in paragraph (b). When acting in good faith, the department and department personnel are immune from civil liability and not subject to suit for damages resulting from the release of this information.

(f) The department and its employees:

(1) have no duty to inquire or otherwise determine whether a designation submitted under this subdivision is legally valid and enforceable; and

(2) are immune from all civil liability and not subject to suit for damages resulting from a claim that the designation was not legally valid and enforceable.

(g) Of the fees received by the department under this subdivision:

(1) Up to \$61,000 received must be deposited in the general fund.

(2) All other fees must be deposited in the driver services operating account in the special revenue fund specified in section 299A.705.

Sec. 8. Minnesota Statutes 2006, section 171.20, subdivision 4, is amended to read:

Subd. 4. **Reinstatement fee.** (a) Before the license is reinstated, (1) an individual whose driver's license has been suspended under section 171.16, subdivisions 2 and 3; 171.175; 171.18; or 171.182, or who has been disqualified from holding a commercial driver's license under section 171.165, and (2) an individual whose driver's license has been suspended under section 171.186 and who is not exempt from such a fee, must pay a fee of \$20.

(b) Before the license is reinstated, an individual whose license has been suspended under sections 169.791 to 169.798 must pay a \$20 reinstatement fee.

(c) When fees are collected by a licensing agent appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fee and surcharge must be deposited in an approved state depository as directed under section 171.061, subdivision 4.

(d) Reinstatement fees collected under paragraph (a) for suspensions under sections 171.16, subdivision 3, and 171.18, subdivision 1, clause (10), must be deposited in the special revenue fund and are appropriated to the Peace Officer Standards and Training Board for peace officer training reimbursement to local units of government.

(e) A suspension may be rescinded without fee for good cause.

Sec. 9. Minnesota Statutes 2006, section 299D.09, is amended to read:

299D.09 ESCORT SERVICE; APPROPRIATION; RECEIPTS.

Fees charged for escort services provided by the State Patrol are annually appropriated to the commissioner of public safety to administer and provide these services.

The fees charged for services provided by the State Patrol with a vehicle are \$73.60 an hour in fiscal year 2008 and \$75.76 an hour in fiscal year 2009 and thereafter. The fees charged for services provided without a vehicle are \$54.00 an hour in fiscal year 2008 and \$56.16 an hour in fiscal year 2009 and thereafter.

The fees charged for State Patrol flight services are \$140 an hour for a fixed wing aircraft, \$490 an hour for a helicopter, and \$600 an hour for the Queen Air."

Delete the title and insert:

"A bill for an act relating to appropriations; appropriating money for transportation, Metropolitan Council, and public safety activities; providing for fund transfers, general contingent accounts, and tort claims; authorizing sale and issuance of trunk highway bonds for highways and transit facilities; modifying provisions related to driver and vehicle services fees; modifying provisions relating to various transportation-related funds and accounts; providing sales tax exemption for commuter rail system; providing for treatment and deposit of proceeds of lease and sales taxes on motor vehicles; modifying formula for transit assistance to transit replacement service communities; amending Minnesota Statutes 2006, sections 16A.88; 161.04, subdivision 3; 168.017, subdivision 3; 168.12, subdivision 5; 168A.29, subdivision 1; 171.02, subdivision 3; 171.06, subdivision 2; 171.07, subdivisions 3a, 11; 171.20, subdivision 4; 297A.70, subdivision 2; 297A.71, by adding a subdivision; 297A.815, by adding a subdivision; 297A.94; 297B.09, subdivision 1; 299D.09; 473.388, subdivision 4; repealing Minnesota Statutes 2006, section 174.32."

Signed:

MARY LIZ HOLBERG
STEVE SVIGGUM

Hosch was excused for the remainder of today's session.

Holberg moved that the Minority Report on H. F. No. 946 be substituted for the Majority Report and that the Minority Report be now adopted.

A roll call was requested and properly seconded.

LAY ON THE TABLE

Sertich moved that the Minority Report on H. F. No. 946 be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Sertich motion and the roll was called. There were 81 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Anzelc	Doty	Juhnke	Mahoney	Paymar	Thao
Atkins	Faust	Kahn	Mariani	Pelowski	Thissen
Benson	Fritz	Kalin	Marquart	Peterson, A.	Tillberry
Bigham	Gardner	Knuth	Masin	Peterson, S.	Tschumper
Bly	Greiling	Koenen	Moe	Poppe	Wagenius
Brown	Hansen	Kranz	Morgan	Rukavina	Walker
Brynaert	Haws	Laine	Morrow	Ruud	Ward
Bunn	Hilstrom	Lenczewski	Mullery	Sailer	Welti
Carlson	Hilty	Lesch	Murphy, E.	Sertich	Winkler
Clark	Hornstein	Liebling	Murphy, M.	Simon	Wollschlager
Davnie	Hortman	Lieder	Nelson	Slawik	Spk. Kelliher
Dill	Huntley	Lillie	Norton	Slocum	
Dittrich	Jaros	Loeffler	Olin	Solberg	
Dominguez	Johnson	Madore	Otremba	Swails	

Those who voted in the negative were:

Abeler	DeLaForest	Garofalo	Howes	Peppin	Tingelstad
Anderson, B.	Demmer	Gottwalt	Kohls	Peterson, N.	Urdahl
Anderson, S.	Dettmer	Gunther	Magnus	Ruth	Wardlow
Beard	Eastlund	Hackbarth	McFarlane	Seifert	Westrom
Berns	Emmer	Hamilton	McNamara	Severson	Zellers
Buesgens	Erhardt	Heidgerken	Nornes	Simpson	
Cornish	Erickson	Holberg	Olson	Smith	
Dean	Finstad	Hoppe	Ozment	Sviggum	

The motion prevailed and the Minority Report on H. F. No. 946 was laid on the table.

The question recurred on the adoption of the Majority Report from the Committee on Ways and Means relating to H. F. No. 946.

A roll call was requested and properly seconded.

The question was taken on the adoption of the Majority Report from the Committee on Ways and Means relating to H. F. No. 946 and the roll was called. There were 81 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Anzelc	Carlson	Faust	Hornstein	Knuth	Lillie
Atkins	Clark	Fritz	Hortman	Koenen	Loeffler
Benson	Davnie	Gardner	Huntley	Kranz	Madore
Bigham	Dill	Greiling	Jaros	Laine	Mahoney
Bly	Dittrich	Hansen	Johnson	Lenczewski	Mariani
Brown	Dominguez	Haws	Juhnke	Lesch	Marquart
Brynaert	Doty	Hilstrom	Kahn	Liebling	Masin
Bunn	Erhardt	Hilty	Kalin	Lieder	Moe

Morgan	Norton	Peterson, S.	Simon	Thissen	Winkler
Morrow	Olin	Poppe	Slawik	Tillberry	Wollschlager
Mullery	Otremba	Rukavina	Slocum	Tschumper	Spk. Kelliher
Murphy, E.	Paymar	Ruud	Solberg	Wagenius	
Murphy, M.	Pelowski	Sailer	Swails	Walker	
Nelson	Peterson, A.	Sertich	Thao	Ward	

Those who voted in the negative were:

Abeler	DeLaForest	Gottwalt	Kohls	Peterson, N.	Urdahl
Anderson, B.	Demmer	Gunther	Magnus	Ruth	Wardlow
Anderson, S.	Dettmer	Hackbarth	McFarlane	Seifert	Wolti
Beard	Eastlund	Hamilton	McNamara	Severson	Westrom
Berns	Emmer	Heidgerken	Nornes	Simpson	Zellers
Buesgens	Erickson	Holberg	Olson	Smith	
Cornish	Finstad	Hoppe	Ozment	Sviggum	
Dean	Garofalo	Howes	Peppin	Tingelstad	

The Majority Report on H. F. No. 946 was adopted.

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

H. F. No. 958, A bill for an act relating to state government; providing deficiency funding for certain state agencies; appropriating money.

Reported the same back with the following amendments:

Page 1, after line 9, insert:

"State Government Special Revenue	192,000	192,000
Total	\$10,571,000	\$10,571,000"

Page 1, line 14, delete "chapter" and insert "chapters" and after "136" insert "and 156"

Page 2, delete section 6 and insert:

"Sec. 6. **PUBLIC SAFETY**

Subdivision 1. <u>Total Appropriation</u>	<u>\$1,299,000</u>
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Appropriations by Fund

2007

<u>General</u>	<u>1,107,000</u>
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<u>State Government</u>	
<u>Special Revenue</u>	<u>192,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. FEMA match

This appropriation is to provide matching funds for FEMA funds received for natural disaster assistance payments and is added to appropriations in Laws 2005, chapter 136, article 1, section 9, subdivision 2. This appropriation is available until June 30, 2008. This is a onetime appropriation.

Subd. 3. Parenting Time Centers

This appropriation is from the state government special revenue fund for parenting time centers as described in Minnesota Statutes, section 119A.37. \$96,000 of the appropriation is attributable to expenses incurred in fiscal year 2006 and \$96,000 is attributable to expenses incurred in fiscal year 2007."

Page 3, line 30, after the period, insert "This is a onetime appropriation."

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. 993, A bill for an act relating to building codes; requiring adoption of certain provisions relating to radon control; amending Minnesota Statutes 2006, section 16B.61, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 1072, A bill for an act relating to health; mortuary science; changing provisions dealing with mortuary science; amending Minnesota Statutes 2006, sections 149A.01, subdivisions 2, 3; 149A.02, subdivisions 2, 8, 11, 12, 13, 16, 19, 29, 33, 34, 36, 40, by adding subdivisions; 149A.03; 149A.20, subdivisions 1, 4, 6; 149A.40, subdivision 11; 149A.45, by adding subdivisions; 149A.50, subdivisions 2, 4; 149A.52, subdivision 4, by adding a subdivision; 149A.53, by adding a subdivision; 149A.63; 149A.70, subdivisions 1, 3, 5, 5a, 6, 7, 8, 9; 149A.71, subdivisions 2, 4; 149A.72, subdivision 4; 149A.74, subdivision 1; 149A.80, subdivisions 1, 2, 3; 149A.90, subdivisions 1, 3, 4, 5, 6, 7, 8; 149A.91, subdivisions 2, 3, 5, 6, 10; 149A.92, subdivisions 2, 6; 149A.93, subdivisions 1, 2, 3, 6, 8, by adding a subdivision; 149A.94, subdivisions 1, 3; 149A.95, subdivisions 2, 4, 6, 7, 9, 13, 14, 15, 20, by adding a subdivision; 149A.96, subdivision 1; repealing Minnesota Statutes 2006, sections 149A.93, subdivision 9; 149A.94, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 149A.01, subdivision 2, is amended to read:

Subd. 2. **Scope.** In Minnesota no person shall, without being licensed by the commissioner of health:

- (1) take charge of, or remove from the place of death, ~~or transport~~ a dead human body;
- (2) prepare a dead human body for final disposition, in any manner; or
- (3) arrange, direct, or supervise a funeral, memorial service, or graveside service.

Sec. 2. Minnesota Statutes 2006, section 149A.01, subdivision 3, is amended to read:

Subd. 3. **Exceptions to licensure.** (a) Except as otherwise provided in this chapter, nothing in this chapter shall in any way interfere with the duties of:

- (1) ~~an officer of any public institution;~~
- (2) (1) an officer of a medical college, county medical society, anatomical association, or anatomical bequest program located within an accredited school of medicine or an accredited college of mortuary science;
- (3) ~~a donee of an anatomical gift;~~
- (4) (2) a person engaged in the performance of duties prescribed by law relating to the conditions under which unclaimed dead human bodies are held subject to anatomical study;
- (5) (3) authorized personnel from a licensed ambulance service in the performance of their duties;
- (6) (4) licensed medical personnel in the performance of their duties; or
- (7) (5) the coroner or medical examiner in the performance of the duties of their offices.

(b) This chapter does not apply to or interfere with the recognized customs or rites of any culture or recognized religion in the final disposition ceremonial washing, dressing, and casketing of their dead, to the extent that ~~the all other~~ provisions of this chapter are inconsistent with the customs or rites complied with.

(c) Noncompensated persons ~~related by blood, adoption, or marriage to a decedent who chose to remove a body of a decedent from the place of death, transport the body, prepare the body for disposition, except embalming, or arrange for final disposition of the body are not required to be licensed, with the right to control the dead human body may remove a body from the place of death; transport the body; prepare the body for disposition, except embalming; or arrange for final disposition of the body,~~ provided that all actions are in compliance with this chapter.

(d) ~~Noncompensated persons acting pursuant to the lawful directive of a decedent who remove a body of the decedent from the place of death, transport the body, prepare the body for disposition, except embalming, or arrange for final disposition of the body are not required to be licensed, provided that all actions are otherwise in compliance with this chapter.~~

(e) (d) Persons serving internships pursuant to section 149A.20, subdivision 6, or students officially registered for a practicum or clinical through an a program of mortuary science accredited college or university or a college of funeral service education accredited by the American Board of Funeral Service Education are not required to be licensed, provided that the persons or students are registered with the commissioner and act under the direct and exclusive supervision of a person holding a current license to practice mortuary science in Minnesota.

(f) (e) Notwithstanding this subdivision, nothing in this section shall be construed to prohibit an institution or entity from establishing, implementing, or enforcing a policy that permits only persons licensed by the commissioner to remove or cause to be removed a dead body or body part from the institution or entity.

(f) An unlicensed person may arrange for and direct or supervise a memorial service after final disposition of the dead human body has taken place. An unlicensed person may not take charge of the dead human body, however an unlicensed person may arrange for and direct or supervise a memorial service before final disposition of the dead human body has taken place.

Sec. 3. Minnesota Statutes 2006, section 149A.02, subdivision 2, is amended to read:

Subd. 2. **Alternative container.** "Alternative container" means a rigid nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of dead human bodies and is made of corrugated cardboard, fiberboard, pressed-wood, composition materials, with or without an outside covering, or other like materials.

Sec. 4. Minnesota Statutes 2006, section 149A.02, is amended by adding a subdivision to read:

Subd. 5a. **Clinical student.** "Clinical student" means a person officially registered for a clinical through a program of mortuary science accredited by the American Board of Funeral Service Education.

Sec. 5. Minnesota Statutes 2006, section 149A.02, subdivision 8, is amended to read:

Subd. 8. **Cremated remains container.** "Cremated remains container" means a receptacle in which postcremation remains are placed. For purposes of this chapter, "cremated remains container" is interchangeable with "urn" or similar keepsake storage jewelry.

Sec. 6. Minnesota Statutes 2006, section 149A.02, subdivision 11, is amended to read:

Subd. 11. **Cremation container.** "Cremation container" means a rigid, combustible, closed container resistant to the leakage of bodily fluids into which that encases the body and can be made of materials like fiberboard, or corrugated cardboard and into which a dead human body is placed prior to insertion into a cremation chamber for cremation. Cremation containers may be combustible "alternative containers" or combustible "caskets."

Sec. 7. Minnesota Statutes 2006, section 149A.02, subdivision 12, is amended to read:

Subd. 12. **Crematory.** "Crematory" means a building or structure containing one or more cremation chambers or retorts for the cremation of dead human bodies ~~or any person that performs cremations.~~

Sec. 8. Minnesota Statutes 2006, section 149A.02, subdivision 13, is amended to read:

Subd. 13. **Direct cremation.** "Direct cremation" means a final disposition of a dead human body by cremation, without formal viewing, visitation, or ceremony with the body present.

Sec. 9. Minnesota Statutes 2006, section 149A.02, is amended by adding a subdivision to read:

Subd. 13a. **Direct supervision.** "Direct supervision" means overseeing the performance of an individual. For the purpose of a clinical, practicum, or internship, direct supervision means that the supervisor is available to observe and correct, as needed, the performance of the trainee. The mortician supervisor is accountable for the actions of the clinical student, practicum student, or intern throughout the course of the training. The supervising mortician is accountable for any violations of law or rule, in the performance of their duties, by the clinical student, practicum student, or intern.

Sec. 10. Minnesota Statutes 2006, section 149A.02, subdivision 16, is amended to read:

Subd. 16. **Final disposition.** "Final disposition" means the acts leading to and the entombment, burial in a cemetery, or cremation of a dead human body.

Sec. 11. Minnesota Statutes 2006, section 149A.02, subdivision 33, is amended to read:

Subd. 33. **Practicum student.** "Practicum student" means a person officially registered for a practicum through ~~an a program of mortuary science accredited college or university or a college of funeral service education accredited~~ by the American Board of Funeral Service Education.

Sec. 12. Minnesota Statutes 2006, section 149A.02, subdivision 34, is amended to read:

Subd. 34. **Preparation of the body.** "Preparation of the body" means embalming of the body or such items of care as washing, disinfecting, shaving, positioning of features, restorative procedures, ~~care of hair,~~ application of cosmetics, dressing, and casketing.

Sec. 13. Minnesota Statutes 2006, section 149A.02, is amended by adding a subdivision to read:

Subd. 37b. **Refrigeration.** "Refrigeration" means to preserve by keeping cool at a temperature of 40 degrees Fahrenheit or less using mechanical or natural means.

Sec. 14. Minnesota Statutes 2006, section 149A.03, is amended to read:

149A.03 DUTIES OF COMMISSIONER.

The commissioner shall:

(1) enforce all laws and adopt and enforce rules relating to the:

(i) removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies;

(ii) licensure and professional conduct of funeral directors, morticians, ~~and~~ interns, practicum students, and clinical students;

(iii) licensing and operation of a funeral establishment; and

(iv) licensing and operation of a crematory;

(2) provide copies of the requirements for licensure and permits to all applicants;

- (3) administer examinations and issue licenses and permits to qualified persons and other legal entities;
- (4) maintain a record of the name and location of all current licensees and interns;
- (5) perform periodic compliance reviews and premise inspections of licensees;
- (6) accept and investigate complaints relating to conduct governed by this chapter;
- (7) maintain a record of all current preneed arrangement trust accounts;
- (8) maintain a schedule of application, examination, permit, and licensure fees, initial and renewal, sufficient to cover all necessary operating expenses;
- (9) educate the public about the existence and content of the laws and rules for mortuary science licensing and the removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies to enable consumers to file complaints against licensees and others who may have violated those laws or rules;
- (10) evaluate the laws, rules, and procedures regulating the practice of mortuary science in order to refine the standards for licensing and to improve the regulatory and enforcement methods used; and
- (11) initiate proceedings to address and remedy deficiencies and inconsistencies in the laws, rules, or procedures governing the practice of mortuary science and the removal, preparation, transportation, arrangements for disposition, and final disposition of dead human bodies.

Sec. 15. Minnesota Statutes 2006, section 149A.20, subdivision 1, is amended to read:

Subdivision 1. **License required.** Except as provided in section 149A.01, subdivision 3, any person who takes charge of, or removes from the place of death, ~~or transports~~ a dead human body, or prepares a dead human body for final disposition in any manner, or arranges, directs, or supervises a funeral, memorial service, or graveside service must possess a valid license to practice mortuary science issued by the commissioner. A funeral establishment may provide a nonlicensed individual to direct or supervise a memorial service provided they disclose that information to the person or persons with the authority to make the funeral arrangement as provided in section 149A.80.

Sec. 16. Minnesota Statutes 2006, section 149A.20, subdivision 4, is amended to read:

Subd. 4. **Educational requirements.** ~~(a) Effective on January 1, 1999,~~ The person shall have:

- (1) received a bachelor of science degree with a major in mortuary science from an accredited college or university;
- (2) received a bachelor of science or arts degree from an accredited college or university and completed a separate course of study in mortuary science from a college of funeral service education accredited by the American Board of Funeral Service Education; or
- (3) completed credit hours at accredited colleges or universities that in the numerical aggregate and distribution are the functional equivalent of a bachelor of arts or science degree and have completed a separate course of study in mortuary science from a college of funeral service education program of mortuary science accredited by the American Board of Funeral Service Education.

~~(b) In the interim, from July 1, 1997, to December 31, 1998, the educational requirements for initial licensure shall be:~~

~~(1) successful completion of at least 60 semester credit hours or 90 quarter credit hours at an accredited college or university with the following minimum credit distribution:~~

~~(i) communications, including speech and English; 12 quarter hours or nine semester hours;~~

~~(ii) social science, including an introductory course in sociology and psychology; 20 quarter hours or 12 semester hours;~~

~~(iii) natural science, including general or inorganic chemistry and biology; 20 quarter hours or 12 semester hours;~~

~~(iv) health education, including personal or community health; three quarter hours or two semester hours; and~~

~~(v) elective areas; 35 quarter hours or 25 semester hours; and~~

~~(2) successful completion of a separate course of study in mortuary science from a college of funeral service education accredited by the American Board of Funeral Service Education.~~

Sec. 17. Minnesota Statutes 2006, section 149A.20, subdivision 6, is amended to read:

Subd. 6. **Internship.** (a) A person who attains a passing score on both examinations in subdivision 5 must complete a registered internship under the direct supervision of an individual currently licensed to practice mortuary science in Minnesota. Interns must file with the commissioner:

(1) the appropriate fee; and

(2) a registration form indicating the name and home address of the intern, the date the internship begins, and the name, license number, and business address of the supervising mortuary science licensee.

(b) Any changes in information provided in the registration must be immediately reported to the commissioner. The internship shall be a minimum of one calendar year and a maximum of three calendar years in duration; however, the commissioner may waive up to three months of the internship time requirement upon satisfactory completion of ~~the~~ a clinical or practicum in mortuary science administered through the program of mortuary science of the University of Minnesota or a substantially similar program. Registrations must be renewed on an annual basis if they exceed one calendar year. During the internship period, the intern must be under the direct ~~and exclusive~~ supervision of a person holding a current license to practice mortuary science in Minnesota. An intern may be registered under only one licensee at any given time and may be directed and supervised only by the registered licensee. The registered licensee shall have only one intern registered at any given time. The commissioner shall issue to each registered intern a registration permit that must be displayed with the other establishment and practice licenses. While under the direct ~~and exclusive~~ supervision of the licensee, the intern must actively participate in the embalming of at least 25 dead human bodies and in the arrangements for and direction of at least 25 funerals. Case reports, on forms provided by the commissioner, shall be completed by the intern, signed by the supervising licensee, and filed with the commissioner for at least 25 embalming and funerals in which the intern participates. Information contained in these reports that identifies the subject or the family of the subject embalmed or the subject or the family of the subject of the funeral shall be classified as licensing data under section 13.41, subdivision 2.

Sec. 18. Minnesota Statutes 2006, section 149A.40, subdivision 11, is amended to read:

Subd. 11. **Continuing education.** The commissioner may, ~~upon presentation of an appropriate program of continuing education developed by the Minnesota Funeral Directors Association,~~ require continuing education hours for renewal of a license to practice mortuary science.

Sec. 19. Minnesota Statutes 2006, section 149A.45, is amended by adding a subdivision to read:

Subd. 6. **Fees.** The renewal fees shall be paid to the commissioner of finance and shall be credited to the state government special revenue fund in the state treasury.

Sec. 20. Minnesota Statutes 2006, section 149A.45, is amended by adding a subdivision to read:

Subd. 7. **Reinstatement.** After one year a person who registers under this section may reapply meeting current requirements for licensure listed in section 149A.20.

Sec. 21. Minnesota Statutes 2006, section 149A.50, subdivision 2, is amended to read:

Subd. 2. **Requirements for funeral establishment.** A funeral establishment licensed under this section must ~~contain:~~

(1) contain a preparation and embalming room as described in section 149A.92; ~~and~~

(2) contain office space for making arrangements; ~~and~~

(3) comply with applicable local and state building codes, zoning laws, and ordinances.

Sec. 22. Minnesota Statutes 2006, section 149A.50, subdivision 4, is amended to read:

Subd. 4. **Nontransferability of license.** A license to operate a funeral establishment is not assignable or transferable and shall not be valid for any person other than the one named. Each license issued to operate a funeral establishment is valid only for the location identified on the license. A 50 percent or more change in ownership or location of the funeral establishment automatically terminates the license. Separate licenses shall be required of two or more persons or other legal entities operating from the same location.

