

## STATE OF MINNESOTA

## EIGHTY-FIFTH SESSION — 2007

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 SIXTY-SIXTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MAY 10, 2007

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

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

A quorum was present.

Dittrich was excused until 10:40 a.m. Olson and Tingelstad were excused until 10:50 a.m. Lesch was excused until 11:25 a.m. Kohls was excused until 12:20 p.m.

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

**REPORTS OF CHIEF CLERK**

S. F. No. 303 and H. F. No. 267, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Olson moved that the rules be so far suspended that S. F. No. 303 be substituted for H. F. No. 267 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 961 and H. F. No. 849, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Moe moved that the rules be so far suspended that S. F. No. 961 be substituted for H. F. No. 849 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1215 and H. F. No. 1582, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Norton moved that the rules be so far suspended that S. F. No. 1215 be substituted for H. F. No. 1582 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1312 and H. F. No. 1418, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Eken moved that the rules be so far suspended that S. F. No. 1312 be substituted for H. F. No. 1418 and that the House File be indefinitely postponed. The motion prevailed.

**PETITIONS AND COMMUNICATIONS**

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

May 8, 2007

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

Dear Speaker Kelliher:

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

H. F. No. 966, relating to labor; modifying provisions governing overtime for state nurses; requiring a report.

H. F. No. 854, relating to environment; providing for collection, transportation, and recycling of video display devices; providing civil penalties; appropriating money.

Sincerely,

TIM PAWLENTY  
Governor

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

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2007 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2007</i>	<i>Date Filed 2007</i>
	966	46	4:05 p.m. May 8	May 8
	854	48	4:00 p.m. May 8	May 8
358		49	4:05 p.m. May 8	May 8
555		50	4:05 p.m. May 8	May 8
2096*		57	3:45 p.m. May 8	May 8

Sincerely,

MARK RITCHIE  
Secretary of State

[NOTE: \* Indicates that S. F. No. 2096, Chapter No. 57, contains line item vetoes.]

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 2268, A bill for an act relating to public finance; providing terms and conditions related to the issuance of obligations and the financing of public improvements and services; extending the time for certain publications of notices; authorizing and validating trusts to pay public postemployment benefits; amending Minnesota Statutes

2006, sections 118A.03, subdivision 3; 123B.61; 204B.46; 275.61, subdivision 1; 331A.05, subdivision 2; 365A.02; 365A.04; 365A.08; 365A.095; 373.01, subdivision 3; 373.40, subdivision 4; 375B.09; 383B.117, subdivision 2; 383B.77, subdivisions 1, 2; 410.32; 412.301; 428A.02, subdivision 1; 453A.02, subdivision 3; 473.39, by adding subdivisions; 475.52, subdivision 6; 475.53, subdivision 1; 475.58, subdivisions 1, 3b; proposing coding for new law in Minnesota Statutes, chapters 471; 475.

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

S. F. No. 276, 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 13.203; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 62A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[62A.662] SCHOOL EMPLOYEE INSURANCE PLAN.**

Subdivision 1. **Definitions.** For purposes of this section:

(1) "eligible employee" means a person who is insurance eligible under a collective bargaining agreement or under the personnel policy of an eligible employer; and

(2) "eligible employer" means a school district as defined in section 120A.05; a service cooperative as defined in section 123A.21; an intermediate district as defined in section 136D.01; a cooperative center for vocational education as defined in section 123A.22; a regional management information center as defined in section 123A.23; an education unit organized under section 471.59; or a charter school organized under section 124D.10.

Subd. 2. **Creation of board.** (a) The Minnesota School Employee Insurance Board is created as a public corporation subject to the provisions of chapter 317A, except as otherwise provided in this section. As provided in section 15.082, the state is not liable for obligations of this public corporation.

(b) The board shall create and administer the Minnesota school employee insurance pool as described in this section.

(c) Insurance plans and offerings must be effective July 1, 2009.

(d) If the board does not offer coverage by December 15, 2010, the board expires and this section expires on that date.

Subd. 3. **Board of directors.** (a) The School Employee Insurance Board consists of:

(1) seven members representing exclusive representatives of eligible employees, appointed by exclusive representatives, as provided in paragraph (b); and

(2) seven members representing eligible employers, appointed by the Minnesota School Boards Association.

(b) The seven members of the board who represent statewide affiliates of exclusive representatives of eligible employees are appointed as follows: four members appointed by Education Minnesota and one member each appointed by the Service Employees International Union, the Minnesota School Employees Association, and American Federation of State, County, and Municipal Employees.

(c) Appointing authorities must make their initial appointments no later than August 1, 2007, by filing a notice of the appointment with the commissioner of commerce. Notices of subsequent appointments must be filed with the board. An entity entitled to appoint a board member may replace the board member at any time.

(d) Board members are eligible for compensation and expense reimbursement under section 15.0575, subdivision 3.

(e) The board must arrange for one or more methods of dispute resolution so as to minimize the possibility of deadlocks.

(f) The board shall establish governance requirements, which may include staggered terms, term limits, quorum, a plan of operation, and audit provisions.

Subd. 4. **Design and nature of plan.** (a) Health coverage offered through the Minnesota school employee insurance pool shall be made available by the board to all eligible employees of eligible employers, as defined in subdivision 1.

(b) If an eligible employer provides health coverage or money to purchase health coverage to eligible employees, the coverage must be provided or purchased only through the health plans offered by the board.

(c) Nothing in this section affects the right of each eligible employer to determine, through collective bargaining under the public employer labor relations act:

(1) the employer's eligibility requirements regarding the terms and conditions under which employees, dependents, retirees, and other persons are eligible for health coverage from the employer;

(2) how much of the premium charged for the insurance will be paid by the employer and how much will be paid by the eligible person; and

(3) which health plan or plans offered by the board will be made available by the eligible employer.

(d) The board must initially offer at least six health plans. One plan must provide coverage without a deductible and without other enrollee cost-sharing other than reasonable co-payments for nonpreventive care. One plan must be a high-deductible health plan that qualifies under federal law for use with a health savings account. The other four plans must have levels of enrollee cost-sharing that are between the two plans just described. The board may establish more than one tier of premium rates for any specific plan. Plans and premium rates may vary across geographic regions established by the board. The health plans must comply with chapters 62A, 62J, 62M, and 62Q, and must provide the optimal combination of coverage, cost, choice, and stability in the judgment of the board. All health plans offered must be approved by the commissioner of commerce. The board shall investigate the feasibility of offering coverage through more than one health plan company or other network of health care providers.

(e) The board must include claims reserves, stabilization reserves, reinsurance, and other features that, in the judgment of the board, will result in long-term stability and solvency of the health plans offered.

(f) The board may determine whether the health plans should be fully insured through a health carrier licensed in this state, self-insured, or a combination of those two alternatives.

(g) The health plans must include disease management and consumer education, including wellness programs and measures encouraging the wise use of health coverage, to the extent determined to be appropriate by the board.

(h) Upon request of the board, health plans that are providing or have provided coverage to employees of eligible employers within two years before the effective date of this section, shall provide to the board at no charge nonidentifiable aggregate claims data for that coverage. The information must include data relating to employee group benefit sets, demographics, and claims experience. Notwithstanding section 13.203, Minnesota service cooperatives must also comply with this paragraph.

(i) Effective July 1, 2009, a contract entered into between an eligible employer and an eligible employee or the exclusive representative of an eligible employee may not contain provisions that establish cash payment in lieu of health insurance to an eligible employee if the employee is not receiving the payment on or before June 30, 2009. Nothing in this section prevents an eligible employee who otherwise qualifies for payment of cash in lieu of insurance on June 30, 2009, from continuing to receive this payment.

(j) All premiums paid for health coverage provided by the board must be used by the board solely for the cost of the operation of the board and the benefit of eligible employees and eligible employers in connection with the health coverage offered by the board.

**Subd. 5. MCHA membership and assessments.** The board is a contributing member of the Minnesota Comprehensive Health Association and must pay assessments made by the association on its premium revenues, as provided in section 62E.11, subdivision 5, paragraph (b).

**Subd. 6. Report.** The board shall report to the legislature by January 15, 2009, on a final design for the pool that complies with subdivision 4 and on governance requirements for the board, which may include staggered terms, term limits, quorum, and a plan of operation and audit provisions. The report must include any legislative changes necessary to ensure conformance with chapters 62A, 62J, 62M, and 62Q.

**Subd. 7. Progress dependent upon funding.** The board shall carry out its obligations to the extent permitted by financial and other resources available to the board for that purpose.

**Subd. 8. Periodic evaluation.** (a) Beginning January 15, 2011, and for the next two years, the board must submit an annual report to the commissioner of commerce and the legislature, in compliance with sections 3.195 and 3.197, summarizing and evaluating the performance of the pool during the previous year of operation.

(b) Beginning in 2013 and in each odd-numbered year thereafter, the board must submit to the legislature a biennial report summarizing and evaluating the performance of the pool during the preceding two fiscal years.

Sec. 2. Minnesota Statutes 2006, section 62E.02, subdivision 23, is amended to read:

**Subd. 23. Contributing member.** "Contributing member" means those companies regulated under chapter 62A and offering, selling, issuing, or renewing policies or contracts of accident and health insurance; health maintenance organizations regulated under chapter 62D; nonprofit health service plan corporations regulated under chapter 62C; community integrated service networks regulated under chapter 62N; fraternal benefit societies regulated under chapter 64B; the Minnesota employees insurance program established in section 43A.317, effective July 1, 1993; ~~and~~ joint self-insurance plans regulated under chapter 62H; and the Minnesota School Employee Insurance Board created under section 62A.662. For the purposes of determining liability of contributing members pursuant to section 62E.11 payments received from or on behalf of Minnesota residents for coverage by a health maintenance organization ~~or a~~ community integrated service network, or the Minnesota School Employee Insurance Board shall be considered to be accident and health insurance premiums.

Sec. 3. Minnesota Statutes 2006, section 62E.10, subdivision 1, is amended to read:

Subdivision 1. **Creation; tax exemption.** There is established a Comprehensive Health Association to promote the public health and welfare of the state of Minnesota with membership consisting of all insurers; self-insurers; fraternal; joint self-insurance plans regulated under chapter 62H; the Minnesota employees insurance program established in section 43A.317, effective July 1, 1993; the Minnesota School Employee Insurance Board created under section 62A.662; health maintenance organizations; and community integrated service networks licensed or authorized to do business in this state. The Comprehensive Health Association is exempt from the taxes imposed under chapter 297I and any other laws of this state and all property owned by the association is exempt from taxation.

Sec. 4. Minnesota Statutes 2006, section 62E.11, subdivision 5, is amended to read:

Subd. 5. **Allocation of losses.** (a) Each contributing member of the association shall share the losses due to claims expenses of the comprehensive health insurance plan for plans issued or approved for issuance by the association, and shall share in the operating and administrative expenses incurred or estimated to be incurred by the association incident to the conduct of its affairs. Claims expenses of the state plan which exceed the premium payments allocated to the payment of benefits shall be the liability of the contributing members. Contributing members shall share in the claims expense of the state plan and operating and administrative expenses of the association in an amount equal to the ratio of the contributing member's total accident and health insurance premium, received from or on behalf of Minnesota residents as divided by the total accident and health insurance premium, received by all contributing members from or on behalf of Minnesota residents, as determined by the commissioner. Payments made by the state to a contributing member for medical assistance, MinnesotaCare, or general assistance medical care services according to chapters 256, 256B, and 256D shall be excluded when determining a contributing member's total premium.

(b) In making the allocation of losses provided in paragraph (a), the association's assessment against the Minnesota School Employee Insurance Board must equal the product of: (1) the percentage of premiums assessed against other association members; (2) .3885; and (3) premiums received by the Minnesota School Employee Insurance Board. For purposes of this calculation, premiums of the board used must be net of rate credits and retroactive rate refunds on the same basis as the premiums of other association members.

Sec. 5. Minnesota Statutes 2006, section 297I.05, subdivision 5, is amended to read:

Subd. 5. **Health maintenance organizations, nonprofit health service plan corporations, ~~and~~ community integrated service networks, and the Minnesota School Employee Insurance Board.** (a) A tax is imposed on health maintenance organizations, community integrated service networks, and nonprofit health care service plan corporations. The rate of tax is equal to one percent of gross premiums less return premiums on all direct business received by the organization, network, or corporation or its agents in Minnesota, in cash or otherwise, in the calendar year.

(b) A tax is imposed on the Minnesota School Employee Insurance Board under section 62A.662. The rate of tax is equal to .36 percent of gross premiums less return premiums received in the calendar year.

(c) The commissioner shall deposit all revenues, including penalties and interest, collected under this chapter from health maintenance organizations, community integrated service networks, ~~and~~ nonprofit health service plan corporations, and the Minnesota School Employee Insurance Board in the health care access fund. Refunds of overpayments of tax imposed by this subdivision must be paid from the health care access fund. There is annually appropriated from the health care access fund to the commissioner the amount necessary to make any refunds of the tax imposed under this subdivision.

Sec. 6. **APPROPRIATION.**

\$4,000,000 is appropriated in fiscal year 2008 from the general fund to the commissioner of commerce as a loan for start-up costs to the Minnesota School Employee Insurance Board. The Minnesota School Employee Insurance Board must repay the loan to the general fund in ten equal installments paid at the end of each fiscal year, beginning with the 2010 fiscal year.

Sec. 7. **EFFECTIVE DATE.**

This act is effective July 1, 2007, except that sections 4 and 5 are effective July 1, 2009."

Delete the title and insert:

"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."

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

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. No. 2268 was read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. Nos. 303, 961, 1215 and 1312 were read for the second time.

## **MESSAGES FROM THE SENATE**

The following message was received from the Senate:

Madam Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1045.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate



## CONFERENCE COMMITTEE REPORT ON S. F. No. 1045

A bill for an act relating to Scott County; renaming the Scott County Housing and Redevelopment Authority.

May 2, 2007

The Honorable James P. Metzen  
President of the Senate

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1045 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 1045 be further amended as follows:

Page 1, after line 7, insert:

**"EFFECTIVE DATE, LOCAL APPROVAL. This section is effective the day after the Scott County board and its chief clerical officer timely comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3."**

We request the adoption of this report and repassage of the bill.

Senate Conferees: JULIANNE E. ORTMAN, CLAIRE A. ROBLING AND DEBBIE J. JOHNSON.

House Conferees: PAUL KOHLS, DEBRA HILSTROM AND MICHAEL BEARD.

Beard moved that the report of the Conference Committee on S. F. No. 1045 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1045, A bill for an act relating to Scott County; renaming the Scott County Housing and Redevelopment Authority.

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

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Berns	Bunn	Demmer	Emmer	Garofalo
Anderson, B.	Bigham	Carlson	Dettmer	Erhardt	Gottwalt
Anderson, S.	Bly	Clark	Dill	Erickson	Greiling
Anzelc	Brod	Cornish	Dominguez	Faust	Gunther
Atkins	Brown	Davnie	Doty	Finstad	Hackbarth
Beard	Brynaert	Dean	Eastlund	Fritz	Hamilton
Benson	Buesgens	DeLaForest	Eken	Gardner	Hansen

Hausman	Kahn	Mariani	Otremba	Seifert	Tschumper
Haws	Kalin	Marquart	Ozment	Sertich	Urdahl
Heidgerken	Knuth	Masin	Paulsen	Severson	Wagenius
Hilstrom	Koenen	McFarlane	Paymar	Shimanski	Walker
Hilty	Kranz	McNamara	Pelowski	Simon	Ward
Holberg	Laine	Moe	Peppin	Simpson	Wardlow
Hoppe	Lanning	Morgan	Peterson, A.	Slawik	Welti
Hornstein	Lenczewski	Morrow	Peterson, N.	Slocum	Westrom
Hortman	Liebling	Mullery	Peterson, S.	Smith	Winkler
Hosch	Lieder	Murphy, E.	Poppe	Solberg	Wollschlager
Howes	Lillie	Murphy, M.	Rukavina	Sviggum	Zellers
Huntley	Loeffler	Nelson	Ruth	Swails	Spk. Kelliher
Jaros	Madore	Nornes	Ruud	Thao	
Johnson	Magnus	Norton	Sailer	Thissen	
Juhnke	Mahoney	Olin	Scalze	Tillberry	

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

### CALENDAR FOR THE DAY

H. F. No. 1351 was reported to the House.

Heidgerken moved to amend H. F. No. 1351, the first engrossment, as follows:

Page 23, after line 25, insert:

"Sec. 35. Minnesota Statutes 2006, section 171.12, subdivision 6, is amended to read:

Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph (b), the department shall not keep on the record of a driver any conviction for a violation of a speed limit of 55 or 60 miles per hour unless the violation consisted of a speed greater than ten miles per hour in excess of a 55 miles per hour speed limit; or more than ~~five~~ ten miles per hour in excess of a 60 miles per hour speed limit.