Sec. 23. Minnesota Statutes 2006, section 149A.52, subdivision 4, is amended to read:

Subd. 4. **Nontransferability of license.** A license to operate a crematory is not assignable or transferable and shall not be valid for any person other than the one named. Each license issued to operate a crematory is valid only for the location identified on the license. A 50 percent or more change in ownership or location of the crematory automatically terminates the license. Separate licenses shall be required of two or more persons or other legal entities operating from the same location.

Sec. 24. Minnesota Statutes 2006, section 149A.52, is amended by adding a subdivision to read:

Subd. 5a. **Initial licensure and inspection fees.** The licensure and inspection fees shall be paid to the commissioner of finance and shall be credited to the state government special revenue fund in the state treasury.

Sec. 25. Minnesota Statutes 2006, section 149A.53, is amended by adding a subdivision to read:

Subd. 9. **Renewal and reinspection fees.** The renewal and reinspection fees shall be paid to the commissioner of finance and shall be credited to the state government special revenue fund in the state treasury.

Sec. 26. Minnesota Statutes 2006, section 149A.63, is amended to read:

149A.63 PROFESSIONAL COOPERATION.

A licensee, clinical student, practicum student, intern, or applicant for licensure under this chapter that is the subject of or part of an inspection or investigation by the commissioner or the commissioner's designee shall cooperate fully with the inspection or investigation. Failure to cooperate constitutes grounds for disciplinary action under this chapter.

Sec. 27. Minnesota Statutes 2006, section 149A.70, subdivision 1, is amended to read:

Subdivision 1. **Use of titles.** Only a person holding a valid license to practice mortuary science issued by the commissioner may use the title of mortician, funeral director, or any other title implying that the licensee is engaged in the business or practice of mortuary science. Only the holder of a valid license to operate a funeral establishment issued by the commissioner may use the title of funeral home, funeral chapel, funeral service, or any other title, word, or term implying that the licensee is engaged in the business or practice of mortuary science. Only the holder of a valid license to operate a crematory issued by the commissioner may use the title of crematory, crematorium, or any other title, word, or term implying that the licensee operates a crematory or crematorium.

Sec. 28. Minnesota Statutes 2006, section 149A.70, subdivision 3, is amended to read:

Subd. 3. **Advertising.** No licensee, clinical student, practicum student, or intern shall publish or disseminate false, misleading, or deceptive advertising. False, misleading, or deceptive advertising includes, but is not limited to:

(1) identifying, by using the names or pictures of, persons who are not licensed to practice mortuary science in a way that leads the public to believe that those persons will provide mortuary science services;

(2) using any name other than the names under which the funeral establishment or crematory is known to or licensed by the commissioner;

(3) using a surname not directly, actively, or presently associated with a licensed funeral establishment or crematory, unless the surname had been previously and continuously used by the licensed funeral establishment or crematory; and

(4) using a founding or establishing date or total years of service not directly or continuously related to a name under which the funeral establishment or crematory is currently or was previously licensed.

Any advertising or other printed material that contains the names or pictures of persons affiliated with a funeral establishment or crematory shall state the position held by the persons and shall identify each person who is licensed or unlicensed under this chapter.

Sec. 29. Minnesota Statutes 2006, section 149A.70, subdivision 5, is amended to read:

Subd. 5. **Reimbursement prohibited.** No licensee, clinical student, practicum student, or intern shall offer, solicit, or accept a commission, fee, bonus, rebate, or other reimbursement in consideration for recommending or causing a dead human body to be disposed of ~~in~~ by a specific body donation program, funeral establishment, crematory, mausoleum, or cemetery.

Sec. 30. Minnesota Statutes 2006, section 149A.70, subdivision 5a, is amended to read:

Subd. 5a. **Solicitations prohibited in certain situations.** No funeral provider or whole body donation program may directly or indirectly:

(1) call upon an individual at a grave site, in a hospital, nursing home, hospice, or similar institution or facility, or at a visitation, wake, or reviewal for the purpose of soliciting the sale of funeral goods, funeral services, burial site goods, or burial site services or for the purpose of making arrangements for a funeral or the final disposition of a dead human body, without a specific request for solicitation from that individual;

(2) solicit the sale of funeral goods, funeral services, burial site goods, or burial site services from an individual whose impending death is readily apparent, without a specific request for solicitation from that individual; or

(3) engage in ~~telephone~~ solicitation of an individual who has the right to control the final disposition of a dead human body within ten days after the death of the individual whose body is being disposed, without a specific request for solicitation from that individual.

This subdivision does not apply to communications between an individual and a funeral provider who is related to the individual by blood, adoption, or marriage.

Sec. 31. Minnesota Statutes 2006, section 149A.70, subdivision 6, is amended to read:

Subd. 6. **Use of unlicensed personnel; interns; and practicum students.** Except as otherwise provided in this chapter, a licensed funeral establishment may not employ unlicensed personnel to perform the duties of a funeral director or mortician ~~so long as the unlicensed personnel act under the direct supervision of an individual holding a current license to practice mortuary science in Minnesota and all applicable provisions of this chapter are followed. It is the duty of the licensees, individual or establishment, to provide proper training for all unlicensed personnel, and the licensees shall be strictly accountable for compliance with this chapter. This subdivision does not apply to registered interns who are under the direct and exclusive supervision of a registered licensee or a student duly registered for a practicum through an accredited college or university or a college of funeral service education accredited by the American Board of Funeral Service Education.~~ A licensee may be personally assisted by a nonlicensed employee when removing a dead human body from the place of death and in the lifting of a dead human body at the funeral establishment. The nonlicensed employee must be in the immediate physical presence of the licensee in charge at all times. The funeral establishment and the individual licensee are responsible for compliance and training of the nonlicensed employee outlined in sections 149A.90, subdivision 6, and 149A.92, subdivisions 7 and 10, and shall be fully accountable for all actions of the nonlicensed employee.

Sec. 32. Minnesota Statutes 2006, section 149A.70, subdivision 7, is amended to read:

Subd. 7. **Unprofessional conduct.** No licensee or intern shall engage in or permit others under the licensee's or intern's supervision or employment to engage in unprofessional conduct. Unprofessional conduct includes, but is not limited to:

(1) harassing, abusing, or intimidating a customer, employee, or any other person encountered while within the scope of practice, employment, or business;

(2) using profane, indecent, or obscene language within the immediate hearing of the family or relatives of the deceased;

(3) failure to treat with dignity and respect the body of the deceased, any member of the family or relatives of the deceased, any employee, or any other person encountered while within the scope of practice, employment, or business;

(4) the habitual overindulgence in the use of or dependence on intoxicating liquors, prescription drugs, over-the-counter drugs, illegal drugs, or any other mood altering substances that substantially impair a person's work-related judgment or performance;

(5) revealing personally identifiable facts, data, or information about a decedent, customer, member of the decedent's family, or employee acquired in the practice or business without the prior consent of the individual, except as authorized by law;

(6) intentionally misleading or deceiving any customer in the sale of any goods or services provided by the licensee;

(7) knowingly making a false statement in the procuring, preparation, or filing of any required permit or document; or

(8) knowingly making a false statement on a record of death.

Sec. 33. Minnesota Statutes 2006, section 149A.70, subdivision 8, is amended to read:

Subd. 8. **Disclosure of ownership.** All funeral establishments and funeral providers must clearly state by whom they are owned ~~in~~ on all price lists, business literature, stationary, Web sites, correspondence, and contracts. This subdivision does not apply to envelopes, business cards, newspaper advertisements, telephone book advertisements, billboard advertisements, or radio and television advertisements.

Sec. 34. Minnesota Statutes 2006, section 149A.70, subdivision 9, is amended to read:

Subd. 9. **Disclosure of change of ownership.** (a) Within 15 days of a change in ownership of a funeral establishment or funeral provider, the funeral establishment or funeral provider shall notify all preneed consumers by first class mail of the change in ownership. The notification shall advise the preneed consumers of their right to transfer all preneed trust funds to a new funeral provider and shall advise all preneed consumers who have revocable preneed trusts of their right to terminate the trust and receive a refund of all principal paid into the trust, plus interest accrued.

(b) For purposes of this subdivision:

(1) "change in ownership" means:

(i) the sale or transfer of ~~all or substantially all~~ 50 percent or more of the controlling interest or assets of a funeral establishment or funeral provider;

(ii) the sale or transfer of a controlling interest of a funeral establishment or funeral provider; or

(iii) the termination of the business of a funeral establishment or funeral provider where there is no transfer of assets or stock; and

(2) "controlling interest" means:

(i) an interest in a partnership of greater than 50 percent; or

(ii) greater than 50 percent of the issued and outstanding shares of a stock of a corporation.

Sec. 35. Minnesota Statutes 2006, section 149A.71, subdivision 2, is amended to read:

Subd. 2. **Preventive requirements.** (a) To prevent unfair or deceptive acts or practices, the requirements of this subdivision must be met.

(b) Funeral providers must tell persons who ask by telephone about the funeral provider's offerings or prices any accurate information from the price lists described in paragraphs (c) to (e) and any other readily available information that reasonably answers the questions asked.

(c) Funeral providers must make available for viewing to people who inquire in person about the offerings or prices of funeral goods or burial site goods, separate printed or typewritten price lists using a ten-point font or larger. Each funeral provider must have a separate price list for each of the following types of goods that are sold or offered for sale:

- (1) caskets;
- (2) alternative containers;
- (3) outer burial containers;
- (4) cremation containers ~~and~~;
- (5) cremated remains containers;
- ~~(5)~~ (6) markers; and
- ~~(6)~~ (7) headstones.

(d) Each separate price list must contain the name of the funeral provider's place of business, address, and telephone number and a caption describing the list as a price list for one of the types of funeral goods or burial site goods described in paragraph (c), clauses (1) to ~~(6)~~ (7). The funeral provider must offer the list upon beginning discussion of, but in any event before showing, the specific funeral goods or burial site goods and must provide a photocopy of the price list, for retention, if so asked by the consumer. The list must contain, at least, the retail prices of all the specific funeral goods and burial site goods offered which do not require special ordering, enough information to identify each, and the effective date for the price list. ~~In lieu of a written price list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, and display it in a clear and conspicuous manner.~~ However, funeral providers are not required to make a specific price list available if the funeral providers place the information required by this paragraph on the general price list described in paragraph (e).

(e) Funeral providers must give a printed ~~or typewritten~~ price list, for retention, to persons who inquire in person about the funeral goods, funeral services, burial site goods, or burial site services or prices offered by the funeral provider. The funeral provider must give the list upon beginning discussion of either the prices of or the overall type of funeral service or disposition or specific funeral goods, funeral services, burial site goods, or burial site services offered by the provider. This requirement applies whether the discussion takes place in the funeral establishment or elsewhere. However, when the deceased is removed for transportation to the funeral establishment, an in-person request for authorization to embalm does not, by itself, trigger the requirement to offer the general price list. If the provider, in making an in-person request for authorization to embalm, discloses that embalming is not required by law except in certain special cases, the provider is not required to offer the general price list. Any other discussion during that time about prices or the selection of funeral goods, funeral services, burial site goods, or burial site services triggers the requirement to give the consumer a general price list. The general price list must contain the following information:

- (1) the name, address, and telephone number of the funeral provider's place of business;
- (2) a caption describing the list as a "general price list";
- (3) the effective date for the price list;
- (4) the retail prices, in any order, expressed either as a flat fee or as the prices per hour, mile, or other unit of computation, and other information described as follows:
 - (i) forwarding of remains to another funeral establishment, together with a list of the services provided for any quoted price;
 - (ii) receiving remains from another funeral establishment, together with a list of the services provided for any quoted price;
 - (iii) separate prices for each cremation offered by the funeral provider, with the price including an alternative or cremation container, any crematory charges, and a description of the services and container included in the price, where applicable, and the price of cremation where the purchaser provides the container;
 - (iv) separate prices for each immediate burial offered by the funeral provider, including a casket or alternative container, and a description of the services and container included in that price, and the price of immediate burial where the purchaser provides the casket or alternative container;
 - (v) transfer of remains to the funeral establishment;
 - (vi) embalming;
 - (vii) other preparation of the body;
 - (viii) use of facilities, equipment, or staff for viewing;
 - (ix) use of facilities, equipment, or staff for funeral ceremony;
 - (x) use of facilities, equipment, or staff for memorial service;
 - (xi) use of equipment or staff for graveside service;
 - (xii) hearse or funeral coach;
 - (xiii) limousine; and
 - (xiv) separate prices for all cemetery-specific goods and services, including all goods and services associated with interment and burial site goods and services and excluding markers and headstones;
- (5) the price range for the caskets offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or casket sale location." or the prices of individual caskets, as disclosed in the manner described in paragraphs (c) and (d);
- (6) the price range for the alternative containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or alternative container sale location." or the prices of individual alternative containers, as disclosed in the manner described in paragraphs (c) and (d);

(7) the price range for the outer burial containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or outer burial container sale location." or the prices of individual outer burial containers, as disclosed in the manner described in paragraphs (c) and (d);

(8) the price range for the cremation containers ~~and cremated remains containers~~ offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or cremation container sale location." or the prices of individual cremation containers and cremated remains containers, as disclosed in the manner described in paragraphs (c) and (d);

(9) the price range for the cremated remains containers offered by the funeral provider, together with the statement, "A complete price list will be provided at the funeral establishment or cremation container sale location," or the prices of individual cremation containers as disclosed in the manner described in paragraphs (c) and (d);

(10) the price for the basic services of funeral provider and staff, together with a list of the principal basic services provided for any quoted price and, if the charge cannot be declined by the purchaser, the statement "This fee for our basic services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)" If the charge cannot be declined by the purchaser, the quoted price shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." This services fee is the only funeral provider fee for services, facilities, or unallocated overhead permitted by this subdivision to be nondeclinable, unless otherwise required by law;

~~(10) if the price for basic services, as described in clause (9), is not applicable, the statement "Please note that a fee for the use of our basic services is included in the price of our caskets. Our services include (specify services provided)." The fee shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." The statement must be placed on the general price list, together with the casket price range or the prices of individual caskets. This services fee is the only funeral provider fee for services, facilities, or unallocated overhead permitted by this subdivision to be nondeclinable, unless otherwise required by law; and~~

(11) the price range for the markers and headstones offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or marker or headstone sale location." or the prices of individual markers and headstones, as disclosed in the manner described in paragraphs (c) and (d); and

(12) any package priced funerals offered must be listed in addition to and following the information required in paragraph (e) and must clearly state the funeral goods and services being offered, the price being charged for those goods and services, and the discounted savings.

(f) Funeral providers must give an itemized written statement, for retention, to each consumer who arranges an at-need funeral or other disposition of human remains at the conclusion of the discussion of the arrangements. The itemized written statement must be signed by the consumer selecting the goods and services as required in section 149A.80. If the statement is provided at by a funeral establishment, the statement must be signed by the licensed funeral director or mortician planning the arrangements. If the statement is provided by any other funeral provider, the statement must be signed by an authorized agent of the funeral provider. The statement must list the funeral goods, funeral services, burial site goods, or burial site services selected by that consumer and the prices to be paid for each item, specifically itemized cash advance items (these prices must be given to the extent then known or reasonably ascertainable if the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid), and the total cost of goods and services selected. ~~The information required by this paragraph may be included on any contract, statement, or other document which the funeral provider would otherwise provide at the conclusion of discussion of arrangements.~~ At the conclusion of an at-need arrangement, the funeral provider is required to give the consumer a copy of the signed itemized written contract that must contain the information required in this paragraph.

~~(g) Funeral providers must give any other price information, in any other format, in addition to that required by paragraphs (c) to (e) so long as the written statement required by paragraph (f) is given when required.~~

~~(h)~~ (g) Upon receiving actual notice of the death of an individual with whom a funeral provider has entered a preneed funeral agreement, the funeral provider must provide a copy of all preneed funeral agreement documents to the person who controls final disposition of the human remains or to the designee of the person controlling disposition. The person controlling final disposition shall be provided with these documents at the time of the person's first in-person contact with the funeral provider, if the first contact occurs in person at a funeral establishment, crematory, or other place of business of the funeral provider. If the contact occurs by other means or at another location, the documents must be provided within 24 hours of the first contact.

Sec. 36. Minnesota Statutes 2006, section 149A.71, subdivision 4, is amended to read:

Subd. 4. **Casket, alternate container, and cremation container sales; records; required disclosures.** Any funeral provider who sells or offers to sell a casket, alternate container, or cremation container, or cremated remains container to the public must maintain a record of each sale that includes the name of the purchaser, the purchaser's mailing address, the name of the decedent, the date of the decedent's death, and the place of death. These records shall be open to inspection by the regulatory agency ~~and reported to the commissioner~~. Any funeral provider selling a casket, alternate container, or cremation container to the public, and not having charge of the final disposition of the dead human body, shall ~~enclose within the casket, alternate container, or cremation container information provided by the commissioner that includes a blank record of death, and~~ provide a copy of the statutes and rules controlling the removal, preparation, transportation, arrangements for disposition, and final disposition of a dead human body. This subdivision does not apply to morticians, funeral directors, funeral establishments, crematories, or wholesale distributors of caskets, alternate containers, or cremation containers.

Sec. 37. Minnesota Statutes 2006, section 149A.72, subdivision 4, is amended to read:

Subd. 4. **Casket for cremation provision; preventive measures.** To prevent deceptive acts or practices, funeral providers must place the following disclosure in immediate conjunction with the prices shown for cremations: "Minnesota law does not require you to purchase a casket for cremation. If you want to arrange a cremation, you can use a cremation container. A cremation container is a rigid, combustible, closed container resistant to the leakage of bodily fluids, that encases the body and can be made of materials like fiberboard or composition materials (with or without an outside covering) corrugated cardboard and into which a dead human body is placed prior to insertion into a cremation chamber for cremation. The containers we provide are (specify containers provided)." This disclosure is required only if the funeral provider arranges direct cremations.

Sec. 38. Minnesota Statutes 2006, section 149A.74, subdivision 1, is amended to read:

Subdivision 1. **Services provided without prior approval; deceptive acts or practices.** In selling or offering to sell funeral goods or funeral services to the public, it is a deceptive act or practice for any funeral provider to embalm a dead human body unless state or local law or regulation requires embalming in the particular circumstances regardless of any funeral choice which might be made, or prior approval for embalming has been obtained from an individual legally authorized to make such a decision, ~~or the funeral provider is unable to contact the legally authorized individual after exercising due diligence, has no reason to believe the legally authorized individual does not want embalming performed, and obtains subsequent approval for embalming already performed.~~ In seeking approval to embalm, the funeral provider must disclose that embalming is not required by law except in certain circumstances; that a fee will be charged if a funeral is selected which requires embalming, such as a funeral with viewing; and that no embalming fee will be charged if the family selects a service which does not require embalming, such as direct cremation or immediate burial.

Sec. 39. Minnesota Statutes 2006, 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, either by oral or written instructions. A person may arrange for the preparation, type of service, and place of final disposition in advance of need with a funeral establishment by written instructions that are dated, signed, and notarized or witnessed. 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. 40. Minnesota Statutes 2006, section 149A.80, subdivision 2, is amended to read:

Subd. 2. **Determination of right to control and duty of disposition.** The right to control the disposition of the remains of a deceased person, including the location and conditions of final disposition, unless other directions have been given by the decedent pursuant to subdivision 1, vests in, and the duty of final disposition of the body devolves upon, the following in the order named:

(1) the person or persons appointed in a dated written instrument signed by the decedent. Written instrument includes, but is not limited to, a health care directive executed under chapter 145C. Written instrument does not include a durable or nondurable power of attorney which terminates on the death of the principal pursuant to sections 523.08 and 523.09;

(2) the surviving, legally recognized spouse;

(3) a majority of the surviving biological or adopted child or children of the decedent over the age of majority, provided that, in the absence of actual knowledge to the contrary, a funeral director or mortician may rely on instructions given by the child or children who represent that they are the sole surviving child, or that they constitute a majority of the surviving children;

(4) the surviving parent or parents of the decedent each having equal authority;

(5) a majority of the surviving biological or adopted sibling or siblings of the decedent over the age of majority, provided that, in the absence of actual knowledge to the contrary, a funeral director or mortician may rely on instructions given by the sibling or siblings who represent that they are the sole surviving sibling, or that they constitute a majority of the surviving siblings;

(6) the person or persons respectively in the next degree of kinship in the order named by law to inherit the estate of the decedent; and

(7) the appropriate public or court authority, as required by law.

For purposes of this subdivision, the appropriate public or court authority includes the county board of the county in which the death occurred if the person dies without apparent financial means to provide for final disposition or the district court in the county in which the death occurred.

Sec. 41. Minnesota Statutes 2006, section 149A.80, subdivision 3, is amended to read:

Subd. 3. **Estranged persons.** An estranged person gives up their rights according to subdivision 2, clauses (1) to (6). Where there is only one person in a degree of relationship to the decedent described in subdivision 2, clauses (1) to (6), and a district court pursuant to subdivision 5, determines that the person and the decedent were estranged at the time of death, the right to control and the duty of disposition shall devolve to the person or persons in the next degree of relationship pursuant to subdivision 2, clauses (1) to (6). For purposes of this subdivision, "estranged" means having a relationship characterized by mutual enmity, hostility, or indifference.

Sec. 42. Minnesota Statutes 2006, section 149A.90, subdivision 1, is amended to read:

Subdivision 1. **Death record.** (a) Except as provided in this section, a death record must be completed and filed for every known death by the mortician, funeral director, or other person lawfully in charge of the final disposition of the body.

(b) If the body is that of an individual whose identity is unknown, the person in charge of the final disposition of the body must notify the commissioner for purposes of compliance with section 144.05, subdivision 4.

Sec. 43. Minnesota Statutes 2006, section 149A.90, subdivision 3, is amended to read:

Subd. 3. **Referrals to coroner or medical examiner.** ~~The mortician, funeral director, or other person lawfully in charge of the disposition of the body shall notify the coroner or medical examiner before moving a body from the site of death in any case:~~

~~(1) where the person is unable to obtain firm assurance from the physician in attendance that the medical certification will be signed;~~

~~(2) when circumstances suggest that the death was caused by other than natural causes;~~

~~(3) where deaths occur under mysterious or unusual circumstances;~~

~~(4) where there is a violent death, whether homicidal, suicidal, or accidental, including but not limited to: thermal, chemical, electrical, or radiational injury; and deaths due to criminal abortion, whether self-induced or not;~~

~~(5) where the body is to be disposed of in some manner which prevents later examination, including but not limited to, cremation, dissection, or burial at sea; or~~

~~(6) when the decedent was an inmate of a public institution who was not hospitalized for organic disease. Referrals to the coroner or medical examiner are outlined in section 390.11.~~

Sec. 44. Minnesota Statutes 2006, section 149A.90, subdivision 4, is amended to read:

Subd. 4. **Documentation Certificate of removal.** No dead human body shall be removed from the place of death by a mortician or funeral director without the completion of a certificate of removal certification and, where possible, presentation of a copy of that ~~certification~~ certificate to the person or a representative of the legal entity with physical or legal custody of the body at the death site. ~~The certificate of removal certification may shall be on a form in the format~~ provided by the commissioner ~~or on any other form~~ that contains, at least, the following information:

(1) the name of the deceased, if known;

- (2) the date and time of removal;
- (3) a brief listing of the type and condition of any personal property removed with the body;
- (4) the location to which the body is being taken;
- (5) the name, business address, and license number of the individual making the removal; and
- (6) the signatures of the individual making the removal and, where possible, the individual or representative of the legal entity with physical or legal custody of the body at the death site.

Sec. 45. Minnesota Statutes 2006, section 149A.90, subdivision 5, is amended to read:

Subd. 5. **Retention of ~~documentation~~ certificate of removal.** A copy of the certificate of removal ~~certification~~ shall be given, where possible, to the person or representative of the legal entity having physical or legal custody of the body at the death site. The original certificate of removal ~~certification~~ shall be retained by the individual making the removal and shall be kept on file, at the funeral establishment ~~or crematory~~ to which the body was taken, for a period of three calendar years following the date of the removal. Following this period, and subject to any other laws requiring retention of records, the funeral establishment ~~or crematory~~ may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of ten calendar years from the date of the removal of the body. At the end of this period and subject to any other laws requiring retention of records, the funeral establishment ~~or crematory~~ may destroy the records by shredding, incineration, or any other manner that protects the privacy of the individuals identified in the records.

Sec. 46. Minnesota Statutes 2006, section 149A.90, subdivision 6, is amended to read:

Subd. 6. **Removal procedure.** Every individual removing a dead human body from the place of death shall use universal precautions and otherwise exercise all reasonable precautions to minimize the risk of transmitting any communicable disease from the body. Before removal, the body shall be wrapped in a sheet or pouch that is impervious to liquids, covered in such a manner that the body cannot be viewed, ~~encased in a secure pouch~~, and placed on a regulation ambulance cot or on an aircraft ambulance stretcher. Any dead human body measuring 36 inches or less in length may be removed after having been properly wrapped, covered, and encased, but does not need to be placed on an ambulance cot or aircraft ambulance stretcher.

Sec. 47. Minnesota Statutes 2006, section 149A.90, subdivision 7, is amended to read:

Subd. 7. **Conveyances permitted for removal.** A dead human body may be transported from the place of death by any vehicle 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 an ambulance cot or aircraft ambulance stretcher in a horizontal position;
 - (4) is so designed to permit loading and unloading of the body without excessive tilting of the cot or stretcher;
- ~~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. A dead human body measuring 36 inches or less in length may be transported from the place of death by passenger automobile. For purposes of this subdivision, a passenger automobile is a vehicle designed and used for carrying not more than ten persons, but excludes motorcycles and motor scooters; and

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

Sec. 48. Minnesota Statutes 2006, section 149A.90, subdivision 8, is amended to read:

Subd. 8. **Proper holding facility required.** The funeral establishment ~~or crematory~~ to which a dead human body is taken shall have an appropriate holding facility for storing the body while awaiting final disposition. The holding facility must be secure from access by anyone except the authorized personnel of the funeral establishment ~~or crematory~~, preserve the dignity of the remains, and protect the health and safety of the funeral establishment ~~or crematory~~ personnel.

Sec. 49. Minnesota Statutes 2006, section 149A.91, subdivision 2, is amended to read:

Subd. 2. **Preparation procedures; access to preparation room.** The preparation of a dead human body for final disposition shall be performed in privacy. No person shall be permitted to be present in the preparation room while a dead human body is being embalmed, washed, or otherwise prepared for final disposition, except:

(1) licensed morticians ~~or funeral directors and their authorized agents and employees;~~

(2) registered interns or students as described in subdivision 6;

(3) public officials or representatives in the discharge of their official duties; and

(4) licensed medical personnel; ~~and,~~

~~(5) members of the immediate family of the deceased, their designated representatives, and any person receiving written authorization to be present. The written authorization must be dated and signed by the person with legal right to control the disposition and must be presented to the mortician or intern or practicum student who will be performing the procedure. The written authorization shall become part of the required records pursuant to subdivision 10.~~

Sec. 50. Minnesota Statutes 2006, section 149A.91, subdivision 3, is amended to read:

Subd. 3. **Embalming required.** A dead human body must be embalmed by a licensed mortician or registered intern or practicum student or clinical student in the following circumstances:

(1) if the body will be transported by public transportation;

(2) if final disposition will not be accomplished within 72 hours after death or release of the body by a competent authority with jurisdiction over the body or the body will be lawfully stored for final disposition in the future, except as provided in section 149A.94, subdivision 1;

(3) if the body will be publicly viewed; or

(4) if so ordered by the commissioner of health for the control of infectious disease and the protection of the public health.

For purposes of this subdivision, publicly viewed means reviewal of a dead human body by anyone other than those mentioned in section 149A.80, subdivision 2, and minor children. Refrigeration may be used in lieu of embalming when required in clause (2). A body may not be kept in refrigeration for a period that exceeds six calendar days from the time and release of the body from the place of death or from the time of release from the coroner or medical examiner.

Sec. 51. Minnesota Statutes 2006, section 149A.91, subdivision 5, is amended to read:

Subd. 5. **Authorization to embalm; required form.** A written authorization to embalm must contain the following information:

- (1) the date of the authorization;
- (2) the name of the funeral establishment that will perform the embalming;
- (3) the name, address, and relationship to the decedent of the person signing the authorization;
- (4) an acknowledgment of the circumstances where embalming is required by law under subdivision 3;
- (5) a statement certifying that the person signing the authorization is the person with legal right to control the disposition of the body prescribed in section 149A.80 or that person's legal designee;
- (6) the name and signature of the person requesting the authorization and that person's relationship to the funeral establishment where the procedure will be performed; and
- (7) the signature of the person who has the legal right to control the disposition or their legal designee.

Sec. 52. Minnesota Statutes 2006, section 149A.91, subdivision 6, is amended to read:

Subd. 6. **Mortician required.** Embalming of a dead human body shall be performed only by an individual holding a license to practice mortuary science in Minnesota, a registered intern pursuant to section 149A.20, subdivision 6, or a student registered for a practicum or clinical through an accredited college or university or a college of funeral service education accredited by the American Board of Funeral Service Education. An individual who holds a funeral director only license issued pursuant to section 149A.40, subdivision 2, is prohibited from engaging in the embalming of a dead human body.

Sec. 53. Minnesota Statutes 2006, section 149A.91, subdivision 10, is amended to read:

Subd. 10. **Required records.** Every funeral establishment that causes a dead human body to be embalmed shall create and maintain on its premises or other business location in Minnesota an accurate record of every embalming performed. The record shall include all of the following information for each embalming:

- (1) the name of the decedent and the date of death;
- (2) the date the funeral establishment took physical custody of the body and, if applicable, the name of the person releasing the body to the custody of the funeral establishment;
- (3) the reason for embalming the body;

(4) the name, address, and relationship to the decedent of the person who authorized the embalming of the body;

(5) the date the body was embalmed, including the time begun and the time of completion;

(6) the name, license number, and signature of the mortician who performed or personally supervised the intern or student who performed the embalming;

(7) the name, permit number, if applicable, and signature of any intern or practicum student or clinical student that participates in the embalming of a body, whether the intern or practicum student or clinical student performs part or all of the embalming; and

(8) the original written authorization to embalm and any other supporting documentation that establishes the legal right of the funeral establishment to physical custody of the body and to embalm the body.

Sec. 54. Minnesota Statutes 2006, section 149A.92, subdivision 2, is amended to read:

Subd. 2. **Minimum requirements; general.** Every funeral establishment must have a preparation and embalming room. The room shall be of sufficient size and dimensions to accommodate a preparation or embalming table, an ~~open fixture~~ approved flush bowl with water connections, a hand sink with water connections, and an instrument table, cabinet, or shelves.

Sec. 55. Minnesota Statutes 2006, section 149A.92, subdivision 6, is amended to read:

Subd. 6. **Minimum requirements; equipment and supplies.** The preparation and embalming room must have a ~~preparation and embalming table and a~~ functional aspirator, eye wash, and quick drench shower. ~~The preparation and embalming table shall have a nonporous top, preferably of rustproof metal or porcelain, with raised edges around the top of the entire table and a drain opening at the lower end.~~ Where embalmings are actually performed in the room, the room must be equipped with a preparation and embalming table, a functional method for injection of fluids, ~~an eye wash station~~, and sufficient supplies and instruments for normal operation. The preparation and embalming table shall have a nonporous top of rustproof metal or porcelain, with raised edges around the top of the entire table and a drain opening at the lower end. All supplies must be stored and used in accordance with all applicable state and federal regulations for occupational health and safety.

Sec. 56. Minnesota Statutes 2006, section 149A.93, subdivision 1, is amended to read:

Subdivision 1. **Permits required.** After removal from the place of death to any location where the body is held awaiting final disposition, further transportation of the body shall require a ~~transit permit issued by a licensed mortician~~ certificate of removal. ~~Permits~~ The certificate of removal shall contain the information required ~~on~~ in the ~~permit form~~ format as furnished by the commissioner.

Sec. 57. Minnesota Statutes 2006, section 149A.93, subdivision 2, is amended to read:

Subd. 2. **Transit permit Certificate of removal.** A ~~transit permit~~ certificate of removal is required when:

(1) legal and physical custody of the body is transferred;

(2) a body is transported by public transportation; or

(3) a body is removed from the state.

Sec. 58. Minnesota Statutes 2006, section 149A.93, is amended by adding a subdivision to read:

Subd. 2a. **Retention of certificate of removal.** A copy of the certificate of removal shall be retained by the funeral establishment or representative of the legal entity releasing legal and physical custody of the body. The original certificate of removal shall accompany the remains to the legal entity to which custody is transferred. The funeral establishment releasing the custody of the remains shall retain a copy of the certificate of removal for a period of three calendar years following the date of the transfer of custody. Following this period, and subject to any other laws requiring retention of records, the funeral establishment may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of ten calendar years from the date of the removal of the body. At the end of this period and subject to any other laws requiring retention of records, the funeral establishment may destroy the records by shredding, incineration, or any other manner that protects the privacy of the individuals identified in the records.

Sec. 59. Minnesota Statutes 2006, section 149A.93, subdivision 3, is amended to read:

Subd. 3. **Disposition permit.** A disposition permit is required before a body can be buried, entombed, or cremated. No disposition permit shall be issued until a fact of death record has been completed and filed with the local or state registrar of vital statistics.

Sec. 60. Minnesota Statutes 2006, section 149A.93, subdivision 4, is amended to read:

Subd. 4. **Possession of permit.** Until the body is delivered for final disposition, the disposition permit shall be in possession of the person in physical or legal custody of the body, or attached to the transportation container which holds the body. At the place of final disposition, legal and physical custody of the body shall pass with the filing of the disposition permit with the person in charge of that place.

Sec. 61. Minnesota Statutes 2006, 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.

Sec. 62. Minnesota Statutes 2006, section 149A.93, subdivision 8, is amended to read:

Subd. 8. **Who may transport.** ~~Subject to section 149A.09, A dead human body need not be transported under the direct, personal supervision of a licensed mortician or funeral director. In circumstances where there is no reasonable probability that unlicensed personnel will encounter family members or other persons with whom funeral arrangements are normally made by licensed morticians or funeral directors, a dead human body may be transported without the direct, personal supervision of a licensed mortician. Any inadvertent contact with family members or other persons as described above shall be restricted to unlicensed personnel identifying the employer to the person encountered, offering to arrange an appointment with the employer for any person who indicates a desire to make funeral arrangements for the deceased, and making any disclosure to the person that is required by state or federal regulations~~ may be transported by unlicensed personnel according to section 149A.90. A licensed mortician or funeral director who directs the transport of a dead human body ~~without providing direct, personal supervision by unlicensed personnel~~ shall be held strictly accountable for compliance with this chapter.

Sec. 63. Minnesota Statutes 2006, section 149A.94, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Every dead human body lying within the state, except those delivered for dissection pursuant to section 525.9213, those delivered for anatomical study pursuant to section 149A.81, subdivision 2, or lawfully carried through the state for the purpose of disposition elsewhere; and the remains of any dead human body after dissection or anatomical study, shall be decently buried, entombed, or cremated, within a reasonable time after death. Where final disposition of a body will not be accomplished within 72 hours following death or release of the body by a competent authority with jurisdiction over the body, the body must be properly embalmed or refrigerated. A body may not be kept in refrigeration for a period exceeding six calendar days from the time of death or release of the body from the coroner or medical examiner. ~~For purposes of this section, refrigeration is not considered a form of preservation or disinfection and does not alter the 72-hour requirement, except as provided in subdivision 2.~~

Sec. 64. Minnesota Statutes 2006, section 149A.94, subdivision 3, is amended to read:

Subd. 3. **Permit required.** No dead human body shall be buried, entombed, or cremated without a disposition permit. The disposition permit must be filed with the person in charge of the place of final disposition. Where a dead human body will be transported out of this state for final disposition, the body must be accompanied by a ~~transit permit~~ certificate of removal.

Sec. 65. Minnesota Statutes 2006, section 149A.95, subdivision 2, is amended to read:

Subd. 2. **General requirements.** Any building to be used as a crematory must comply with all applicable local and state building codes, zoning laws and ordinances, and environmental standards. A crematory must have, on site, a human cremation system approved by the commissioner, a motorized mechanical device for processing cremated remains and must have, in the building ~~or adjacent to it,~~ a holding facility for the retention of dead human bodies awaiting cremation. The holding facility must be secure from access by anyone except the authorized personnel of the crematory, preserve the dignity of the remains, and protect the health and safety of the crematory personnel.

Sec. 66. Minnesota Statutes 2006, section 149A.95, subdivision 4, is amended to read:

Subd. 4. **Authorization to cremate required.** No crematory shall cremate or cause to be cremated any dead human body or identifiable body part without receiving written authorization to do so from the person or persons who ~~has~~ have the legal right to control disposition as described in section 149A.80 or the person's legal designee. The written authorization must include:

- (1) the name of the deceased and the date of death;

- (2) a statement authorizing the crematory to cremate the body;
- (3) the name, address, relationship to the deceased, and signature of the person or persons with legal right to control final disposition or a legal designee;
- (4) certification that the body does not contain any implanted mechanical or radioactive device, such as a heart pacemaker, that may create a hazard when placed in the cremation chamber;
- (5) authorization to remove the body from the container in which it was delivered, if that container is not appropriate for cremation, and to place the body in an appropriate cremation container and directions for the disposition of the original container;
- (6) authorization to open the cremation chamber and reposition the body to facilitate a thorough cremation and to remove from the cremation chamber and separate from the cremated remains, any noncombustible materials or items;
- (7) directions for the disposition of any noncombustible materials or items recovered from the cremation chamber;
- (8) acknowledgment that the cremated remains will be mechanically reduced to a granulated appearance and placed in an appropriate container and authorization to place any cremated remains that a selected urn or container will not accommodate into a temporary container;
- (9) acknowledgment that, even with the exercise of reasonable care, it is not possible to recover all particles of the cremated remains and that some particles may inadvertently become commingled with disintegrated chamber material and particles of other cremated remains that remain in the cremation chamber or other mechanical devices used to process the cremated remains; and
- (10) directions for the ultimate disposition of the cremated remains.

Sec. 67. Minnesota Statutes 2006, section 149A.95, subdivision 6, is amended to read:

Subd. 6. **Acceptance of delivery of body.** No dead human body shall be accepted for final disposition by cremation unless encased in an appropriate cremation container ~~or casket, wrapped in an impermeable sheet or pouch of five millimeters or more thickness,~~ accompanied by a disposition permit issued pursuant to section 149A.93, subdivision 3, including a photocopy of the completed death record or a signed release authorizing cremation of the body received from the coroner or medical examiner, and accompanied by a cremation authorization that complies with subdivision 4. A crematory ~~may~~ shall refuse to accept delivery of a cremation container where there is:

- (1) evidence of leakage of fluids from the ~~body~~ cremation container;
- (2) a known dispute concerning cremation of the body delivered;
- (3) a reasonable basis for questioning any of the representations made on the written authorization to cremate; or
- (4) any other lawful reason.

Sec. 68. Minnesota Statutes 2006, section 149A.95, is amended by adding a subdivision to read:

Subd. 6a. Bodies awaiting cremation. A dead human body must be cremated within 24 hours of the crematory accepting legal and physical custody of the body.

Sec. 69. Minnesota Statutes 2006, section 149A.95, subdivision 7, is amended to read:

Subd. 7. Handling of cremation containers for dead human bodies. All crematory employees handling cremation containers for dead human bodies shall use universal precautions and otherwise exercise all reasonable precautions to minimize the risk of transmitting any communicable disease from the body. No dead human body shall be removed from the container in which it is delivered to the crematory without express written authorization of the person or persons with legal right to control the disposition and only by a licensed mortician. If, after accepting delivery of a body for cremation, it is discovered that the body contains an implanted mechanical or radioactive device, that device must be removed from the body by a licensed mortician or physician prior to cremation.

Sec. 70. Minnesota Statutes 2006, section 149A.95, subdivision 9, is amended to read:

Subd. 9. Cremation chamber for human remains. A licensed crematory shall knowingly cremate only dead human bodies or human remains in a cremation chamber, along with the cremation container ~~or casket~~ and a the sheet or pouch used for disease control.

Sec. 71. Minnesota Statutes 2006, section 149A.95, subdivision 13, is amended to read:

Subd. 13. Cremation procedures; commingling of cremated remains prohibited. Except with the express written permission of the person with legal right to control the final disposition or otherwise provided by law, no crematory shall mechanically process the cremated human remains of more than one body at a time in the same mechanical processor, or introduce the cremated human remains of a second body into a mechanical processor until processing of any preceding cremated human remains has been terminated and reasonable efforts have been employed to remove all fragments of the preceding cremated remains. The fact that there is incidental and unavoidable residue in the mechanical processor or any container used in a prior cremation is not a violation of this provision.

Sec. 72. Minnesota Statutes 2006, section 149A.95, subdivision 14, is amended to read:

Subd. 14. Cremation procedures; processing cremated remains. The cremated human remains shall be reduced by a motorized mechanical device to a granulated appearance appropriate for final disposition and placed in a cremated remains container along with the appropriate identifying disk, tab, or permanent label.

Sec. 73. Minnesota Statutes 2006, section 149A.95, subdivision 15, is amended to read:

Subd. 15. Cremation procedures; container of insufficient capacity. If a cremated remains container is of insufficient capacity to accommodate all cremated remains of a given dead human body, subject to directives provided in the written authorization to cremate, the crematory shall place the excess cremated remains in a secondary cremated remains container and attach the second container, in a manner so as not to be easily detached through incidental contact, to the primary cremated remains container. The secondary container shall contain a duplicate of the identification disk, tab, or permanent label that was placed in the primary container and all paperwork regarding the given body shall include a notation that the cremated remains were placed in two containers.

Sec. 74. Minnesota Statutes 2006, section 149A.95, subdivision 20, is amended to read:

Subd. 20. **Required records.** Every crematory shall create and maintain on its premises or other business location in Minnesota an accurate record of every cremation provided. The record shall include all of the following information for each cremation:

- (1) the name of the person or funeral establishment delivering the body for cremation;
- (2) the name of the deceased and the identification number assigned to the body;
- (3) the date of acceptance of delivery;
- (4) the names of the cremation chamber and mechanical processor operator;
- (5) the time and date that the body was placed in and removed from the cremation chamber;
- (6) the time and date that processing and inurnment of the cremated remains was completed;
- (7) the time, date, and manner of release of the cremated remains;
- (8) the name and address of the person who signed the authorization to cremate; ~~and~~
- (9) all supporting documentation, including any transit or disposition permits, a photocopy of the death record, and the authorization to cremate; and
- (10) the type of cremation container.

Sec. 75. Minnesota Statutes 2006, section 149A.96, subdivision 1, is amended to read:

Subdivision 1. **Written authorization.** Except as provided in this section, no dead human body or human remains shall be disinterred and reinterred without the written authorization of the person or persons legally entitled to control the body or remains and a disinterment-reinterment permit properly issued by the ~~state registrar~~ commissioner or a licensed mortician. Permits shall contain the information required on the permit form as furnished by the commissioner.

Sec. 76. **REPEALER.**

Minnesota Statutes 2006, sections 149A.93, subdivision 9; and 149A.94, subdivision 2, are repealed.

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. 1077, A bill for an act relating to health; requiring coverage for interpreter services for health plan and medical assistance enrollees; amending Minnesota Statutes 2006, section 256B.0625, subdivision 18a; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[62Q.40] LANGUAGE INTERPRETER SERVICES.**

A health plan must cover sign language interpreter services provided to deaf and hard-of-hearing enrollees and language interpreter services provided to enrollees with limited English proficiency in order to facilitate the provision of health care services by a provider or health care facility. For purposes of this section, "provider" has the meaning given in section 62J.03, subdivision 8; and "health plan" includes coverage excluded under section 62A.011, subdivision 3, clauses (6), (7), (9), and (10). Interpreter services may be provided in person, by telephone, or by video conference. The health plan shall reimburse either the party providing interpreter services directly for the costs of language interpreter services provided to the enrollee or the provider or health care facility arranging for the provision of interpreter services. Providers and health care facilities that employ interpreters may bill and shall be reimbursed directly by health plan companies for such services. Except where health plan companies are already reimbursing a party providing or a provider or health care facility arranging for interpreter services, required reimbursement by health plan companies for interpreter services shall be phased in over a three-year period beginning July 1, 2008, with one-third of the cost reimbursed the first year, two-thirds of the cost reimbursed the second year, and full reimbursement the third year. A health plan company shall provide to enrollees, upon request, the policies and procedures for addressing the needs of deaf and hard-of-hearing enrollees and enrollees with limited English proficiency. All entities providing interpreter services must disclose their methods for ensuring competency upon request of any health plan company, provider, or consumer.

Sec. 2. **INTERPRETER SERVICES WORK GROUP.**

(a) The commissioner of health shall, in consultation with the commissioners of commerce, human services, and employee relations, convene a work group to study the provision of interpreter services to patients in medical and dental care settings. The work group shall include one representative from each of the following groups:

- (1) consumers;
- (2) interpreters;
- (3) interpreter service providers or agencies;
- (4) health plan companies;
- (5) self-insured purchasers;
- (6) hospitals;
- (7) health care providers;
- (8) dental providers;

(9) clinic administrators;

(10) state agency staff from the Departments of Health, Human Services, and Employee Relations;

(11) local county social services agencies;

(12) local public health agencies; and

(13) the interpreting stakeholders group.

(b) The work group shall develop findings and recommendations on the following:

(1) assuring access to interpreter services;

(2) compliance with requirements of federal law and guidance;

(3) developing a quality assurance program to ensure the quality of health care interpreting services, including requirements for training and establishing a certification process; and

(4) identifying broad-based funding mechanisms for interpreter services.

(c) Based on the discussions of the work group, the commissioner shall submit the findings and the recommendations to the chairs of the health policy and finance committees in the house and senate by January 15, 2008.

Sec. 3. **EFFECTIVE DATE.**

Section 1 is effective July 1, 2008, and applies to plans issued or renewed to provide coverage to Minnesota residents on or after that date unless the legislature enacts alternative funding sources based on the recommendations of the commissioner. Section 2 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; requiring coverage for interpreter services; establishing an interpreter services work group; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 62Q."

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

The report was adopted.

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

H. F. No. 1116, A bill for an act relating to game and fish; modifying definitions; providing for and modifying certain fees; modifying provisions for taking animals causing damage; modifying license and stamp provisions; modifying certain possession and taking restrictions; providing for an apprentice hunter validation; modifying commercial fishing provisions; providing for a crossbow deer season; requiring reports; requiring rulemaking; providing criminal and civil penalties; amending Minnesota Statutes 2006, sections 97A.015, subdivision 24, by

adding a subdivision; 97A.045, by adding a subdivision; 97A.401, subdivision 5; 97A.405, subdivisions 2, 4; 97A.421, by adding a subdivision; 97A.441, subdivision 7; 97A.451, subdivisions 3, 3a; 97A.465, by adding a subdivision; 97A.473, subdivisions 3, 5; 97A.475, subdivisions 2, 3, 6; 97A.505, subdivision 4; 97A.511; 97B.015, by adding a subdivision; 97B.020; 97B.031, subdivision 1; 97B.035, by adding a subdivision; 97B.075; 97B.085, subdivision 3; 97B.301, subdivision 7; 97B.311; 97B.318, subdivision 1; 97B.327; 97B.715, subdivision 1; 97B.801; 97B.928, subdivision 1; 97C.081, subdivision 3; 97C.325; 97C.335; 97C.355, subdivision 8; 97C.371, by adding a subdivision; 97C.835, subdivisions 1, 2, 3, 8; proposing coding for new law in Minnesota Statutes, chapters 97B; 97C; repealing Minnesota Statutes 2006, sections 97A.475, subdivision 38; 97C.301, subdivision 3; 97C.365.