(b) This subdivision does not apply to (1) a violation that occurs in a commercial motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial driver's license, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Heidgerken amendment and the roll was called. There were 102 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hansen	Magnus	Pelowski	Slocum
Anderson, S.	Dettmer	Haws	Mahoney	Peppin	Smith
Anzelc	Dill	Heidgerken	Mariani	Peterson, A.	Solberg
Atkins	Dominguez	Hilstrom	Marquart	Peterson, N.	Sviggum
Beard	Doty	Holberg	Masin	Peterson, S.	Swails
Benson	Eastlund	Hoppe	McFarlane	Poppe	Thao
Berns	Eken	Hosch	McNamara	Rukavina	Tillberry
Bigham	Emmer	Howes	Moe	Ruth	Tingelstad
Bly	Erhardt	Jaros	Morgan	Sailer	Tschumper
Brod	Erickson	Juhnke	Murphy, E.	Scalze	Urdahl
Buesgens	Faust	Koenen	Murphy, M.	Seifert	Walker
Bunn	Finstad	Kranz	Nornes	Sertich	Ward
Carlson	Fritz	Laine	Olin	Severson	Wardlow
Clark	Gottwalt	Lanning	Olson	Shimanski	Westrom
Davnie	Gunther	Lieder	Otremba	Simon	Winkler
Dean	Hackbarth	Lillie	Ozment	Simpson	Wollschlager
DeLaForest	Hamilton	Madore	Paulsen	Slawik	Zellers

Those who voted in the negative were:

Brown	Garofalo	Huntley	Lenczewski	Norton	Welti
Brynaert	Greiling	Johnson	Liebling	Paymar	Spk. Kelliher
Cornish	Hausman	Kahn	Loeffler	Ruud	
Dittrich	Hornstein	Kalin	Morrow	Thissen	
Gardner	Hortman	Knuth	Nelson	Wagenius	

The motion prevailed and the amendment was adopted.

Rukavina moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 17, after line 26, insert:

"Sec. 27. Minnesota Statutes 2006, section 169.072, subdivision 2, is amended to read:

Subd. 2. **Standards; rulemaking.** The commissioner shall by January 1, 1993, adopt rules that provide for standards and permissible locations of mailbox installations and supports on a street or highway. The commissioner shall base the rules substantially on federal highway administration regulations or recommendations, or other national standards or recommendations regarding the location and construction of safe, breakaway mailbox installations or supports. In adopting the rules, the commissioner shall consider the safety of the traveling public relative to the convenience and expense of owners of nonconforming mailbox installations or supports. The commissioner may provide for alternative standards to allow variances from the rules; provided that, the commissioner must obtain a letter of acceptance for any specific design for mailbox supports from the Federal Highway Administration attesting that the design meets the guidelines of the National Cooperative Highway Research Program Report 350 (NCHRP 350), "Recommended Procedures for the Safety Performance Evaluation of Highway Features."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Zellers, Dettmer, Emmer, Wardlow, Peppin, Simpson, Seifert and Anderson, B., moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 4, after line 26, insert:

"Sec. 7. Minnesota Statutes 2006, section 161.14, is amended by adding a subdivision to read:

Subd. 59. **Purple Heart Trail.** Statutory Route No. 392, described in section 161.12 and marked on the effective date of this section as Interstate Highway 94, is designated in its entirety within Minnesota as the Purple Heart Trail. Subject to section 161.139, the commissioner shall adopt a suitable marking design to mark this highway and erect appropriate signs at each safety rest area located on the highway."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Garofalo, Wardlow and Paulsen moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 33, after line 5, insert:

"Sec. 51. **SPEED LIMIT ON INTERSTATE HIGHWAY 35E.**

The commissioner of transportation shall raise the speed limit along marked Interstate Highway 35E to 55 miles per hour in the city of St. Paul, from its intersection with marked Trunk Highway 5 to its intersection with marked Interstate Highway 94.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Garofalo et al amendment and the roll was called. There were 40 yeas and 92 nays as follows:

Those who voted in the affirmative were:

Anderson, S.	Dettmer	Garofalo	Howes	Peppin	Smith
Berns	Dill	Gottwalt	Magnus	Peterson, N.	Sviggum
Brod	Eastlund	Gunther	McNamara	Rukavina	Wardlow
Buesgens	Emmer	Hackbarth	Morgan	Seifert	Westrom
Cornish	Erhardt	Hamilton	Nornes	Severson	Zellers
Dean	Erickson	Heidgerken	Olson	Shimanski	
DeLaForest	Finstad	Holberg	Paulsen	Simpson	

Those who voted in the negative were:

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

The motion did not prevail and the amendment was not adopted.

Buesgens moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 2, line 35, delete "shall" and insert "may"

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 49 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Dettmer	Garofalo	Holberg	McFarlane
Anderson, B.	Bunn	Eastlund	Gottwalt	Hoppe	McNamara
Anderson, S.	Cornish	Emmer	Gunther	Howes	Nornes
Beard	Dean	Erickson	Hackbarth	Kranz	Olson
Berns	DeLaForest	Finstad	Hamilton	Lanning	Otremba
Brod	Demmer	Gardner	Heidgerken	Magnus	Ozment

Paulsen	Severson	Smith	Urdahl	Zellers
Peppin	Shimanski	Sviggum	Wardlow	
Ruth	Simpson	Tingelstad	Westrom	

Those who voted in the negative were:

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

The motion did not prevail and the amendment was not adopted.

Abeler moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 50, after line 24, insert:

"Sec. 25. Minnesota Statutes 2006, section 473.408, is amended by adding a subdivision to read:

Subd. 9. **Youth discount passes.** (a) The council may offer passes, including tokens, for regular route bus service to charitable organizations, described in section 501(c)(3) of the Internal Revenue Code, free of charge. Any passes provided under this subdivision must be:

(1) distributed to and used solely by a person who is under 16 years of age; and

(2) restricted to use on a bus that is not operating at full capacity at the time of use of the bus pass.

(b) The council may establish additional requirements and terms of use of the passes, including but not limited to charging a fee to the charitable organization for any printing or production costs, restricting times of bus pass use to certain or non-peak hours of operation, and establishing oversight and auditing of the charitable organization with regard to bus pass distribution and use."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Juhnke to the Chair.

Kalin, Madore, Simon, Hornstein, Erhardt and Johnson moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 35, after line 1, insert:

"Sec. 2. Minnesota Statutes 2006, section 168B.051, subdivision 2, is amended to read:

Subd. 2. **Sale after 45 days or title transfer.** ~~An~~ (a) If an unauthorized vehicle is impounded, but not by the city of Minneapolis or the city of St. Paul, the impounded vehicle is eligible for disposal or sale under section 168B.08, the earlier of:

(1) 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle that was not impounded by the city of Minneapolis or the city of St. Paul; or

(2) when the registered owner, in writing, voluntarily transfers the title to the impound lot operator.

(b) A voluntary transfer, in writing, constitutes a waiver by the registered owner of any right, title, and interest in the vehicle.

Sec. 3. Minnesota Statutes 2006, section 168B.06, subdivision 1, is amended to read:

Subdivision 1. **Contents; Written notice given within five days of impound.** (a) When an impounded vehicle is taken into custody, the unit of government or impound lot operator taking it into custody shall give written notice of the taking within five days to the registered vehicle owner and any lienholders.

(b) The notice shall must:

(1) set forth the date and place of the taking;

(2) provide the year, make, model, and serial number of the impounded motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held;

~~(2)~~ (3) inform the registered owner and any lienholders of their right to reclaim the vehicle and contents under section 168B.07, and; and

~~(3)~~ (4) state that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under section 168B.051, subdivision 1, 1a, or 2, shall be deemed a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to section 168B.08. reclaim the vehicle and its contents as provided under section 168B.07 results in the loss of title and consent to sell or dispose of both the vehicle and its contents.

Sec. 4. Minnesota Statutes 2006, section 168B.06, subdivision 3, is amended to read:

Subd. 3. **Unauthorized vehicle; second notice.** If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under subdivision 2, a second notice shall must be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

Sec. 5. Minnesota Statutes 2006, section 168B.07, is amended by adding a subdivision to read:

Subd. 3. **Retrieval of contents.** (a) A unit of government or impound lot operator may establish a reasonable procedure for retrieval of vehicle contents.

(b) At any time before the expiration of the waiting periods provided under section 168B.051, the registered owner of an impounded vehicle has the right to retrieve, without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle, the following contents of the vehicle: medicine; medical-related items and equipment; clothing; eyeglasses; educational materials belonging to a person under age 18; and legal documents related to a judicial or administrative proceeding. Nothing in this section shall be construed to prohibit the return of other contents at the discretion of the impound lot operator. For the purposes of this subdivision, "contents" does not include any permanently affixed mechanical or nonmechanical:

(1) automobile parts;

(2) automobile body parts; or

(3) automobile accessories, including audio or video players.

(c) An impound lot operator is not required to return any contents to a person who is not the registered owner of the impounded vehicle.

Sec. 6. Minnesota Statutes 2006, section 168B.07, is amended by adding a subdivision to read:

Subd. 4. **Waiver of right to reclaim.** The failure of the registered owner or lienholders to exercise the right to reclaim the vehicle before the expiration of the waiting periods provided under section 168B.051 is deemed a waiver of all right, title, and interest in the vehicle and a consent to the transfer of title to, and disposal or sale of, the vehicle under section 168B.08. The failure of the registered owner to exercise the right provided under subdivision 3 is deemed a waiver of all right, title, and interest in the contents of the vehicle and a consent to the transfer of title to, and disposal or sale of, the contents under section 168B.08.

Sec. 7. Minnesota Statutes 2006, section 168B.087, subdivision 1, is amended to read:

Subdivision 1. **Deficiency claim.** (a) The nonpublic or public impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage, and inspection of the vehicle minus the proceeds of the sale or auction.

(b) The claim for storage costs may not exceed the costs of:

(1) 25 days storage, for a vehicle described in section 168B.051, subdivision 1; ~~and~~

(2) 15 days storage, for a vehicle described in section 168B.051, subdivision 1a; and

~~(2) (3)~~ 55 days storage, for a vehicle described in section 168B.051, subdivision 2.

Sec. 8. Minnesota Statutes 2006, section 168B.087, is amended by adding a subdivision to read:

Subd. 3. **Requirements for public impound lot operator.** (a) For purposes of this subdivision, "storage time period" means the time from the towing of a vehicle to an impound lot through 15 days of storage of the vehicle.



(b) For purposes of this subdivision, "relief based on need" includes, but is not limited to, the following:

(1) Minnesota Family Investment Program (MFIP) and Diversionary Work Program (DWP);

(2) Medical Assistance (MA);

(3) General Assistance (GA);

(4) General Assistance Medical Care (GAMC);

(5) Emergency General Assistance (EGA);

(6) Minnesota Supplemental Aid (MSA);

(7) MSA-Emergency Assistance (MSA-EA);

(8) Supplemental Security Income (SSI);

(9) Energy Assistance;

(10) Emergency Assistance (EA); or

(11) Food Stamps.

(c) Before commencement of an action under this section, a public impound lot operator must provide notice to a registered owner that the owner may be subject to a deficiency claim. The notice must also inform the owner that the owner is exempt from such claim if the owner provides proof that, during the storage time period, the owner was eligible for legal aid or received relief based on need.

(d) A public impound lot operator is prohibited from seeking to recover a deficiency from a registered owner if the operator is notified by the registered owner that, during the storage time period, the registered owner was eligible for legal aid or received relief based on need.

(e) It shall be a defense against a suit for a deficiency judgment sought by a public impound lot operator if the defendant can establish that, during the storage time period, the defendant was eligible for legal aid or received relief based on need.

(f) Any judgment obtained by a public impound lot operator under this subdivision shall be vacated pursuant to Rule 60.02(a) of the Minnesota Rules of Civil Procedure upon a showing that, during the storage time period, the defendant was eligible for legal aid or received relief based on need."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Eastlund moved to amend the Kalin et al amendment to H. F. No. 1351, the first engrossment, as amended, as follows:

Page 1, line 16, strike "or impound lot"

Page 1, line 17, strike "operator taking it into custody"

The motion did not prevail and the amendment to the amendment was not adopted.

Seifert requested a division of the Kalin et al amendment to H. F. No. 1351, the first engrossment, as amended.

Seifert further requested that the second portion of the divided Kalin et al amendment be voted on first.

The second portion of the Kalin et al amendment to H. F. No. 1351, the first engrossment, as amended, reads as follows:

Page 35, after line 1, insert:

"Sec. 7. Minnesota Statutes 2006, section 168B.087, subdivision 1, is amended to read:

Subdivision 1. **Deficiency claim.** (a) The nonpublic or public impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage, and inspection of the vehicle minus the proceeds of the sale or auction.

(b) The claim for storage costs may not exceed the costs of:

(1) 25 days storage, for a vehicle described in section 168B.051, subdivision 1; ~~and~~

(2) 15 days storage, for a vehicle described in section 168B.051, subdivision 1a; and

~~(2)~~ (3) 55 days storage, for a vehicle described in section 168B.051, subdivision 2.

Sec. 8. Minnesota Statutes 2006, section 168B.087, is amended by adding a subdivision to read:

Subd. 3. **Requirements for public impound lot operator.** (a) For purposes of this subdivision, "storage time period" means the time from the towing of a vehicle to an impound lot through 15 days of storage of the vehicle.

(b) For purposes of this subdivision, "relief based on need" includes, but is not limited to, the following:

(1) Minnesota Family Investment Program (MFIP) and Diversionary Work Program (DWP);

(2) Medical Assistance (MA);

(3) General Assistance (GA);

(4) General Assistance Medical Care (GAMC);

(5) Emergency General Assistance (EGA);

(6) Minnesota Supplemental Aid (MSA);

(7) MSA-Emergency Assistance (MSA-EA);

(8) Supplemental Security Income (SSI);

(9) Energy Assistance;

(10) Emergency Assistance (EA); or

(11) Food Stamps.

(c) Before commencement of an action under this section, a public impound lot operator must provide notice to a registered owner that the owner may be subject to a deficiency claim. The notice must also inform the owner that the owner is exempt from such claim if the owner provides proof that, during the storage time period, the owner was eligible for legal aid or received relief based on need.

(d) A public impound lot operator is prohibited from seeking to recover a deficiency from a registered owner if the operator is notified by the registered owner that, during the storage time period, the registered owner was eligible for legal aid or received relief based on need.

(e) It shall be a defense against a suit for a deficiency judgment sought by a public impound lot operator if the defendant can establish that, during the storage time period, the defendant was eligible for legal aid or received relief based on need.

(f) Any judgment obtained by a public impound lot operator under this subdivision shall be vacated pursuant to Rule 60.02(a) of the Minnesota Rules of Civil Procedure upon a showing that, during the storage time period, the defendant was eligible for legal aid or received relief based on need."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the second portion of the Kalin et al amendment and the roll was called. There were 85 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Abeler	Bunn	Erhardt	Haws	Johnson	Liebling
Anzelc	Carlson	Erickson	Heidgerken	Juhnke	Lieder
Atkins	Clark	Faust	Hilty	Kahn	Lillie
Benson	Davnie	Fritz	Hornstein	Kalin	Loeffler
Bigham	Dill	Gardner	Hortman	Knuth	Madore
Bly	Dominguez	Greiling	Hosch	Koenen	Mahoney
Brown	Doty	Hansen	Huntley	Laine	Mariani
Brynaert	Eken	Hausman	Jaros	Lesch	Marquart

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

Those who voted in the negative were:

Anderson, B.	DeLaForest	Gottwalt	Kranz	Olson	Simpson
Anderson, S.	Demmer	Gunther	Lanning	Ozment	Sviggum
Beard	Dettmer	Hackbarth	Lenczewski	Paulsen	Tingelstad
Berns	Dittrich	Hamilton	Magnus	Peppin	Urdahl
Brod	Eastlund	Holberg	McFarlane	Ruth	Wardlow
Buesgens	Emmer	Hoppe	McNamara	Seifert	Westrom
Cornish	Finstad	Howes	Morgan	Severson	Zellers
Dean	Garofalo	Kohls	Nornes	Shimanski	

The motion prevailed and the second portion of the Kalin et al amendment was adopted.

The first portion of the Kalin et al amendment to H. F. No. 1351, the first engrossment, as amended, reads as follows:

Page 35, after line 1, insert:

"Sec. 2. Minnesota Statutes 2006, section 168B.051, subdivision 2, is amended to read:

Subd. 2. **Sale after 45 days or title transfer.** ~~An~~ (a) If an unauthorized vehicle is impounded, but not by the city of Minneapolis or the city of St. Paul, the impounded vehicle is eligible for disposal or sale under section 168B.08, the earlier of:

(1) 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle that was not impounded by the city of Minneapolis or the city of St. Paul; or

(2) when the registered owner, in writing, voluntarily transfers the title to the impound lot operator.

(b) A voluntary transfer, in writing, constitutes a waiver by the registered owner of any right, title, and interest in the vehicle.

Sec. 3. Minnesota Statutes 2006, section 168B.06, subdivision 1, is amended to read:

Subdivision 1. ~~Contents; Written notice given within five days of impound.~~ (a) When an impounded vehicle is taken into custody, the unit of government or impound lot operator taking it into custody shall give written notice of the taking within five days to the registered vehicle owner and any lienholders.

(b) The notice shall must:

(1) set forth the date and place of the taking;

(2) provide the year, make, model, and serial number of the impounded motor vehicle, if such information can be reasonably obtained, and the place where the vehicle is being held;

~~(2) (3) inform the registered owner and any lienholders of their right to reclaim the vehicle and contents under section 168B.07, and; and~~

~~(3) (4) state that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under section 168B.051, subdivision 1, 1a, or 2, shall be deemed a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to section 168B.08. reclaim the vehicle and its contents as provided under section 168B.07 results in the loss of title and consent to sell or dispose of both the vehicle and its contents.~~

Sec. 4. Minnesota Statutes 2006, section 168B.06, subdivision 3, is amended to read:

Subd. 3. **Unauthorized vehicle; second notice.** If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under subdivision 2, a second notice ~~shall~~ must be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

Sec. 5. Minnesota Statutes 2006, section 168B.07, is amended by adding a subdivision to read:

Subd. 3. **Retrieval of contents.** (a) A unit of government or impound lot operator may establish a reasonable procedure for retrieval of vehicle contents.

(b) At any time before the expiration of the waiting periods provided under section 168B.051, the registered owner of an impounded vehicle has the right to retrieve, without charge and regardless of whether the registered owner pays incurred charges or fees, transfers title, or reclaims the vehicle, the following contents of the vehicle: medicine; medical-related items and equipment; clothing; eyeglasses; educational materials belonging to a person under age 18; and legal documents related to a judicial or administrative proceeding. Nothing in this section shall be construed to prohibit the return of other contents at the discretion of the impound lot operator. For the purposes of this subdivision, "contents" does not include any permanently affixed mechanical or nonmechanical:

(1) automobile parts;

(2) automobile body parts; or

(3) automobile accessories, including audio or video players.

(c) An impound lot operator is not required to return any contents to a person who is not the registered owner of the impounded vehicle.

Sec. 6. Minnesota Statutes 2006, section 168B.07, is amended by adding a subdivision to read:

Subd. 4. **Waiver of right to reclaim.** The failure of the registered owner or lienholders to exercise the right to reclaim the vehicle before the expiration of the waiting periods provided under section 168B.051 is deemed a waiver of all right, title, and interest in the vehicle and a consent to the transfer of title to, and disposal or sale of, the vehicle under section 168B.08. The failure of the registered owner to exercise the right provided under subdivision 3 is deemed a waiver of all right, title, and interest in the contents of the vehicle and a consent to the transfer of title to, and disposal or sale of, the contents under section 168B.08."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the first portion of the Kalin et al amendment was adopted.

Pelowski moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 3, after line 7, insert:

"Sec. 4. Minnesota Statutes 2006, section 160.80, is amended to read:

**160.80 SIGN FRANCHISE PROGRAM.**

Subdivision 1. **Commissioner may establish program.** (a) The commissioner of transportation may establish a sign franchise program for the purpose of providing on the right-of-way of interstate and controlled-access trunk highways specific information on gas, food, camping, ~~and~~ lodging, and 24-hour pharmacies for the benefit of the motoring public.

(b) The sign franchise program must include urban interstate highways.

Subd. 1a. **Eligibility criteria for business panels.** (a) To be eligible for a business panel on a logo sign panel, a business establishment must:

(1) be open for business;

(2) have a sign on site that both identifies the business and is visible to motorists;

(3) be open to everyone, regardless of race, religion, color, age, sex, national origin, creed, marital status, sexual orientation, or disability;

(4) not impose a cover charge or otherwise require customers to purchase additional products or services; and

(5) meet the appropriate criteria in paragraphs (b) to ~~(e)~~ (f).

(b) Gas businesses must provide vehicle services including fuel and oil; restroom facilities and drinking water; continuous, staffed operation at least 12 hours a day, seven days a week; and public access to a telephone.

(c) Food businesses must serve at least two meals a day during normal mealtimes of breakfast, lunch, and dinner; provide a continuous, staffed food service operation at least ten hours a day, seven days a week except holidays as defined in section 645.44, subdivision 5, and except as provided for seasonal food service businesses; provide seating capacity for at least 20 people; and possess any required state or local licensing or approval. Seasonal food service businesses must provide a continuous, staffed food service operation at least ten hours a day, seven days a week, during their months of operation.

(d) Lodging businesses must include sleeping accommodations, provide public access to a telephone, and possess any required state or local licensing or approval.

(e) Camping businesses must include sites for camping, include parking accommodations for each campsite, provide sanitary facilities and drinking water, and possess any required state or local licensing or approval.

(f) 24-hour pharmacy businesses must be continuously operated 24 hours per day, seven days per week, and must have a state-licensed pharmacist present and on duty at all times.

(g) Businesses that do not meet the appropriate criteria in paragraphs (b) to (e) but that have a signed lease as of January 1, 1998, may retain the business panel until December 31, 2005, or until they withdraw from the program, whichever occurs first, provided they continue to meet the criteria in effect in the department's contract with the logo sign vendor on August 1, 1995. After December 31, 2005, or after withdrawing from the program, a business must meet the appropriate criteria in paragraphs (a) to (e) to qualify for a business panel.

~~(g)~~ (h) Seasonal businesses must indicate to motorists when they are open for business by either putting the full months of operation directly on the business panel or by having a "closed" plaque applied to the business panel when the business is closed for the season.

~~(h)~~ (i) The maximum distance that an eligible business in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington County can be located from the interchange is: for gas businesses, one mile; for food businesses, two miles; for lodging businesses and 24-hour pharmacies, three miles; and for camping businesses, ten miles.

~~(i)~~ (j) The maximum distance that an eligible business in any other county can be located from the interchange shall not exceed 15 miles in either direction, except the maximum distance that an eligible 24-hour pharmacy business can be located from the interchange shall not exceed three miles in either direction.

~~(j)~~ (k) Logo sign panels must be erected so that motorists approaching an interchange view the panels in the following order: 24-hour pharmacy, camping, lodging, food, gas.

~~(k)~~ (l) If there is insufficient space on a logo sign panel to display all eligible businesses for a specific type of service, the businesses closest to the interchange have priority over businesses farther away from the interchange.

Subd. 2. **Franchises.** The commissioner may, by public negotiation or bid, grant one or more franchises to qualified persons to erect and maintain, on the right-of-way of interstate and controlled-access trunk highways, signs informing the motoring public of gas, food, lodging, ~~and~~ camping facilities, and 24-hour pharmacies. A franchisee shall furnish, install, maintain, and replace signs for the benefit of advertisers who provide gas, food, lodging, ~~and~~ camping facilities, and 24-hour pharmacies for the general public, and lease advertising space on the signs to operators of these facilities.

Subd. 3. **Costs.** All costs incurred under the program established by this section must be paid under agreements negotiated between a franchisee and an advertiser or advertisers, unless otherwise provided in the contract between the commissioner and the franchisee.

Subd. 4. **Contract requirements.** (a) All contracts made by the commissioner with a franchisee must provide for:

(1) a requirement that the franchisee obtain liability insurance in an amount the commissioner determines, jointly insuring the state and the franchisee against all liability for claims for damages occurring wholly or in part because of the franchise; and

(2) reasonable standards for the size, design, erection, and maintenance of service information signs and the advertising logos thereon.

(b) The commissioner may require additional terms and conditions, including but not limited to provisions on the renewal and termination of the agreement, and in the event of termination the rights of the state and franchisee relative to the franchisee's advertising contracts.

Subd. 5. **Restrictions.** The commissioner shall take no action under this section which will result in the loss to the state of any federal highway construction funds."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rukavina moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 33, after line 32, insert:

"Sec. 53. **AIRPORT ZONING EXCEPTION.**

(a) Notwithstanding any other law, rule, or ordinance to the contrary, the Eveleth-Virginia Municipal Airport Board of Adjustment must grant a variance to a property owner who resides in Safety Zone A of the Eveleth-Virginia Municipal Airport for the construction of, reconstruction of, remodeling of, or expansion of a structure in accordance with St. Louis County Ordinance 46, provided that the structure must not exceed the height restrictions imposed by the airport ordinance.

(b) Notwithstanding any other law, rule, or ordinance to the contrary, Safety Zone A of the Eveleth-Virginia Municipal Airport shall not include any residential building lot riparian to the east shore of St. Mary's Lake, St. Louis County provided such residential building lot was in existence on January 1, 1978."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hornstein moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 50, line 26, delete "and" and after "473.247" delete the comma and insert "; and 473.3994, subdivision 13,"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hornstein moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 50, after line 24, insert:

"Sec. 25. **REPORTS ON TRANSPORTATION SERVICES FOR PERSONS WITH DISABILITIES.**

The commissioner of transportation with respect to transportation services for persons with disabilities outside the metropolitan area, and the Metropolitan Council with respect to transportation for persons with disabilities within the seven-county metropolitan area, shall each report to the chairs of the senate and house of representatives committees with jurisdiction over transportation finance and policy no later than December 15, 2008.

Both reports shall:

(1) identify transit needs of persons with disabilities, as defined under the Americans with Disabilities Act;

(2) develop a five-year phased strategy to meet identified needs to the maximum extent feasible;



(3) identify capital and operating needs for each of the five years, and ongoing needs of a fully implemented program;

(4) identify available funding sources; and

(5) investigate intercounty service and reimbursement mechanisms."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Seifert, Finstad, Howes, Magnus, Westrom, DeLaForest, Rukavina, Dill, Hackbarth and Juhnke moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 18, after line 25, insert:

"Sec. 28. Minnesota Statutes 2006, section 169.14, is amended by adding a subdivision to read:

Subd. 2a. **Speed violations; less than 20 miles over limit.** Notwithstanding any law or rule to the contrary, the amount of the fine imposed for a speed violation by driving 19 miles per hour or less in excess of the applicable speed limit is assessed at the June 30, 2003, amount.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Seifert et al amendment and the roll was called. There were 68 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hackbarth	Lanning	Peterson, A.	Tingelstad
Anderson, B.	Doty	Hamilton	Madore	Peterson, N.	Tschumper
Anderson, S.	Eastlund	Heidgerken	Magnus	Peterson, S.	Urdahl
Beard	Eken	Holberg	Marquart	Rukavina	Ward
Berns	Emmer	Hoppe	McFarlane	Ruth	Wardlow
Bly	Erhardt	Hosch	McNamara	Sailer	Welti
Brod	Erickson	Howes	Moe	Seifert	Westrom
Buesgens	Faust	Jaros	Nornes	Severson	Zellers
Dean	Finstad	Juhnke	Olson	Shimanski	
DeLaForest	Garofalo	Koenen	Otremba	Simpson	
Demmer	Gottwalt	Kohls	Ozment	Smith	
Dettmer	Gunther	Kranz	Paulsen	Sviggum	

Those who voted in the negative were:

Anzelc	Dittrich	Hortman	Lillie	Norton	Slocum
Atkins	Dominguez	Huntley	Loeffler	Olin	Swails
Benson	Fritz	Johnson	Mahoney	Paymar	Thao
Bigham	Gardner	Kahn	Mariani	Pelowski	Thissen
Brown	Greiling	Kalin	Masin	Peppin	Tillberry
Brynaert	Hansen	Knuth	Morgan	Poppe	Wagenius
Bunn	Hausman	Laine	Morrow	Ruud	Walker
Carlson	Haws	Lenczewski	Mullery	Scalze	Winkler
Clark	Hilstrom	Lesch	Murphy, E.	Sertich	Wollschlager
Cornish	Hilty	Liebling	Murphy, M.	Simon	Spk. Kelliher
Davnie	Hornstein	Lieder	Nelson	Slawik	

The motion prevailed and the amendment was adopted.

Simon moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 33, after line 5, insert:

"Sec. 51. **REPORT ON INTERNET-BASED DRIVER EDUCATION.**

The commissioner of public safety shall submit a report on Internet-based driver education for the instruction permit component by February 15, 2008, to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over transportation finance and policy. The report must review and analyze current findings and studies on the feasibility, effectiveness, and impacts of Internet-based driver education programs for the instruction permit component, including program effectiveness for persons under age 18."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Erhardt moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 92, delete lines 20 to 23

Page 92, line 24, delete "3." and insert "2."

Page 92, line 25, delete "and the attorney general"

The motion prevailed and the amendment was adopted.

Seifert moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 18, after line 25, insert:

"Sec. 28. Minnesota Statutes 2006, section 169.14, is amended by adding a subdivision to read:

Subd. 2a. **Limit on speed violation fines.** Notwithstanding any law or rule to the contrary, a statutory or home rule charter city, town, county, or other political subdivision may not impose a fine in excess of the amount of the fine imposed for a speed violation on the effective date of this subdivision.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Seifert amendment and the roll was called. There were 69 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Haws	Lieder	Peppin	Smith
Anderson, B.	Doty	Heidgerken	Magnus	Peterson, A.	Sviggum
Anderson, S.	Eastlund	Holberg	Marquart	Peterson, N.	Tingelstad
Beard	Eken	Hoppe	McFarlane	Poppe	Urdahl
Berns	Emmer	Hosch	McNamara	Rukavina	Ward
Buesgens	Erhardt	Howes	Moe	Ruth	Wardlow
Cornish	Erickson	Juhnke	Nornes	Ruud	Welti
Dean	Finstad	Koenen	Olson	Scalze	Westrom
DeLaForest	Gottwalt	Kohls	Otremba	Seifert	Zellers
Demmer	Gunther	Kranz	Ozment	Severson	
Dettmer	Hackbarth	Lanning	Paulsen	Shimanski	
Dill	Hamilton	Lenczewski	Pelowski	Simpson	

Those who voted in the negative were:

Anzenc	Dominguez	Huntley	Madore	Olin	Thissen
Atkins	Faust	Jaros	Mahoney	Paymar	Tillberry
Benson	Fritz	Johnson	Mariani	Peterson, S.	Tschumper
Bigham	Gardner	Kahn	Masin	Sailer	Wagenius
Bly	Greiling	Kalin	Morgan	Sertich	Walker
Brown	Hansen	Knuth	Morrow	Simon	Winkler
Brynaert	Hausman	Laine	Mullery	Slawik	Wollschlager
Bunn	Hilstrom	Lesch	Murphy, E.	Slocum	Spk. Kelliher
Carlson	Hilty	Liebling	Murphy, M.	Solberg	
Clark	Hornstein	Lillie	Nelson	Swails	
Davnie	Hortman	Loeffler	Norton	Thao	

The motion prevailed and the amendment was adopted.