Reported the same back with the following amendments:

Page 2, line 10, after the period, insert "The fees must be set in an amount that neither significantly overrecovers nor underrecovers costs."

Page 18, after line 15, insert:

"Sec. 50. RULE AMENDMENTS.

The commissioner of natural resources shall amend Minnesota Rules, parts 6262.0100, subpart 5, item D, and 6266.0700, subpart 3, to allow an angler in an icehouse to possess fillets of a fish with size restrictions if the angler is preparing and using the fish for a meal. The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt rules according to this section and Minnesota Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section 14.388.

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

Renumber the sections in sequence and correct the internal references

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. 1169, A bill for an act relating to human services; changing child welfare, placement, and licensing provisions; amending Minnesota Statutes 2006, sections 245A.035; 245A.16, subdivisions 1, 3; 245C.02, by adding a subdivision; 245C.04, subdivision 1; 245C.05, subdivisions 1, 4, 5, 7, by adding a subdivision; 245C.08, subdivisions 1, 2; 245C.10, by adding a subdivision; 245C.11, subdivisions 1, 2; 245C.12; 245C.16, subdivision 1; 245C.17, by adding a subdivision; 245C.21, by adding a subdivision; 245C.23, subdivision 2; 256.01, subdivision 2; 259.20, subdivision 2; 259.24, subdivision 3; 259.29, subdivision 1; 259.41; 259.53, subdivisions 1, 2; 259.57, subdivisions 1, 2; 259.67, subdivision 7; 259.75, subdivision 8; 260.012; 260.755, subdivisions 12, 20; 260.761, subdivision 7; 260.765, subdivision 5; 260.771, subdivisions 1, 2; 260C.152, subdivision 5; 260C.163, subdivision 1; 260C.201, subdivision 11; 260C.209; 260C.212, subdivisions 1, 2, 4; 260C.317, subdivision 3; 260C.331, subdivision 1; 626.556, subdivisions 10, 10a, 10f, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 245C; 260; repealing Laws 1997, chapter 8, section 1; Minnesota Rules, part 9560.0102, subpart 2, item C.

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. 1172, A bill for an act relating to state debt collection; changing certain time limits, collection costs, and referrals relating to debt collection duties of commissioner of revenue; amending Minnesota Statutes 2006, sections 16D.04, subdivisions 1, 2; 16D.11, subdivisions 2, 7; 270C.56, subdivision 1; 270C.63, subdivision 9.

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

The report was adopted.

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

H. F. No. 1190, A bill for an act relating to occupations; establishing the Plumbing Board; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2006, section 326.37, subdivision 1, is amended to read:

Subdivision 1. **Rules.** The state ~~commissioner of health~~ Plumbing Board may, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new plumbing installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which located. Notwithstanding the provisions of Minnesota Rules, part 4715.3130, as they apply to review of plans and specifications, the commissioner may allow plumbing construction, alteration, or extension to proceed without approval of the plans or specifications by the commissioner.

Except for powers granted to the Plumbing Board, the commissioner of labor and industry shall administer the provisions of sections 326.37 to 326.45 and for such purposes may employ plumbing inspectors and other assistants."

Page 2, after line 9, insert:

"(c) Compensation and removal of board members is governed by section 15.0575.

(d) The commissioner of labor and industry shall provide office space, administrative support, and staff assistance as requested by the board."

Page 2, line 17, delete "alteration, and inspection" and insert "and alteration"

Page 2, line 20, delete "and"

Page 2, before line 21, insert:

"(6) the board may forward educational recommendations for inspectors to the commissioner; and"

Page 2, line 21, delete "(6)" and insert "(7)"

Page 2, line 22, delete everything after "supplies"

Page 2, line 23, delete "subdivision 2"

Page 2, after line 35, insert:

"Sec. 3. Minnesota Statutes 2006, section 326.38, is amended to read:

326.38 LOCAL REGULATIONS.

Any city having a system of waterworks or sewerage, or any town in which reside over 5,000 people exclusive of any statutory cities located therein, or the metropolitan airports commission, may, by ordinance, adopt local regulations providing for plumbing permits, bonds, approval of plans, and inspections of plumbing, which regulations are not in conflict with the plumbing standards on the same subject prescribed by the state ~~commissioner of health~~ Plumbing Board. No city or such town shall prohibit plumbers licensed by the state commissioner of health from engaging in or working at the business, except cities and statutory cities which, prior to April 21, 1933, by ordinance required the licensing of plumbers. Any city by ordinance may prescribe regulations, reasonable standards, and inspections and grant permits to any person, firm, or corporation engaged in the business of installing water softeners, who is not licensed as a master plumber or journeyman plumber by the state commissioner of ~~health~~ labor and industry, to connect water softening and water filtering equipment to private residence water distribution systems, where provision has been previously made therefor and openings left for that purpose or by use of cold water connections to a domestic water heater; where it is not necessary to rearrange, make any extension or alteration of, or addition to any pipe, fixture or plumbing connected with the water system except to connect the water softener, and provided the connections so made comply with minimum standards prescribed by the state ~~commissioner of health~~ Plumbing Board.

Sec. 4. Minnesota Statutes 2006, section 326.40, subdivision 1, is amended to read:

Subdivision 1. **License required; master and journeyman plumbers.** In any city now or hereafter having 5,000 or more population, according to the last federal census, and having a system of waterworks or sewerage, no person, firm, or corporation shall engage in or work at the business of a master plumber or journeyman plumber unless licensed to do so by the state commissioner of ~~health~~ labor and industry. A master plumber may also work as a journeyman plumber. Anyone not so licensed may do plumbing work which complies with the provisions of the minimum standard prescribed by the state ~~commissioner of health~~ Plumbing Board on premises or that part of premises owned and actually occupied by the worker as a residence, unless otherwise forbidden to do so by a local ordinance.

In any such city no person, firm, or corporation shall engage in the business of installing plumbing nor install plumbing in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber, who shall be responsible for proper installation, is in charge of the plumbing work of the person, firm, or corporation.

The ~~Department of Health~~ Plumbing Board shall prescribe rules, not inconsistent herewith, for the examination and licensing of plumbers.

Sec. 5. Minnesota Statutes 2006, section 326.401, subdivision 2, is amended to read:

Subd. 2. **Journeyman exam.** A plumber's apprentice who has completed four years of practical plumbing experience is eligible to take the journeyman plumbing examination. Up to 24 months of practical plumbing experience prior to registration as an apprentice may be applied to the four-year experience requirement. However, none of this practical plumbing experience may be applied if the person did not have any practical plumbing experience in the 12-month period immediately prior to registration. ~~The commissioner~~ Plumbing Board may adopt rules to evaluate whether the person's past practical plumbing experience is applicable in preparing for the journeyman's examination. If two years after completing the training the person has not taken the examination, the four years of experience shall be forfeited.

The commissioner may allow an extension of the two-year period for taking the exam for cases of hardship or other appropriate circumstances.

Sec. 6. Minnesota Statutes 2006, section 326.42, subdivision 1, is amended to read:

Subdivision 1. **Application.** Applications for plumber's license shall be made to the state commissioner of ~~health labor and industry~~, with fee. Unless the applicant is entitled to a renewal, the applicant shall be licensed by the state commissioner of ~~health labor and industry~~ only after passing a satisfactory examination administered by the ~~examiners~~ commissioner of labor and industry, based upon rules adopted by the Plumbing Board showing fitness. Examination fees for both journeyman and master plumbers shall be in an amount prescribed by the state commissioner of ~~health labor and industry~~ pursuant to section 144.122. Upon being notified that of having successfully passed the examination for original license the applicant shall submit an application, with the license fee herein provided. License fees shall be in an amount prescribed by the state commissioner of ~~health labor and industry~~ pursuant to section 144.122. Licenses shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122.

Sec. 7. **TRANSFER OF AUTHORITY.**

The authority of the commissioners of health and labor and industry to adopt rules relating to plumbers is transferred to the Plumbing Board. Licenses and permits currently in effect remain in effect according to their terms unless affected by board action. Rules adopted by the commissioner of health or labor and industry remain in effect until amended or repealed by the board.

Sec. 8. **REPEALER.**

Minnesota Statutes 2006, section 326.41, is repealed."

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. 1235, A bill for an act relating to natural resources; establishing a zebra mussel control pilot program; appropriating money; amending Minnesota Statutes 2006, section 84D.02, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 84D.02, is amended by adding a subdivision to read:

Subd. 2a. **Zebra mussel pilot program.** (a) The commissioner shall establish a pilot program to curb the spread of zebra mussels. The commissioner shall establish the program on Lake Minnetonka in Hennepin and Carver Counties. The program shall include elements of public education, inspections, and enforcement to prevent the spread of zebra mussels and other aquatic invasive species. The commissioner shall provide technical assistance to and coordinate enforcement efforts with local government entities and private organizations to implement the program.

(b) The commissioner shall provide grants to local government entities and private organizations to implement the program. Grants awarded under this subdivision must be matched with nonstate funding. Grant recipients must report to the commissioner annually regarding the use of the grant money and the results obtained therefrom. The Department of Natural Resources may use a portion of the funds appropriated under section 2 for administration of the program.

Sec. 2. **APPROPRIATION; ZEBRA MUSSEL PILOT PROGRAM.**

\$...... in fiscal year 2008 and \$...... in fiscal year 2009 are appropriated from the general fund to the commissioner of natural resources for the zebra mussel pilot program under section 1. This appropriation becomes part of the agency base funding."

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. 1236, A bill for an act relating to natural resources; establishing a zebra mussel control pilot program; appropriating money; amending Minnesota Statutes 2006, section 84D.02, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 12, before the period, insert "to prevent the spread of zebra mussels and other aquatic invasive species"

Page 1, line 18, after the period, insert "The Department of Natural Resources may use a portion of the funds appropriated under section 2 for administration of the program."

Page 1, line 21, delete the first "natural resources" and insert "general"

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. 1273, A bill for an act relating to crimes; providing testimonial confidentiality for certain sexual assault counselors; eliminating the "mistake of age" defense for certain criminal sexual assault offenders; enhancing penalties for certain nonconsensual sexual contact offenses committed by professionals engaged in massage or bodywork; amending Minnesota Statutes 2006, sections 595.02, subdivision 1; 609.341, subdivision 11; 609.344, subdivision 1; 609.345, subdivision 1; 609.3451, subdivision 3.

Reported the same back with the following amendments:

Page 4, line 28, delete "(n)" and insert "(o)"

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. 1280, A bill for an act relating to the environment; establishing a grant program for idling reduction technology purchases; authorizing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

Page 1, line 22, delete "; rulemaking"

Page 2, after line 10, insert:

"(e) No more than 20 percent of grant funds awarded each fiscal year under this section may be awarded to a single applicant.

"(f) Twenty-five percent of grant funds awarded each fiscal year under this section is reserved for applicants owning 20 or fewer trucks."

Page 2, delete line 11

Amend the title as follows:

Page 1, line 3, delete "authorizing rulemaking;"

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

The report was adopted.

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

H. F. No. 1294, A bill for an act relating to state government; eliminating the Minnesota Council on Disability sunset; amending Minnesota Statutes 2006, section 256.482, subdivisions 1, 8.

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

The report was adopted.

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

H. F. No. 1317, A bill for an act relating to education finance; measuring and reporting elementary and secondary class sizes; requiring an annual report; amending Minnesota Statutes 2006, section 120B.36, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 126C.

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. 1336, A bill for an act relating to occupations; establishing the Board of High Pressure Piping Systems; requiring the board to establish fees; amending Minnesota Statutes 2006, section 326.47, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 326.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2006, section 326.46, is amended to read:

326.46 SUPERVISION OF HIGH PRESSURE PIPING.

The Department of Labor and Industry shall supervise all high pressure piping used on all projects in this state; ~~and may prescribe minimum standards which shall be uniform~~ under rules adopted by the board.

The department shall employ inspectors and other assistants to carry out the provisions of sections 326.46 to 326.52.

Sec. 2. Minnesota Statutes 2006, section 326.461, is amended by adding a subdivision to read:

Subd. 1a. **Board.** "Board" means the Board of High Pressure Piping Systems.

Sec. 3. Minnesota Statutes 2006, section 326.47, subdivision 2, is amended to read:

Subd. 2. **Permissive municipal regulation.** A municipality may, by ordinance, provide for the inspection of high pressure piping system materials and construction, and provide that it shall not be constructed or installed except in accordance with minimum state standards. The authority designated by the ordinance for issuing high pressure piping permits and assuring compliance with state standards must report to the Department of Labor and Industry all violations of state high pressure piping standards.

A municipality may not adopt an ordinance with high pressure piping standards that does not conform to the uniform standards prescribed by the ~~Department of Labor and Industry board~~. The ~~Department of Labor and Industry board~~ shall specify by rule the minimum qualifications for municipal inspectors."

Page 2, after line 15, insert:

"(c) Compensation and removal of board members is governed by section 15.0575.

(d) The commissioner of labor and industry shall provide office space, administrative support, and staff assistance as requested by the board."

Page 2, line 27, delete everything after "supplies"

Page 2, line 28, delete "subdivision 2"

Page 3, after line 5, insert:

"Sec. 6. Minnesota Statutes 2006, section 326.48, subdivision 1, is amended to read:

Subdivision 1. **License required; rules; time credit.** No person shall engage in or work at the business of a contracting pipefitter unless issued an individual contracting pipefitter license to do so by the Department of Labor and Industry under rules prescribed by the board. No license shall be required for repairs on existing installations. No person shall engage in or work at the business of journeyman pipefitter unless issued an individual journeyman pipefitter competency license to do so by the Department of Labor and Industry under rules prescribed by the board. A person possessing an individual contracting pipefitter competency license may also work as a journeyman pipefitter.

No person, partnership, firm, or corporation shall install high pressure piping, nor install high pressure piping in connection with the dealing in and selling of high pressure pipe material and supplies, unless, at all times, a person possessing a contracting pipefitter individual competency license or a journeyman pipefitter individual competency license is responsible for the high pressure pipefitting work conducted by the person, partnership, firm, or corporation being in conformity with Minnesota Statutes and Minnesota Rules.

The ~~Department of Labor and Industry board~~ shall prescribe rules, not inconsistent herewith, for the examination and individual competency licensing of contracting pipefitters and journeyman pipefitters and for issuance of permits by the department and municipalities for the installation of high pressure piping.

An employee performing the duties of inspector for the Department of Labor and Industry in regulating pipefitting shall not receive time credit for the inspection duties when making an application for a license required by this section.

Sec. 7. Minnesota Statutes 2006, section 326.48, subdivision 2, is amended to read:

Subd. 2. **High pressure pipefitting business license.** Before obtaining a permit for high pressure piping work, a person, partnership, firm, or corporation must obtain or utilize a business with a high pressure piping business license.

A person, partnership, firm, or corporation must have at all times as a full-time employee at least one individual holding an individual contracting pipefitter competency license. Only full-time employees who hold individual contracting pipefitter licenses are authorized to obtain high pressure piping permits in the name of the business. The individual contracting pipefitter competency license holder can be the employee of only one high pressure piping business at a time.

To retain its business license without reapplication, a person, partnership, firm, or corporation holding a high pressure piping business license that ceases to employ a person holding an individual contracting pipefitter competency license shall have 60 days from the last day of employment of its previous individual contracting pipefitter competency license holder to employ another license holder. The Department of Labor and Industry must be notified no later than five days after the last day of employment of the previous license holder.

No high pressure pipefitting work may be performed during any period when the high pressure pipefitting business does not have an individual contracting pipefitter competency license holder on staff. If a license holder is not employed within 60 days, the pipefitting business license shall lapse.

The ~~Department of Labor and Industry~~ board shall prescribe by rule procedures for application for and issuance of business licenses and fees.

Sec. 8. Minnesota Statutes 2006, section 326.50, is amended to read:

326.50 APPLICATION; FEES.

Application for an individual contracting pipefitter competency or an individual journeyman pipefitter competency license shall be made to the Department of Labor and Industry, with fees. The applicant shall be licensed only after passing an examination administered by the Department of Labor and Industry in accordance with rules adopted by the board.

Sec. 9. Minnesota Statutes 2006, section 326.51, is amended to read:

326.51 DEPARTMENT MAY REVOKE LICENSES.

The ~~department~~ board may revoke or suspend, for cause, any license obtained through error or fraud, or if the licensee is shown to be incompetent, or for a violation of any of its rules and regulations applicable to high pressure pipefitting work. The licensee shall have notice, in writing, enumerating the charges, and be entitled to a hearing on at least ten days' notice, with the right to produce testimony. The hearing shall be held pursuant to chapter 14. The ~~commissioner~~ board shall issue a final order based on testimony and the record at hearing. One year from the date of revocation application may be made for a new license.

Sec. 10. Minnesota Statutes 2006, section 326.52, is amended to read:

326.52 DEPOSIT OF FEES.

All fees received under sections 326.46 to 326.52 shall be deposited by the Department of Labor and Industry to the credit of the general fund in the state treasury. The salaries and per diem of the inspectors and examiners hereinbefore provided, their expenses, and all incidental expenses of the department and board in carrying out the

provisions of sections 326.46 to 326.52 shall be paid from the appropriations made to the Department of Labor and Industry. The ~~commissioner~~ board by rule shall set the amount of the fees at a level that approximates, to the greatest extent possible, the salaries, per diem, and incidental expenses of the department.

Sec. 11. **TRANSFER OF AUTHORITY.**

The authority of the commissioner of labor and industry to adopt rules relating to high pressure piping systems is transferred to the Board of High Pressure Piping Systems. Licenses and permits currently in effect remain in effect according to their terms unless affected by board action. Rules adopted by the commissioner of labor and industry remain in effect until amended or repealed by the board."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "transferring authority to adopt rules to the board;"

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. 1400, A bill for an act relating to adoption; providing assistance to genetic siblings; amending Minnesota Statutes 2006, section 259.83, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 7, after "old" insert "and adopted, or"

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. 1416, A bill for an act relating to natural resources; creating a citizens advisory group for the Cuyuna Country State Recreation Area; modifying state park permit exemptions; appropriating money; amending Minnesota Statutes 2006, section 85.054, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 85.

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. 1417, A bill for an act relating to natural resources; requiring a pilot project to control Eurasian water milfoil.

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. 1421, A bill for an act relating to natural resources; establishing requirements for acquisition of easements; requiring a report; amending Minnesota Statutes 2006, section 84.0272, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 1442, A bill for an act relating to health; requiring hospital emergency rooms to provide emergency contraception, prophylactic antibiotics, and information to sexual assault victims; proposing coding for new law in Minnesota Statutes, chapter 145.

Reported the same back with the following amendments:

Page 1, line 17, delete "requirement" and insert "regiment"

Page 2, delete section 3 and insert:

"Sec. 3. **[145.4712] EMERGENCY CARE TO SEXUAL ASSAULT VICTIMS.**

Subdivision 1. **Emergency care to female sexual assault victims.** (a) It shall be the standard of care for all hospitals that provide emergency care to, at a minimum:

(1) provide each female sexual assault victim with medically and factually accurate and unbiased written and oral information about emergency contraception from the American College of Obstetricians and Gynecologists and distributed to all hospitals by the Department of Health;

(2) orally inform each female sexual assault victim of the option of being provided with emergency contraception at the hospital; and

(3) immediately provide emergency contraception to each sexual assault victim who requests it provided it is not medically contraindicated and is ordered by a legal prescriber. Emergency contraception shall be administered in accordance with current medical protocols regarding timing and dosage necessary to complete the treatment.

(b) A hospital may administer a pregnancy test. If the pregnancy test is positive, the hospital does not have to comply with provisions in paragraph (a).

Subd. 2. **Emergency care to male and female sexual assault victims.** It shall be the standard of care for all hospitals that provide emergency care to, at a minimum:

(1) provide each sexual assault victim with factually accurate and unbiased written and oral medical information about prophylactic antibiotics for treatment of sexually transmitted diseases;

(2) orally inform each sexual assault victim of the option of being provided prophylactic antibiotics for treatment of sexually transmitted diseases at the hospital; and

(3) immediately provide prophylactic antibiotics for treatment of sexually transmitted diseases to each sexual assault victim who requests it provided it is not medically contraindicated and is ordered by a legal prescriber."

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. 1483, A bill for an act relating to natural resources; providing for the protection and restoration of water quality in lakes and bodies of water of regional significance; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 383B.

Reported the same back with the following amendments:

Page 2, after line 23, insert:

"(c) If the powers delegated by this section constitute the exclusive source of authority for any activity undertaken by the Three Rivers Park District, the district's action may only be undertaken pursuant to a joint powers agreement with another entity having water management authority relating to the lake or other water resource involved."

With the recommendation that when so amended the bill be re-referred to the Committee on Finance without further recommendation.

The report was adopted.

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

H. F. No. 1493, A bill for an act relating to state government; providing rulemaking authority for surplus property; amending Minnesota Statutes 2006, section 16C.03, subdivision 2.

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

The report was adopted.

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

H. F. No. 1494, A bill for an act relating to elections; campaign finance; providing contribution limits for certain candidates; amending Minnesota Statutes 2006, section 10A.27, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 19, after the semicolon, insert "and"

Page 1, delete lines 20 and 21

Page 1, line 22, delete "(7)" and insert "(6)" and delete "supreme court justice or court of appeals judge" and insert "judicial office"

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. 1515, A bill for an act relating to commerce; regulating the business of credit counseling and debt management services; providing remedies and criminal penalties; appropriating money; amending Minnesota Statutes 2006, section 325E.311, subdivision 6; proposing coding for new law as Minnesota Statutes, chapter 332A; repealing Minnesota Statutes 2006, sections 332.12; 332.13; 332.14; 332.15; 332.16; 332.17; 332.18; 332.19; 332.20; 332.21; 332.22; 332.23; 332.24; 332.25; 332.26; 332.27; 332.28; 332.29.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 45.011, subdivision 1, is amended to read:

Subdivision 1. **Scope.** As used in chapters 45 to 83, 155A, 332, 332A, 345, and 359, and sections 325D.30 to 325D.42, 326.83 to 326.991, and 386.61 to 386.78, unless the context indicates otherwise, the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 2006, section 46.04, subdivision 1, is amended to read:

Subdivision 1. **General.** The commissioner of commerce, referred to in chapters 46 to 59A, and ~~sections 332.12 to 332.29~~ chapter 332A, as the commissioner, is vested with all the powers, authority, and privileges which, prior to the enactment of Laws 1909, chapter 201, were conferred by law upon the public examiner, and shall take over all duties in relation to state banks, savings banks, trust companies, savings associations, and other financial institutions within the state which, prior to the enactment of chapter 201, were imposed upon the public examiner. The commissioner of commerce shall exercise a constant supervision, either personally or through the examiners herein provided for, over the books and affairs of all state banks, savings banks, trust companies, savings associations, credit unions, industrial loan and thrift companies, and other financial institutions doing business within this state; and shall, through examiners, examine each financial institution at least once every 24 calendar months. In satisfying this examination requirement, the commissioner may accept reports of examination prepared by a federal

agency having comparable supervisory powers and examination procedures. With the exception of industrial loan and thrift companies which do not have deposit liabilities and licensed regulated lenders, it shall be the principal purpose of these examinations to inspect and verify the assets and liabilities of each and so far investigate the character and value of the assets of each institution as to determine with reasonable certainty that the values are correctly carried on its books. Assets and liabilities shall be verified in accordance with methods of procedure which the commissioner may determine to be adequate to carry out the intentions of this section. It shall be the further purpose of these examinations to assess the adequacy of capital protection and the capacity of the institution to meet usual and reasonably anticipated deposit withdrawals and other cash commitments without resorting to excessive borrowing or sale of assets at a significant loss, and to investigate each institution's compliance with applicable laws and rules. Based on the examination findings, the commissioner shall make a determination as to whether the institution is being operated in a safe and sound manner. None of the above provisions limits the commissioner in making additional examinations as deemed necessary or advisable. The commissioner shall investigate the methods of operation and conduct of these institutions and their systems of accounting, to ascertain whether these methods and systems are in accordance with law and sound banking principles. The commissioner may make requirements as to records as deemed necessary to facilitate the carrying out of the commissioner's duties and to properly protect the public interest. The commissioner may examine, or cause to be examined by these examiners, on oath, any officer, director, trustee, owner, agent, clerk, customer, or depositor of any financial institution touching the affairs and business thereof, and may issue, or cause to be issued by the examiners, subpoenas, and administer, or cause to be administered by the examiners, oaths. In case of any refusal to obey any subpoena issued under the commissioner's direction, the refusal may at once be reported to the district court of the district in which the bank or other financial institution is located, and this court shall enforce obedience to these subpoenas in the manner provided by law for enforcing obedience to subpoenas of the court. In all matters relating to official duties, the commissioner of commerce has the power possessed by courts of law to issue subpoenas and cause them to be served and enforced, and all officers, directors, trustees, and employees of state banks, savings banks, trust companies, savings associations, and other financial institutions within the state, and all persons having dealings with or knowledge of the affairs or methods of these institutions, shall afford reasonable facilities for these examinations, make returns and reports to the commissioner of commerce as the commissioner may require; attend and answer, under oath, the commissioner's lawful inquiries; produce and exhibit any books, accounts, documents, and property as the commissioner may desire to inspect, and in all things aid the commissioner in the performance of duties.