Westrom and Urdahl moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 78, line 14, delete "enacted" and insert "passed by either the House of Representatives or the Senate"

A roll call was requested and properly seconded.

The question was taken on the Westrom and Urdahl amendment and the roll was called. There were 43 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Hackbarth	Lieder	Ruth	Wardlow
Anderson, S.	Eastlund	Hamilton	Magnus	Seifert	Westrom
Beard	Emmer	Hausman	McFarlane	Severson	Zellers
Berns	Erickson	Heidgerken	Nornes	Shimanski	
Buesgens	Finstad	Holberg	Olson	Simpson	
Dean	Garofalo	Hoppe	Ozment	Smith	
DeLaForest	Gottwalt	Howes	Paulsen	Sviggum	
Demmer	Gunther	Kohls	Peppin	Urdahl	

Those who voted in the negative were:

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

The motion did not prevail and the amendment was not adopted.

Westrom; Nornes; Hackbarth; Anderson, B.; Shimanski; Dean and Seifert moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 17, after line 26, insert:

"Sec. 27. **[169.133] FINES FOR DRIVING VIOLATIONS.**

Notwithstanding any law or rule to the contrary, the amount of a fine imposed for a driving violation is assessed at the June 30, 2003, amount.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Westrom et al amendment and the roll was called. There were 54 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Finstad	Hoppe	Nornes	Shimanski
Anderson, B.	Dettmer	Garofalo	Hosch	Otremba	Simpson
Anderson, S.	Dill	Gottwalt	Howes	Ozment	Smith
Beard	Dittrich	Gunther	Kohls	Paulsen	Sviggum
Berns	Doty	Hackbarth	Kranz	Peppin	Tingelstad
Brod	Eastlund	Hamilton	Lanning	Rukavina	Urdahl
Buesgens	Eken	Haws	Magnus	Ruth	Wardlow
Dean	Emmer	Heidgerken	McFarlane	Seifert	Westrom
DeLaForest	Erickson	Holberg	McNamara	Severson	Zellers

Those who voted in the negative were:

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

The motion did not prevail and the amendment was not adopted.

Speaker pro tempore Juhnke called Thissen to the Chair.

Juhnke, Magnus, Hornstein and Dill moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 33, after line 32, insert:

"Sec. 53. **WILLMAR AIRPORT.**

(a) Notwithstanding any law, rule, or agreement to the contrary, the commissioner of transportation may enter into an agreement with the city of Willmar to allow funds appropriated by the state to the city for aeronautical purposes at its former airport to instead be used by June 30, 2012, as the state's share of funds for eligible aeronautical purposes at the city's new airport.

(b) Funds not spent pursuant to paragraph (a) by June 30, 2012, must be paid to the commissioner of transportation and deposited in the state airports fund."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Beard was excused between the hours of 1:30 p.m. and 3:55 p.m.

Emmer moved to amend H. F. No. 1351, the first engrossment, as amended, as follows:

Page 21, after line 2, insert:

"Sec. 32. Minnesota Statutes 2006, section 171.05, subdivision 2, is amended to read:

Subd. 2. **Person less than 18 years of age.** (a) Notwithstanding any provision in subdivision 1 to the contrary, the department may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and who:

(1) has completed a course of driver education in another state, has a previously issued valid license from another state, or ~~is enrolled in~~ has satisfactorily completed either:

(i) a public, private, or commercial classroom driver education program that is approved by the commissioner of public safety and ~~that includes classroom and is enrolled in~~ behind-the-wheel training; or

~~(ii) an approved behind the wheel driver education program when the student is receiving full-time instruction in a home school within the meaning of sections 120A.22 and 120A.24, the student is working toward a homeschool diploma, the student's status as a homeschool student has been certified by the superintendent of the school district in which the student resides, and the student is taking home classroom driver training with classroom materials approved by the commissioner of public safety;~~

(ii) an Internet-based theory driver education program and is enrolled in behind-the-wheel training;

~~(2) has completed the classroom phase of instruction in the driver education program;~~

~~(3) (2) has passed a test of the applicant's eyesight;~~

~~(4) (3) has passed a department-administered test of the applicant's knowledge of traffic laws;~~

~~(5)~~ (4) has completed the required application, which must be approved by (i) either parent when both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or, in the event a person under the age of 18 has no living father, mother, or guardian, or is married or otherwise legally emancipated, then (v) the applicant's adult spouse, adult close family member, or adult employer; provided, that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer; and

~~(6)~~ (5) has paid the fee required in section 171.06, subdivision 2.

(b) The instruction permit is valid for two years from the date of application and may be renewed upon payment of a fee equal to the fee for issuance of an instruction permit under section 171.06, subdivision 2."

Page 33, delete section 51 as added by the Simon amendment, adopted earlier today

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 23 yeas and 110 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Hausman	Lenczewski	Otremba	Simpson
Buesgens	Eastlund	Holberg	Lesch	Peppin	Sviggum
Dean	Emmer	Hoppe	Nelson	Severson	Zellers
DeLaForest	Gottwalt	Hortman	Olson	Shimanski	

Those who voted in the negative were:

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

The motion did not prevail and the amendment was not adopted.

H. F. No. 1351, A bill for an act relating to transportation; modifying or adding provisions related to geotechnical investigations before eminent domain proceedings, the highway sign franchise program, streets and highways, highway safety rest areas, highway construction bids and training, town road abandonment, bridges, special mobile equipment, motor vehicle titles, motor vehicle transfers, traffic regulations, flammable liquid definition, drivers' licenses and identification cards, driver records and education, the Real ID Act, traffic-control signals, transportation goals and mission, statewide transportation plan, metropolitan transportation system performance evaluations, transportation contracts, rail service improvement, use of rail bank property, local airports, towing, vehicle impoundments, transit and paratransit, special transportation, small vehicle passenger service, transportation accessibility, transit ways and facilities, light rail transit, vehicle license plates, vehicle size and weight restrictions, vehicle load limits and permits, paper product vehicle routes and permits, definition of full-size pickup truck, vehicle idle reduction technology, commercial vehicles and drivers, vehicle registration, insurance requirements for vehicles owned by charitable organizations, the Unified Carrier Registration Agreement, household goods movers, obsolete motor carrier laws and conforming changes, railroad company requirements, the position of state rail safety inspector, and the Railroad Walkways Safety Act; requiring studies and reports; imposing penalties; making clarifying and technical changes; appropriating money; amending Minnesota Statutes 2006, sections 117.041, by adding a subdivision; 160.02, subdivision 19, by adding a subdivision; 160.80; 161.14, subdivision 18, by adding subdivisions; 161.32, subdivisions 1, 1b, 4; 164.06, subdivision 2; 165.01; 165.03; 168.011, subdivision 22; 168.013, subdivision 1e; 168.10, subdivisions 1a, 1b, 1c, 1d, 1g, 1h, 1i; 168.12, subdivisions 1, 2, 2a, 2b, 2c, 2d, 2e; 168A.01, by adding a subdivision; 168A.05, subdivisions 3, 5; 168A.10, subdivision 1; 168A.101; 168A.151, subdivision 1; 168A.153; 168B.04, subdivision 2; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.087, subdivision 1, by adding a subdivision; 169.01, subdivisions 4c, 19, 20, 78, by adding subdivisions; 169.041, subdivisions 1, 2; 169.06, subdivision 5; 169.14, subdivision 2, by adding subdivisions; 169.34; 169.471, subdivision 1; 169.781; 169.782, subdivision 1; 169.783, subdivision 1; 169.81, subdivisions 2, 3c; 169.823, subdivision 1; 169.824, subdivision 2; 169.8261; 169.86, subdivision 5, by adding a subdivision; 169.862; 169.864, subdivisions 1, 2; 169.87, subdivision 4; 171.01, by adding a subdivision; 171.02, subdivision 1; 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.12, subdivision 6; 171.14; 174.01, subdivision 2; 174.02, subdivision 1a; 174.03, subdivision 1, by adding subdivisions; 174.24, subdivision 2a; 174.255, by adding a subdivision; 174.29, by adding subdivisions; 174.30, subdivisions 4, 9; 174.64, subdivisions 2, 4; 174.66; 218.021, subdivision 1; 218.041, subdivision 6; 221.011, subdivision 8, by adding a subdivision; 221.025; 221.026; 221.031, subdivisions 1, 6; 221.0314, subdivision 9, by adding a subdivision; 221.033, subdivision 2d; 221.036, subdivisions 1, 3; 221.037, subdivision 1; 221.091, subdivision 2; 221.131; 221.132; 221.141, subdivisions 1, 4; 221.185; 221.221, subdivision 3; 221.231; 221.291, subdivision 4; 221.60, subdivision 1, by adding a subdivision; 222.50, subdivision 7; 222.63, subdivision 4, by adding a subdivision; 299F.60, subdivision 1; 299J.16, subdivision 1; 325F.665, by adding a subdivision; 473.1466; 473.166; 473.386, subdivisions 1, 2, 2a, 3; 473.399; 473.3993, subdivisions 1, 3, by adding a subdivision; 473.3994; 473.3997; 473.4051; 473.408, by adding subdivisions; Laws 2005, First Special Session chapter 1, article 4, section 39; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 169; 174; 219; 221; 473; repealing Minnesota Statutes 2006, sections 168A.05, subdivision 5a; 174.65; 221.011, subdivisions 24, 25, 28, 29, 38, 41, 44, 45; 221.0252, subdivision 7; 221.072; 221.111; 221.121, subdivisions 1, 2, 3, 4, 5, 6, 6a, 6c, 6d, 6e, 6f, 7; 221.122; 221.123; 221.131, subdivisions 2a, 3; 221.141, subdivision 6; 221.151; 221.152; 221.153, subdivisions 1, 2; 221.161; 221.171; 221.172, subdivisions 3, 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8; 221.60, subdivisions 2, 3, 3a, 4, 5, 6; 221.601; 221.602; 325E.0951, subdivision 3a; 473.1465; 473.247; 473.3994, subdivision 13; Laws 1999, chapter 230, section 44.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 103 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Abeler	Benson	Brown	Carlson	Davnie	Dittrich
Anzelc	Bigham	Brynaert	Clark	Demmer	Dominguez
Atkins	Bly	Bunn	Cornish	Dill	Doty



Eken	Hortman	Liebling	Murphy, E.	Ruth	Tschumper
Erhardt	Hosch	Lieder	Murphy, M.	Ruud	Urdahl
Faust	Howes	Lillie	Nelson	Sailer	Wagenius
Fritz	Huntley	Loeffler	Nornes	Scalze	Walker
Gardner	Jaros	Madore	Norton	Seifert	Ward
Greiling	Johnson	Mahoney	Olin	Sertich	Welti
Hamilton	Juhnke	Mariani	Otremba	Simon	Westrom
Hansen	Kahn	Marquart	Ozment	Slawik	Winkler
Hausman	Kalin	Masin	Paymar	Slocum	Wollschlager
Haws	Knuth	McFarlane	Pelowski	Solberg	Spk. Kelliher
Heidgerken	Koenen	McNamara	Peterson, A.	Swails	
Hilstrom	Kranz	Moe	Peterson, N.	Thao	
Hilty	Laine	Morgan	Peterson, S.	Thissen	
Holberg	Lenczewski	Morrow	Poppe	Tillberry	
Hornstein	Lesch	Mullery	Rukavina	Tingelstad	

Those who voted in the negative were:

Anderson, B.	Dean	Erickson	Hackbarth	Olson	Simpson
Anderson, S.	DeLaForest	Finstad	Hoppe	Paulsen	Smith
Berns	Dettmer	Garofalo	Kohls	Peppin	Sviggum
Brod	Eastlund	Gottwalt	Lanning	Severson	Wardlow
Buesgens	Emmer	Gunther	Magnus	Shimanski	Zellers

The bill was passed, as amended, and its title agreed to.

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.

### CALENDAR FOR THE DAY, Continued

S. F. No. 596 was reported to the House.

Simon moved to amend S. F. No. 596, the first engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1360, the first engrossment:

"Section 1. Minnesota Statutes 2006, section 13.02, subdivision 8, is amended to read:

Subd. 8. **Individual.** "Individual" means a natural person. In the case of a minor or an ~~individual adjudged mentally incompetent~~ incapacitated person as defined in section 524.5-102, subdivision 6, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that

the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

Sec. 2. Minnesota Statutes 2006, section 13.02, subdivision 11, is amended to read:

Subd. 11. **Political subdivision.** "Political subdivision" means any county, statutory or home rule charter city, school district, special district, any town exercising powers under chapter 368 and located in the metropolitan area, as defined in section 473.121, subdivision 2, and any board, commission, district or authority created pursuant to law, local ordinance or charter provision. It includes any nonprofit corporation which is a community action agency organized pursuant to the Economic Opportunity Act of 1964 (Public Law 88-452) as amended, to qualify for public funds, or any nonprofit social service agency which performs services under contract to ~~any political subdivision, statewide system or state agency~~ a government entity, to the extent that the nonprofit social service agency or nonprofit corporation collects, stores, disseminates, and uses data on individuals because of a contractual relationship with ~~state agencies, political subdivisions or statewide systems~~ a government entity.

Sec. 3. Minnesota Statutes 2006, section 13.03, subdivision 4, is amended to read:

Subd. 4. **Change in classification of data; effect of dissemination among agencies.** (a) The classification of data in the possession of an entity shall change if it is required to do so to comply with either judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving entity.

(b) If data on individuals is classified as both private and confidential by this chapter, or any other statute or federal law, the data is private.

(c) To the extent that government data is disseminated to a government entity by another government entity, the data disseminated shall have the same classification in the hands of the entity receiving it as it had in the hands of the entity providing it.

(d) If a government entity disseminates data to another government entity, a classification provided for by law in the hands of the entity receiving the data does not affect the classification of the data in the hands of the entity that disseminates the data.

(e) To the extent that judicial branch data is disseminated to government entities by the judicial branch, the data disseminated shall have the same level of accessibility in the hands of the agency receiving it as it had in the hands of the judicial branch entity providing it.

Sec. 4. Minnesota Statutes 2006, section 13.04, subdivision 3, is amended to read:

Subd. 3. **Access to data by individual.** Upon request to a responsible authority or designee, an individual shall be informed whether the individual is the subject of stored data on individuals, and whether it is classified as public, private or confidential. Upon further request, an individual who is the subject of stored private or public data on individuals shall be shown the data without any charge and, if desired, shall be informed of the content and meaning of that data. After an individual has been shown the private data and informed of its meaning, the data need not be disclosed to that individual for six months thereafter unless a dispute or action pursuant to this section is pending or additional data on the individual has been collected or created. The responsible authority or designee shall provide copies of the private or public data upon request by the individual subject of the data. The responsible authority or designee may require the requesting person to pay the actual costs of making, and certifying, ~~and compiling~~ the copies.

The responsible authority or designee shall comply immediately, if possible, with any request made pursuant to this subdivision, or within ten days of the date of the request, excluding Saturdays, Sundays and legal holidays, if immediate compliance is not possible.

Sec. 5. Minnesota Statutes 2006, section 13.04, subdivision 4, is amended to read:

Subd. 4. **Procedure when data is not accurate or complete.** (a) An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right, an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days either: (1) correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or (2) notify the individual that the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.

The determination of the responsible authority may be appealed pursuant to the provisions of the Administrative Procedure Act relating to contested cases. Upon receipt of an appeal by an individual, the commissioner shall, before issuing the order and notice of a contested case hearing required by chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent, the commissioner may refer the matter to mediation. Following these efforts, the commissioner shall dismiss the appeal or issue the order and notice of hearing.

(b) Data on individuals that have been successfully challenged by an individual must be completed, corrected, or destroyed by a ~~state agency, political subdivision, or statewide system~~ government entity without regard to the requirements of section 138.17.

After completing, correcting, or destroying successfully challenged data, a government entity may retain a copy of the commissioner of administration's order issued under chapter 14 or, if no order were issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

Sec. 6. Minnesota Statutes 2006, section 13.05, subdivision 10, is amended to read:

Subd. 10. **International dissemination.** No ~~state agency or political subdivision~~ government entity shall transfer or disseminate any private or confidential data on individuals to the private international organization known as Interpol, except through the Interpol-United States National Central Bureau, United States Department of Justice.

Sec. 7. Minnesota Statutes 2006, section 13.072, subdivision 1, is amended to read:

Subdivision 1. **Opinion; when required.** (a) Upon request of a government entity, the commissioner may give a written opinion on any question relating to public access to government data, rights of subjects of data, or classification of data under this chapter or other Minnesota statutes governing government data practices. Upon request of any person who disagrees with a determination regarding data practices made by a government entity, the commissioner may give a written opinion regarding the person's rights as a subject of government data or right to have access to government data.

(b) Upon request of a body subject to chapter 13D, the commissioner may give a written opinion on any question relating to the body's duties under chapter 13D. Upon request of a person who disagrees with the manner in which members of a governing body perform their duties under chapter 13D, the commissioner may give a written opinion on compliance with chapter 13D. A governing body or person requesting an opinion under this paragraph must pay the commissioner a fee of \$200. Money received by the commissioner under this paragraph is appropriated to the commissioner for the purposes of this section.

(c) If the commissioner determines that no opinion will be issued, the commissioner shall give the government entity or body subject to chapter 13D or person requesting the opinion notice of the decision not to issue the opinion within five business days of receipt of the request. If this notice is not given, the commissioner shall issue an opinion within 20 days of receipt of the request.

(d) For good cause and upon written notice to the person requesting the opinion, the commissioner may extend this deadline for one additional 30-day period. The notice must state the reason for extending the deadline. The government entity or the members of a body subject to chapter 13D must be provided a reasonable opportunity to explain the reasons for its decision regarding the data or how they perform their duties under chapter 13D. The commissioner or the government entity or body subject to chapter 13D may choose to give notice to the subject of the data concerning the dispute regarding the data or compliance with chapter 13D.

(e) This section does not apply to a determination made by the commissioner of health under section 13.3805, subdivision 1, paragraph (b), or 144.6581.

(f) A written, numbered, and published opinion issued by the attorney general shall take precedence over an opinion issued by the commissioner under this section.

Sec. 8. Minnesota Statutes 2006, section 13.08, subdivision 1, is amended to read:

Subdivision 1. **Action for damages.** Notwithstanding section 466.03, a responsible authority or government entity which violates any provision of this chapter is liable to a person or representative of a decedent who suffers any damage as a result of the violation, and the person damaged or a representative in the case of private data on decedents or confidential data on decedents may bring an action against the responsible authority or government entity to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the government entity shall, in addition, be liable to exemplary damages of not less than ~~\$100~~ \$5,000, nor more than ~~\$10,000~~ \$50,000 for each violation. The state is deemed to have waived any immunity to a cause of action brought under this chapter.

Sec. 9. Minnesota Statutes 2006, section 13.08, subdivision 4, is amended to read:

Subd. 4. **Action to compel compliance.** (a) In addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to ~~\$300~~ \$3,000 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1. The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute, but shall conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration.

(b) In determining whether to assess a civil penalty under this subdivision, the court shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government entity has:

(1) designated a responsible authority under section 13.02, subdivision 16;

(2) designated a data practices compliance official under section 13.05, subdivision 13;

(3) prepared the public document that names the responsible authority and describes the records and data on individuals that are maintained by the government entity under section 13.05, subdivision 1;

(4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.05, subdivision 8; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;

(5) ~~sought an oral, written, or electronic opinion from the commissioner of administration related to the matter at issue and acted in conformity with that opinion or acted in conformity with an opinion issued under section 13.072 that was sought by a government entity or another person; or~~

(6) provided ongoing training to government entity personnel who respond to requests under this chapter.

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

Sec. 10. Minnesota Statutes 2006, section 13.202, subdivision 11, is amended to read:

Subd. 11. **Metropolitan government.** (a) Labor relations information. Certain labor relations data relating to the negotiation of collective bargaining contracts by the Metropolitan Council are classified under section 473.1291.

~~(a)~~ (b) Affirmative action plans. Treatment of data relating to metropolitan agency affirmative action plans is governed by section 473.143, subdivisions 5 and 7.

~~(b)~~ (c) Contracts for management services. Data relating to compensation of personnel who work under a management service contract are classified by section 473.405, subdivision 12.

~~(c)~~ (d) Arena acquisition. Certain data in connection with a decision whether to acquire a sports arena are classified under section 473.598, subdivision 4.

~~(d)~~ (e) Airports commission. Certain airline data submitted to the Metropolitan Airports Commission in connection with the issuance of revenue bonds are classified under section 473.6671, subdivision 3.

~~(e)~~ (f) Solid waste landfill fee. Information obtained from the operator of a mixed municipal solid waste disposal facility under section 473.843 is classified under section 473.843, subdivision 4.

Sec. 11. Minnesota Statutes 2006, section 13.32, subdivision 5, is amended to read:

Subd. 5. **Directory information.** Information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34, section 99.37 which are in effect on ~~July 1, 1993~~ January 1, 2007, is public data on individuals. When conducting the directory information designation and notice process required by federal law, an educational agency or institution shall give parents and students notice of the right to refuse to let the agency or institution designate any or all data about the student as directory information. This notice may be given by any means reasonably likely to inform the parents and students of the right.

Sec. 12. Minnesota Statutes 2006, section 13.35, is amended to read:

**13.35 FEDERAL CONTRACTS DATA.**

To the extent that a federal agency requires it as a condition for contracting with a ~~state agency or political subdivision~~ government entity, all government data collected and maintained by the ~~state agency or political subdivision~~ government entity because that agency contracts with the federal agency are classified as either private or nonpublic depending on whether the data are data on individuals or data not on individuals.

Sec. 13. Minnesota Statutes 2006, section 13.355, subdivision 1, is amended to read:

Subdivision 1. **General.** The Social Security numbers of individuals, whether provided in whole or in part, collected or maintained by a ~~state agency, statewide system, or political subdivision~~ government entity are private data on individuals, except to the extent that access to the Social Security number is specifically authorized by law.

Sec. 14. Minnesota Statutes 2006, section 13.384, subdivision 1, is amended to read:

Subdivision 1. **Definition.** As used in this section:

(a) "Directory information" means name of the patient, date admitted, and general condition.

(b) "Medical data" means data collected because an individual was or is a patient or client of a hospital, nursing home, medical center, clinic, health or nursing agency operated by a ~~state agency or political subdivision~~ government entity including business and financial records, data provided by private health care facilities, and data provided by or about relatives of the individual.

Sec. 15. Minnesota Statutes 2006, section 13.384, subdivision 2, is amended to read:

Subd. 2. **Public hospitals; directory information.** (a) During the time that a person is a patient in a hospital operated by a ~~state agency or political subdivision~~ government entity under legal commitment, directory information is public data. After the person is released by termination of the person's legal commitment, the directory information is private data on individuals.

(b) If a person is a patient other than pursuant to commitment in a hospital controlled by a ~~state agency or political subdivision~~ government entity, directory information is public data unless the patient requests otherwise, in which case it is private data on individuals.

(c) Directory information about an emergency patient who is unable to communicate which is public under this subdivision shall not be released until a reasonable effort is made to notify the next of kin. Although an individual has requested that directory information be private, the hospital may release directory information to a law enforcement agency pursuant to a lawful investigation pertaining to that individual.

Sec. 16. Minnesota Statutes 2006, section 13.39, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** A "pending civil legal action" includes but is not limited to judicial, administrative or arbitration proceedings. Whether a civil legal action is pending shall be determined by the chief attorney acting for the ~~state agency, political subdivision or statewide system~~ government entity.

Sec. 17. Minnesota Statutes 2006, section 13.39, subdivision 2, is amended to read:

Subd. 2. **Civil actions.** (a) Except as provided in paragraph (b), data collected by state agencies, political subdivisions, or statewide systems as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as protected nonpublic data pursuant to section 13.02, subdivision 13, in the case of data not on individuals and confidential pursuant to section 13.02, subdivision 3, in the case of data on individuals. Any agency, political subdivision, or statewide system may make any data classified as confidential or protected nonpublic pursuant to this subdivision accessible to any person, agency or the public if the agency, political subdivision, or statewide system determines that the access will aid the law enforcement process, promote public health or safety or dispel widespread rumor or unrest.

(b) A complainant has access to a statement provided by the complainant to a ~~state agency, statewide system, or political subdivision~~ government entity under paragraph (a).

Sec. 18. Minnesota Statutes 2006, section 13.39, subdivision 2a, is amended to read:

Subd. 2a. **Disclosure of data.** During the time when a civil legal action is determined to be pending under subdivision 1, any person may bring an action in the district court in the county where the data is maintained to obtain disclosure of data classified as confidential or protected nonpublic under subdivision 2. The court may order that all or part of the data be released to the public or to the person bringing the action. In making the determination whether data shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, the ~~agency~~ entity, or any person identified in the data. The data in dispute shall be examined by the court in camera.

Sec. 19. Minnesota Statutes 2006, section 13.39, subdivision 3, is amended to read:

Subd. 3. **Inactive investigative data.** Inactive civil investigative data are public, unless the release of the data would jeopardize another pending civil legal action, and except for those portions of a civil investigative file that are classified as not public data by this chapter or other law. Any civil investigative data presented as evidence in court or made part of a court record shall be public. Civil investigative data become inactive upon the occurrence of any of the following events:

(1) a decision by the ~~state agency, political subdivision, or statewide system~~ government entity or by the chief attorney acting for the ~~state agency, political subdivision, or statewide system~~ government entity not to pursue the civil action;

(2) expiration of the time to file a complaint under the statute of limitations or agreement applicable to the civil action; or

(3) exhaustion of or expiration of rights of appeal by either party to the civil action.

Data determined to be inactive under clause (1) may become active if the ~~state agency, political subdivision, statewide system~~ government entity, or its attorney decides to renew the civil action.

Sec. 20. Minnesota Statutes 2006, section 13.392, subdivision 1, is amended to read:

Subdivision 1. **Confidential data or protected nonpublic data.** Data, notes, and preliminary drafts of reports created, collected, and maintained by the internal audit offices of ~~state agencies and political subdivisions~~ government entities, or persons performing audits for ~~state agencies and political subdivisions~~ government entities, and relating to an audit or investigation are confidential data on individuals or protected nonpublic data until the final report has been published or the audit or investigation is no longer being pursued actively, except that the data shall be disclosed as required to comply with section 6.67 or 609.456. This section does not limit in any way:

(1) the state auditor's access to government data of political subdivisions or data, notes, or preliminary drafts of reports of persons performing audits for political subdivisions; or

(2) the public or a data subject's access to data classified by section 13.43.

Sec. 21. Minnesota Statutes 2006, section 13.393, is amended to read:

### **13.393 ATTORNEYS.**

Notwithstanding the provisions of this chapter and section 15.17, the use, collection, storage, and dissemination of data by an attorney acting in a professional capacity for ~~the state, a state agency or a political subdivision~~ a government entity shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility; provided that this section shall not be construed to affect the applicability of any statute, other than this chapter and section 15.17, which specifically requires or prohibits disclosure of specific information by the attorney, nor shall this section be construed to relieve any responsible authority, other than the attorney, from duties and responsibilities pursuant to this chapter and section 15.17.

Sec. 22. Minnesota Statutes 2006, section 13.40, subdivision 1, is amended to read:

Subdivision 1. **Records subject to this chapter.** (a) For purposes of this section, "historical records repository" means an archives or manuscript repository operated by ~~any state agency, statewide system, or political subdivision~~ a government entity whose purpose is to collect and maintain data to further the history of a geographic or subject area. The term does not include the state archives as defined in section 138.17, subdivision 1, clause (5).

(b) Data collected, maintained, used, or disseminated by a library or historical records repository operated by ~~any state agency, political subdivision, or statewide system~~ a government entity shall be administered in accordance with the provisions of this chapter.

Sec. 23. Minnesota Statutes 2006, section 13.40, subdivision 3, is amended to read:

Subd. 3. **Nongovernmental data.** Data held in the custody of a historical records repository that were not originally created, received, maintained, or disseminated by a ~~state agency, statewide system, or political subdivision~~ government entity are not government data. These data are accessible to the public unless:

(1) the data are contributed by private persons under an agreement that restricts access, to the extent of any lawful limitation; or

(2) access would significantly endanger the physical or organizational integrity of the data.

Sec. 24. Minnesota Statutes 2006, section 13.41, subdivision 3, is amended to read:

Subd. 3. **Board of Peace Officer Standards and Training.** The following government data of the Board of Peace Officer Standards and Training are private data:

(1) home addresses of licensees and applicants for licenses; and

(2) data that identify the ~~state agency, statewide system, or political subdivision~~ government entity that employs a licensed peace officer.



The board may disseminate private data on applicants and licensees as is necessary to administer law enforcement licensure or to provide data under section 626.845, subdivision 1, to law enforcement agencies who are conducting employment background investigations.

Sec. 25. Minnesota Statutes 2006, section 13.43, subdivision 2, is amended to read:

Subd. 2. **Public data.** (a) Except for employees described in subdivision 5 and subject to the limitations described in subdivision 5a, the following personnel data on current and former employees, volunteers, and independent contractors of a government entity is public:

(1) name; employee identification number, which must not be the employee's Social Security number; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; and the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;

(2) job title and bargaining unit; job description; education and training background; and previous work experience;

(3) date of first and last employment;

(4) the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;

(5) the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body;

(6) the terms of any agreement settling any dispute arising out of an employment relationship, including a buyout agreement as defined in section 123B.143, subdivision 2, paragraph (a); except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money;

(7) work location; a work telephone number; badge number; and honors and awards received; and

(8) payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

(b) For purposes of this subdivision, a final disposition occurs when the ~~state agency, statewide system, or political subdivision~~ government entity makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the ~~state agency, statewide system, political subdivision~~ government entity, or arbitrator.

(c) The ~~state agency, statewide system, or political subdivision~~ government entity may display a photograph of a current or former employee to a prospective witness as part of the ~~state agency's, statewide system's, or political subdivision's~~ government entity's investigation of any complaint or charge against the employee.

(d) A complainant has access to a statement provided by the complainant to a ~~state agency, statewide system, or political subdivision~~ government entity in connection with a complaint or charge against an employee.

(e) Notwithstanding paragraph (a), clause (5), upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. For purposes of this paragraph, "public official" means:

- (1) the head of a state agency and deputy and assistant state agency heads;
- (2) members of boards or commissions required by law to be appointed by the governor or other elective officers; and
- (3) executive or administrative heads of departments, bureaus, divisions, or institutions within state government.

Sec. 26. Minnesota Statutes 2006, section 13.43, subdivision 5, is amended to read:

Subd. 5. **Undercover law enforcement officer.** All personnel data maintained by ~~any state agency, statewide system or political subdivision~~ a government entity relating to an individual employed as or an applicant for employment as an undercover law enforcement officer are private data on individuals. When the individual is no longer assigned to an undercover position, the data described in subdivisions 2 and 3 become public unless the law enforcement agency determines that revealing the data would threaten the personal safety of the officer or jeopardize an active investigation.

Sec. 27. Minnesota Statutes 2006, section 13.43, subdivision 7, is amended to read:

Subd. 7. **Employee assistance data.** All data created, collected or maintained by ~~any state agency or political subdivision~~ a government entity to administer employee assistance programs similar to the one authorized by section 43A.319 are classified as private, pursuant to section 13.02, subdivision 12. This section shall not be interpreted to authorize the establishment of employee assistance programs.