Sec. 3. Minnesota Statutes 2006, section 46.05, is amended to read:

46.05 SUPERVISION OVER FINANCIAL INSTITUTIONS.

Every state bank, savings bank, trust company, savings association, debt management services provider, and other financial institutions shall be at all times under the supervision and subject to the control of the commissioner of commerce. If, and whenever in the performance of duties, the commissioner finds it necessary to make a special investigation of any financial institution under the commissioner's supervision, and other than a complete examination, the commissioner shall make a charge therefor to include only the necessary costs thereof. Such a fee shall be payable to the commissioner on the commissioner's making a request for payment.

Sec. 4. Minnesota Statutes 2006, section 46.131, subdivision 2, is amended to read:

Subd. 2. **Assessment authority.** Each bank, trust company, savings bank, savings association, regulated lender, industrial loan and thrift company, credit union, motor vehicle sales finance company, debt ~~providing agency~~ management services provider and insurance premium finance company organized under the laws of this state or required to be administered by the commissioner of commerce shall pay into the state treasury its proportionate share of the cost of maintaining the Department of Commerce.

Sec. 5. Minnesota Statutes 2006, section 325E.311, subdivision 6, is amended to read:

Subd. 6. **Telephone solicitation.** "Telephone solicitation" means any voice communication over a telephone line for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, whether the communication is made by a live operator, through the use of an automatic dialing-announcing device as defined in section 325E.26, subdivision 2, or by other means. Telephone solicitation does not include communications:

(1) to any residential subscriber with that subscriber's prior express invitation or permission; or

(2) by or on behalf of any person or entity with whom a residential subscriber has a prior or current business or personal relationship.

Telephone solicitation also does not include communications if the caller is identified by a caller identification service and the call is:

(i) by or on behalf of an organization that is identified as a nonprofit organization under state or federal law, unless the organization is a debt management services provider defined in section 332A.02;

(ii) by a person soliciting without the intent to complete, and who does not in fact complete, the sales presentation during the call, but who will complete the sales presentation at a later face-to-face meeting between the solicitor who makes the call and the prospective purchaser; or

(iii) by a political party as defined under section 200.02, subdivision 6.

Sec. 6. Minnesota Statutes 2006, section 325N.01, is amended to read:

325N.01 DEFINITIONS.

The definitions in paragraphs (a) to (h) apply to sections 325N.01 to 325N.09.

(a) "Foreclosure consultant" means any person who, directly or indirectly, makes any solicitation, representation, or offer to any owner to perform for compensation or who, for compensation, performs any service which the person in any manner represents will in any manner do any of the following:

(1) stop or postpone the foreclosure sale;

(2) obtain any forbearance from any beneficiary or mortgagee;

(3) assist the owner to exercise the right of reinstatement provided in section 580.30;

(4) obtain any extension of the period within which the owner may reinstate the owner's obligation;

(5) obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a residence in foreclosure or contained in the mortgage;

(6) assist the owner in foreclosure or loan default to obtain a loan or advance of funds;

(7) avoid or ameliorate the impairment of the owner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale; or

(8) save the owner's residence from foreclosure.

(b) A foreclosure consultant does not include any of the following:

(1) a person licensed to practice law in this state when the person renders service in the course of his or her practice as an attorney-at-law;

(2) a person licensed as a debt ~~prorater under sections 332.12 to 332.29~~ management services provider under chapter 332A, when the person is acting as a debt ~~prorater~~ management services provider as defined in ~~these sections~~ that chapter;

(3) a person licensed as a real estate broker or salesperson under chapter 82 when the person engages in acts whose performance requires licensure under that chapter unless the person is engaged in offering services designed to, or purportedly designed to, enable the owner to retain possession of the residence in foreclosure;

(4) a person licensed as an accountant under chapter 326A when the person is acting in any capacity for which the person is licensed under those provisions;

(5) a person or the person's authorized agent acting under the express authority or written approval of the Department of Housing and Urban Development or other department or agency of the United States or this state to provide services;

(6) a person who holds or is owed an obligation secured by a lien on any residence in foreclosure when the person performs services in connection with this obligation or lien if the obligation or lien did not arise as the result of or as part of a proposed foreclosure reconveyance;

(7) any person or entity doing business under any law of this state, or of the United States relating to banks, trust companies, savings and loan associations, industrial loan and thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee which is a United States Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of these persons or entities, and any agent or employee of these persons or entities while engaged in the business of these persons or entities;

(8) a person licensed as a residential mortgage originator or servicer pursuant to chapter 58, when acting under the authority of that license or a foreclosure purchaser as defined in section 325N.10;

(9) a nonprofit agency or organization that offers counseling or advice to an owner of a home in foreclosure or loan default if they do not contract for services with for-profit lenders or foreclosure purchasers; and

(10) a judgment creditor of the owner, to the extent that the judgment creditor's claim accrued prior to the personal service of the foreclosure notice required by section 580.03, but excluding a person who purchased the claim after such personal service.

(c) "Foreclosure reconveyance" means a transaction involving:

(1) the transfer of title to real property by a foreclosed homeowner during a foreclosure proceeding, either by transfer of interest from the foreclosed homeowner or by creation of a mortgage or other lien or encumbrance during the foreclosure process that allows the acquirer to obtain title to the property by redeeming the property as a junior lienholder; and

(2) the subsequent conveyance, or promise of a subsequent conveyance, of an interest back to the foreclosed homeowner by the acquirer or a person acting in participation with the acquirer that allows the foreclosed homeowner to possess the real property following the completion of the foreclosure proceeding, which interest includes, but is not limited to, an interest in a contract for deed, purchase agreement, option to purchase, or lease.

(d) "Person" means any individual, partnership, corporation, limited liability company, association, or other group, however organized.

(e) "Service" means and includes, but is not limited to, any of the following:

(1) debt, budget, or financial counseling of any type;

(2) receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a lien on a residence in foreclosure;

(3) contacting creditors on behalf of an owner of a residence in foreclosure;

(4) arranging or attempting to arrange for an extension of the period within which the owner of a residence in foreclosure may cure the owner's default and reinstate his or her obligation pursuant to section 580.30;

(5) arranging or attempting to arrange for any delay or postponement of the time of sale of the residence in foreclosure;

(6) advising the filing of any document or assisting in any manner in the preparation of any document for filing with any bankruptcy court; or

(7) giving any advice, explanation, or instruction to an owner of a residence in foreclosure, which in any manner relates to the cure of a default in or the reinstatement of an obligation secured by a lien on the residence in foreclosure, the full satisfaction of that obligation, or the postponement or avoidance of a sale of a residence in foreclosure, pursuant to a power of sale contained in any mortgage.

(f) "Residence in foreclosure" means residential real property consisting of one to four family dwelling units, one of which the owner occupies as his or her principal place of residence, and against which there is an outstanding notice of pendency of foreclosure, recorded pursuant to section 580.032, or against which a summons and complaint has been served under chapter 581.

(g) "Owner" means the record owner of the residential real property in foreclosure at the time the notice of pendency was recorded, or the summons and complaint served.

(h) "Contract" means any agreement, or any term in any agreement, between a foreclosure consultant and an owner for the rendition of any service as defined in paragraph (e).

Sec. 7. **[332A.02] DEFINITIONS.**

Subdivision 1. **Scope.** Unless a different meaning is clearly indicated by the context, for the purposes of this chapter the terms defined in this section have the meanings given them.

Subd. 2. **Accreditation.** "Accreditation" means certification as an accredited credit counseling provider by the International Standards Organization or the Council on Accreditation.

Subd. 3. **Attorney general.** "Attorney general" means the attorney general of the state of Minnesota.

Subd. 4. **Commissioner.** "Commissioner" means commissioner of commerce.

Subd. 5. **Controlling or affiliated party.** "Controlling or affiliated party" means any person directly or indirectly controlling, controlled by, or under common control with another person.

Subd. 6. Debt management services agreement. "Debt management services agreement" means the written contract between the debt management services provider and the debtor.

Subd. 7. Debt management services plan. "Debt management services plan" means the debtor's individualized package of debt management services set forth in the debt management services agreement.

Subd. 8. Debt management services provider. "Debt management services provider" means any person offering or providing debt management services to a debtor domiciled in this state, regardless of whether or not a fee is charged for the services and regardless of whether the person maintains a physical presence in the state. This term does not include services performed by the following when engaged in the regular course of their respective businesses and professions:

(1) attorneys at law, escrow agents, accountants, broker-dealers in securities;

(2) state or national banks, trust companies, savings associations, title insurance companies, insurance companies, and all other lending institutions duly authorized to transact business in Minnesota, provided no fee is charged for the service;

(3) persons who, as employees on a regular salary or wage of an employer not engaged in the business of debt management, perform credit services for their employer;

(4) public officers acting in their official capacities and persons acting as a debt management services provider pursuant to court order;

(5) any person while performing services incidental to the dissolution, winding up, or liquidation of a partnership, corporation, or other business enterprise;

(6) the state, its political subdivisions, public agencies, and their employees;

(7) credit unions and collection agencies, provided no fee is charged for the service;

(8) "qualified organizations" designated as representative payees for purposes of the Social Security and Supplemental Security Income Representative Payee System and the federal Omnibus Budget Reconciliation Act of 1990, Public Law 101-508; and

(9) accelerated mortgage payment providers. "Accelerated mortgage payment providers" are persons who, after satisfying the requirements of sections 332.30 to 332.303, receive funds to make mortgage payments to a lender or lenders, on behalf of mortgagors, in order to exceed regularly scheduled minimum payment obligations under the terms of the indebtedness. The term does not include: (i) persons or entities described in clauses (1) to (8); (ii) mortgage lenders or servicers, industrial loan and thrift companies, or regulated lenders under chapter 56; or (iii) persons authorized to make loans under section 47.20, subdivision 1. For purposes of this clause and sections 332.30 to 332.303, "lender" means the original lender or that lender's assignee, whichever is the current mortgage holder.

Subd. 9. Debt management services. "Debt management services" means the provision of any one or more of the following:

(1) managing the financial affairs of an individual by distributing income or money to the individual's creditors;

(2) receiving funds for the purpose of distributing the funds among creditors in payment or partial payment of obligations of a debtor; or

(3) settling, adjusting, prorating, pooling, or liquidating the indebtedness of a debtor. Any person so engaged or holding out as so engaged is deemed to be engaged in the provision of debt management services regardless of whether or not a fee is charged for such services.

Subd. 10. **Debtor.** "Debtor" means the person for whom the debt prorating service is performed.

Subd. 11. **Person.** "Person" means any individual, firm, partnership, association, or corporation.

Subd. 12. **Registrant.** "Registrant" means any person registered by the commissioner pursuant to this chapter and, where used in conjunction with an act or omission required or prohibited by this chapter, shall mean any person performing debt management services.

Sec. 8. **[332A.03] REQUIREMENT OF REGISTRATION.**

On or after August 1, 2007, it is unlawful for any person, whether or not located in this state, to operate as a debt management service provider or provide debt management services, including but not limited to offering, advertising, or executing or causing to be executed any debt management services or debt management services agreement, except as authorized by law without first becoming registered as provided in this chapter. A person who possesses a valid license as a debt prorater that was issued by the commissioner before August 1, 2007, is deemed to be registered as a debt management services provider until the date the debt prorater license expires, at which time the licensee must obtain a renewal as a debt management service provider in compliance with this chapter. Debt proraters who were not required to be licensed as debt proraters before August 1, 2007, may continue to provide debt management services without complying with this chapter to those debtors who entered into a contract to participate in a debt management plan before August 1, 2007, except that the debt prorater must comply with section 332A.13, subdivision 2.

Sec. 9. **[332A.04] REGISTRATION.**

Subdivision 1. **Form.** Application for registration to operate as a debt management services provider in this state must be made in writing to the commissioner, under oath, in the form prescribed by the commissioner, and must contain:

(1) the full name of each principal of the entity applying;

(2) the address, which must not be a post office box, and the telephone number and, if applicable, e-mail address, of the applicant;

(3) identification of the trust account required under section 332A.13;

(4) consent to the jurisdiction of the courts of this state;

(5) the name and address of the registered agent authorized to accept service of process on behalf of the applicant or appointment of the commissioner as the applicant's agent for purposes of accepting service of process;

(6) disclosure of:

(i) whether any controlling or affiliated party has ever been convicted of a crime or found civilly liable for an offense involving moral turpitude, including forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or violation, or any violation of a federal or state law or regulation in connection with activities relating to the rendition of debt management services or involving any consumer fraud, false advertising, deceptive trade practices, or similar consumer protection law;

(ii) any judgments, private or public litigation, tax liens, written complaints, administrative actions, or investigations by any government agency against the applicant or any officer, director, manager, or shareholder owning more than five percent interest in the applicant, unresolved or otherwise, filed or otherwise commenced within the preceding ten years;

(iii) whether the applicant or any person employed by the applicant has had a record of having defaulted in the payment of money collected for others, including the discharge of debts through bankruptcy proceedings; and

(iv) whether the applicant's license or registration to provide debt management services in any other state has ever been revoked or suspended;

(7) a copy of the applicant's standard debt management services agreement that the applicant intends to execute with debtors;

(8) proof of accreditation of:

(i) the debt management services provider; and

(ii) all individuals employed by, under contract with, or otherwise agents of the provider who offer to provide or provide debt management services; and

(9) any other information and material as the commissioner may require.

Subd. 2. Term and scope of registration. The registration must remain in full force and effect for one calendar year or until it is surrendered by the licensee or revoked or suspended by the commissioner. The registration is limited solely to the business of providing debt management services.

Subd. 3. Fees. The registration application must be accompanied by payment of \$1,000 as a registration fee.

Subd. 4. Bond. The registration application must be accompanied by payment of the premium for a surety bond in which the applicant shall be the obligor, in a sum to be determined by the commissioner but not less than \$5,000, and in which an insurance company, which is duly authorized by the state of Minnesota to transact the business of fidelity and surety insurance, shall be a surety. However, the commissioner may accept a deposit in cash, or securities that may legally be purchased by savings banks or for trust funds of an aggregate market value equal to the bond requirement, in lieu of the surety bond. The cash or securities must be deposited with the commissioner of finance. The commissioner may also require a fidelity bond in an appropriate amount covering employees of any applicant. Each branch office or additional place of business of an applicant must be bonded as provided in this subdivision. In determining the bond amount necessary for the maintenance of any office, whether it is a surety bond, fidelity bond, or both, the commissioner shall consider the financial responsibility, experience, character, and general fitness of the debt management services provider and its operators and owners; the volume of business handled or proposed to be handled; the location of the office and the geographical area served or proposed to be served; and other information the commissioner may deem pertinent based upon past performance, previous examinations, annual reports, and manner of business conducted in other states.

Subd. 5. Condition of bond. The bond must run to the state of Minnesota for the use of the state and of any person or persons who may have a cause of action against the obligor arising out of the obligor's activities as a debt management services provider to a debtor domiciled in this state. The bond must be conditioned that the obligor will not commit any fraudulent act and will faithfully conform to and abide by the provisions of this chapter and of all rules lawfully made by the commissioner under this chapter and pay to the state and to any such person or persons any and all money that may become due or owing to the state or to such person or persons from the obligor under and by virtue of this chapter.

Subd. 6. **Right of action on bond.** If the registrant has failed to account to a debtor or distribute to the debtor's creditors the amounts required by this chapter and the debt management services agreement between the debtor and registrant, the debtor or the debtor's legal representative or receiver, the commissioner, or the attorney general, shall have, in addition to all other legal remedies, a right of action in the name of the debtor on the bond or the security given under this section, for loss suffered by the debtor, not exceeding the face amount of the bond or security, and without the necessity of joining the registrant in the suit or action.

Subd. 7. **Registrant list.** The commissioner must maintain a list of registered debt management services providers. The list must be made available to the public in written form upon request and on the Department of Commerce Web site.

Sec. 10. **[332A.05] NONASSIGNMENT OF REGISTRATION.**

A registration must not be transferred or assigned without the consent of the commissioner.

Sec. 11. **[332A.06] RENEWAL OF REGISTRATION.**

Each year, each registrant under the provisions of this chapter must, not more than 60 nor less than 30 days before its registration is to expire, apply to the commissioner for renewal of its registration on a form prescribed by the commissioner. The application must be signed by the registrant under penalty of perjury, contain current information on all matters required in the original application, and be accompanied by a payment of \$250. The registrant must maintain a continuous surety bond that satisfies the requirements of section 332A.04, subdivision 4, provided that the commissioner may require a different amount that is at least equal to the largest amount that has accrued in the registrant's trust account during the previous year. The renewal is effective for one year.

Sec. 12. **[332A.07] OTHER DUTIES OF REGISTRANT.**

Subdivision 1. **Requirement to update information.** A registrant must update any information required by this chapter provided in its original or renewal application not later than 90 days after the date the events precipitating the update occurred.

Subd. 2. **Inspection of debtor of registration.** Each registrant must maintain a copy of its registration in its files. The registrant must allow a debtor, upon request, to inspect the registration.

Sec. 13. **[332A.08] DENIAL OF REGISTRATION.**

The commissioner, with notice to the applicant by certified mail sent to the address listed on the application, may deny an application for a registration upon finding that the applicant:

(1) has submitted an application required under section 332A.04 that contains incorrect, misleading, incomplete, or materially untrue information. An application is incomplete if it does not include all the information required in section 332A.04;

(2) has failed to pay any fee or pay or maintain any bond required by this chapter, or failed to comply with any order, decision, or finding of the commissioner made under and within the authority of this chapter;

(3) has violated any provision of this chapter or any rule or direction lawfully made by the commissioner under and within the authority of this chapter;

(4) or any controlling or affiliated party has ever been convicted of a crime or found civilly liable for an offense involving moral turpitude, including forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or violation, or any violation of a federal or state law or regulation in connection with activities relating to the rendition of debt management services or any consumer fraud, false advertising, deceptive trade practices, or similar consumer protection law;

(5) has had a registration or license previously revoked or suspended in this state or any other state or the applicant or licensee has been permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the debt management services provider business; or any controlling or affiliated party has been an officer, director, manager, or shareholder owning more than a ten percent interest in a debt management services provider whose registration has previously been revoked or suspended in this state or any other state, or who has been permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the debt management services provider business;

(6) has made any false statement or representation to the commissioner;

(7) is insolvent;

(8) refuses to fully comply with an investigation or examination of the debt management services provider by the commissioner;

(9) has improperly withheld, misappropriated, or converted any money or properties received in the course of doing business;

(10) has failed to have a trust account with an actual cash balance equal to or greater than the sum of the escrow balances of each debtor's account;

(11) has defaulted in making payments to creditors on behalf of debtors as required by agreements between the provider and debtor; or

(12) has used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in this state or elsewhere.

Sec. 14. **[332A.09] SUSPENDING, REVOKING, OR REFUSING TO RENEW REGISTRATION.**

Subdivision 1. **Procedure.** The commissioner may revoke, suspend, or refuse to renew any registration issued under this chapter, or may levy a civil penalty under section 45.027, or any combination of actions, if the debt management services provider or any controlling or affiliated person has committed any act or omission for which the commissioner could have refused to issue an initial registration or renew an existing registration. Revocation of or refusal to renew a registration must be upon notice and hearing as prescribed in the Administrative Procedure Act, sections 14.57 to 14.69. The notice must set a time for hearing before the commissioner not less than 20 nor more than 30 days after service of the notice, provided the registrant may waive the 20-day minimum. The commissioner may, in the notice, suspend the registration for a period not to exceed 60 days. Unless the notice states that the registration is suspended, pending the determination of the main issue, the registrant may continue to transact business until the final decision of the commissioner. If the registration is suspended, the commissioner shall hold a hearing and render a final determination within ten days of a request by the registrant. If the commissioner fails to do so, the suspension shall terminate and be of no force or effect.

Subd. 2. **Notification of interested persons.** After the notice and hearing required in subdivision 1, upon issuing an order suspending or revoking a registration or refusing to renew a registration, the commissioner may notify all individuals who have contracts with the affected registrant and all creditors who have agreed to a debt management services plan that the registration has been revoked and that the order is subject to appeal.

Subd. 3. **Receiver for funds of sanctioned registrant.** When an order is issued revoking or refusing to renew a registration, the commissioner may apply for, and the district court must appoint, a receiver to temporarily or permanently receive the assets of the registrant pending a final determination of the validity of the order.

Sec. 15. **[332A.10] WRITTEN DEBT MANAGEMENT SERVICES AGREEMENT.**

Subdivision 1. **Written agreement required.** A debt management services provider may not perform any debt management services or receive any money related to a debt management plan until the provider has obtained a debt management services agreement that contains all terms of the agreement between the debt management services provider and the debtor. A debt management services agreement must be in writing, dated, and signed by the debt management services provider and the debtor. The registrant must furnish the debtor with a copy of the signed contract upon execution.

Subd. 2. **Actions prior to written agreement.** No person may provide debt management services for a debtor unless the person first has:

(1) provided the debtor individualized counseling and educational information that, at a minimum, addresses managing household finances, managing credit and debt, budgeting, and personal savings strategies;

(2) prepared in writing and provided to the debtor, in a form that the debtor may keep, an individualized financial analysis and a proposed debt management plan listing the debtor's known debts with specific recommendations regarding actions the debtor should take to reduce or eliminate the amount of the debts, including written disclosure that debt management services are not suitable for all debtors and that there are other ways, including bankruptcy, to deal with indebtedness;

(3) made a determination supported by an individualized financial analysis that the debtor can reasonably meet the requirements of the proposed debt management plan and that there is a net tangible benefit to the debtor of entering into the proposed debt management plan; and

(4) prepared, in a form the debtor may keep, a written list identifying all known creditors of the debtor that the provider reasonably expects to participate in the plan and the creditors, including secured creditors, that the provider reasonably expects not to participate.