Sec. 28. Minnesota Statutes 2006, section 13.43, subdivision 9, is amended to read:

Subd. 9. **Peer counseling debriefing data.** (a) Data acquired by a peer group member in a public safety peer counseling debriefing is private data on the person being debriefed.

(b) For purposes of this subdivision, "public safety peer counseling debriefing" means a group process oriented debriefing session held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any agency entity providing public safety emergency services and is designed to help a person who has suffered an occupation-related traumatic event begin the process of healing and effectively dealing with posttraumatic stress.

Sec. 29. Minnesota Statutes 2006, section 13.43, subdivision 10, is amended to read:

Subd. 10. **Prohibition on agreements limiting disclosure or discussion of personnel data.** (a) A ~~state agency, statewide system, or political subdivision~~ government entity may not enter into an agreement settling a dispute arising out of the employment relationship with the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data. An agreement or portion of an agreement that violates this paragraph is void and unenforceable.

(b) Paragraph (a) applies to the following, but only to the extent that the data or information could otherwise be made accessible to the public:

- (1) an agreement not to discuss, publicize, or comment on personnel data or information;

(2) an agreement that limits the ability of the subject of personnel data to release or consent to the release of data; or

(3) any other provision of an agreement that has the effect of limiting the disclosure or discussion of information that could otherwise be made accessible to the public, except a provision that limits the ability of an employee to release or discuss private data that identifies other employees.

(c) Paragraph (a) also applies to a court order that contains terms or conditions prohibited by paragraph (a).

Sec. 30. Minnesota Statutes 2006, section 13.43, subdivision 11, is amended to read:

Subd. 11. **Protection of employee or others.** (a) If the responsible authority or designee of a ~~state agency, statewide system, or political subdivision~~ government entity reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, data that are relevant to the concerns for safety may be released as provided in this subdivision.

(b) The data may be released:

(1) to the person who may be harmed and to an attorney representing the person when the data are relevant to obtaining a restraining order;

(2) to a prepetition screening team conducting an investigation of the employee under section 253B.07, subdivision 1; or

(3) to a court, law enforcement agency, or prosecuting authority.

(c) Section 13.03, subdivision 4, paragraph (c), applies to data released under this subdivision, except to the extent that the data have a more restrictive classification in the possession of the agency or authority that receives the data. If the person who may be harmed or the person's attorney receives data under this subdivision, the data may be used or released further only to the extent necessary to protect the person from harm.

Sec. 31. Minnesota Statutes 2006, section 13.435, is amended to read:

#### **13.435 SALARY BENEFIT SURVEY DATA.**

Salary and personnel benefit survey data purchased from consulting firms, nonprofit corporations or associations or obtained from employers with the written understanding that the data shall not be made public which is maintained by ~~state agencies, political subdivisions or statewide systems~~ government entities are classified as nonpublic pursuant to section 13.02, subdivision 9.

Sec. 32. Minnesota Statutes 2006, section 13.44, subdivision 1, is amended to read:

Subdivision 1. **Real property; complaint data.** The identities of individuals who register complaints with ~~state agencies or political subdivisions~~ government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data, pursuant to section 13.02, subdivision 3.

Sec. 33. Minnesota Statutes 2006, section 13.44, subdivision 2, is amended to read:

Subd. 2. **Real property; building code violations.** Code violation records pertaining to a particular parcel of real property and the buildings, improvements, and dwelling units located on it that are kept by any state, county, or city agency charged by the governing body of the appropriate ~~political subdivision~~ government entity with the responsibility for enforcing a state, county, or city health, housing, building, fire prevention, or housing maintenance code are public data; except as otherwise provided by section 13.39, subdivision 2; 13.44; or 13.82, subdivision 7.

Sec. 34. Minnesota Statutes 2006, section 13.44, subdivision 3, is amended to read:

Subd. 3. **Real property; appraisal data.** (a) **Confidential or protected nonpublic data.** Estimated or appraised values of individual parcels of real property that are made by personnel of ~~the state or a political subdivision~~ a government entity or by independent appraisers acting for ~~the state or a political subdivision~~ a government entity for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data.

(b) **Private or nonpublic data.** Appraised values of individual parcels of real property that are made by appraisers working for fee owners or contract purchasers who have received an offer to purchase their property from ~~the state or a political subdivision~~ a government entity are classified as private data on individuals or nonpublic data.

(c) **Public data.** The data made confidential or protected nonpublic under paragraph (a) or made private or nonpublic under paragraph (b) become public upon the occurrence of any of the following:

- (1) the data are submitted to a court-appointed condemnation commissioner;
- (2) the data are presented in court in condemnation proceedings; or
- (3) the negotiating parties enter into an agreement for the purchase and sale of the property.

Sec. 35. Minnesota Statutes 2006, section 13.462, subdivision 1, is amended to read:

Subdivision 1. **Definition.** As used in this section, "benefit data" means data on individuals collected or created because an individual seeks information about becoming, is, or was an applicant for or a recipient of benefits or services provided under various housing, home ownership, rehabilitation and community action agency, Head Start, and food assistance programs administered by ~~state agencies, political subdivisions, or statewide systems~~ government entities. Benefit data does not include welfare data which shall be administered in accordance with section 13.46.

Sec. 36. Minnesota Statutes 2006, section 13.462, subdivision 2, is amended to read:

Subd. 2. **Public data.** The names and addresses of applicants for and recipients of benefits, aid, or assistance through programs administered by ~~any political subdivision, state agency, or statewide system~~ a government entity that are intended to assist with the purchase, rehabilitation, or other purposes related to housing or other real property are classified as public data on individuals. If an applicant or recipient is a corporation, the names and addresses of the officers of the corporation are public data on individuals. If an applicant or recipient is a partnership, the names and addresses of the partners are public data on individuals. The amount or value of benefits, aid, or assistance received is public data.

Sec. 37. Minnesota Statutes 2006, section 13.462, subdivision 3, is amended to read:

Subd. 3. **Private data.** Unless otherwise provided by law, all other benefit data are private data on individuals, and shall not be disclosed except pursuant to court order or to an agent of the ~~state agency, political subdivision, or statewide system~~ government entity, including appropriate law enforcement personnel, who are acting in an investigation or prosecution of a criminal or civil proceeding relating to the administration of a program described in subdivision 1.

Sec. 38. Minnesota Statutes 2006, section 13.48, is amended to read:

**13.48 AWARD DATA.**

Financial data on business entities submitted to a ~~state agency, statewide system, or political subdivision~~ government entity for the purpose of presenting awards to business entities for achievements in business development or performance are private data on individuals or nonpublic data.

Sec. 39. Minnesota Statutes 2006, section 13.552, subdivision 3, is amended to read:

Subd. 3. **Data provided under subpoena.** Data supplied by a ~~state agency, statewide system, or political subdivision~~ government entity pursuant to a subpoena issued by the commissioner of human rights is governed by section 363A.06, subdivision 2.

Sec. 40. Minnesota Statutes 2006, section 13.591, subdivision 4, is amended to read:

Subd. 4. **Classification of evaluative data; data sharing.** (a) Data created or maintained by a government entity as part of the selection or evaluation process referred to in this section are protected nonpublic data until completion of the selection process or completion of the evaluation process at which time the data are public with the exception of trade secret data as defined and classified in section 13.37.

(b) If a ~~state agency~~ government entity asks employees of other ~~state agencies~~ government entities to assist with the selection of the responses to a request for bid or the evaluation of responses to a request for proposal, the ~~state agency~~ government entity may share not public data in the responses with those employees. The employees participating in the selection or evaluation may not further disseminate the not public data they review.

Sec. 41. **[13.597] GRANTS.**

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

(a) "Completion of the evaluation process" means that the granting agency has completed negotiating the grant agreement with the selected grantee.

(b) "Grant agreement" means the document that details the responsibilities of the grantee and the granting agency and the value to be provided to the grantee.

(c) "Grantee" means a person that applies for or receives a grant.

(d) "Granting agency" means the government entity that provides the grant.

(e) "Opened" means the act that occurs once the deadline for submitting a response to a proposal to the granting agency has been reached.

(f) "Request for proposal" means the data outlining the responsibilities the granting agency wants the grantee to assume.

(g) "Response" means the data submitted by a grantee as required by a request for proposal.

Subd. 2. **Request for applications.** Data created by a granting agency to create a request for proposal is classified as nonpublic until the request for proposal is published. To the extent that a granting agency involves persons outside the granting agency to create the request for proposal, the data remain nonpublic in the hands of all persons who may not further disseminate any data that are created or reviewed as part of the request for proposal development. At publication, the data in the request for proposal is public.

Subd. 3. **Responses to request for proposals.** (a) Responses submitted by a grantee are private or nonpublic until the responses are opened. Once the responses are opened, the name and address of the grantee and the amount requested is public. All other data in a response is private or nonpublic data until completion of the evaluation process. After a granting agency has completed the evaluation process, all remaining data in the responses is public with the exception of trade secret data as defined and classified in section 13.37. A statement by a grantee that the response is copyrighted or otherwise protected does not prevent public access to the response.

(b) If all responses are rejected prior to completion of the evaluation process, all data, other than that made public at the opening, remain private or nonpublic until a resolicitation of proposals results in completion of the evaluation process or a determination is made to abandon the grant. If the rejection occurs after the completion of the evaluation process, the data remain public. If a resolicitation of proposals does not occur within one year of the grant opening date, the remaining data become public.

Subd. 4. **Evaluation data.** (a) Data created or maintained by a granting agency as part of the evaluation process referred to in this section are protected nonpublic data until completion of the evaluation process at which time the data are public with the exception of trade secret data as defined and classified in section 13.37.

(b) If a granting agency asks individuals outside the granting agency to assist with the evaluation of the responses, the granting agency may share not public data in the responses with those individuals. The individuals participating in the evaluation may not further disseminate the not public data they review.

Sec. 42. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision to read:

Subd. 14. **Market research data; classification.** (a) Names, home addresses except for zip codes, home e-mail addresses, and home telephone numbers obtained for or received in response to a survey conducted by or on behalf of the Department of Transportation are classified as private data on individuals.

(b) Business names, business addresses except for zip codes, business e-mail addresses, and business telephone numbers obtained for or received in response to a survey conducted by or on behalf of the Department of Transportation are classified as nonpublic data.

Sec. 43. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision to read:

Subd. 15. **Overhead rate data.** Financial statements and lists of stockholders provided to the commissioner of transportation by a consultant in order to establish its overhead rate, and the schedule of audit adjustments and the overhead rate schedule prepared by the Department of Transportation in order to establish the overhead rate for a consultant are classified as nonpublic data or private data on individuals. The overhead rate percentage is public data.

Sec. 44. Minnesota Statutes 2006, section 13.72, is amended by adding a subdivision to read:

Subd. 16. **Bid escrow data.** Bid documentation held in escrow by the Department of Transportation is classified as nonpublic data. Any data on individuals in the bid documentation are classified as private data on individuals. "Bid documentation" means all writings, working papers, computer printout charts, and other data calculations used by a contractor to determine its bid in bidding for a contract. The bid documentation includes, but

is not limited to, the contractor's costs for operating each piece of equipment owned by the contractor, the contractor's overhead costs and its calculated overhead rate, the contractor's pay rates for its employees, efficiency or productivity factors, arithmetic extensions, and the rates and quotations from subcontractors and material suppliers to the extent that the rates and quotations were used by the contractor in formulating and determining the amount of the bid.

Sec. 45. **[13.7908] BUREAU OF MEDIATION SERVICES DATA.**

Subdivision 1. **Representation data.** Authorization signatures or cards furnished in support of a petition filed or election conducted under sections 179.16, 179.18 to 179.25, and 179A.12, and ballots, prior to the time of tabulation, are classified as protected nonpublic data or confidential data on individuals.

Subd. 2. **Mediation data.** Data received or maintained by the staff or commissioner of the Bureau of Mediation Services during the course of providing mediation services to the parties to a labor dispute under chapter 179 are classified as protected nonpublic data or confidential data on individuals, except to the extent the commissioner of the Bureau of Mediation Services determines access to data is necessary to fulfill the requirements of section 179A.16 or to identify the general nature of or parties to a labor dispute.

Sec. 46. Minnesota Statutes 2006, section 13.861, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** As used in this section:

(a) "Security service" means an organization that provides security services to a ~~state agency or political subdivision~~ government entity as a part of ~~the governmental~~ that entity or under contract to it. Security service does not include a law enforcement agency.

(b) "Security service data" means all data collected, created, or maintained by a security service for the purpose of providing security services.

Sec. 47. Minnesota Statutes 2006, section 13.87, subdivision 1, is amended to read:

Subdivision 1. **Criminal history data.** (a) **Definition.** For purposes of this subdivision, "criminal history data" means all data maintained in criminal history records compiled by the Bureau of Criminal Apprehension and disseminated through the criminal justice information system, including, but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data.

(b) **Classification.** Criminal history data maintained by agencies, political subdivisions and statewide systems are classified as private, pursuant to section 13.02, subdivision 12, except that data created, collected, or maintained by the Bureau of Criminal Apprehension that identify an individual who was convicted of a crime, the offense of which the individual was convicted, associated court disposition and sentence information, controlling agency, and confinement information are public data for 15 years following the discharge of the sentence imposed for the offense. When an innocent party's name is associated with a criminal history, and a determination has been made through a fingerprint verification that the innocent party is not the subject of the criminal history, the name may be redacted from the public criminal history data. The name shall be retained in the criminal history and classified as private data.

The Bureau of Criminal Apprehension shall provide to the public at the central office of the bureau the ability to inspect in person, at no charge, through a computer monitor the criminal conviction data classified as public under this subdivision.

(c) **Limitation.** Nothing in paragraph (a) or (b) shall limit public access to data made public by section 13.82.

Sec. 48. Minnesota Statutes 2006, section 13.87, subdivision 2, is amended to read:

Subd. 2. **Firearms data.** All data pertaining to the purchase or transfer of firearms and applications for permits to carry firearms which are collected by ~~state agencies, political subdivisions or statewide systems~~ government entities pursuant to sections 624.712 to 624.719 are classified as private, pursuant to section 13.02, subdivision 12.

Sec. 49. Minnesota Statutes 2006, section 13.87, is amended by adding a subdivision to read:

Subd. 5. **Parole and probation authority access to records.** Parole and county probation authorities may access data identified in subdivision 2 on an applicant or permit holder who is also a defendant, parolee, or probationer of a district court.

Sec. 50. **[13.873] CRIMNET.**

Subdivision 1. **Definitions.** For purposes of this section, "integrated search service" or "ISS" is a service operated by the Bureau of Criminal Apprehension which allows authorized users to search and view data that are stored on one or more databases maintained by criminal justice agencies, as defined in section 299C.46, subdivision 2.

Subd. 2. **Requests by data subject.** An individual may request that an ISS query to locate data about the individual be performed by state or local law enforcement agencies with ISS access. State and local law enforcement agencies with ISS access shall only provide:

(1) a list of the government entities that have provided public or private data about that individual through ISS;  
and

(2) data that describe what is maintained about the individual at each government entity on the list.

Subd. 3. **Bureau responsibilities.** The bureau must provide the following information at a public Internet site:

(1) a listing of all law enforcement agencies with ISS access; and

(2) information for individual data subjects on how to challenge the accuracy or completeness of data pursuant to section 13.04, subdivision 4.

Sec. 51. Minnesota Statutes 2006, section 84.0274, subdivision 5, is amended to read:

Subd. 5. **Owner's rights.** When the state proposes to purchase in fee or any lesser interest in land which will be administered by the commissioner of natural resources, the landowner shall have the following rights:

(a) The right to be informed of the specific intended use of the property and of any change in the intended use of the property which occurs during the acquisition process. The owner shall also be informed that the documents regarding the purchase will be public records if the land is purchased by the state;

(b) The right to be paid a fair price for the property. The price shall include the fair market value of the land plus:

(1) All necessary incidental costs such as abstracting and recording fees related to the sale. The costs of clearing title defects, paying taxes, and attorney's fees are not reimbursable; and

(2) Any penalties incurred by the owner where the property is security for a loan or advance of credit that contains a provision requiring or permitting the imposition of a penalty if the loan or advance of credit is prepaid;



(c) The right to payment, at the owner's election, in a lump sum or in up to four annual installments;

(d) The right to have the property fairly appraised by the state. The state's appraiser shall physically inspect the property and shall allow the owner along when the appraisal is made. The state's appraiser shall certify in the appraisal report to having physically inspected the property and having given the landowner an opportunity to go along on inspections. Notwithstanding section 13.44, subdivision 3, before an offer is made, the landowner shall be given a resume of the state's certified appraisal. The resume shall include the appraiser's conclusions as to value, acreage and type of land, value of buildings and other improvements, value of timber, special damages and any special elements of value informed of the value determined pursuant to section 84.0272;

(e) The right to retain a qualified independent appraiser to conduct an appraisal at any time prior to certification of the state's appraisal of the property and to be reimbursed for appraisal fees as provided in section 117.232, subdivision 1, if the land is sold to the state and to have that appraisal considered along with the state's in certifying the selling price;

(f) The right to have the state acquire the property by means of condemnation upon the owner's request with the agreement of the commissioner;

(g) The right to receive or waive relocation assistance, services, payments and benefits as provided in sections 117.52 and 117.521;

(h) The right to accept the state's offer for the property and contest the state's offer for relocation and moving expenses;

(i) The right to continue occupancy of the property until full payment is received, provided that when the owner elects to receive payment in annual installments pursuant to clause (c), the owner may retain occupancy until the first payment is made; and

(j) The right to seek the advice of counsel regarding any aspect of the land transaction.

Sec. 52. Minnesota Statutes 2006, section 122A.33, subdivision 3, is amended to read:

Subd. 3. **Notice of nonrenewal; opportunity to respond.** A school board that declines to renew the coaching contract of a licensed or nonlicensed head varsity coach must notify the coach within 14 days of that decision. If the coach requests reasons for not renewing the coaching contract, the board must give the coach its reasons in writing within ten days of receiving the request. Upon request, the board must provide the coach with a reasonable opportunity to respond to the reasons at a board meeting. The hearing may be opened or closed at the election of the coach unless the board closes the meeting under section 13D.05, subdivision 2, to discuss ~~nonpublic~~ private data.

Sec. 53. Minnesota Statutes 2006, section 171.07, subdivision 1a, is amended to read:

Subd. 1a. **Filing photograph or image; data classification.** The department shall file, or contract to file, all photographs or electronically produced images obtained in the process of issuing drivers' licenses or Minnesota identification cards. The photographs or electronically produced images shall be private data pursuant to section 13.02, subdivision 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to provide copies of photographs or electronically produced images to data subjects. The use of the files is restricted:

(1) to the issuance and control of drivers' licenses;

(2) for law enforcement purposes in the investigation and prosecution of crimes; and to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the investigation and prosecution of crimes, service of process, location of missing persons, investigation and preparation of cases for criminal, juvenile, and traffic court, and supervision of offenders;

(3) for to public defenders, as defined in section 611.272, for the investigation and preparation of cases for criminal, juvenile, and traffic courts; and

(4) to child support enforcement purposes under section 256.978.

Sec. 54. Minnesota Statutes 2006, section 270B.01, subdivision 8, is amended to read:

Subd. 8. **Minnesota tax laws.** For purposes of this chapter only, unless expressly stated otherwise, "Minnesota tax laws" means:

(1) the taxes, refunds, and fees administered by or paid to the commissioner under chapters 115B, 289A (except taxes imposed under sections 298.01, 298.015, and 298.24), 290, 290A, 291, 295, 297A, 297B, and 297H, or any similar Indian tribal tax administered by the commissioner pursuant to any tax agreement between the state and the Indian tribal government, and includes any laws for the assessment, collection, and enforcement of those taxes, refunds, and fees; and

(2) section 273.1315.

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

Sec. 55. Minnesota Statutes 2006, section 270B.02, subdivision 3, is amended to read:

Subd. 3. **Confidential data on individuals; protected nonpublic data.** (a) Except as provided in paragraph (b), the name or existence of an informer, informer letters, and other data, in whatever form, given to the Department of Revenue by a person, other than the data subject, who informs that a specific person is not or may not be in compliance with tax laws, or nontax laws administered by the Department of Revenue, including laws ~~other than those relating to property taxes~~ not listed in section 270B.01, subdivision 8, are confidential data on individuals or protected nonpublic data as defined in section 13.02, subdivisions 3 and 13. This paragraph does not apply to laws relating to property taxes.

(b) Data under paragraph (a) may be disclosed with the consent of the informer or upon a written finding by a court that the information provided by the informer was false and that there is evidence that the information was provided in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the Rules of Criminal Procedure.

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

Sec. 56. Minnesota Statutes 2006, section 270B.085, is amended by adding a subdivision to read:

Subd. 3. **Collection of nontax debt.** The commissioner may use return information for the purpose of collecting debts referred to the commissioner under chapter 16D.

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

Sec. 57. Minnesota Statutes 2006, section 270B.14, subdivision 3, is amended to read:

Subd. 3. **Administration of enterprise, job opportunity, and biotechnology and health sciences industry zone program programs.** The commissioner may disclose return information relating to the taxes imposed by chapters 290 and 297A to the Department of Employment and Economic Development or a municipality receiving an enterprise zone designation under section 469.169 but only as necessary to administer the funding limitations under section 469.169, subdivision 7, or to the Department of Employment and Economic Development and appropriate officials from the local government units in which a qualified business is located but only as necessary to enforce the job opportunity building zone benefits under section 469.315, or biotechnology and health sciences industry zone benefits under section 469.336.

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

Sec. 58. Minnesota Statutes 2006, section 273.1315, is amended to read:

**273.1315 CERTIFICATION OF CLASS 1B PROPERTY.**

**Subdivision 1. Class 1b homestead declaration before 2008.** Any property owner seeking classification and assessment of the owner's homestead as class 1b property pursuant to section 273.13, subdivision 22, paragraph (b), on or before October 1, 2007, shall file with the commissioner of revenue a 1b homestead declaration, on a form prescribed by the commissioner. The declaration shall contain the following information:

(a) the information necessary to verify that on or before June 30 of the filing year, the property owner or the owner's spouse satisfies the requirements of section 273.13, subdivision 22, paragraph (b), for 1b classification; and

(b) any additional information prescribed by the commissioner.

The declaration must be filed on or before October 1 to be effective for property taxes payable during the succeeding calendar year. The declaration and any supplementary information received from the property owner pursuant to this section shall be subject to chapter 270B. If approved by the commissioner, the declaration remains in effect until the property no longer qualifies under section 273.13, subdivision 22, paragraph (b). Failure to notify the commissioner within 30 days that the property no longer qualifies under that paragraph because of a sale, change in occupancy, or change in the status or condition of an occupant shall result in the penalty provided in section 273.124, subdivision 13, computed on the basis of the class 1b benefits for the property, and the property shall lose its current class 1b classification.

The commissioner shall provide to the assessor on or before November 1 a listing of the parcels of property qualifying for 1b classification.

**Subd. 2. Class 1b homestead declaration 2008 and thereafter.** Any property owner seeking classification and assessment of the owner's homestead as class 1b property pursuant to section 273.13, subdivision 22, paragraph (b), after October 1, 2007, shall file with the county assessor a class 1b homestead declaration, on a form prescribed by the commissioner of revenue. The declaration must contain the following information:

(1) the information necessary to verify that, on or before June 30 of the filing year, the property owner or the owner's spouse satisfies the requirements of section 273.13, subdivision 22, paragraph (b), for class 1b classification; and

(2) any additional information prescribed by the commissioner.

The declaration must be filed on or before October 1 to be effective for property taxes payable during the succeeding calendar year. The Social Security numbers and income and medical information received from the property owner pursuant to this section are private data on individuals as defined in section 13.02. If approved by the assessor, the declaration remains in effect until the property no longer qualifies under section 273.13, subdivision 22, paragraph (b). Failure to notify the assessor within 30 days that the property no longer qualifies under that paragraph because of a sale, change in occupancy, or change in the status or condition of an occupant shall result in the penalty provided in section 273.124, subdivision 13, computed on the basis of the class 1b benefits for the property, and the property shall lose its current class 1b classification.

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

Sec. 59. Minnesota Statutes 2006, section 325E.59, subdivision 1, is amended to read:

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

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

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

(3) require an individual to transmit the individual's Social Security number over the Internet, unless:

(i) the connection is secure or the Social Security number is encrypted; and

(ii) the Social Security number is necessary to the transaction,

except as required by titles XVIII and XIX of the Social Security Act and by Code of Federal Regulations, title 42, section 483.20;

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

~~(5) print a number that the person or entity knows to be an individual's Social Security number on any materials that are mailed to the individual, unless state or federal law requires the Social Security number to be on the document to be mailed. If, in connection with a transaction involving or otherwise relating to an individual, a person or entity receives a number from a third party, that person or entity is under no duty to inquire or otherwise determine whether the number is or includes that individual's Social Security number and may print that number on materials mailed to the individual, unless the person or entity receiving the number has actual knowledge that the number is or includes the individual's Social Security number;~~ (5) send or cause to be sent or delivered any letter, envelope, or package that displays a Social Security number on the face of the mailing envelope or package, or from which a Social Security number is visible, whether on the outside or inside of the mailing envelope or package. A person is further prohibited from printing a number that the person or entity knows to be an individual's Social Security number on any materials that are mailed to the individual, unless state or federal law requires the Social Security number to be on the document to be mailed or as part of applications and forms sent by mail, including documents sent as part of an application or enrollment process, or to establish, amend, administer, or terminate an account, contract, or policy, or to confirm the accuracy of the Social Security number;

(6) assign or use a number as the primary account identifier that is identical to or incorporates an individual's complete Social Security number;~~or~~

(7) sell Social Security numbers obtained from individuals in the course of business. Nothing in this clause prohibits the sale, transfer, or disclosure of an individual's Social Security number to a third party if the sale, transfer, or disclosure (i) has no independent economic value and is incidental to a larger transaction and (ii) is necessary for the purpose of verifying the identity of the individual;

(8) lease, loan, trade, or rent an individual's Social Security number to a nonaffiliated third party, unless (i) the person or entity has the written consent to the disclosure from the individual, or (ii) the disclosure is required or authorized by federal or state law. Nothing in this clause prohibits the sale, transfer, or disclosure of an individual's Social Security number to a third party if the sale, transfer, or disclosure has no independent economic value and is incidental to a larger transaction and is necessary for the purpose of verifying the identity of the individual; or

(9) refuse to do business with an individual because the individual will not consent to the disclosure of, or provide, the individual's Social Security number, unless in connection with the transaction:

(i) the person or entity has a permissible purpose to obtain the individual's credit report under section 604 of the federal Fair Credit Reporting Act, United States Code, title 15, section 1681(b);

(ii) the person or entity is expressly required or authorized by federal or state law to obtain the individual's Social Security number;

(iii) the person or entity has a reasonable basis to believe that the individual is using a false identity or false documents; or

(iv) the business transaction cannot otherwise be completed without the individual's Social Security number.

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

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

~~(c) Except as provided in subdivision 2, this section applies only to the use of Social Security numbers on or after July 1, 2007.~~

Sec. 60. Minnesota Statutes 2006, section 325E.59, is amended by adding a subdivision to read:

Subd. 6. **Penalties and remedies.** A person violating this section is subject to the penalties and remedies in section 8.31.

Sec. 61. **[473.1291] CLASSIFICATION OF CERTAIN LABOR RELATIONS DATA.**

Notwithstanding section 13.37, the Metropolitan Council may classify all or any portion of a management or employee organization position or proposal on economic or noneconomic items that has been presented by either party during the collective bargaining process with the Amalgamated Transit Union, as the exclusive representative of a portion of the council's employees, as nonpublic data under section 13.02, subdivision 9. The collective

bargaining process includes, without limitation, any mediation that occurs during the process. The Amalgamated Transit Union constitutes the subject of the data for the purposes of the definition of nonpublic data. The council may only make such a classification with the written concurrence of the union. The council may, at its sole discretion, withdraw the classification at any time and nothing in this section may be construed to limit or control release of the described data by the union. Any data classified as nonpublic under this section becomes public after the contract resulting from the collective bargaining process is executed by both parties.

This section applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 62. **REPEALER.**

(a) Minnesota Statutes 2006, section 13.79, subdivision 2, is repealed.

(b) Minnesota Statutes 2006, section 325E.59, subdivision 2, is repealed.

Sec. 63. **EFFECTIVE DATE.**

Sections 10 and 61 are effective the day following final enactment and apply to positions or proposals presented before or after the effective date which have not previously been released to the public. Sections 59, 60, and 62, paragraph (b), are effective July 1, 2007."

Delete the title and insert:

"A bill for an act relating to government data practices; providing for parole and probation authorities to have access to certain records; modifying landowners' bill of rights; modifying data practices provisions in the Department of Labor and Industry; classifying certain transportation department data; classifying certain labor relations data related to the Metropolitan Council as nonpublic data; requiring state and local law enforcement agencies to provide certain information; clarifying duties and classifications; making technical changes; modifying damages for liability; authorizing an innocent party's name associated with a criminal history to be redacted under certain circumstances; amending Minnesota Statutes 2006, sections 13.02, subdivisions 8, 11; 13.03, subdivision 4; 13.04, subdivisions 3, 4; 13.05, subdivision 10; 13.072, subdivision 1; 13.08, subdivisions 1, 4; 13.202, subdivision 11; 13.32, subdivision 5; 13.35; 13.355, subdivision 1; 13.384, subdivisions 1, 2; 13.39, subdivisions 1, 2, 2a, 3; 13.392, subdivision 1; 13.393; 13.40, subdivisions 1, 3; 13.41, subdivision 3; 13.43, subdivisions 2, 5, 7, 9, 10, 11; 13.435; 13.44, subdivisions 1, 2, 3; 13.462, subdivisions 1, 2, 3; 13.48; 13.552, subdivision 3; 13.591, subdivision 4; 13.72, by adding subdivisions; 13.861, subdivision 1; 13.87, subdivisions 1, 2, by adding a subdivision; 84.0274, subdivision 5; 122A.33, subdivision 3; 171.07, subdivision 1a; 270B.01, subdivision 8; 270B.02, subdivision 3; 270B.085, by adding a subdivision; 270B.14, subdivision 3; 273.1315; 325E.59, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 13; 473; repealing Minnesota Statutes 2006, sections 13.79, subdivision 2; 325E.59, subdivision 2."

The motion prevailed and the amendment was adopted.

Hilstrom moved to amend S. F. No. 596, the first engrossment, as amended, as follows:

Page 26, line 34, delete everything after "number" and insert "is used to verify the identity of the individual, is used solely for that purpose, and it would be impracticable to use another method to verify the identity of the individual."

Page 27, line 26, delete the period and insert a semicolon

Page 27, delete lines 27 to 30

Page 27, line 32, delete everything after "party" and insert a semicolon

Page 27, delete lines 33 to 35

Page 28, delete lines 1 to 14 and insert:

"(9) refuse to do business with an individual because the individual will not consent to the disclosure of, or provide, the individual's Social Security number, unless in connection with the transaction:

(i) the person or entity has a permissible purpose to obtain the individual's consumer report under the federal Fair Credit Reporting Act, United States Code, title 15, section 1681(b);

(ii) the person or entity is expressly required or authorized pursuant to federal, state, county, or municipal law or authority to obtain the individual's Social Security number;

(iii) the person or entity has a reasonable basis to believe that the individual is using a false identity or false documents;

(iv) the business transaction cannot otherwise be completed without the individual's Social Security number; or

(v) the request is consistent with the purposes of and made by an entity regulated under Title V of the federal Gramm-Leach-Bliley Act, United States Code, title 15, section 6801 et seq."