Subd. 3. **Required terms.** (a) Each debt management services agreement must contain the following terms, which must be disclosed prominently and clearly in bold print on the front page of the agreement, segregated by bold lines from all other information on the page:

(1) the fee amount to be paid by the debtor and whether the initial fee amount is refundable or nonrefundable;

(2) the monthly fee amount or percentage to be paid by the debtor; and

(3) the total amount of fees reasonably anticipated to be paid by the debtor over the term of the agreement.

(b) Each debt management services agreement must also contain the following:

(1) a disclosure that if the amount of debt owed is increased by interest, late fees, over the limit fees, and other amounts imposed by the creditors, the length of the debt management services agreement will be extended and remain in force and that the total dollar charges agreed upon may increase at the rate agreed upon in the original contract agreement;

(2) a prominent statement describing the terms upon which the debtor may cancel the contract as set forth in section 332A.11;

(3) a detailed description of all services to be performed by the debt management services provider for the debtor;

(4) the debt management service provider's refund policy; and

(5) the debt management service provider's principal business address and the name and address of its agent in this state authorized to receive service of process.

Subd. 4. **Prohibited terms.** The following terms shall not be included in the debt management services agreement:

(1) a hold harmless clause;

(2) a confession of judgment, or a power of attorney to confess judgment against the debtor or appear as the debtor in any judicial proceeding;

(3) a waiver of the right to a jury trial, if applicable, in any action brought by or against a debtor;

(4) an assignment of or an order for payment of wages or other compensation for services;

(5) a provision in which the debtor agrees not to assert any claim or defense arising out of the debt management services agreement;

(6) a waiver of any provision of this chapter or a release of any obligation required to be performed on the part of the debt management services provider; or

(7) a mandatory arbitration clause.

Subd. 5. **New debt management services agreements; modification of existing agreements.** (a) Separate and additional debt management services agreements that comply with this chapter may be entered into by the debt management services provider and the debtor provided that no additional initial fee may be charged by the debt management services provider.

(b) Any modification of an existing debt management services agreement, including any increase in the number or amount of debts included in the debt management service, must be in writing and signed by both parties. No fees, charges, or other consideration may be demanded from the debtor for the modification, other than an increase in the amount of the monthly maintenance fee established in the original debt management services agreement.

Sec. 16. **[332A.11] RIGHT TO CANCEL.**

Subdivision 1. **Debtor's right to cancel.** A debtor has the right to cancel the debt management services agreement without cause at any time upon ten days' written notice to the debt management service provider. In the event of cancellation, the debt management services provider must, within ten days of the cancellation, notify the debtor's creditors of the cancellation and provide a refund of all unexpended funds paid by or for the debtor to the debt management service provider.

Subd. 2. **Notice of debtor's right to cancel.** A debt management services agreement must contain, on its face, in an easily readable typeface immediately adjacent to the space for signature by the debtor, the following notice: "Right To Cancel: You have the right to cancel this contract at any time on ten days' written notice."

Subd. 3. **Automatic termination.** Upon the payment of all listed debts and fees, the debt management services agreement must automatically terminate, and all unexpended funds paid by or for the debtor to the debt management service provider must be immediately returned to the debtor.

Subd. 4. **Debt management services provider's right to cancel.** A debt management services provider may cancel a debt management services agreement with good cause upon 30 days' written notice to the debtor. Within ten days after the cancellation, the debt management services provider must: (1) notify the debtor's creditors of the cancellation; and (2) return to the debtor all unexpended funds paid by or for the debtor.

Sec. 17. **[332A.12] BOOKS, RECORDS, AND INFORMATION.**

Subdivision 1. **Records retention.** Every registrant must keep, and use in the registrant's business, such books, accounts, and records, including electronic records, as will enable the commissioner to determine whether the registrant is complying with this chapter and of the rules, orders, and directives adopted by the commissioner under this chapter. Every registrant must preserve such books, accounts, and records for at least six years after making the final entry on any transaction recorded therein. Examinations of the books, records, and method of operations conducted under the supervision of the commissioner shall be done at the cost of the registrant. The cost must be assessed as determined under section 46.131.

Subd. 2. **Statements to debtors.** Each registrant must maintain and must make available records and accounts that will enable each debtor to ascertain the amounts paid to the creditors of the debtor. A statement showing amounts received from the debtor, disbursements to each creditor, amounts which any creditor has agreed to accept as payment in full for any debt owed the creditor by the debtor, charges deducted by the registrant, and such other information as the commissioner may prescribe, must be furnished by the registrant to the debtor at least monthly and, in addition, upon any cancellation or termination of the contract. In addition to the statements required by this subdivision, each debtor must have reasonable access, without cost, by electronic or other means, to information in the registrant's files applicable to the debtor. These statements, records, and accounts must otherwise remain confidential except for duly authorized state and government officials, the commissioner, the attorney general, the debtor, and the debtor's representative and designees. Each registrant must prepare and retain in the file of each debtor a written analysis of the debtor's income and expenses to substantiate that the plan of payment is feasible and practicable.

Sec. 18. **[332A.13] FEES, PAYMENTS, AND CONSENT OF CREDITORS.**

Subdivision 1. **Origination fee; credit background report cost.** The registrant may charge a nonrefundable origination fee of not more than \$50, which may be retained by the registrant from the initial amount paid by the debtor to the registrant.

Subd. 2. **Monthly maintenance fee.** The registrant may charge a periodic fee for account maintenance or other purposes, but only if the fee is reasonable for the services provided and does not exceed the lesser of 15 percent of the monthly payment amount or \$75.

Subd. 3. **Additional fees unauthorized.** A registrant may not impose any fee or other charge or receive any funds or other payment other than the initial fee or monthly maintenance fee authorized by this section.

Subd. 4. **Amount of periodic payments retained.** The registrant may retain as payment for the fees authorized by this section no more than 15 percent of any periodic payment made to the registrant by the debtor. The remaining 85 percent must be disbursed to listed creditors under and in accordance with the debt management services agreement. No fees or charges may be received or retained by the registrant for any handling of recurring payments. Recurring payments include current rent, mortgage, utility, telephone, maintenance as defined in section 518.27, child support, insurance premiums, and such other payments as the commissioner may by rule prescribe.

Subd. 5. **Advance payments.** No fees or charges may be received or retained for any payments by the debtor made more than the following number of days in advance of the date specified in the debt management services agreement on which they are due: (1) 42 days in the case of contracts requiring monthly payments; (2) 15 days in the case of agreements requiring biweekly payments; or (3) seven days in the case of agreements requiring weekly payments. For those agreements which do not require payments in specified amounts, a payment is deemed an advance payment to the extent it exceeds twice the average regular payment previously made by the debtor under that contract. This subdivision does not apply when the debtor intends to use the advance payments to satisfy future payment of obligations due within 30 days under the contract. This subdivision supersedes any inconsistent provision of this chapter.

Subd. 6. **Consent of creditors.** A registrant must actively seek to obtain the consent of all creditors to the debt management services plan set forth in the debt management services agreement. Consent by a creditor may be express and in writing, or may be evidenced by acceptance of a payment made under the debt management services plan set forth in the contract. The registrant must notify the debtor within ten days after any failure to obtain the required consent and of the debtor's right to cancel without penalty. The notice must be in a form as the commissioner shall prescribe. Nothing contained in this section is deemed to require the return of any origination fee and any fees earned by the registrant prior to cancellation or default.

Subd. 7. **Withdrawal of creditor.** Whenever a creditor withdraws from a debt management services plan, or refuses to participate in a debt management services plan, the registrant must promptly notify the debtor of the withdrawal or refusal. In no case may this notice be provided more than 15 days after the debt management services plan learns of the creditor's decision to withdraw from or refuse to participate in a plan. This notice must include the identity of the creditor withdrawing from the plan, the amount of the monthly payment to that creditor, and the right of the debtor to cancel the agreement under section 332A.11.

Subd. 8. **Payments held in trust.** The registrant must maintain a separate trust account and deposit in the account all payments received from the moment that they are received, except that the registrant may commingle the payment with the registrant's own property or funds, but only to the extent necessary to ensure the maintenance of a minimum balance if the financial institution at which the trust account is held requires a minimum balance to avoid the assessment of fees or penalties for failure to maintain a minimum balance. All disbursements, whether to the debtor or to the creditors of the debtor, or to the registrant, must be made from such account.

Subd. 9. **Timely payment of creditors.** The registrant must disburse any funds paid by or on behalf of a debtor to creditors of the consumer within 42 days after receipt of the funds, or earlier if necessary to comply with the due date in the contract between the debtor and the creditor, unless the reasonable payment of one or more of the debtor's obligations requires that the funds be held for a longer period so as to accumulate a sum certain, or where the debtor's payment is returned for insufficient funds or other reason that makes the withholding of such payments in the net interest of the debtor.

Sec. 19. **[332A.14] PROHIBITIONS.**

A registrant shall not:

(1) purchase from a creditor any obligation of a debtor;

(2) use, threaten to use, seek to have used, or seek to have threatened the use of any legal process, including but not limited to garnishment and repossession of personal property, against any debtor while the debt management services agreement between the registrant and the debtor remains executory;

(3) advise a debtor to stop paying a creditor until a debt management services plan is in place;

(4) require as a condition of performing debt management services the purchase of any services, stock, insurance, commodity, or other property or any interest therein either by the debtor or the registrant;

(5) compromise any debts unless the prior written approval of the debtor has been obtained to such compromise and unless such compromise inures solely to the benefit of the debtor;

(6) receive from any debtor as security or in payment of any fee a promissory note or other promise to pay or any mortgage or other security, whether as to real or personal property;

(7) lend money or provide credit to any debtor if any interest or fee is charged, or directly or indirectly collect any fee for referring, advising, procuring, arranging, or assisting a consumer in obtaining any extension of credit or other debtor service from a lender or service provider;

(8) structure a debt management services agreement that would result in negative amortization of any debt in the plan;

(9) engage in any unfair, deceptive, or unconscionable act or practice in connection with any service provided to any debtor;

(10) offer, pay, or give any material cash fee, gift, bonus, premium, reward, or other compensation to any person for referring any prospective customer to the registrant or for enrolling a debtor in a debt management services plan, or provide any other incentives for employees or agents of the debt management services provider to induce debtors to enter into a debt management plan;

(11) receive any cash, fee, gift, bonus, premium, reward, or other compensation from any person other than the debtor or a person on the debtor's behalf in connection with activities as a registrant, provided that this paragraph does not apply to a registrant which is a bona fide nonprofit corporation duly organized under chapter 317A or under the similar laws of another state;

(12) enter into a contract with a debtor unless a thorough written budget analysis indicates that the debtor can reasonably meet the requirements of the financial adjustment plan and will be benefited by the plan;

(13) in any way charge or purport to charge or provide any debtor credit insurance in conjunction with any contract or agreement involved in the debt management services plan;

(14) operate or employ a person who is an employee or owner of a collection agency or process-serving business; or

(15) require or attempt to require payment of a sum that the registrant states, discloses, or advertises to be a voluntary contribution from the debtor.

Sec. 20. **[332A.16] ADVERTISEMENT OF DEBT MANAGEMENT SERVICES PLANS.**

No debt management services provider may make false, deceptive, misleading statements, or omissions about the rates, terms, or conditions of an actual or proposed debt management services plan or its debt management services, or create the likelihood of consumer confusion or misunderstanding regarding its services, including but not limited to the following:

(1) represent that the debt management services provider is a nonprofit, not-for-profit, or has similar status or characteristics if some or all of the debt management services will be provided by a for-profit company that is a controlling or affiliated party to the debt management services provider; or

(2) make any communication that gives the impression that the debt management services provider is acting on behalf of a government agency.

Sec. 21. **[332A.17] DEBT MANAGEMENT SERVICES AGREEMENT RESCISSION.**

Any debtor has the right to rescind any debt management services agreement with a debt management services provider that commits a material violation of this chapter. On rescission, all fees paid to the debt management services provider or any other person other than creditors of the debtor must be returned to the debtor entering into the debt management services agreement within ten days of rescission of the debt management services agreement.

Sec. 22. **[332A.18] ENFORCEMENT; REMEDIES.**

Subdivision 1. **Violation a deceptive practice.** A violation of any of the provisions of this chapter is considered an unfair or deceptive trade practice under section 8.31, subdivision 1. A private right of action under section 8.31 by an aggrieved debtor is in the public interest.

Subd. 2. **Private right of action.** (a) A debt management services provider who fails to comply with any of the provisions of this chapter is liable under this section in an individual action for the sum of: (i) actual, incidental, and consequential damages sustained by the debtor as a result of the failure; and (ii) statutory damages of up to \$1,000.

(b) A debt management services provider who fails to comply with any of the provisions of this chapter is liable under this section in a class action for the sum of: (i) the amount that each named plaintiff could recover under paragraph (a), clause (i); and (ii) such amount as the court may allow for all other class members.

(c) In determining the amount of statutory damages, the court shall consider, among other relevant factors:

(1) the frequency, nature, and persistence of noncompliance;

(2) the extent to which the noncompliance was intentional; and

(3) in the case of a class action, the number of debtors adversely affected.

(d) A plaintiff or class successful in a legal or equitable action under this section is entitled to the costs of the action, plus reasonable attorney fees.

Subd. 3. **Injunctive relief.** A debtor may sue a debt management services provider for temporary or permanent injunctive or other appropriate equitable relief to prevent violations of any provision of this chapter. A court must grant injunctive relief on a showing that the debt management services provider has violated any provision of this chapter, or in the case of a temporary injunction, on a showing that the debtor is likely to prevail on allegations that the debt management services provider violated any provision of this chapter.

Subd. 4. **Remedies cumulative.** The remedies provided in this section are cumulative and do not restrict any remedy that is otherwise available. The provisions of this chapter are not exclusive and are in addition to any other requirements, rights, remedies, and penalties provided by law.

Subd. 5. **Public enforcement.** The attorney general shall enforce this chapter under section 8.31.

Sec. 23. **[332A.19] INVESTIGATION.**

The commissioner may examine the books and records of every registrant and of any person engaged in the business of providing debt management services as defined in section 332A.02 at any reasonable time. The commissioner once during any calendar year may require the submission of an audit prepared by a certified public accountant of the books and records of each registrant. If the registrant has, within one year previous to the commissioner's demand, had an audit prepared for some other purpose, this audit may be submitted to satisfy the requirement of this section. The commissioner may investigate any complaint concerning violations of this chapter and may require the attendance and sworn testimony of witnesses and the production of documents.

Sec. 24. **APPROPRIATION.**

(a) \$...... is appropriated for fiscal year 2008 from the general fund to the commissioner of commerce for costs associated with registration of debt management services providers, including the startup costs necessitated by this act.

(b) \$...... is appropriated for fiscal year 2009 from the general fund to the commissioner of commerce for costs associated with registration of debt management services providers. This amount is added to the base for fiscal year 2010 and beyond.

Sec. 25. **REPEALER.**

Minnesota Statutes 2006, sections 332.12; 332.13; 332.14; 332.15; 332.16; 332.17; 332.18; 332.19; 332.20; 332.21; 332.22; 332.23; 332.24; 332.25; 332.26; 332.27; 332.28; and 332.29, are repealed.

Sec. 26. **EFFECTIVE DATE.**

Sections 1 to 23 and 25 are effective January 1, 2008. Section 24 is effective July 1, 2007."

Delete the title and insert:

"A bill for an act relating to commerce; regulating the business of providing debt management services; providing enforcement powers, civil remedies, and criminal penalties; appropriating money; amending Minnesota Statutes 2006, sections 45.011, subdivision 1; 46.04, subdivision 1; 46.05; 46.131, subdivision 2; 325E.311, subdivision 6; 325N.01; proposing coding for new law as Minnesota Statutes, chapter 332A; repealing Minnesota Statutes 2006, sections 332.12; 332.13; 332.14; 332.15; 332.16; 332.17; 332.18; 332.19; 332.20; 332.21; 332.22; 332.23; 332.24; 332.25; 332.26; 332.27; 332.28; 332.29."

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. 1540, A bill for an act relating to environment; requiring a report on strategies to prevent endocrine disruptors in waters of the state.

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. 1555, A bill for an act relating to state government; including definition terms for energy forward pricing mechanisms; amending Minnesota Statutes 2006, section 16C.143, subdivision 1.

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

The report was adopted.

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

H. F. No. 1594, A bill for an act relating to the military; expanding the reenlistment bonus program; providing for certain academic awards; amending Minnesota Statutes 2006, section 192.501, subdivisions 1b, 2.

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

The report was adopted.

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

H. F. No. 1598, A bill for an act relating to state government; ratifying certain labor agreements and compensation plans.

Reported the same back with the following amendments:

Page 1, after line 17, insert:

"Subd. 4. **Gambling Control Board.** The proposal to increase the salary of the director of the Gambling Control Board, as approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on August 7, 2006, is ratified."

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

The report was adopted.

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

H. F. No. 1612, A bill for an act relating to the military; improving access to counseling services for returning soldiers and veterans; requiring a report; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **APPROPRIATIONS.**

Subdivision 1. **Veterans affairs.** The sums in this section are appropriated from the general fund to the commissioner of veterans affairs for the fiscal years designated and for the purposes specified. The commissioner may, where practicable, use these amounts to make grants to local providers of psychological counseling services for the stated purposes. These are onetime appropriations.

Subd. 2. **Hotline for veterans counseling referral.** For a staffed telephone hotline and operator to refer soldiers and veterans to all available local, state, and federal counseling services at all practicable hours of need. The commissioner must broadly and repeatedly publish the number and availability of this telephone hotline and must encourage local media and service providers to publish it as well.

\$.....	<u>2008</u>
\$.....	<u>2009</u>

Subd. 3. **Local veterans counseling services.** For the provision of local psychological counseling services in underserved areas of the state having significant population concentrations of service members and veterans.

\$.....	<u>2008</u>
\$.....	<u>2009</u>

Sec. 2. **NEEDS ASSESSMENT REQUIRED.**

By November 1, 2007, the commissioner of veterans affairs and the adjutant general of the National Guard shall jointly report to the chair and ranking minority member of each committee in the senate and house of representatives with jurisdiction over the policy or finance of veterans affairs and military affairs regarding the psychological status and needs of soldiers and veterans returning to Minnesota after having served in support of contingency operations for Operation Enduring Freedom and Operation Iraqi Freedom. The report must provide the best relevant insights into and advice concerning how to most effectively provide the psychological support services determined to be needed by those soldiers and veterans.

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

Delete the title and insert:

"A bill for an act relating to the military; improving access to psychological counseling services for returning soldiers and veterans; requiring a report; appropriating money."

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

The report was adopted.

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

H. F. No. 1638, A bill for an act relating to state government; establishing a grants management process, governance, and structure; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 13; 16B.

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

The report was adopted.

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

H. F. No. 1642, A bill for an act relating to energy; increasing capacity of wind energy that a school board may own; amending Minnesota Statutes 2006, section 123B.02, subdivision 21.

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. 1665, A bill for an act relating to consumer protection; regulating security freezes on consumer reports; providing for payment of fees; amending Minnesota Statutes 2006, section 13C.016, subdivision 8.

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. 1669, A bill for an act relating to gambling; providing for amusement games; amending Minnesota Statutes 2006, section 609.75, subdivision 8, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299L.

Reported the same back with the following amendments:

Page 2, line 1, delete "may" and insert "shall"

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

The report was adopted.

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

H. F. No. 1688, A bill for an act relating to state government; changing terminology for Office of Enterprise Technology; amending Minnesota Statutes 2006, sections 16E.15, subdivision 2; 16E.18, subdivisions 2, 3, 7.

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. 1691, A bill for an act relating to gambling; modifying expenditure restrictions; clarifying certain game requirements, prize amounts, and making other changes to lawful gambling; amending Minnesota Statutes 2006, sections 349.15, subdivision 1; 349.163, by adding a subdivision; 349.211; repealing Minnesota Statutes 2006, section 349.19, subdivision 2b.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

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

Subd. 16a. **Fraternal organization.** "Fraternal organization" means a nonprofit organization which is a branch, lodge, or chapter of a national or state organization registered by the Internal Revenue Services as a 501(c)8 or a 501(c)10 nonprofit organization and exists for the common business, fraternal, or other interests of its members. The term does not include college and high school fraternities and sororities.

Sec. 2. Minnesota Statutes 2006, section 349.12, subdivision 25, is amended to read:

Subd. 25. **Lawful purpose.** (a) "Lawful purpose" means one or more of the following:

(1) any expenditure by or contribution to a 501(c)(3) or festival organization, as defined in subdivision 15a, provided that the organization and expenditure or contribution are in conformity with standards prescribed by the board under section 349.154, which standards must apply to both types of organizations in the same manner and to the same extent;

(2) a contribution to or expenditure for goods and services for an individual or family suffering from poverty, homelessness, or disability, which is used to relieve the effects of that suffering;

(3) a contribution to a program recognized by the Minnesota Department of Human Services for the education, prevention, or treatment of problem gambling;

(4) a contribution to or expenditure on a public or private nonprofit educational institution registered with or accredited by this state or any other state;

(5) a contribution to an individual, public or private nonprofit educational institution registered with or accredited by this state or any other state, or to a scholarship fund of a nonprofit organization whose primary mission is to award scholarships, for defraying the cost of education to individuals where the funds are awarded through an open and fair selection process;

(6) activities by an organization or a government entity which recognize military service to the United States, the state of Minnesota, or a community, subject to rules of the board, provided that the rules must not include mileage reimbursements in the computation of the per diem reimbursement limit and must impose no aggregate annual limit on the amount of reasonable and necessary expenditures made to support:

(i) members of a military marching or color guard unit for activities conducted within the state;

(ii) members of an organization solely for services performed by the members at funeral services;

(iii) members of military marching, color guard, or honor guard units may be reimbursed for participating in color guard, honor guard, or marching unit events within the state or states contiguous to Minnesota at a per participant rate of up to \$35 per diem; or

(iv) active military personnel and their immediate family members in need of support services;

(7) recreational, community, and athletic facilities and activities intended primarily for persons under age 21, provided that such facilities and activities do not discriminate on the basis of gender and the organization complies with section 349.154;

(8) payment of local taxes authorized under this chapter, taxes imposed by the United States on receipts from lawful gambling, the taxes imposed by section 297E.02, subdivisions 1, 4, 5, and 6, and the tax imposed on unrelated business income by section 290.05, subdivision 3;

(9) payment of real estate taxes and assessments on permitted gambling premises owned by the licensed organization paying the taxes, or wholly leased by a licensed veterans organization under a national charter recognized under section 501(c)(19) of the Internal Revenue Code;

(10) a contribution to the United States, this state or any of its political subdivisions, or any agency or instrumentality thereof other than a direct contribution to a law enforcement or prosecutorial agency;

(11) a contribution to or expenditure by a nonprofit organization which is a church or body of communicants gathered in common membership for mutual support and edification in piety, worship, or religious observances;

(12) payment of the reasonable costs of an audit required in section 297E.06, subdivision 4, provided the annual audit is filed in a timely manner with the Department of Revenue and paid prior to June 30, 2006;

(13) a contribution to or expenditure on projects or activities approved by the commissioner of natural resources for:

(i) wildlife management projects that benefit the public at large;

(ii) grant-in-aid trail maintenance and grooming established under sections 84.83 and 84.927, and other trails open to public use, including purchase or lease of equipment for this purpose; and

(iii) supplies and materials for safety training and educational programs coordinated by the Department of Natural Resources, including the Enforcement Division;

(14) conducting nutritional programs, food shelves, and congregate dining programs primarily for persons who are age 62 or older or disabled;

(15) a contribution to a community arts organization, or an expenditure to sponsor arts programs in the community, including but not limited to visual, literary, performing, or musical arts;

(16) an expenditure by a licensed fraternal organization or a licensed veterans organization for payment of water, fuel for heating, electricity, and sewer costs for a building wholly owned or wholly leased by and used as the primary headquarters of the licensed veterans organization or fraternal organization;

(17) expenditure by a licensed veterans organization of up to \$5,000 in a calendar year in net costs to the organization for meals and other membership events, limited to members and spouses, held in recognition of military service. No more than \$5,000 can be expended in total per calendar year under this clause by all licensed veterans organizations sharing the same veterans post home;

(18) payment of fees authorized under this chapter imposed by the state of Minnesota to conduct lawful gambling in Minnesota; or

(19) a contribution or expenditure to honor an individual's humanitarian service as demonstrated through philanthropy or volunteerism to the United States, this state, or local community.

(b) Notwithstanding paragraph (a), "lawful purpose" does not include:

(1) any expenditure made or incurred for the purpose of influencing the nomination or election of a candidate for public office or for the purpose of promoting or defeating a ballot question;

(2) any activity intended to influence an election or a governmental decision-making process;

(3) the erection, acquisition, improvement, expansion, repair, or maintenance of real property or capital assets owned or leased by an organization, unless the board has first specifically authorized the expenditures after finding that (i) the real property or capital assets will be used exclusively for one or more of the purposes in paragraph (a); (ii) with respect to expenditures for repair or maintenance only, that the property is or will be used extensively as a meeting place or event location by other nonprofit organizations or community or service groups and that no rental fee is charged for the use; (iii) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building, a building owned by the organization and destroyed or made uninhabitable by fire or catastrophe, provided that the expenditure may be only for that part of the replacement cost not reimbursed by insurance; (iv) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building a building owned by the organization that was acquired from the organization by eminent domain or sold by the organization to a purchaser that the organization reasonably believed would otherwise have acquired the building by eminent domain, provided that the expenditure may be only for that part of the replacement cost that exceeds the compensation received by the organization for the building being replaced; or (v) with respect to an expenditure to bring an existing building into compliance with the Americans with Disabilities Act under item (ii), an organization has the option to apply the amount of the board-approved expenditure to the erection or acquisition of a replacement building that is in compliance with the Americans with Disabilities Act;

(4) an expenditure by an organization which is a contribution to a parent organization, foundation, or affiliate of the contributing organization, if the parent organization, foundation, or affiliate has provided to the contributing organization within one year of the contribution any money, grants, property, or other thing of value;

(5) a contribution by a licensed organization to another licensed organization unless the board has specifically authorized the contribution. The board must authorize such a contribution when requested to do so by the contributing organization unless it makes an affirmative finding that the contribution will not be used by the recipient organization for one or more of the purposes in paragraph (a); or

(6) a contribution to a statutory or home rule charter city, county, or town by a licensed organization with the knowledge that the governmental unit intends to use the contribution for a pension or retirement fund.

Sec. 3. Minnesota Statutes 2006, section 349.12, subdivision 25d, is amended to read:

Subd. 25d. **Linked bingo prize pool.** "Linked bingo prize pool" means the total of all prize money that each participating organization has contributed to ~~the~~ a linked bingo game prize and includes any portion of the prize pool that is carried over from one occasion to another in a progressive linked bingo game. ~~No participating organization may contribute more than \$300 per bingo occasion to a linked bingo prize pool."~~

Page 2, after line 3, insert:

"Sec. 6. Minnesota Statutes 2006, section 349.17, subdivision 8, is amended to read:

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

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

(c) The board may adopt rules to:

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

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

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

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

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

Page 2, line 17, strike "occasion to a"

Page 2, line 18, after "game" insert "to a linked bingo" and strike "and"

Page 2, line 24, delete the period and insert "; and"

Page 2, after line 24, insert:

"(3) for a progressive linked bingo game, if no player declares a valid bingo within the predetermined amount of bingo numbers called, a portion of the prize is carried over to another occasion until the accumulated prize is won. The portion of the prize that is not carried over must be awarded to the first player or players who declares a valid bingo as additional numbers are called. If a valid bingo is declared within the predetermined amount of bingo

numbers called, the entire prize pool for that game is awarded to the winner. The annual limit for progressive bingo game prizes contained in subdivision 2 must be reduced by the amount an organization contributes to progressive linked bingo games during the same calendar year."

Page 2, line 25, before "A" insert "Except as provided in subdivision 1a."

Page 3, line 20, delete "1" and insert "4" and delete "2 to 4" and insert "5 to 8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, before "modifying" insert "providing and modifying definitions;"

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. 1722, A bill for an act relating to human services; changing the pharmacy dispensing fee; requiring a report on changes to pharmacy dispensing service fees; amending Minnesota Statutes 2006, section 256B.0625, subdivision 13e; Laws 2006, chapter 282, article 16, section 15, subdivision 6.

Reported the same back with the following amendments:

Page 1, line 17, after "multiple-source" insert "generic"

Page 1, line 22, after "multiple-source" insert "generic"

Page 2, line 2, after "multisource" insert "generic"

Page 2, line 8, after "for" insert "fee-for-service"

Page 2, line 13, delete everything after the period

Page 2, delete line 14

Page 2, line 15, delete "commissioner."

Page 3, delete section 2

Amend the title as follows:

Page 1, line 2, delete "requiring a"

Page 1, line 3, delete everything before "amending"

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 1748, A bill for an act relating to residential mortgage lending; modifying licensing and education requirements; providing examination powers to the commissioner; prescribing a criminal penalty; amending Minnesota Statutes 2006, sections 58.04, subdivisions 1, 2; 58.05; 58.06, subdivision 2, by adding a subdivision; 58.08, subdivision 3; 58.10, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 58; 609; repealing Minnesota Statutes 2006, section 58.08, subdivision 1.

Reported the same back with the following amendments:

Page 4, line 22, delete "mortgage"

Page 6, delete section 10

Page 6, line 7, delete "person shall serve as a residential mortgage originator" and insert "individual shall engage in residential mortgage origination or make residential mortgage loans, whether as an employee or independent contractor."

Page 6, line 8, delete "16" and insert "15"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "prescribing"

Page 1, line 4, delete everything before "amending"

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 1790, A bill for an act relating to commerce; providing a payment mechanism for technology used by the Department of Commerce in connection with licensing requirements for mortgage originators and servicers, insurance agents, real estate agents, real estate closing agents, real estate appraisers, debt collection agencies, and

real estate abstractors; appropriating money; amending Minnesota Statutes 2006, sections 58.10, subdivision 1; 60K.55, subdivision 2; 82.24, subdivisions 1, 4; 82B.09, subdivision 1; 332.33, subdivisions 3, 6; 386.68; proposing coding for new law in Minnesota Statutes, chapter 45.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[45.24] LICENSE TECHNOLOGY FEES.**

(a) The commissioner may establish and maintain an electronic licensing database system for license origination, renewal, and tracking the completion of continuing education requirements by individual licensees who have continuing education requirements, and other related purposes.

(b) The commissioner shall pay for the cost of operating and maintaining the electronic database system described in paragraph (a) through a technology surcharge imposed upon the fee for license origination and renewal, for individual licenses that require continuing education.

(c) The surcharge permitted under paragraph (b) shall be up to \$40 for each two-year licensing period, except as otherwise provided in paragraph (f), and shall be payable at the time of license origination and renewal.

(d) The Commerce Department technology account is hereby created as an account in the special revenue fund.

(e) The commissioner shall deposit the surcharge permitted under this section in the account created in paragraph (d), and funds in the account are appropriated to the commissioner in the amounts needed for purposes of this section.

(f) The commissioner shall temporarily reduce or suspend the surcharge as necessary if the balance in the account created in paragraph (d) exceeds \$2,000,000 as of the end of any calendar year and shall increase or decrease the surcharge as necessary to keep the fund balance at an adequate level but not in excess of \$2,000,000.

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

Sec. 2. **[60K.365] PRODUCER TRAINING REQUIREMENTS FOR LONG-TERM CARE PARTNERSHIP PROGRAM INSURANCE PRODUCTS.**

(a) An individual may not sell, solicit, or negotiate long-term care insurance unless the individual is licensed as an insurance producer for accident and health or sickness insurance or life insurance and has completed an initial training course and ongoing training every 24 months thereafter. The training shall meet the requirements of paragraph (b).

(b) The initial training course required by this subdivision shall be no less than eight hours and the ongoing training courses required by this subdivision shall be no less than four hours every 24 months. The courses shall be approved by the Department of Commerce and may be approved as continuing education courses under section 60K.56. The courses shall consist of topics related to long-term care insurance, long-term care services, and, if applicable, qualified state long-term care insurance partnership programs, including but not limited to:

(1) state and federal regulations and requirements and the relationship between qualified state long-term care insurance partnership programs and other public and private coverage of long-term care services, including Medicaid;

- (2) available long-term care services and providers;
- (3) changes or improvements in long-term care services or providers;
- (4) alternatives to the purchase of private long-term care insurance;
- (5) the effect of inflation on benefits and the importance of inflation protection; and
- (6) consumer suitability standards and guidelines.

The training required by this subdivision shall not include training that is insurer or company product specific or that includes any sales or marketing information, materials, or training, other than those required by state or federal law.

(c) Insurers shall obtain verification that a producer has received the training required by this subdivision before a producer is permitted to sell, solicit, or negotiate the insurer's long-term care insurance products. Insurers shall maintain records verifying that the producer has received the training contained in this subdivision and make that verification available to the commissioner upon request.

(d) Currently licensed producers must complete the initial training course by January 1, 2008.

Sec. 3. Minnesota Statutes 2006, section 60K.55, subdivision 2, is amended to read:

Subd. 2. **Licensing fees.** (a) In addition to fees provided for examinations and the technology surcharge required under paragraph (d), each insurance producer licensed under this chapter shall pay to the commissioner a fee of:

- (1) \$50 for an initial life, accident and health, property, or casualty license issued to an individual insurance producer, and a fee of \$50 for each renewal;
- (2) \$50 for an initial variable life and variable annuity license issued to an individual insurance producer, and a fee of \$50 for each renewal;
- (3) \$50 for an initial personal lines license issued to an individual insurance producer, and a fee of \$50 for each renewal;
- (4) \$50 for an initial limited lines license issued to an individual insurance producer, and a fee of \$50 for each renewal;
- (5) \$200 for an initial license issued to a business entity, and a fee of \$200 for each renewal; and
- (6) \$500 for an initial surplus lines license, and a fee of \$500 for each renewal.

(b) Initial licenses issued under this chapter are valid for a period not to exceed 24 months and expire on October 31 of the renewal year assigned by the commissioner. Each renewal insurance producer license is valid for a period of 24 months. Licensees who submit renewal applications postmarked or delivered on or before October 15 of the renewal year may continue to transact business whether or not the renewal license has been received by November 1. Licensees who submit applications postmarked or delivered after October 15 of the renewal year must not transact business after the expiration date of the license until the renewal license has been received.

(c) All fees are nonreturnable, except that an overpayment of any fee may be refunded upon proper application.

(d) In addition to the fees required under paragraph (a), individual insurance producers shall pay, for each initial license and renewal, a technology surcharge of up to \$40 under section 45.24, unless the commissioner has adjusted the surcharge as permitted under that section.

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

Sec. 4. Minnesota Statutes 2006, section 82.24, subdivision 1, is amended to read:

Subdivision 1. **Amounts.** The following fees shall be paid to the commissioner:

- (a) a fee of \$150 for each initial individual broker's license, and a fee of \$100 for each renewal thereof;
- (b) a fee of \$70 for each initial salesperson's license, and a fee of \$40 for each renewal thereof;
- (c) a fee of \$85 for each initial real estate closing agent license, and a fee of \$60 for each renewal thereof;
- (d) a fee of \$150 for each initial corporate, limited liability company, or partnership license, and a fee of \$100 for each renewal thereof;
- (e) a fee for payment to the education, research and recovery fund in accordance with section 82.43;
- (f) a fee of \$20 for each transfer;
- (g) a fee of \$50 for license reinstatement; ~~and~~
- (h) a fee of \$20 for reactivating a corporate, limited liability company, or partnership license without land; and
- (i) in addition to the fees required under this subdivision, individual licensees under clauses (a) and (b) shall pay, for each initial license and renewal, a technology surcharge of up to \$40 under section 45.24, unless the commissioner has adjusted the surcharge as permitted under that section.

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

Sec. 5. Minnesota Statutes 2006, section 82.24, subdivision 4, is amended to read:

Subd. 4. **Deposit of fees.** Unless otherwise provided by this chapter, all fees collected under this chapter shall be deposited in the state treasury. The technology surcharge shall be deposited as required under section 45.24.

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

Sec. 6. Minnesota Statutes 2006, section 82B.09, subdivision 1, is amended to read:

Subdivision 1. **Amounts.** (a) The following fees must be paid to the commissioner:

- (1) \$150 for each initial individual real estate appraiser's license; and
- (2) \$100 for each renewal.

(b) In addition to the fees required under this subdivision, individual real estate appraisers shall pay a technology surcharge of up to \$40 under section 45.24, unless the commissioner has adjusted the surcharge as permitted under that section.

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

Delete the title and insert:

"A bill for an act relating to commerce; providing a payment mechanism for technology used by the Department of Commerce in connection with licensing of insurance agents, real estate brokers and salespersons, and real estate appraisers; providing certain producer training requirements; appropriating money; amending Minnesota Statutes 2006, sections 60K.55, subdivision 2; 82.24, subdivisions 1, 4; 82B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 45; 60K."

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

The report was adopted.

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

H. F. No. 1891, A bill for an act relating to veterans; changing certain qualifications for service on the Minnesota Veterans Homes Board and service as the board's executive director; amending Minnesota Statutes 2006, sections 198.002, subdivision 2; 198.004, subdivision 1.

Reported the same back with the following amendments:

Page 1, lines 11 and 12, delete the new language

Page 2, line 1, after "Appointment." insert "(a)"

Page 2, line 5, delete "that" and insert "it"

Page 2, line 5, after "required" insert "that the person be a veteran"

Page 2, after line 6, insert:

"(b) When selecting an executive director, the board shall give preference to qualified applicants who are veterans by initially placing only the names of qualified applicants who are veterans on the selection list for final consideration, and only if the list contains fewer than three qualified applicants who are veterans shall the names of qualified applicants who are not veterans be added to the list. The board shall then select the most qualified applicant from the list. If at any point in the selection process, the board concludes that no applicant is sufficiently qualified for the director position, the board may reopen the application process."

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. 1913, A bill for an act relating to natural resources; defining certain terms; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Page 2, delete line 23 and insert "using at least 25 representative and biologically diverse native prairie plant species of a local ecotype originating in the same"

Page 2, line 26, delete the second "a"

Page 2, delete line 27 and insert "at least 25 representative and biologically diverse native prairie plant species from the same ecotype"

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. 1919, A bill for an act relating to real property; providing for plats of land; amending Minnesota Statutes 2006, sections 505.01; 505.03, subdivision 1; 505.04; 505.08, subdivision 2; 505.1792, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 505; repealing Minnesota Statutes 2006, sections 505.02; 505.08, subdivisions 1, 2a, 3.

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

The report was adopted.

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

H. F. No. 1939, A bill for an act relating to agriculture; changing certain food license requirements; changing certain milk requirements; eliminating a requirement on sale of bulk tanks; repealing the Dairy Trade Practices Act; clarifying certain penalties; amending Minnesota Statutes 2006, sections 28A.04, subdivision 1; 28A.06; 32.21, subdivision 4; 32.212; 32.394, subdivision 4; 32.415; repealing Minnesota Statutes 2006, sections 32.213; 32.70; 32.71; 32.72; 32.74; 32.745.

Reported the same back with the following amendments:

Page 6, line 23, delete "sections" and insert "section" and delete "; 32.70; 32.71; 32.72; 32.74; and 32.745"

Page 6, line 24, delete "are" and insert "is"

Amend the title as follows:

Page 1, line 4, delete everything before "clarifying"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1955, A bill for an act relating to agriculture; providing indemnity for certain destroyed cattle; authorizing rules for control of bovine tuberculosis; repealing certain animal health statutes and rules; proposing coding for new law in Minnesota Statutes, chapter 35; repealing Minnesota Statutes 2006, sections 35.08; 35.09;

35.10; 35.11; 35.12; Minnesota Rules, parts 1705.0840; 1705.0850; 1705.0860; 1705.0870; 1705.0880; 1705.0890; 1705.0900; 1705.0910; 1705.0920; 1705.0930; 1705.0940; 1705.0950; 1705.0960; 1705.0970; 1705.0980; 1705.0990; 1705.1000; 1705.1010; 1705.1020; 1705.1030; 1705.1040; 1705.1050; 1705.1060; 1705.1070; 1705.1080; 1705.1086; 1705.1087; 1705.1088.

Reported the same back with the following amendments:

Page 1, line 15, delete "on the comparative cervical skin test"

Page 1, line 19, delete "board's" and insert "board has the final" and delete "is final"

Page 1, line 21, before "recognized" insert "professionally"

Page 1, delete lines 22 to 25 and insert:

"(b) Indemnity payments made by the board are subject to the requirements of chapter 336A."

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

The report was adopted.

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

H. F. No. 1957, A bill for an act relating to state employees; streamlining the registration process for organizations to participate in the state employee combined charities campaign; amending Minnesota Statutes 2006, sections 16A.134; 43A.04, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 43A; repealing Minnesota Statutes 2006, section 309.501.

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. 1958, A bill for an act relating to liquor; providing for off-sale license fees; amending Minnesota Statutes 2006, section 340A.408, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 37.21, subdivision 1, is amended to read:

Subdivision 1. **Liquor prohibited.** No person may sell, barter, give away, or otherwise dispose of or introduce, have, or keep for barter, gift, or sale, any intoxicating liquors of any kind upon ~~or within one-half mile of~~ the State Fairgrounds, or aid and abet any of those acts. The presence and possession of any kind of these liquors, in any

quantity, upon the person or upon the premises leased or occupied by any person within these limits is a public nuisance and is prima facie evidence of the purpose of the person to barter, give away, or sell the liquor. Any person who violates this section is guilty of a misdemeanor.

Sec. 2. Minnesota Statutes 2006, section 37.21, subdivision 2, is amended to read:

Subd. 2. **Exceptions.** Notwithstanding subdivision 1, the State Agricultural Society may authorize, under terms and conditions it chooses, the sale, possession, and consumption of intoxicating liquors at special events taking place on the fairgrounds at times other than during the annual fair including, but not limited to, family reunions, class reunions, weddings, conventions, and similar events. This section does not authorize the society to issue retail licenses for the sale of alcoholic beverages. Notwithstanding subdivision 1, the State Agricultural Society may also sell intoxicating malt liquors during the annual fair or at other times of their choosing, provided that at least one Minnesota brewed malt liquor is made available for sale at each allowed location within the grounds.

Sec. 3. Minnesota Statutes 2006, section 340A.301, subdivision 7, is amended to read:

Subd. 7. **Interest in other business.** (a) Except as provided in this subdivision, a holder of a license as a manufacturer, brewer, importer, or wholesaler may not have any ownership, in whole or in part, in a business holding a retail intoxicating liquor or 3.2 percent malt liquor license. The commissioner may not issue a license under this section to a manufacturer, brewer, importer, or wholesaler if a retailer of intoxicating liquor has a direct or indirect interest in the manufacturer, brewer, importer, or wholesaler. A manufacturer or wholesaler of intoxicating liquor may use or have property rented for retail intoxicating liquor sales only if the manufacturer or wholesaler has owned the property continuously since November 1, 1933. A retailer of intoxicating liquor may not use or have property rented for the manufacture or wholesaling of intoxicating liquor.

(b) A brewer licensed under subdivision 6, clause (d), may be issued an on-sale intoxicating liquor or 3.2 percent malt liquor license by a municipality for a restaurant operated in the place of manufacture. Notwithstanding section 340A.405, a brewer who holds an on-sale license issued pursuant to this paragraph or a brewer who manufactures fewer than 3,500 barrels of malt liquor in a year may, with the approval of the commissioner, be issued a license by a municipality for off-sale of malt liquor produced and packaged on the licensed premises. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. The malt liquor shall be packaged in 64-ounce containers commonly known as "growlers-" or in 750 milliliter bottles. The containers or bottles shall bear a twist-type closure, cork, stopper, or plug. At the time of the sale, a paper or plastic adhesive band, strip, or sleeve shall be applied to the container or bottle and extend over the top of the twist-type closure, cork, stopper, or plug forming a seal that must be broken upon opening of the container or bottle. The adhesive band, strip, or sleeve shall bear the name and address of the brewer. The containers or bottles shall be identified as malt liquor, contain the name of the malt liquor, bear the name and address of the brewer selling the malt liquor, and shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with the provisions of Minnesota Rules, part 7515.1100. A brewer's total retail sales at on- or off-sale under this paragraph may not exceed 3,500 barrels per year, provided that off-sales may not total more than 500 barrels. A brewer licensed under subdivision 6, clause (d), may hold or have an interest in other retail on-sale licenses, but may not have an ownership interest in whole or in part, or be an officer, director, agent, or employee of, any other manufacturer, brewer, importer, or wholesaler, or be an affiliate thereof whether the affiliation is corporate or by management, direction, or control. Notwithstanding this prohibition, a brewer licensed under subdivision 6, clause (d), may be an affiliate or subsidiary company of a brewer licensed in Minnesota or elsewhere if that brewer's only manufacture of malt liquor is:

(i) manufacture licensed under subdivision 6, clause (d);

(ii) manufacture in another state for consumption exclusively in a restaurant located in the place of manufacture; or

(iii) manufacture in another state for consumption primarily in a restaurant located in or immediately adjacent to the place of manufacture if the brewer was licensed under subdivision 6, clause (d), on January 1, 1995.

(c) Except as provided in subdivision 7a, no brewer as defined in subdivision 7a or importer may have any interest, in whole or in part, directly or indirectly, in the license, business, assets, or corporate stock of a licensed malt liquor wholesaler.

Sec. 4. Minnesota Statutes 2006, section 340A.315, is amended by adding a subdivision to read:

Subd. 6. **On-sale licenses allowed.** Nothing in this section or in any other section of law prevents a farm winery from obtaining a separate on-sale license and operating a business establishment that utilizes that license, in conjunction with and within the physical facilities of the winery and its buildings.

Sec. 5. Minnesota Statutes 2006, section 340A.408, subdivision 3, is amended to read:

Subd. 3. **Intoxicating liquor; off-sale.** (a) The annual license fee for an off-sale intoxicating liquor license issued by a city, when combined with any occupation tax imposed by the city, may not exceed the following limits:

- (1) ~~\$1,000~~ \$1,250 for cities of the first class;
- (2) ~~\$200~~ \$250 for cities over 10,000 other than cities of the first class;
- (3) ~~\$150~~ \$185 for cities of between 5,000 and 10,000 population; and
- (4) ~~\$100~~ \$125 for cities with less than 5,000 population.

(b) The annual license fee for an off-sale intoxicating liquor license issued by a county or town shall not exceed \$500.

Sec. 6. Minnesota Statutes 2006, 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 ~~or at any place in a city of the first class within one-half mile of the fairgrounds, except as otherwise provided by charter;~~

(4) on the campus of the College of Agriculture of the University of Minnesota ~~or at any place in a city of the first class within one-half mile of the campus, provided that a city may issue one on sale wine license and one off-sale intoxicating liquor license in this area that is not included in the area described in clause (3), except as provided by charter;~~

(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) at any place on the east side of the Mississippi River within one-tenth of a mile of the main building of the University of Minnesota unless (i) the licensed establishment is on property owned or operated by a nonprofit corporation organized prior to January 1, 1940, for and by former students of the University of Minnesota, or (ii) the licensed premises is Northrop Auditorium;

(8) 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

(9) 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.

Sec. 7. **[340A.707] RESALE FOR CHARITABLE PURPOSES.**

The governing body of a municipality may issue to a nonprofit organization conducting a silent auction or other fund-raising event a temporary exclusive liquor store license. This license authorizes the organization to sell wine, not to exceed five bottles; beer, not to exceed one 24-bottle case; or intoxicating liquors, not to exceed one liter, providing that funds from the sale are dedicated to the charitable purposes of the nonprofit organization, such sales are limited to one occasion per year, and the alcohol is only provided to persons who demonstrate that they are 21 years of age or older and do not show signs of obvious intoxication.

The licenses are subject to the terms including a license fee, imposed by the issuing municipality. Licenses issued under this section are subject to all laws and ordinances governing the sale of intoxicating liquor except those laws and ordinances which by their nature are not applicable. Licenses under this subdivision are not valid unless first approved by the commissioner of public safety.

Retail donators of alcohol for an event described in this section shall not be responsible for product sales tax.

Sec. 8. **ST. PAUL; LIQUOR LICENSE.**

Notwithstanding Minnesota Statutes, section 340A.412, subdivision 4, paragraph (a), clause (8), the city of St. Paul may issue an on-sale intoxicating liquor license to a restaurant located at 378 Maria Avenue North. The provisions of Minnesota Statutes, chapter 340A, apply to licenses issued under this section."

Delete the title and insert:

"A bill for an act relating to liquor; modifying and providing for certain sale, license, and fee provisions; authorizing a license; amending Minnesota Statutes 2006, sections 37.21, subdivisions 1, 2; 340A.301, subdivision 7; 340A.315, by adding a subdivision; 340A.408, subdivision 3; 340A.412, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 340A."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2196, A bill for an act relating to agriculture; modifying provisions of the waste pesticide collection program; increasing the minimum annual program expenditure amount; amending Minnesota Statutes 2006, sections 18B.065; 18B.26, subdivision 3.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 274, 456, 886, 946, 958, 993, 1072, 1190, 1294, 1336, 1400, 1442, 1493, 1494, 1555, 1594, 1642, 1665, 1688, 1691, 1919, 1939, 1957 and 1958 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Welti, Norton, Heidgerken, Abeler and Hornstein introduced:

H. F. No. 2319, A bill for an act relating to health care; establishing a prostate cancer screening program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Peterson, A., introduced:

H. F. No. 2320, A bill for an act relating to environment; appropriating money to characterize emissions from biomass gasification facilities.

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

Peterson, A., introduced:

H. F. No. 2321, A bill for an act relating to environment; authorizing a study to assess the air emissions of biomass gasification facilities; appropriating money.

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

Atkins introduced:

H. F. No. 2322, A bill for an act relating to state government; enhancing utilization of Minnesota Milestones; requiring a report.

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

Mullery introduced:

H. F. No. 2323, A bill for an act relating to retirement; providing for an actuarial estimate of a change in retirement coverage for sentence-to-service crew leaders; appropriating money.

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

Winkler, Simon, Carlson and Peterson, S., introduced:

H. F. No. 2324, A bill for an act relating to housing; modifying conditions related to housing with services establishments; amending Minnesota Statutes 2006, sections 245A.11, subdivisions 2, 3; 462.357, subdivisions 7, 8.

The bill was read for the first time and referred to the Housing Policy and Finance and Public Health Finance Division.

Winkler introduced:

H. F. No. 2325, A bill for an act relating to public safety; providing for use of ignition interlocks by DWI offenders; amending Minnesota Statutes 2006, section 171.305.

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

Hornstein and Benson introduced:

H. F. No. 2326, A bill for an act relating to traffic regulations; providing for enforcement and penalties for failure to yield right-of-way to buses on highway shoulders; amending Minnesota Statutes 2006, section 169.20, subdivision 7.

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

Haws, Hosch and Severson introduced:

H. F. No. 2327, A bill for an act relating to economic development; appropriating money for a business incubator for startup science-based companies.

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

Haws, Hosch and Severson introduced:

H. F. No. 2328, A bill for an act relating to local government; appropriating money for grants to encourage local government units to participate in inter-local service sharing agreements in the delivery of public safety services.

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

Howes introduced:

H. F. No. 2329, A bill for an act relating to taxation; property; modifying the homestead local option disaster abatement provisions; amending Minnesota Statutes 2006, section 273.123, subdivision 7.

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

Juhnke introduced:

H. F. No. 2330, A bill for an act relating to game and fish; providing license exemption for Boy Scouts and Girl Scouts Ice Fishing Weekend; amending Minnesota Statutes 2006, section 97A.445, by adding a subdivision.

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

Clark introduced:

H. F. No. 2331, A bill for an act relating to landlord and tenant law; providing for the deletion or expungement of certain eviction records maintained by courts and tenant screening services; amending Minnesota Statutes 2006, section 504B.241, subdivision 4.

The bill was read for the first time and referred to the Housing Policy and Finance and Public Health Finance Division.

Kalin introduced:

H. F. No. 2332, A bill for an act relating to human services; modifying the permanent bar to set aside a disqualification; amending Minnesota Statutes 2006, section 245C.24, subdivision 2.

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

Ward introduced:

H. F. No. 2333, A bill for an act relating to retirement; permitting certain disabled members of the Public Employment Retirement Association police and fire plan to elect to change the laws under which benefits are determined.

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

Ward introduced:

H. F. No. 2334, A bill for an act relating to state government; regulating rulemaking; modifying the requirements for rule adoption petitions; amending Minnesota Statutes 2006, section 14.09.

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

Erickson introduced:

H. F. No. 2335, A bill for an act relating to sales and use tax; providing sales tax exemptions for construction of certain publicly owned facilities in the city of Princeton; amending Minnesota Statutes 2006, section 297A.71, by adding subdivisions.

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

Welti introduced:

H. F. No. 2336, A bill for an act relating to state government; repealing a transfer from Board of Electricity account in the special revenue fund; appropriating money; repealing Laws 2005, First Special Session chapter 1, article 3, section 16.

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

Welti introduced:

H. F. No. 2337, A bill for an act relating to education; providing for an earth and space, life, and physical sciences assessment in grades 10 through 12; amending Minnesota Statutes 2006, section 120B.30, subdivision 1a.

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

Gunther, Brynaert and Morrow introduced:

H. F. No. 2338, A bill for an act relating to economic development; requiring reports; appropriating money for entrepreneurial assistance grants.

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

Berns introduced:

H. F. No. 2339, A bill for an act relating to game and fish; providing for the issuance of free angling and hunting licenses to residents who have served outside the United States as a member of the National Guard or a reserve component; amending Minnesota Statutes 2006, section 97A.441, by adding a subdivision.

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

Berns introduced:

H. F. No. 2340, A bill for an act relating to taxation; providing that certain property leased to school districts is exempt from taxation; amending Minnesota Statutes 2006, section 272.02, subdivision 42.

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

Thissen, by request, introduced:

H. F. No. 2341, A bill for an act relating to retirement; modifying adjustments by the commissioner of education to aid payments for Special School District No. 625; increasing direct state supplemental contributions to the St. Paul Teachers Retirement Fund Association; removing the sunset and redistributive provisions on direct state supplemental aids to teacher retirement funds; increasing employer contribution rates; repealing language on administrative cost-related member contribution surcharges; eliminating an investment-related postretirement increase for the St. Paul Teachers Retirement Fund Association; providing for a limited cost-of-living increase; establishing a new amortization target date for the St. Paul Teachers Retirement Fund Association; appropriating money; amending Minnesota Statutes 2006, sections 127A.50, subdivision 1; 354A.12, subdivisions 2a, 3a, 3c; 354A.29, subdivisions 3, 4; 356.215, subdivision 11; repealing Minnesota Statutes 2006, sections 127A.50, subdivision 5; 354A.12, subdivision 3d; 354A.29, subdivision 6.

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

Buesgens, Abeler and Erickson introduced:

H. F. No. 2342, A bill for an act relating to education finance; authorizing the creation of five charter schools focused on medical technology; amending Minnesota Statutes 2006, section 126C.05, subdivision 1.

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

Abeler and Otremba introduced:

H. F. No. 2343, A bill for an act relating to civil actions; regulating medical liability actions; providing for the inadmissibility of certain health care provider statements, gestures, or conduct; proposing coding for new law in Minnesota Statutes, chapter 604.

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

Brod, Kohls, Zellers, Berns and Peterson, N., introduced:

H. F. No. 2344, A bill for an act relating to state and local government; prohibiting unfunded local mandates; establishing a local mandate review board; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Peppin introduced:

H. F. No. 2345, A bill for an act relating to education; providing parent choice in education; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124D.

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

Thissen, by request, introduced:

H. F. No. 2346, A bill for an act relating to retirement; allowing a bounce-back annuity when provided for by a marriage dissolution decree; amending Minnesota Statutes 2006, sections 353.30, by adding a subdivision; 518.58, subdivision 4.

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

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 60:

Huntley; Murphy, M., and Smith.

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 File, herewith transmitted:

S. F. No. 1989.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1989, A bill for an act relating to higher education; appropriating money for higher education and related purposes to the Minnesota Office of Higher Education, the Board of Trustees of the Minnesota State Colleges and Universities, the board of Regents of the University of Minnesota, and the Mayo Clinic, with certain conditions; requiring certain studies; making technical changes; eliminating certain report requirements; permitting certain interest rate savings and other agreements; requiring summary statistics in required reports; repealing certain data sharing and collecting requirements; modifying financial aid programs; establishing the Minnesota GI bill program; regulating private higher education institutions; providing penalties; amending Minnesota Statutes 2006, sections 13.322, subdivision 3; 135A.01; 135A.031, subdivisions 1, 7; 135A.034, subdivision 1; 135A.14, subdivision 1; 135A.52, subdivisions 1, 2; 136A.01, subdivision 2; 136A.031, subdivision 5; 136A.0411; 136A.08, subdivision 7; 136A.101, subdivisions 4, 5a; 136A.121, subdivisions 6, 7a, by adding a subdivision; 136A.125, subdivisions 2, 4; 136A.15, subdivisions 1, 6; 136A.16, subdivisions 1, 2, 5, 8, 9, 10, by adding a subdivision; 136A.17, subdivision 1; 136A.1701, subdivisions 1, 2, 5; 136A.233, subdivision 3; 136A.29, subdivision 9; 136A.62, subdivision 3; 136A.63; 136A.65, subdivision 1, by adding a subdivision; 136A.653; 136A.657, subdivisions 1, 2, 3, by adding a subdivision; 136A.66; 136A.67; 136A.68; 136A.69; 136A.71; 136A.861, subdivisions 1, 2, 3, 6; 136F.02, subdivisions 1, 2; 136F.03, subdivision 3; 136F.42, subdivision 1; 136F.58; 136F.70, by adding a subdivision; 136F.71, subdivision 2, by adding a subdivision; 136G.11, subdivision 5; 137.0245, subdivision 4; 137.0246, subdivision 2; 141.21, subdivisions 1a, 5; 141.25, subdivisions 1, 5, 7, 9, 10, 12; 141.255, subdivision 2; 141.265, subdivision 2; 141.271, subdivisions 10, 12; 141.28, subdivision 1; 141.32; 141.35; 197.775, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 135A; 136A; 141; 197; repealing Minnesota Statutes 2006, sections 135A.031, subdivisions 2, 3, 5, 6; 135A.032; 135A.033; 135A.045; 135A.053; 136A.07; 136A.08, subdivision 8; 136A.1702; 136A.61; Laws 2001, First Special Session chapter 1, article 1, sections 3, subdivision 3; 4, subdivision 5.

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

CONSENT CALENDAR

Sertich moved that the Consent Calendar be continued. The motion prevailed.

**REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION**

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Saturday, March 24, 2007:

H. F. No. 1105; S. F. Nos. 1168 and 1294; and H. F. Nos. 1193, 269, 1429 and 966.

CALENDAR FOR THE DAY

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

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place H. F. Nos. 946 and 274 on the Fiscal Calendar for Saturday, March 24, 2007.

MOTIONS AND RESOLUTIONS

Morrow moved that the name of Nornes be added as an author on H. F. No. 409. The motion prevailed.

Cornish moved that the name of Demmer be added as an author on H. F. No. 498. The motion prevailed.

Loeffler moved that the name of Olin be added as an author on H. F. No. 705. The motion prevailed.

Fritz moved that the name of Wollschlager be added as an author on H. F. No. 721. The motion prevailed.

Hackbarth moved that the name of Demmer be added as an author on H. F. No. 775. The motion prevailed.

Faust moved that the name of Urdahl be added as an author on H. F. No. 806. The motion prevailed.

Hausman moved that the name of Lanning be added as an author on H. F. No. 886. The motion prevailed.

Beard moved that his name be stricken as an author on H. F. No. 989. The motion prevailed.

Slawik moved that her name be stricken as an author on H. F. No. 989. The motion prevailed.

Murphy, E., moved that the name of Kalin be added as an author on H. F. No. 1015. The motion prevailed.

Thao moved that the names of Kranz and Slocum be added as authors on H. F. No. 1148. The motion prevailed.

Haws moved that the name of Ward be added as an author on H. F. No. 1168. The motion prevailed.

Laine moved that the name of Slocum be added as an author on H. F. No. 1296. The motion prevailed.

Clark moved that the name of Murphy, E., be added as an author on H. F. No. 1332. The motion prevailed.

Tingelstad moved that the names of Brod, Poppe and Peterson, N., be added as authors on H. F. No. 1340. The motion prevailed.

Paymar moved that the name of Gardner be added as an author on H. F. No. 1348. The motion prevailed.

Kohls moved that the name of Haws be added as an author on H. F. No. 1465. The motion prevailed.

Knuth moved that the name of Slocum be added as an author on H. F. No. 1476. The motion prevailed.

Knuth moved that the name of Slocum be added as an author on H. F. No. 1477. The motion prevailed.

Hilstrom moved that the name of Slocum be added as an author on H. F. No. 1478. The motion prevailed.

Clark moved that the name of Slocum be added as an author on H. F. No. 1485. The motion prevailed.

Peterson, A., moved that the name of Slocum be added as an author on H. F. No. 1489. The motion prevailed.

Kranz moved that the name of Slocum be added as an author on H. F. No. 1491. The motion prevailed.

Hornstein moved that the name of Slocum be added as an author on H. F. No. 1492. The motion prevailed.

Simon moved that the name of Morgan be added as an author on H. F. No. 1493. The motion prevailed.

Simon moved that the name of Morgan be added as an author on H. F. No. 1494. The motion prevailed.

Tschumper moved that the name of Slocum be added as an author on H. F. No. 1509. The motion prevailed.

Simon moved that the name of Slocum be added as an author on H. F. No. 1511. The motion prevailed.

Hausman moved that the name of Slocum be added as an author on H. F. No. 1513. The motion prevailed.

Davnie moved that the name of Slocum be added as an author on H. F. No. 1515. The motion prevailed.

Sailer moved that the name of Slocum be added as an author on H. F. No. 1524. The motion prevailed.

Hansen moved that the name of Slocum be added as an author on H. F. No. 1536. The motion prevailed.

Gunther moved that the name of Slocum be added as an author on H. F. No. 1537. The motion prevailed.

Thissen moved that the name of Slocum be added as an author on H. F. No. 1541. The motion prevailed.

Simon moved that the name of Slocum be added as an author on H. F. No. 1546. The motion prevailed.

Simon moved that the name of Morgan be added as an author on H. F. No. 1555. The motion prevailed.

Faust moved that the name of Slocum be added as an author on H. F. No. 1561. The motion prevailed.

Simon moved that the name of Slocum be added as an author on H. F. No. 1567. The motion prevailed.

Thissen moved that the name of Slocum be added as an author on H. F. No. 1575. The motion prevailed.

Walker moved that the name of Slocum be added as an author on H. F. No. 1578. The motion prevailed.

Simon moved that the name of Slocum be added as an author on H. F. No. 1585. The motion prevailed.

Tschumper moved that the name of Slocum be added as an author on H. F. No. 1586. The motion prevailed.

Nelson moved that the name of Slocum be added as an author on H. F. No. 1596. The motion prevailed.

Anderson, B., moved that the name of Slocum be added as an author on H. F. No. 1601. The motion prevailed.

Lenczewski moved that the name of Slocum be added as an author on H. F. No. 1614. The motion prevailed.

Mariani moved that the name of Slocum be added as an author on H. F. No. 1616. The motion prevailed.

Slawik moved that the name of Slocum be added as an author on H. F. No. 1617. The motion prevailed.

Kahn moved that the names of Thissen and Slocum be added as authors on H. F. No. 1618. The motion prevailed.

Bunn moved that the name of Slocum be added as an author on H. F. No. 1621. The motion prevailed.

Tillberry moved that the name of Slocum be added as an author on H. F. No. 1632. The motion prevailed.

Bly moved that the name of Slocum be added as an author on H. F. No. 1645. The motion prevailed.

Wagenius moved that the name of Slocum be added as an author on H. F. No. 1651. The motion prevailed.

Simon moved that the name of Slocum be added as an author on H. F. No. 1675. The motion prevailed.

Peterson, S., moved that the name of Slocum be added as an author on H. F. No. 1699. The motion prevailed.

Erhardt moved that the name of Slocum be added as an author on H. F. No. 1713. The motion prevailed.

Welti moved that the name of Slocum be added as an author on H. F. No. 1717. The motion prevailed.

Hornstein moved that the name of Slocum be added as an author on H. F. No. 1797. The motion prevailed.

Dominguez moved that the name of Slocum be added as an author on H. F. No. 1809. The motion prevailed.

Ozment moved that the name of Slocum be added as an author on H. F. No. 1813. The motion prevailed.

Jaros moved that the name of Slocum be added as an author on H. F. No. 1822. The motion prevailed.

Paymar moved that the name of Slocum be added as an author on H. F. No. 1823. The motion prevailed.

Thisssen moved that the name of Peterson, A., be added as an author on H. F. No. 1836. The motion prevailed.

Simon moved that the name of Slocum be added as an author on H. F. No. 1841. The motion prevailed.

Clark moved that the name of Slocum be added as an author on H. F. No. 1842. The motion prevailed.

Huntley moved that the name of Slocum be added as an author on H. F. No. 1856. The motion prevailed.

Bunn moved that the name of Slocum be added as an author on H. F. No. 1863. The motion prevailed.

Bunn moved that the name of Slocum be added as an author on H. F. No. 1873. The motion prevailed.

Atkins moved that the name of Slocum be added as an author on H. F. No. 1884. The motion prevailed.

Hansen moved that the name of Slocum be added as an author on H. F. No. 1885. The motion prevailed.

Dill moved that the name of Slocum be added as an author on H. F. No. 1894. The motion prevailed.

Madore moved that the name of Slocum be added as an author on H. F. No. 1917. The motion prevailed.

Wagenius moved that the name of Slocum be added as an author on H. F. No. 1918. The motion prevailed.

Mahoney moved that the name of Slocum be added as an author on H. F. No. 1929. The motion prevailed.

Atkins moved that the name of Slocum be added as an author on H. F. No. 1949. The motion prevailed.

Knuth moved that the name of Slocum be added as an author on H. F. No. 1951. The motion prevailed.

Cornish moved that the name of Slocum be added as an author on H. F. No. 1956. The motion prevailed.

Tschumper moved that the name of Slocum be added as an author on H. F. No. 1967. The motion prevailed.

Laine moved that the name of Slocum be added as an author on H. F. No. 1969. The motion prevailed.

Hortman moved that the name of Winkler be added as an author on H. F. No. 1974. The motion prevailed.

Tschumper moved that the name of Slocum be added as an author on H. F. No. 1997. The motion prevailed.

Pelowski moved that the name of Slocum be added as an author on H. F. No. 2007. The motion prevailed.

Clark moved that the name of Slocum be added as an author on H. F. No. 2008. The motion prevailed.

Greiling moved that the name of Slocum be added as an author on H. F. No. 2025. The motion prevailed.

Atkins moved that the name of Slocum be added as an author on H. F. No. 2052. The motion prevailed.

Lenczewski moved that the name of Slocum be added as an author on H. F. No. 2058. The motion prevailed.

Koenen moved that the name of Slocum be added as an author on H. F. No. 2094. The motion prevailed.

Clark moved that the name of Slocum be added as an author on H. F. No. 2100. The motion prevailed.

Hornstein moved that the name of Slocum be added as an author on H. F. No. 2120. The motion prevailed.

Marquart moved that the name of Slocum be added as an author on H. F. No. 2142. The motion prevailed.

Magnus moved that the names of Demmer; Lanning; Peterson, A.; Gunther; Heidgerken; Urdahl and Finstad be added as authors on H. F. No. 2200. The motion prevailed.

Davnie moved that the name of Winkler be added as an author on H. F. No. 2252. The motion prevailed.

Lenczewski moved that the name of Slocum be added as an author on H. F. No. 2260. The motion prevailed.

Huntley moved that the name of Slocum be added as an author on H. F. No. 2272. The motion prevailed.

Huntley moved that the name of Slocum be added as an author on H. F. No. 2273. The motion prevailed.

Huntley moved that the name of Slocum be added as an author on H. F. No. 2274. The motion prevailed.

Sertich moved that the name of Slocum be added as an author on H. F. No. 2285. The motion prevailed.

Huntley moved that the name of Slocum be added as an author on H. F. No. 2289. The motion prevailed.

Sailer moved that the name of Slocum be added as an author on H. F. No. 2290. The motion prevailed.

Greiling moved that the name of Slocum be added as an author on H. F. No. 2291. The motion prevailed.

Hilty moved that the name of Slocum be added as an author on H. F. No. 2307. The motion prevailed.

Bunn moved that the name of Wollschlager be added as an author on H. F. No. 2313. The motion prevailed.

Tschumper moved that H. F. No. 2243 be recalled from the Committee on Local Government and Metropolitan Affairs and be re-referred to the Committee on Taxes. The motion prevailed.

Hansen moved that H. F. No. 2261 be recalled from the Committee on Local Government and Metropolitan Affairs and be re-referred to the Committee on Taxes. The motion prevailed.

MOTION TO FIX TIME TO CONVENE

Sertich moved that when the House adjourns today it adjourn until 10:00 a.m., Saturday, March 24, 2007.

A roll call was requested and properly seconded.

The question was taken on the Sertich motion and the roll was called. There were 83 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Anzelc	Bigham	Brynaert	Clark	Dittrich	Erhardt
Atkins	Bly	Bunn	Davnie	Dominguez	Faust
Benson	Brown	Carlson	Dill	Doty	Fritz

Gardner	Johnson	Lillie	Murphy, E.	Poppe	Thissen
Greiling	Juhnke	Loeffler	Murphy, M.	Rukavina	Tillberry
Hansen	Kahn	Madore	Nelson	Ruud	Tschumper
Haws	Kalin	Mahoney	Norton	Sailer	Wagenius
Hilstrom	Knuth	Mariani	Olin	Sertich	Walker
Hilty	Koenen	Marquart	Otremba	Simon	Ward
Hornstein	Kranz	Masin	Paymar	Slocum	Welti
Hortman	Laine	Moe	Pelowski	Smith	Winkler
Howes	Lenczewski	Morgan	Peterson, A.	Solberg	Wollschlager
Huntley	Lesch	Morrow	Peterson, N.	Swails	Spk. Kelliher
Jaros	Lieder	Mullery	Peterson, S.	Thao	

Those who voted in the negative were:

Abeler	Dean	Finstad	Holberg	Nornes	Simpson
Anderson, B.	DeLaForest	Garofalo	Hoppe	Olson	Sviggum
Anderson, S.	Demmer	Gottwalt	Kohls	Ozment	Tingelstad
Beard	Dettmer	Gunther	Liebling	Peppin	Urdahl
Berns	Eastlund	Hackbarth	Magnus	Ruth	Wardlow
Buesgens	Emmer	Hamilton	McFarlane	Seifert	Westrom
Cornish	Erickson	Heidgerken	McNamara	Severson	Zellers

The motion prevailed.

ADJOURNMENT

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Saturday, March 24, 2007.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