Page 28, after line 27, insert:

"Sec. 60. Minnesota Statutes 2006, section 325E.59, subdivision 3, is amended to read:

Subd. 3. **Coordination with other law and general exclusions.** This section does not prevent the collection, use, or release of a Social Security number:

(1) as required by state or federal law ~~or the use of a Social Security number for internal verification or administrative purposes,~~ or for purposes expressly permitted or authorized by the federal Fair Credit Reporting Act, United States Code, title 15, section 1681(b) or Title V of the Gramm-Leach-Bliley Act, United States Code, title 15, section 6801 et seq.;

(2) for civil or criminal claims or settlement administration, law enforcement, government, or public safety purposes, including employee background checks;

(3) when it is reasonably necessary for fraud prevention or identity verification and it would otherwise be impracticable to use another method;

(4) for internal verification or to administer payroll, health, retirement, or deferred compensation plans, benefits, or federally or state regulated investment products; or

(5) to approve, administer, maintain, or service an account, loan, or mortgage (i) when the transaction is originated, (ii) for review or management of the account, loan, or mortgage, or (iii) to be used when the account, loan, or mortgage is later transferred or sold, provided that the Social Security number is incidental to the larger transfer or sale and it would be impracticable to use another method to administer, maintain, or service the account, loan, or mortgage. For the purposes of this clause, "account" is defined as a checking, savings, or money market account at a federal or state regulated financial institution, or an open-ended line of credit as defined by the federal Regulation Z Section 226.2 (20)."

Page 29, line 22, delete "and 62" and insert "61, and 63"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Holberg, Hilstrom, Paymar and Simon moved to amend S. F. No. 596, the first engrossment, as amended, as follows:

Page 24, after line 1, insert:

"Sec. 54. Minnesota Statutes 2006, section 268.19, subdivision 1, is amended to read:

Subdivision 1. **Use of data.** (a) Except as otherwise provided by this section, data gathered from any person pursuant to the administration of the Minnesota Unemployment Insurance Law are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except pursuant to a district court order or section 13.05. A subpoena shall not be considered a district court order. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:

- (1) state and federal agencies specifically authorized access to the data by state or federal law;
- (2) any agency of any other state or any federal agency charged with the administration of an unemployment insurance program;
- (3) any agency responsible for the maintenance of a system of public employment offices for the purpose of assisting individuals in obtaining employment;
- (4) human rights agencies within Minnesota that have enforcement powers;
- (5) the Department of Revenue only to the extent necessary for its duties under Minnesota laws;
- (6) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;
- (7) the Department of Labor and Industry and the Division of Insurance Fraud Prevention in the Department of Commerce on an interchangeable basis with the department for uses consistent with the administration of their duties under Minnesota law;
- (8) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department or to monitor and evaluate the statewide Minnesota family investment program by providing data on recipients and former recipients of food stamps or food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;
- (9) local and state welfare agencies for the purpose of identifying employment, wages, and other information to assist in the collection of an overpayment debt in an assistance program;



(10) local, state, and federal law enforcement agencies for the sole purpose of ascertaining the last known address and employment location of a person who is the subject of a criminal investigation;

(11) the federal Immigration and Naturalization Service shall have access to data on specific individuals and specific employers provided the specific individual or specific employer is the subject of an investigation by that agency; ~~and~~

(12) the Department of Health solely for the purposes of epidemiologic investigations; and

(13) the Department of Corrections for the purpose of postconfinement employment tracking of individuals who had been committed to the custody of the commissioner of corrections.

(b) Data on individuals and employers that are collected, maintained, or used by the department in an investigation pursuant to section 268.182 are confidential as to data on individuals and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3 and 13, and must not be disclosed except pursuant to statute or district court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

(c) Data gathered by the department pursuant to the administration of the Minnesota unemployment insurance program must not be made the subject or the basis for any suit in any civil proceedings, administrative or judicial, unless the action is initiated by the department."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Holberg, Madore, Simon and Kahn moved to amend S. F. No. 596, the first engrossment, as amended, as follows:

Page 8, after line 2, insert:

"Sec. 14. Minnesota Statutes 2006, section 13.3806, is amended by adding a subdivision to read:

Subd. 21. **Heritable and congenital disorders; infant testing.** Data and specimens collected for testing infants for heritable and congenital disorders are governed by sections 144.125 to 144.128."

Page 8, after line 25, insert:

"Sec. 16. Minnesota Statutes 2006, section 13.386, subdivision 3, is amended to read:

Subd. 3. **Collection, storage, use, and dissemination of genetic information.** (a) Unless otherwise expressly provided by law, genetic information about an individual:

(1) may be collected by a government entity, as defined in section 13.02, subdivision 7a, or any other person only with the written informed consent of the individual;

(2) may be used only for purposes to which the individual has given written informed consent;

(3) may be stored only for a period of time to which the individual has given written informed consent; and

(4) may be disseminated only:

(i) with the individual's written informed consent; or

(ii) if necessary in order to accomplish purposes described by clause (2). A consent to disseminate genetic information under item (i) must be signed and dated. Unless otherwise provided by law, such a consent is valid for one year or for a lesser period specified in the consent.

(b) Notwithstanding this subdivision, the Department of Health's collection, storage, use, and dissemination of genetic information and specimens for testing infants for heritable and congenital disorders are governed by sections 144.125 to 144.128."

Page 23, after line 18, insert:

"Sec. 53. Minnesota Statutes 2006, section 144.125, subdivision 3, is amended to read:

Subd. 3. ~~Objection of parents to test~~ Disclosure to parents; opt-out procedures. (a) Persons with a duty to perform testing under subdivision 1 shall ~~advise~~ provide parents of infants with a document explaining: (1) that the blood or tissue samples used to perform testing thereunder as well as the results of such testing may be retained by the Department of Health; (2) the benefit of retaining the blood or tissue sample; ~~and (3) that the following options are available to them with respect to the testing: (i) to decline to have the tests, or (ii) to elect to have the tests but to require that all blood samples and records of test results be destroyed within 24 months of the testing~~ the data that will be collected as a result of the testing; and (4) the ways in which the samples and data collected will be stored and used.

(b) The document provided under paragraph (a) must also inform parents of their right to opt-out of any aspect of the testing or subsequent data and sample storage or use, including the testing itself, related research, and the length of time data and samples are kept, and clearly describe the process required to opt-out. If the parents of an infant object in writing to opt-out of testing for heritable and congenital disorders or elect to require that blood samples and test results be destroyed, the objection or election that decision shall be recorded on a form that is signed by a parent or legal guardian and made part of the infant's medical record. A written objection An opt-out exempts an infant from the requirements of this section and section 144.128."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Kahn moved to amend the Holberg et al amendment to S. F. No. 596, the first engrossment, as amended, as follows:

Page 2, line 10, reinstate the stricken "that the following"

Page 2, lines 11 to 13, reinstate the stricken language

Page 2, line 13, before the first "the" insert "for"

Page 2, line 17, delete "related research,"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Holberg et al amendment, as amended, to S. F. No. 596 the first engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

S. F. No. 596, A bill for an act relating to data practices; clarifying duties and classifications; making technical changes; providing for access to and classifications of data; amending Minnesota Statutes 2006, sections 13.02, subdivisions 8, 11; 13.04, subdivisions 3, 4; 13.05, subdivision 10; 13.072, subdivision 1; 13.08, subdivision 4; 13.32, subdivision 5; 13.35; 13.355, subdivision 1; 13.384, subdivisions 1, 2; 13.39, subdivisions 1, 2, 2a, 3; 13.392, subdivision 1; 13.393; 13.40, subdivisions 1, 3; 13.41, subdivision 3; 13.43, subdivisions 2, 5, 7, 9, 10, 11; 13.435; 13.44, subdivisions 1, 2, 3; 13.462; 13.48; 13.4965, subdivision 3; 13.552, subdivision 3; 13.591, subdivision 4; 13.72, by adding subdivisions; 13.861, subdivision 1; 13.87, subdivisions 1, 2; 84.0274, subdivision 5; 122A.33, subdivision 3; 171.07, subdivision 1a; 270B.01, subdivision 8; 270B.02, subdivision 3; 270B.085, by adding a subdivision; 270B.14, subdivision 3; 273.1315; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 2006, section 13.79, subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed, as amended, and its title agreed to.

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

S. F. No. 463 was reported to the House.

Hortman and DeLaForest moved to amend S. F. No. 463, the unofficial engrossment, as follows:

Page 1, line 5, delete section 1 and insert:

"Section 1. **REPEALER.**

Minnesota Statutes 2006, section 357.17, is repealed."

Renumber the sections in sequence and correct the internal references

Delete the title and insert:

"A bill for an act relating to notaries public; repealing a provision governing maximum fees; repealing Minnesota Statutes 2006, section 357.17."

A roll call was requested and properly seconded.

The question was taken on the Hortman and DeLaForest amendment and the roll was called. There were 72 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hornstein	Lenczewski	Murphy, M.	Scalze
Anzelc	Dittrich	Hortman	Lesch	Nelson	Sertich
Atkins	Dominguez	Howes	Liebling	Olin	Simon
Benson	Doty	Huntley	Lieder	Olson	Slocum
Berns	Erhardt	Jaros	Madore	Ozment	Solberg
Brown	Gardner	Johnson	Mahoney	Paymar	Thao
Brynaert	Greiling	Kahn	Mariani	Pelowski	Thissen
Buesgens	Hausman	Kalin	Marquart	Peterson, N.	Tillberry
Carlson	Haws	Knuth	Masin	Peterson, S.	Tingelstad
Davnie	Hilstrom	Kohls	Moe	Poppe	Walker
DeLaForest	Hilty	Kranz	Morgan	Ruud	Ward
Demmer	Hoppe	Laine	Murphy, E.	Sailer	Spk. Kelliher

Those who voted in the negative were:

Anderson, B.	Eastlund	Hackbarth	Magnus	Rukavina	Tschumper
Anderson, S.	Eken	Hamilton	McFarlane	Ruth	Urdahl
Bigham	Emmer	Hansen	McNamara	Seifert	Wagenius
Bly	Erickson	Holberg	Morrow	Severson	Wardlow
Brod	Faust	Hosch	Nornes	Shimanski	Welti
Bunn	Finstad	Juhnke	Norton	Simpson	Westrom
Clark	Fritz	Koenen	Otremba	Slawik	Winkler
Cornish	Garofalo	Lanning	Paulsen	Smith	Wollschlager
Dean	Gottwalt	Lillie	Peppin	Sviggum	Zellers
Dettmer	Gunther	Loeffler	Peterson, A.	Swails	

The motion prevailed and the amendment was adopted.

S. F. No. 463, A bill for an act relating to notaries public; increasing maximum fees; amending Minnesota Statutes 2006, section 357.17.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 85 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Abeler	Eken	Johnson	Mahoney	Paymar	Thao
Anzelc	Erhardt	Kahn	Mariani	Pelowski	Thissen
Atkins	Fritz	Kalin	Marquart	Peterson, A.	Tillberry
Benson	Gardner	Knuth	Masin	Peterson, N.	Tingelstad
Berns	Greiling	Koenen	Moe	Peterson, S.	Wagenius
Brown	Hausman	Kohls	Morgan	Poppe	Walker
Brynaert	Haws	Kranz	Morrow	Rukavina	Ward
Carlson	Hilstrom	Laine	Mullery	Ruud	Winkler
Clark	Hilty	Lenczewski	Murphy, E.	Sailer	Wollschlager
Davnie	Hoppe	Lesch	Murphy, M.	Scalze	Spk. Kelliher
DeLaForest	Hornstein	Liebling	Nelson	Sertich	
Dill	Hortman	Lieder	Olin	Simon	
Dittrich	Howes	Lillie	Olson	Slawik	
Dominguez	Huntley	Loeffler	Otremba	Slocum	
Doty	Jaros	Madore	Ozment	Solberg	

Those who voted in the negative were:

Anderson, B.	Dean	Garofalo	Juhnke	Peppin	Swails
Anderson, S.	Demmer	Gottwalt	Lanning	Ruth	Tschumper
Bigham	Dettmer	Gunther	Magnus	Seifert	Urdahl
Bly	Eastlund	Hackbarth	McFarlane	Severson	Wardlow
Brod	Emmer	Hamilton	McNamara	Shimanski	Welti
Buesgens	Erickson	Hansen	Nornes	Simpson	Westrom
Bunn	Faust	Holberg	Norton	Smith	Zellers
Cornish	Finstad	Hosch	Paulsen	Sviggum	

The bill was passed, as amended, and its title agreed to.

S. F. No. 608, A bill for an act relating to insurance; increasing the required minimum liability limits on aircraft insurance; amending Minnesota Statutes 2006, section 360.59, subdivision 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Anzelc	Benson	Bly	Brynaert	Clark
Anderson, B.	Atkins	Berns	Brod	Bunn	Cornish
Anderson, S.	Beard	Bigham	Brown	Carlson	Davnie

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

Those who voted in the negative were:

Buesgens

The bill was passed and its title agreed to.

S. F. No. 1542, A bill for an act relating to commerce; regulating conduct of an insurer in collision cases; amending Minnesota Statutes 2006, section 72B.092, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Fritz	Hosch	Lieder	Nelson
Anderson, B.	Davnie	Gardner	Howes	Lillie	Nornes
Anderson, S.	Dean	Garofalo	Huntley	Loeffler	Norton
Anzelc	DeLaForest	Gottwalt	Jaros	Madore	Olin
Atkins	Demmer	Greiling	Johnson	Magnus	Olson
Beard	Dettmer	Gunther	Juhnke	Mahoney	Otremba
Benson	Dill	Hackbarth	Kahn	Mariani	Ozment
Berns	Dittrich	Hamilton	Kalin	Marquart	Paulsen
Bigham	Dominguez	Hansen	Knuth	Masin	Paymar
Bly	Doty	Hausman	Koenen	McFarlane	Pelowski
Brod	Eastlund	Haws	Kohls	McNamara	Peppin
Brown	Eken	Hilstrom	Kranz	Moe	Peterson, A.
Brynaert	Emmer	Hilty	Laine	Morgan	Peterson, N.
Buesgens	Erhardt	Holberg	Lanning	Morrow	Peterson, S.
Bunn	Erickson	Hoppe	Lenczewski	Mullery	Poppe
Carlson	Faust	Hornstein	Lesch	Murphy, E.	Rukavina
Clark	Finstad	Hortman	Liebling	Murphy, M.	Ruth

Ruud	Shimanski	Solberg	Tingelstad	Wardlow	Spk. Kelliher
Sailer	Simon	Sviggum	Tschumper	Walti	
Scalze	Simpson	Swails	Urdahl	Westrom	
Seifert	Slawik	Thao	Wagenius	Winkler	
Sertich	Slocum	Thissen	Walker	Wollschlager	
Severson	Smith	Tillberry	Ward	Zellers	

The bill was passed and its title agreed to.

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

There being no objection, the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 1165, A bill for an act relating to the open meeting law; authorizing meetings by telephone or other electronic means under certain conditions; amending Minnesota Statutes 2006, section 13D.05, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 13D.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Olseen; Olson, M., and Limmer.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Walti moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1165. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 118, A bill for an act relating to state government; adding legislators who represent the capitol area as nonvoting members of the Capitol Area Architectural and Planning Board; amending Minnesota Statutes 2006, section 15B.03, subdivision 1.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Pappas, Metzen and Frederickson.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mariani moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 118. The motion prevailed.

#### ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 118:

Mariani, Loeffler and Holberg.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1165:

Welti, Simon and Hamilton.

#### MOTIONS AND RESOLUTIONS

Hilty moved that the name of Loeffler be added as an author on H. F. No. 436. The motion prevailed.

McFarlane moved that the names of Benson, Dettmer and Ruth be added as authors on H. F. No. 2471. The motion prevailed.

Sertich moved that H. F. No. 464 be recalled from the Committee on Finance and be re-referred to the Committee on Taxes. The motion prevailed.

#### ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 10:00 a.m., Friday, May 11, 2007. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Friday, May 11, 2007.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives