

## STATE OF MINNESOTA

## EIGHTY-SIXTH SESSION — 2010

## SEVENTIETH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 4, 2010

The House of Representatives convened at 10:30 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by Pastor Ray Fritz, Meadow Creek Church, Andover, 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	Hayden	Lenczewski	Norton	Slawik
Anderson, B.	Dill	Hilstrom	Lesch	Obermueller	Slocum
Anderson, P.	Dittrich	Hilty	Liebling	Olin	Smith
Anderson, S.	Doepke	Holberg	Lieder	Otremba	Solberg
Anzelc	Doty	Hoppe	Lillie	Paymar	Sterner
Atkins	Downey	Hornstein	Loeffler	Pelowski	Swails
Beard	Drazkowski	Hortman	Loon	Peppin	Thao
Benson	Eastlund	Hosch	Mack	Persell	Thissen
Bigham	Eken	Howes	Mahoney	Peterson	Tillberry
Bly	Emmer	Huntley	Mariani	Poppe	Torkelson
Brod	Falk	Jackson	Marquart	Reinert	Urdahl
Brown	Faust	Johnson	Masin	Rosenthal	Wagenius
Brynaert	Fritz	Juhnke	McFarlane	Rukavina	Ward
Buesgens	Gardner	Kahn	McNamara	Ruud	Welti
Bunn	Garofalo	Kalin	Morgan	Sailer	Westrom
Carlson	Gottwalt	Kath	Morrow	Sanders	Winkler
Champion	Greiling	Kelly	Mullery	Scalze	Zellers
Clark	Gunther	Kiffmeyer	Murdock	Scott	Spk. Kelliher
Cornish	Hackbarth	Knuth	Murphy, E.	Seifert	
Davids	Hamilton	Koenen	Murphy, M.	Sertich	
Davnie	Hansen	Kohls	Nelson	Severson	
Dean	Hausman	Laine	Newton	Shimanski	
Demmer	Haws	Lanning	Nornes	Simon	

A quorum was present.

Magnus was excused.

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

## REPORTS OF CHIEF CLERK

S. F. No. 2259 and H. F. No. 2797, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Hilty moved that S. F. No. 2259 be substituted for H. F. No. 2797 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

March 1, 2010

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 File:

H. F. No. 927, relating to labor and industry; modifying construction codes and licensing; requiring rulemaking.

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 Act of the 2010 Session of the State Legislature has been received from the Office of the Governor and is 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 2010</i>	<i>Date Filed 2010</i>
	927	183	1:24 p.m. March 1	March 1

Sincerely,

MARK RITCHIE  
Secretary of State

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 1503, A bill for an act relating to health occupations; establishing licensure for massage therapists; establishing fees; requiring rulemaking; providing penalties; amending Minnesota Statutes 2008, sections 116J.70, subdivision 2a; 214.01, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 147F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

### "ARTICLE 1

#### MESSAGE THERAPY REGISTRATION

Section 1. **[148.981] CITATION.**

Sections 148.981 to 148.989 may be cited as the "Minnesota Massage Therapy Act."

Sec. 2. **[148.982] DEFINITIONS.**

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

Subd. 2. **Advertise.** "Advertise" means to publish, display, or disseminate information, and includes, but is not limited to, the issuance of any card, sign, direct mail, Internet posting or the causing or permitting in one's name for any sign or marking on or in a building, vehicle, or structure or in a newspaper, magazine, any listing in any directory under a classification or heading that includes the words "massage," "massage therapist," "therapeutic massage," or "massage therapeutic," or commercials broadcast by any means.

Subd. 3. **Advisory council.** "Advisory council" means the Registered Massage Therapist Advisory Council established under section 148.9861.

Subd. 4. **Applicant.** "Applicant" means an individual applying for massage therapy registration or registration renewal.

Subd. 5. **Approved continuing education program.** "Approved continuing education program" means a continuing education program that meets the continuing education requirements in section 148.9881 and is approved by the board.

Subd. 6. **Approved massage therapy program.** "Approved massage therapy program" means a university, college, or other postsecondary education program leading to eligibility for state registration in massage therapy that meets the requirements of section 148.988.

Subd. 7. **Board.** "Board" means the Minnesota Board of Nursing.

Subd. 8. **Client.** "Client" means a recipient of massage therapy services.

Subd. 9. **Contact hour.** "Contact hour" means an instructional session of at least 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Subd. 10. **Credential.** "Credential" means a license, registration, or certification.

Subd. 11. **Competency exam.** "Competency exam" means a massage therapy competency assessment that is approved by the board and is psychometrically valid, based on a job task analysis, and administered by a national testing organization.

Subd. 12. **Health care provider.** "Health care provider" means a person who is credentialed to practice the following: medicine as defined in section 147.081, chiropractic as defined in section 148.01, podiatry as defined in section 153.01, dentistry as defined in section 150A.05, physical therapy as defined in section 148.65, advanced practice nursing as defined in section 148.171, or other state-credentialed providers.

Subd. 13. **Massage or massage therapy.** "Massage" or "massage therapy" means a health care service involving systematic and structured touch and palpation, pressure and movement of the muscles, tendons, ligaments, and fascia, in order to reduce muscle tension, relieve soft tissue pain, improve circulation, increase flexibility, increase activity of the parasympathetic branch of the autonomic nervous system, or to promote general wellness, by use of the techniques and applications described in section 148.983.

Subd. 14. **Massage therapist.** "Massage therapist" means a health care professional registered under this chapter for the practice of massage therapy.

Subd. 15. **Municipality.** "Municipality" means a county, town, city, or other municipal corporation or political subdivision of this state.

Subd. 16. **Physical agent modality.** "Physical agent modality" means modalities that use the properties of light, water, temperature, sound, and electricity to produce a response in soft tissue.

Subd. 17. **Practice of massage therapy.** "Practice of massage therapy" means to engage professionally for compensation or as a volunteer in massage therapy or the instruction of professional technique coursework.

Subd. 18. **Professional organization.** "Professional organization" means an organization that represents massage therapists, was established before the year 2000, offers professional liability insurance as a benefit of membership, has an established code of professional ethics, and is board-approved.

Subd. 19. **State.** "State" means any state in the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, Guam, Canadian province, or foreign country, except "this state" means the state of Minnesota.

Sec. 3. **[148.983] MASSAGE THERAPY.**

(a) The practice of massage therapy by a registered massage therapist includes the following:

(1) use of any or all of the following techniques using the hands, forearms, or elbows or handheld mechanical or electrical devices that mimic or enhance the actions of the human hands: effleurage or gliding; petrissage or kneading; vibration and jostling; friction; tapotement or percussion; compression; fascial manipulation; passive stretching within the normal anatomical range of motion; and

(2) application and use of any of the following: oils, lotions, gels, rubbing alcohol, or powders for the purpose of lubricating skin to be massaged; essential oils, or creams, with the exception of prescription-requiring medicinal creams; hot or cold stones; salt glows and wraps; and ice.

(b) The practice of massage therapy does not include any of the following:

(i) diagnosing any illness or disease; or

(ii) changing recommendations of a state-credentialed health care provider without consulting that health care provider prior to altering a course of recommended massage therapy;

(2) prescription of drugs or medicines;

(3) intentional adjusting, manipulating, or mobilizing any articulations of the body or spine, including by means of a high velocity, low amplitude thrusting force or as described in section 146.23 or 148.01; or

(4) application of physical agent modalities, injection therapy, or moxabustion.

Sec. 4. **[148.984] LIMITATIONS ON PRACTICE.**

Subdivision 1. **Referrals.** If a medical condition is beyond the scope of practice established by this chapter or by rules of the board for a registered massage therapist, the massage therapist must refer the client to a health care provider as defined in this chapter.

Subd. 2. **Prohibited from practicing.** A person whose registration under this chapter has been restricted, revoked, or application denied by the board, is restricted from practicing massage therapy in this state, up to and including being prohibited from practice.

Subd. 3. **Penalty.** A person who violates this section and section 148.983 is guilty of a misdemeanor and subject to section 214.11.

Sec. 5. **[148.985] PROTECTED TITLES AND RESTRICTIONS ON USE.**

Subdivision 1. **Designation.** An individual regulated by this chapter is designated as a "registered massage therapist" or "RMT."

Subd. 2. **Title protection.** No individual may use the title "registered massage therapist," or use, in connection with the individual's name, the letters "RMT," or any other titles, words, letters, abbreviations, or insignia indicating or implying that the individual is registered or eligible for registration by this state as a registered massage therapist unless the individual has been registered as a massage therapist according to this chapter.

Subd. 3. **Identification of practitioners.** (a) A massage therapist registered in Minnesota shall be identified as a "registered massage therapist." If not written in full, this must be designated as RMT. A student attending a massage therapy training program and providing massage therapy services to the public as part of the student's training must be identified as a "Student Massage Therapist." This abbreviated designation is "Student MT."

(b) The board may adopt rules for the implementation of this section, including the identification of terms or references that may be used only by registered massage therapists as necessary to protect the public.

(c) A practitioner who is credentialed by another state, or who holds certification from organizations, agencies, or educational providers is not prohibited from using those terms, letters, or any figures, signs, or insignia to indicate that credential in advertising, provided the state and the credentialing body are clearly identified in the advertisement.

(d) A practitioner who is licensed in another state may advertise as being a licensed practitioner provided the state and the licensing agency are clearly identified in the advertisement.

Subd. 4. **Other health care providers.** Nothing in this chapter may be construed to prohibit, nor restrict the practice of, nor require massage therapy registration of any of the following:

(1) a person holding a credential granted by this state, who utilizes massage therapy techniques within the scope of that credential, provided the practitioner does not imply that they are registered under this chapter; or

(2) the natural health procedures, practices, and treatments in section 146A.01, subdivision 4, provided that those services are not advertised, designated, or implied to be from a registered massage therapist or other terms or abbreviations protected under this chapter.

Subd. 5. **Penalty.** A person who violates this section is guilty of a misdemeanor and subject to section 214.11.

Sec. 6. **[148.986] POWERS OF BOARD.**

The board, acting with the advice of the Registered Massage Therapist Advisory Council, shall issue registrations to duly qualified applicants and shall exercise the following powers and duties:

(1) adopt rules necessary to effect the provisions of sections 148.982 to 148.989;

(2) conduct a competency exam that an applicant may use as the basis for establishing competence to be registered under section 148.987;

(3) cause the prosecution of all registrants or applicants for violating sections 148.982 to 148.989 and have power to incur any associated expense;

(4) impose discipline as described in section 148.9884;

(5) maintain a record of names and addresses of massage therapists registered by this chapter;

(6) keep a permanent record of all its proceedings; and

(7) employ and establish the duties of personnel necessary to carry on its work.

Sec. 7. **[148.9861] REGISTERED MASSAGE THERAPIST ADVISORY COUNCIL.**

Subdivision 1. **Creation; membership.** (a) The Registered Massage Therapist Advisory Council is created and is composed of seven members appointed by the board. All members must have been residents of this state for at least three years prior to appointment. The advisory council consists of:

(1) three public members, as defined in section 214.02; and

(2) four members who, except for initial appointees, are registered massage therapists.

(b) Initial appointees shall possess the qualifications necessary to become registered massage therapists and must do so as soon as applications for registration are available. A person may not be appointed to serve more than two consecutive full terms.

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

Subd. 3. **Duties.** The advisory council shall advise the board regarding:

(1) standards of practice and a code of ethics for registered massage therapists;

(2) distribution of information regarding massage therapist standards;

(3) enforcement of sections 148.982 to 148.989;

(4) applications and make recommendations of applicants for registration or registration renewal;

(5) complaints and recommendations regarding disciplinary matters and proceedings according to sections 214.10, 214.103, and 214.13, subdivisions 6 and 7;

(6) competency exams and approval of continuing education programs; and

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

Sec. 8. **[148.987] REGISTRATION REQUIREMENTS.**

Subdivision 1. **Registration.** To be eligible for registration under this chapter, an applicant must:

(1) pay fees under section 148.989;

(2) submit to procedures specified by the board for obtaining a criminal background check. The applicant shall pay fees associated with obtaining the criminal background check. The background check shall include records of the Minnesota Bureau of Criminal Apprehension and the Federal Bureau of Investigation and the results shall be forwarded directly to the board; and

(3) file a written application on a form provided by the board that includes:

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

(ii) provide proof, as required by the board, of:

(A) having obtained a high school diploma or its equivalent;

(B) being 18 years of age or older;

(C) current cardiopulmonary resuscitation and first aid certification; and

(D) current professional liability insurance coverage, with a minimum of \$1,000,000 of coverage per occurrence;

(iii) unless registered under subdivision 3 or 4, evidence satisfactory to the board of the successful completion of an approved education program;

(iv) unless registered under subdivision 3 or 4, evidence satisfactory to the board of having passed a board-approved competency exam;

(v) a description of any continuing education programming in which the applicant claims or advertises competence;

(vi) a list of credentials or memberships held in other states or from private credentialing or professional organizations;

(vii) a description of any other state or municipality's refusal to credential the applicant;

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

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

(x) additional information as requested by the board;

(xi) the applicant's signature on a statement that the information in the application is true and correct to the best of the applicant's knowledge; and

(xii) the applicant's signature on a waiver authorizing the board to obtain access to the applicant's records in this state or any other state in which the applicant has completed an education program approved by the board or engaged in the practice of massage therapy.

**Subd. 2. Registration prohibited.** The board may deny an application for registration if the applicant:

(1) has been convicted in this state of any of the following crimes, or in another state of equivalent crimes:

(i) prostitution as defined under section 609.321, 609.324, and 609.3242;

(ii) sexual attack as defined under section 611A.21;

(iii) criminal sexual conduct under sections 609.342 to 609.3451, or 609.3453; or

(iv) is a registered sex offender under section 243.166;

(2) has had the ability to practice the natural health procedures, practices, and treatments in chapter 146A revoked, suspended, or limited with conditions under the provisions of chapter 146A, if the board determines the denial is necessary to protect the public; or

(3) is charged or under investigation for complaints that would constitute a violation of the laws or rules established for the practice of massage therapy in this or any other state, the applicant shall not be registered until the complaints have been resolved in the applicant's favor. If a complaint is resolved in favor of the complainant, the application for registration may be denied.

**Subd. 3. Registration by endorsement.** (a) To be eligible for registration by endorsement, the applicant shall:

(1) meet the requirements for registration in subdivision 1, clauses (1), (2), and (3), items (i), (ii), and (v) to (xii); and

(2) provide proof of a current and unrestricted credential for the practice of massage therapy in another state that has credentialing requirements at least equivalent to the requirements under this chapter. Proof shall include records as required by rules of the board.

(b) In the event that a disciplinary proceeding or unresolved complaint is pending for a complaint regarding an action of the applicant that would constitute a violation of sections 148.982 to 148.989, or rules adopted by the board, the applicant shall not be registered in this state until the proceeding or complaint has been resolved in the applicant's favor. If a complaint is resolved in favor of the complainant, the application for licensure may be denied.

(c) Registrations issued by endorsement shall expire on the same schedule and be renewed by the same procedures as registrations issued under subdivision 1.

(d) An applicant for registration by endorsement may apply to the board for a temporary permit under subdivision 5.

**Subd. 4. Registration by grandfathering.** (a) To be eligible for registration by grandfathering, the applicant shall:

(1) meet the requirements for registration in subdivision 1, clauses (1), (2), and (3), items (i), (ii), and (v) to (xii); and

(2) provide proof specified by the board demonstrating the applicant has met at least one of the following qualifications:

(i) successful completion of at least 500 hours of supervised classroom and hands-on instruction relating to massage therapy which may be established by an official transcript, certificate of completion, or other record as approved by the board;

(ii) successful completion of one of the board-approved competency exams which shall be established by submitting records as required by the board;

(iii) employment for at least the previous two years prior to the effective date of sections 148.981 to 148.989 in the practice of massage therapy which shall be established by Internal Revenue Service income tax return forms, business records, or other records as approved by the board; or

(iv) active membership in a professional organization for at least two years prior to the effective date of sections 148.981 to 148.989 which shall be established by a letter verifying the applicant's initial membership date and current standing sent directly to the board from the professional organization, or other records as approved by the board.

(b) Registrations issued by grandfathering shall expire on the same schedule and be renewed by the same procedures as registrations issued under subdivision 1.

(c) Registration by grandfathering is effective for one year after the first date the board has made applications available.

(d) An applicant for registration by grandfathering may apply to the board for a temporary permit under subdivision 5.

Subd. 5. **Temporary permit.** The board may issue a temporary permit to practice as a registered massage therapist to an applicant eligible for registration under this section if the application for registration is complete, all applicable requirements in this section have been met, and the fee required in section 148.989 has been paid. The temporary permit is valid until the board makes a decision on the massage therapist's application for registration.

Sec. 9. **[148.9871] EXPIRATION AND RENEWAL.**

Subdivision 1. **Registration expiration.** Registrations issued under section 148.987 expire annually.

Subd. 2. **Renewal.** To be eligible for registration renewal a registrant must:

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

(2) submit the renewal fee;

(3) provide evidence every two years of a total of 12 contact hours of approved continuing education in section 148.9881; and

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

Subd. 3. **Change of address.** A registrant who changes addresses must inform the board within 30 days, in writing, of the change of address. Notices or other correspondence mailed to or served on a registrant at the registrant's current address on file shall be considered received by the registrant.

Subd. 4. **Registration renewal notice.** At least 60 days before the registration renewal date, the board shall send out a renewal notice to the last known address of the registrant on file. The notice must include a renewal application and a notice of fees required for renewal. The notice must inform the registrant that registration will expire without further action by the board if an application for registration renewal is not received before the deadline for renewal. The registrant's failure to receive this notice shall not relieve the registrant of the obligation to meet the deadline and other requirements for registration renewal. Failure to receive this notice is not grounds for challenging expiration of registered status.

Subd. 5. **Renewal deadline.** The renewal application and fee must be postmarked on or before October 1 of the year of renewal or as determined by the board. If the postmark is illegible, the application shall be considered timely if received by the third working day after the deadline.

Subd. 6. **Inactive status and return to active status.** (a) A registration may be placed in inactive status upon application to the board by the registrant and upon payment of an inactive status fee.

(b) A registrant seeking restoration to active from inactive status must pay the current renewal fees and all unpaid back inactive fees. The registrant must meet the criteria for renewal specified in subdivision 7, including continuing education hours equivalent to one hour for each month of inactive status, prior to submitting an application to regain registered status. If the inactive status extends beyond five years, a qualifying score on a competency exam is required.

Subd. 7. **Registration following lapse of registration status for two years or less.** For an individual whose registration status has lapsed for two years or less, to regain registration status, the individual must:

(1) apply for registration renewal according to subdivision 2;

(2) document compliance with the continuing education requirements in section 148.9881 since the registrant's initial registration or last renewal; and

(3) submit the fees required in section 148.989 for the period not registered, including the fee for late renewal.

Subd. 8. **Cancellation due to nonrenewal.** The board shall not renew, reissue, reinstate, or restore a registration that has lapsed and has not been renewed within two years. A registrant whose registration is canceled for nonrenewal must obtain a new registration by applying for registration and fulfilling all requirements then in existence for initial registration as a massage therapist.

Subd. 9. **Cancellation of registration in good standing.** (a) A registrant holding active registration as a massage therapist in this state may, upon approval of the board, be granted registration cancellation if the board is not investigating the person as a result of a complaint or information received or if the board has not begun disciplinary proceedings against the registrant. This action by the board shall be reported as a cancellation of registration in good standing.

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

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

#### Sec. 10. **[148.988] MASSAGE THERAPY PROGRAM.**

Subdivision 1. **Initial approval.** An institution desiring to conduct a massage therapy program from which graduates will be eligible for registration under section 148.987 shall apply to the board, pay fees under section 148.989, and submit evidence that the institution is:

(1) teaching or prepared to teach a program of at least 500 contact hours of combined massage therapy theory and practice training;

(2) licensed by the Minnesota Office of Higher Education or equivalent agency in another state;

(3) accredited by an agency recognized by the United States Secretary of Education for accrediting such programs or institutions:

(i) schools without accreditation must meet the requirements of clauses (1) and (2), must be in the accreditation application process, and must gain accreditation within two years of the effective date of sections 148.981 to 148.989 or within two years of commencing operations as a massage therapy program, whichever is later; and

(ii) an applicant for registration who graduates from a program prior to the program becoming accredited must pass an approved competency exam; and

(4) prepared to meet other standards established by law and by the board.

Subd. 2. **Continuing approval.** An approved program shall annually make application to continue approval based on the conditions of subdivision 1.

Subd. 3. **Loss of approval.** If the board determines that an approved massage therapy program is not maintaining the standards required by applicable law and rules, notice in writing specifying the defect shall be given to the program. If a program fails to correct these conditions to the satisfaction of the board within a reasonable time set in the notice of defect, approval of the program may be revoked and the program shall be removed from the list of approved massage therapy programs.

Subd. 4. **Reinstatement of approval.** The board may reinstate approval of a massage therapy program upon submission of satisfactory evidence that its program of theory and practice, state licensure, and accreditation meets the standards required by law and rules then in effect.

Sec. 11. **[148.9881] CONTINUING EDUCATION.**

Subdivision 1. **Number of required contact hours.** A registered massage therapist shall complete during every two-year period at least the equivalent of 12 contact hours of continuing education in programs approved by the board.

Subd. 2. **Approved programs.** The board may approve continuing education programs that have been taught, sponsored, or approved by:

(1) an approved credentialing or professional organization;

(2) state licensed health care facility;

(3) an accredited college or university; or

(4) a board-approved school.

Subd. 3. **Approval of continuing education programs.** The board may also approve continuing education programs that do not meet the requirements of subdivision 2 but pay fees under section 148.989 and meet all of the following criteria:

(1) the program content directly relates to the practice of massage therapy;

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

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

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

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

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

Subd. 5. **Verification of continuing education.** The board shall periodically select a random sample of registrants and require those registrants to supply the board with evidence of having completed the continuing education to which they attested.

Subd. 6. **Continuing education topics.** Continuing education program topics may include, but are not limited to, techniques, modalities, and theory directly relating to the practice of massage therapy, business practices, pathology, prevention of spreading disease and medical errors, treatment contraindications, anatomy and physiology, areas of professional ethics, research literacy, or other coursework as approved by the board.

Subd. 7. **Continuing education exemptions.** The board may exempt any person holding a registration under section 148.987 from some or all of the requirements of subdivision 1 upon application showing evidence satisfactory to the board of inability to comply with the requirements because of physical or mental condition or because of other unusual or extenuating circumstances. No person may be exempted from the requirements of subdivision 1 more than once in any five-year period.

**Sec. 12. [148.9882] BOARD ACTION ON APPLICATIONS.**

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

(b) The board or advisory council shall determine if the applicant meets the requirements for registration or renewal under sections 148.987 and 148.9871. The board or advisory council may investigate information provided by an applicant to determine whether the information is accurate and complete, including requesting additional information or documentation.

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

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

**Sec. 13. [148.9883] GROUNDS FOR DISCIPLINARY ACTION; MALTREATMENT OF MINORS.**

Subdivision 1. **Grounds listed.** The board may deny, revoke, suspend, limit, or condition the registration of a massage therapist registered or applying for registration as a massage therapist or may otherwise discipline a registrant as described in section 148.9884. The fact that massage therapy may be a less customary approach to health care shall not constitute the basis for disciplinary action per se. The following are grounds for disciplinary action:

(1) failure to demonstrate the qualifications or satisfy the requirements for registration as a massage therapist contained in sections 148.982 to 148.989, or rules of the board. A person applying for registration has the burden of demonstrating the required qualifications or satisfy the requirements;

(2) engaging in false, fraudulent, deceptive, or misleading advertising, including, but not limited to:

(i) advertising, representing, or presenting as a "Registered Massage Therapist" or any abbreviation or derivative of this to indicate this title, when the registration is not valid or current for any reason;

(ii) advertising, representing, or presenting as a "Licensed Massage Therapist" or any abbreviation or derivative of this to indicate this title, unless the practitioner currently holds a valid state license in another state and clearly indicates what state the credential is held in;

(iii) advertising to offer a service that would constitute a violation of sections 148.981 to 148.989 or rules adopted by the board shall be considered grounds for discipline, regardless of whether actual injury to a client is established; and

(iv) using fraud, deceit, or misrepresentation when communicating with the general public, health care providers, or other business professionals;

(3) falsified information in a massage therapy registration or renewal application or attempting to obtain registration, registration renewal, or reinstatement by fraud, deception, or misrepresentation, or aided and abetted any of these acts;

(4) engaging in conduct with a client that is sexual or may reasonably be interpreted by the client as sexual, or in any verbal behavior that is seductive or sexually demeaning to a client, or engaging in sexual exploitation of a client, without regard to who initiates the behaviors;

(5) failure to refer a client to a general health care provider when the services required by the client are beyond the level of competence of the massage therapist or beyond the scope of practice of massage therapy in section 148.983;

(6) committing an act of gross malpractice, negligence, or incompetency, or failing to practice massage therapy with the level of care, skill, and treatment that is recognized by a reasonably prudent massage therapist as being acceptable under similar conditions and circumstances, regardless of whether actual injury to the client occurs;

(7) actual or potential inability to practice massage therapy with reasonable skill and safety to clients by reason of illness, as a result of any mental or physical condition, or use of alcohol, drugs, chemicals, or any other material, regardless of whether actual injury to the client occurs;

(8) being adjudicated as mentally incompetent, mentally ill, a chemically dependent person, or a person dangerous to the public by a court of competent jurisdiction, within or without this state may be considered as evidence of the inability to practice massage therapy;

(9) being the subject of disciplinary action as a massage therapist by another state or jurisdiction and the board or advisory council determines that the cause of the disciplinary action would be a violation under this state's laws or rules if the violation occurred in this state;

(10) failure to notify the board of having had a credential revoked, suspended, or any other disciplinary action taken including restrictions on the right to practice, or an application for credential refused, revoked, suspended, or otherwise disciplined by authorities of another state, territory, or country; or surrendered or voluntarily terminated a credential during a board investigation of a complaint, as part of a disciplinary order, or while under a disciplinary order;

(11) being convicted of or pled guilty or nolo contendere to a felony or other crime, an element of which is dishonesty or fraud, or proven to have engaged in acts or practice showing that the applicant or registrant is incompetent or has engaged in conduct reflecting adversely on the applicant's or registrant's ability or fitness to engage in the practice of massage therapy;

(12) practicing or offering to practice beyond the scope of the practice of massage therapy;

(13) improperly managing client records and information including, but not limited to, failure to maintain adequate client records, comply with a client's request made under sections 144.291 to 144.298, furnish a client record or report required by law;

(14) revealing a privileged communication from or relating to a client except when otherwise required or permitted by law;

(15) providing massage therapy services that are in any way linked to the financial gain of a referral source;

(16) obtaining money, property, or services from a client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud;

(17) engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state medical assistance laws;

(18) failure to consult the client's health care provider who recommended a course of massage therapy treatment if the treatment needs to be altered from the original written recommendations to conform with standards in the massage therapy field or the practitioner's level of training or experience;

(19) failure to cooperate with an investigation of the board or its representative, including responding fully and promptly to any question raised by or on behalf of the board relating to the subject of the investigation, executing all releases requested by the board, providing copies of client records, requested by the board to assist it in its investigation, and appearing at conferences or hearings scheduled by the board or its staff;

(20) interfering with an investigation or disciplinary proceeding, including by willful misrepresentation of facts or by the use of threats or harassment to prevent a person from providing evidence in a disciplinary proceeding or any legal action;

(21) violating a law, rule, order, or agreement for corrective action that the board issued or is otherwise authorized or empowered to enforce;

(22) failure to report to the board other massage therapists who commit violations of this chapter; or

(23) failure to notify the board, in writing, of the entry of a final judgment by a court of competent jurisdiction against the registrant for malpractice of massage therapy or any settlement by the registrant in response to charges or allegations of malpractice of massage therapy.

The notice in clause (23) must be provided to the board within 60 days after the entry of the judgment or settlement and, in the case of a judgment, must contain the name of the court, the case number, and the names of all parties to the action.

Subd. 2. **Maltreatment of minors.** Nothing in sections 148.981 to 148.989 shall restrict the ability of a local or state agency to take action regarding the maltreatment of minors under section 609.378 or 626.556. A parent who obtains massage therapy services for the parent's minor child is not relieved of the duty to seek necessary medical care consistent with the requirements of sections 609.378 and 626.556. A registered massage therapist who is providing services to a child who is not receiving necessary medical care must make a report under section 626.556. A registered massage therapist is a mandated reporter under section 626.556, subdivision 3.

Subd. 3. **Evidence.** In disciplinary actions alleging a violation of subdivision 1, a copy of the judgment or proceeding under the seal of the court administrator or of the administrative agency that entered the judgment or proceeding is admissible into evidence without further authentication and constitutes prima facie evidence of the violation.

Subd. 4. **Examination; access to medical data.** (a) The board may take the following actions if it has probable cause to believe that grounds for disciplinary action exist under subdivision 1, clause (7) or (8):

(1) direct the applicant or massage therapist to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this subdivision, when a massage therapist registered under sections 148.987 to 148.9871 is directed in writing by the board to submit to a mental or physical examination or chemical dependency evaluation, that person is considered to have consented and to have waived all objections to admissibility on the grounds of privilege. Failure of the applicant or massage therapist to submit to an examination when directed constitutes an admission of the allegations against the applicant or massage therapist, unless the failure was due to circumstances beyond the person's control, and the board may enter a default and final order without taking testimony or allowing evidence to be presented. A massage therapist affected under this paragraph shall, at reasonable intervals, be given an opportunity to demonstrate that the competent practice of massage therapy can be resumed with reasonable skill and safety to clients. Neither the record of proceedings nor the order entered by the board in a proceeding under this paragraph may be used against a massage therapist in any other proceeding; and

(2) notwithstanding sections 13.384, 144.651, and 595.02, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a registered massage therapist or applicant for registration without that person's consent. The medical data may be requested from a provider as defined in section 144.291, subdivision 2, paragraph (h), an insurance company, or a government agency. A provider, insurance company, or government agency shall comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released according to a written request under this subdivision unless the information is false and the provider giving the information knew, or had reason to believe, the information was false. Information obtained under this subdivision is classified as private data on individuals as defined in section 13.02.

Sec. 14. **[148.9884] FORMS OF DISCIPLINARY ACTION; AUTOMATIC SUSPENSION; TEMPORARY SUSPENSION; REISSUANCE.**

Subdivision 1. **Forms of disciplinary action.** When the board finds that grounds for disciplinary action exist under section 148.9883, the board may take one or more of the following actions:

- (1) deny the registration or registration renewal;
- (2) revoke the registration;
- (3) suspend the registration;
- (4) impose limitations on the massage therapist's practice of massage therapy including, but not limited to, limitation of scope of practice or the requirement of practice under supervision;
- (5) impose conditions on the retention of the registration including, but not limited to, the imposition of retraining or rehabilitation requirements or the conditioning of continued practice on demonstration of knowledge or skills by appropriate examination, monitoring, or other review;
- (6) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed as to deprive the massage therapist of any economic advantage gained by reason of the violation charged, to reimburse the board for the cost of counsel, investigation, and proceeding, and to discourage repeated violations;
- (7) order the massage therapist to provide unremunerated service;

(8) censure or reprimand the massage therapist; or

(9) any other action justified by the facts in the case.

Subd. 2. **Automatic suspension.** (a) Unless the board orders otherwise, a registration to practice massage therapy is automatically suspended if:

(1) a guardian of a massage therapist is appointed by court order under chapter 524;

(2) the massage therapist is committed by court order under chapter 253B; or

(3) the massage therapist is determined to be mentally incompetent, mentally ill, chemically dependent, or a person dangerous to the public by a court of competent jurisdiction within or without this state.

(b) The registration remains suspended until the massage therapist is restored to capacity by a court and, upon petition by the massage therapist, the suspension is terminated by the board after a hearing or upon agreement between the board and the massage therapist.

Subd. 3. **Temporary suspension of registration.** In addition to any other remedy provided by law, the board may, through its advisory council, designated board member, or representative under section 214.10, subdivision 2, temporarily suspend the registration of a massage therapist without a hearing if the board finds that there is probable cause to believe the massage therapist has violated a law or rule the board is empowered to enforce and continued practice by the massage therapist would create a serious risk of harm to others. The suspension shall take effect upon written notice to the massage therapist, serviced by first-class mail, specifying the law or rule violated. The suspension shall remain in effect until the board issues a temporary stay of suspension or a final order in the matter after a hearing or upon agreement between the board and the massage therapist. At the time the board issues the suspension notice, the board shall schedule a disciplinary hearing to be held under chapter 14. The massage therapist shall be provided with at least 20 days' notice of any hearing held under this subdivision. The hearing shall be scheduled to begin no later than 30 days after the issuance of the suspension order.

Subd. 4. **Reissuance.** The board may reinstate and reissue a registration for massage therapy, but as a condition may impose any disciplinary or corrective measure that it might originally have imposed. A person whose registration has been revoked, suspended, or limited may have the registration reinstated and a new registration issued when, in the discretion of the board, the action is warranted, provided that the person is required by the board to pay the costs of the proceedings resulting in the revocation, suspension, or limitation of the registration and reinstatement of the registration, and to pay the fee for the current registration period. The cost of proceedings shall include, but not be limited to, the cost paid by the board to the Office of Administrative Hearings and the Office of the Attorney General for legal and investigative services, the costs of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses, and board members' per diem reimbursements, travel costs, and expenses.

#### Sec. 15. **[148.9885] REPORTING OBLIGATIONS.**

Subdivision 1. **Permission to report.** A person who has knowledge of any conduct constituting grounds for discipline under section 148.9883 may report the alleged violation to the board.

Subd. 2. **Institutions.** Any hospital, clinic, prepaid medical plan, or other health care institution or organization located in this state shall report to the board any action taken by the institution or organization or any of its administrators or committees to revoke, suspend, limit, or condition a massage therapist's privilege to practice in the institution, or as part of the organization, any denial of privileges, any dismissal from employment, or any other disciplinary action. The institution or organization shall also report the resignation of any massage therapist before

the conclusion of any disciplinary proceeding, or before commencement of formal charges, but after the massage therapist has knowledge that formal charges are contemplated or in preparation. The reporting described by this subdivision is required only if the action pertains to grounds for disciplinary action under section 148.9883.

Subd. 3. **Credentialed professionals.** A person credentialed by a health-related licensing board as defined in section 214.01, subdivision 2, shall report to the board personal knowledge of any conduct the person reasonably believes constitutes grounds for disciplinary action under sections 148.9883 to 148.9884 by any massage therapist including conduct indicating that the massage therapist may be incompetent, may have engaged in unprofessional or unethical conduct, or may be mentally or physically unable to engage safely in the practice of massage therapy.

Subd. 4. **Insurers.** Four times each year, by the first day of February, May, August, and November, each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to registered massage therapists shall submit to the board a report concerning any registered massage therapist against whom a malpractice award has been made or who has been a party to a settlement. The report must contain at least the following information:

(1) the total number of settlements or awards;

(2) the date settlement or award was made;

(3) the allegations contained in the claim or complaint leading to the settlement or award;

(4) the dollar amount of each malpractice settlement or award and whether that amount was paid as a result of a settlement or of an award; and

(5) the name and address of the practice of the massage therapist against whom an award was made or with whom a settlement was made.

An insurer shall also report to the board any information the insurer possesses that tends to substantiate a charge that a massage therapist may have engaged in conduct violating section 148.9883.

Subd. 5. **Courts.** The court administrator of district court or another court of competent jurisdiction shall report to the board any judgment or other determination of the court that adjudges or includes a finding that a massage therapist is a person who is mentally ill, mentally incompetent, chemically dependent, dangerous to the public, guilty of a felony or gross misdemeanor, guilty of a violation of federal or state narcotics laws or controlled substances act, guilty of operating a motor vehicle while under the influence of alcohol or a controlled substance, or guilty of an abuse or fraud under Medicare or Medicaid, appoints a guardian of the massage therapist under chapter 524, or commits a massage therapist under chapter 253B.

Subd. 6. **Deadlines; forms.** Reports required by subdivisions 2 to 5 must be submitted no later than 30 days after the occurrence of the reportable event or transaction. The board may provide forms for the submission of reports required by this section, may require that the reports be submitted on the forms provided, and may adopt rules necessary to assure prompt and accurate reporting. The advisory panel shall review all reports, including those submitted after the deadline, and make recommendations to the board.

#### Sec. 16. [148.9886] IMMUNITY.

Subdivision 1. **Reporting.** A person, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting in good faith a report to the board under section 148.9885 or for otherwise reporting in good faith to the board violations or alleged violations of section 148.9883. The reports are investigative data as defined in chapter 13.

Subd. 2. **Investigation.** (a) Members of the advisory council, board, and persons employed by the board or engaged in the investigation of violations and in the preparation and management of charges of violations of section 148.9883 on behalf of the advisory council, board, or persons participating in the investigation or testifying regarding charges of violations are immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under section 148.9885.

(b) Members of the advisory council, board, and persons employed by the board or engaged in maintaining records and making reports regarding adverse health care events are immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of or relating to their duties under sections 148.982 to 148.989.

Sec. 17. **[148.9887] MESSAGE THERAPIST COOPERATION.**

A massage therapist who is the subject of an investigation by or on behalf of the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to all questions raised by or on behalf of the board relating to the subject of the investigation and providing copies of client or other records in the massage therapist's possession, requested by the advisory council or board, to assist the advisory council or board's investigation, and to appear at conferences and hearings scheduled by the advisory council or board. The board shall pay for copies requested. If the advisory council or board does not have a written consent from a client permitting access to the client's records, the massage therapist or employer of the massage therapist at the time of the alleged violation shall delete any data in the record that identifies the client before providing it to the advisory council or board. The board shall maintain any records obtained under this section as investigative data under chapter 13. The massage therapist shall not be excused from giving testimony or producing any documents, books, records, or correspondence on the grounds of self-incrimination, but the testimony or evidence may not be used against the massage therapist in any criminal case.

Sec. 18. **[148.9888] DISCIPLINARY RECORD ON JUDICIAL REVIEW.**

Upon judicial review of any board disciplinary action taken under section 148.9884, the reviewing court shall seal the administrative record, except for the board's final decision, and shall not make the administrative record available to the public.

Sec. 19. **[148.9889] EFFECT ON MUNICIPAL ORDINANCES.**

Subdivision 1. **License authority.** The provisions of sections 148.981 to 148.989 preempt the licensure and regulation of a registered massage therapist by a municipality, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a municipal credential to practice massage therapy.

Subd. 2. **Business license or permit.** The provisions of this chapter do not prohibit a municipality from requiring a massage therapist to obtain a license or permit to transact business within the jurisdiction of the municipality, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the municipality. A massage therapist working under a business license or permit must follow the requirement in section 325F.816.

Subd. 3. **Prosecuting authority.** The provisions of this chapter do not prohibit any municipality of this state from prosecuting:

- (1) an unregistered person engaged in the practice of massage therapy; or
- (2) a registered massage therapist who is engaged in unlawful conduct.

Sec. 20. **[148.989] FEES.**

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

- (1) initial registration with application, \$272;
- (2) annual registration renewal, \$172;
- (3) initial school approval with accreditation, \$300;
- (4) initial school approval without accreditation, \$450;
- (5) school approval renewal, \$175;
- (6) continuing education program approval, \$40;
- (7) duplicate registration certificate, \$30;
- (8) late fee, \$40;
- (9) inactive status and inactive to active status reactivation, \$100;
- (10) temporary permit, \$50; and
- (11) returned check, \$35.

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

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

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

Subd. 5. **Deposit.** Fees collected by the board under this section shall be deposited into the state government special revenue fund.

Sec. 21. **EFFECTIVE DATE.**

This article is effective August 1, 2010.

ARTICLE 2

CONFORMING AMENDMENTS

Section 1. Minnesota Statutes 2008, section 116J.70, subdivision 2a, is amended to read:

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

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

- (2) any license issued by a county, home rule charter city, statutory city, township, or other political subdivision;
- (3) any license required to practice the following occupation regulated by the following sections:
  - (i) abstracters regulated pursuant to chapter 386;
  - (ii) accountants regulated pursuant to chapter 326A;
  - (iii) adjusters regulated pursuant to chapter 72B;
  - (iv) architects regulated pursuant to chapter 326;
  - (v) assessors regulated pursuant to chapter 270;
  - (vi) athletic trainers regulated pursuant to chapter 148;
  - (vii) attorneys regulated pursuant to chapter 481;
  - (viii) auctioneers regulated pursuant to chapter 330;
  - (ix) barbers and cosmetologists regulated pursuant to chapter 154;
  - (x) boiler operators regulated pursuant to chapter 183;
  - (xi) chiropractors regulated pursuant to chapter 148;
  - (xii) collection agencies regulated pursuant to chapter 332;
  - (xiii) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;
  - (xiv) detectives regulated pursuant to chapter 326;
  - (xv) electricians regulated pursuant to chapter 326;
  - (xvi) mortuary science practitioners regulated pursuant to chapter 149A;
  - (xvii) engineers regulated pursuant to chapter 326;
  - (xviii) insurance brokers and salespersons regulated pursuant to chapter 60A;
  - (xix) certified interior designers regulated pursuant to chapter 326;
  - (xx) midwives regulated pursuant to chapter 147D;
  - (xxi) nursing home administrators regulated pursuant to chapter 144A;
  - (xxii) optometrists regulated pursuant to chapter 148;
  - (xxiii) osteopathic physicians regulated pursuant to chapter 147;
  - (xxiv) pharmacists regulated pursuant to chapter 151;

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

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

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

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

Sec. 2. **[325F.816] MUNICIPAL OR CITY BUSINESS LICENSE; MASSAGE.**

An individual who is issued a municipal or city business license to practice massage is prohibited from advertising as a licensed massage therapist unless the individual has received a professional credential from another state; is current in licensure; and remains in good standing under the credentialing state's requirements.

Sec. 3. **REPEALER.**

Minnesota Rules, part 2500.5000, is repealed."

Delete the title and insert:

"A bill for an act relating to health occupations; providing registration for massage therapists; amending Minnesota Statutes 2008, section 116J.70, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapters 148; 325F; repealing Minnesota Rules, part 2500.5000."

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

The report was adopted.

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

H. F. No. 1692, A bill for an act relating to dispute resolution; providing for arbitration of disputes; adopting the Uniform Arbitration Act; amending Minnesota Statutes 2008, sections 80C.146, subdivision 2; 122A.40, subdivision 15; 122A.41, subdivision 13; 179.09; 325E.37, subdivision 5; 325F.665, subdivision 6; 469.1762; 572A.02, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 572B; repealing Minnesota Statutes 2008, sections 572.08; 572.09; 572.10; 572.11; 572.12; 572.13; 572.14; 572.15; 572.16; 572.17; 572.18; 572.19; 572.20; 572.21; 572.22; 572.23; 572.24; 572.25; 572.26; 572.27; 572.28; 572.29; 572.30.

Reported the same back with the following amendments:

Page 2, lines 18, 19, 21, and 22, delete "2009" and insert "2010"

Page 8, line 7, delete "shall" and insert "may"

Page 9, line 15, before the comma, insert "to provide testimony at the arbitration hearing"

Page 9, line 33, delete "in" and insert "under the laws and rules of civil procedure of"

Page 15, line 18, after "repealed" insert "effective August 1, 2012"

Page 15, line 20, delete "32" and insert "31" and delete "2009" and insert "2010"

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 2037, A bill for an act relating to state government; moving appropriations of general fund dedicated revenues to other funds; amending Minnesota Statutes 2008, sections 8.15, subdivision 3; 13.03, subdivision 10; 16C.23, subdivision 6; 103B.101, subdivision 9; 116J.551, subdivision 1; 190.32; 260C.331, subdivision 6; 270.97; 299C.48; 299E.02; 446A.086, subdivision 2; 469.177, subdivision 11; 611.20, subdivision 3; Laws 1994, chapter 531, section 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 3.9741, subdivision 2, is amended to read:

Subd. 2. **Postsecondary Education Board.** The legislative auditor may enter into an interagency agreement with the Board of Trustees of the Minnesota State Colleges and Universities to conduct financial audits, in addition to audits conducted under section 3.972, subdivision 2. All payments received for audits requested by the board shall be ~~added to the appropriation for~~ deposited in the special revenue fund and appropriated to the legislative auditor to pay audit expenses.

Sec. 2. Minnesota Statutes 2008, section 8.15, subdivision 3, is amended to read:

Subd. 3. **Agreements.** (a) To facilitate the delivery of legal services, the attorney general may:

(1) enter into agreements with executive branch agencies, political subdivisions, or quasi-state agencies to provide legal services for the benefit of the citizens of Minnesota; and

(2) in addition to funds otherwise appropriated by the legislature, accept and spend funds received under any agreement authorized in clause (1) for the purpose set forth in clause (1), subject to a report of receipts to the chairs of the senate Finance Committee and the house of representatives Ways and Means Committee by October 15 each year.

(b) When entering into an agreement for legal services, the attorney general must notify the committees responsible for funding the Office of the Attorney General. When the attorney general enters into an agreement with a state agency, the attorney general must also notify the committees responsible for funding that agency.

Funds received under this subdivision must be deposited in ~~the general~~ an account in the special revenue fund and are appropriated to the attorney general for the purposes set forth in this subdivision.

Sec. 3. Minnesota Statutes 2008, section 13.03, subdivision 10, is amended to read:

Subd. 10. **Costs for providing copies of data.** Money may be collected by a responsible authority in a state agency for the actual cost to the agency of providing copies or electronic transmittal of government data ~~is appropriated to the agency and added to the appropriations from which the costs were paid.~~ When funds collected for purposes in this subdivision are of a magnitude sufficient to warrant a separate account in the state treasury, those funds shall be deposited in a fund other than the general fund and are appropriated to the agency.

Sec. 4. Minnesota Statutes 2008, section 16C.23, subdivision 6, is amended to read:

Subd. 6. **State surplus property.** The commissioner may do any of the following to dispose of state surplus property:

- (1) transfer it to or between state agencies;
- (2) transfer it to a governmental unit or nonprofit organization in Minnesota; or
- (3) sell it and charge a fee to cover expenses incurred by the commissioner in the disposal of the surplus property.

The proceeds of the sale less the fee must be deposited in an account in a fund other than the general fund and are appropriated to the agency for whose account the sale was made, to be used and expended by that agency to purchase similar state property.

Sec. 5. Minnesota Statutes 2008, section 103B.101, subdivision 9, is amended to read:

Subd. 9. **Powers and duties.** In addition to the powers and duties prescribed elsewhere, the board shall:

(1) coordinate the water and soil resources planning activities of counties, soil and water conservation districts, watershed districts, watershed management organizations, and any other local units of government through its various authorities for approval of local plans, administration of state grants, and by other means as may be appropriate;

(2) facilitate communication and coordination among state agencies in cooperation with the Environmental Quality Board, and between state and local units of government, in order to make the expertise and resources of state agencies involved in water and soil resources management available to the local units of government to the greatest extent possible;

(3) coordinate state and local interests with respect to the study in southwestern Minnesota under United States Code, title 16, section 1009;

(4) develop information and education programs designed to increase awareness of local water and soil resources problems and awareness of opportunities for local government involvement in preventing or solving them;

(5) provide a forum for the discussion of local issues and opportunities relating to water and soil resources management;

(6) adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law; and

(7) report to the governor and the legislature by October 15 of each even-numbered year with an assessment of board programs and recommendations for any program changes and board membership changes necessary to improve state and local efforts in water and soil resources management.

The board may accept grants, gifts, donations, or contributions in money, services, materials, or otherwise from the United States, a state agency, or other source to achieve an authorized purpose. The board may enter into a contract or agreement necessary or appropriate to accomplish the transfer. The board may receive and expend money to acquire conservation easements, as defined in chapter 84C, on behalf of the state and federal government consistent with the Camp Ripley's Army Compatible Use Buffer Project.

Any money received is hereby deposited in an account in a fund other than the general fund and appropriated and dedicated for the purpose for which it is granted.

Sec. 6. Minnesota Statutes 2008, section 103I.681, subdivision 11, is amended to read:

Subd. 11. **Permit fee schedule.** (a) The commissioner of natural resources shall adopt a permit fee schedule under chapter 14. The schedule may provide minimum fees for various classes of permits, and additional fees, which may be imposed subsequent to the application, based on the cost of receiving, processing, analyzing, and issuing the permit, and the actual inspecting and monitoring of the activities authorized by the permit, including costs of consulting services.

(b) A fee may not be imposed on a state or federal governmental agency applying for a permit.

(c) The fee schedule may provide for the refund of a fee, in whole or in part, under circumstances prescribed by the commissioner of natural resources. Fees received must be deposited in the state treasury and credited to ~~the general~~ an account in the natural resources fund. Permit fees received are appropriated annually from the ~~general natural resources~~ fund to the commissioner of natural resources for the costs of inspecting and monitoring the activities authorized by the permit, including costs of consulting services.

Sec. 7. Minnesota Statutes 2008, section 116J.551, subdivision 1, is amended to read:

Subdivision 1. **Grant account.** A contaminated site cleanup and development grant account is created in the ~~general special revenue~~ fund. Money in the account may be used, as appropriated by law, to make grants as provided in section 116J.554 and to pay for the commissioner's costs in reviewing applications and making grants. Notwithstanding section 16A.28, money appropriated to the account for this program from any source is available until spent.

Sec. 8. Minnesota Statutes 2008, section 190.32, is amended to read:

#### **190.32 FEDERAL REIMBURSEMENT RECEIPTS.**

The Department of Military Affairs may deposit federal reimbursement receipts into ~~the general fund~~ an account in the special revenue fund, maintenance of military training facilities. These receipts are for services, supplies, and materials initially purchased by the Camp Ripley maintenance account.

Sec. 9. Minnesota Statutes 2008, section 260C.331, subdivision 6, is amended to read:

Subd. 6. **Guardian ad litem fees.** (a) In proceedings in which the court appoints a guardian ad litem pursuant to section 260C.163, subdivision 5, clause (a), the court may inquire into the ability of the parents to pay for the guardian ad litem's services and, after giving the parents a reasonable opportunity to be heard, may order the parents to pay guardian fees.

(b) In each fiscal year, the commissioner of management and budget shall deposit guardian ad litem reimbursements in the ~~general~~ special revenue fund and credit them to a separate account with the trial courts. The balance of this account is appropriated to the trial courts and does not cancel but is available until expended. Expenditures by the state court administrator's office from this account must be based on the amount of the guardian ad litem reimbursements received by the state from the courts in each judicial district.

Sec. 10. Minnesota Statutes 2009 Supplement, section 270.97, is amended to read:

**270.97 DEPOSIT OF REVENUES.**

The commissioner shall deposit all revenues derived from the tax, interest, and penalties received from the county in the contaminated site cleanup and development account in the ~~general~~ special revenue fund and is annually appropriated to the commissioner of the Department of Employment and Economic Development, for the purposes of section 116J.551.

Sec. 11. Minnesota Statutes 2008, section 299C.48, is amended to read:

**299C.48 CONNECTION BY AUTHORIZED AGENCY; FEE, APPROPRIATION.**

(a) An agency authorized under section 299C.46, subdivision 3, may connect with and participate in the criminal justice data communications network upon approval of the commissioner of public safety; provided, that the agency shall first agree to pay installation charges as may be necessary for connection and monthly operational charges as may be established by the commissioner of public safety. Before participation by a criminal justice agency may be approved, the agency must have executed an agreement with the commissioner providing for security of network facilities and restrictions on access to data supplied to and received through the network.

(b) In addition to any fee otherwise authorized, the commissioner of public safety shall impose a fee for providing secure dial-up or Internet access for criminal justice agencies and noncriminal justice agencies. The following monthly fees apply:

- (1) criminal justice agency accessing via Internet, \$15;
- (2) criminal justice agency accessing via dial-up, \$35;
- (3) noncriminal justice agency accessing via Internet, \$35; and
- (4) noncriminal justice agency accessing via dial-up, \$35.

(c) The installation and monthly operational charges collected by the commissioner of public safety under paragraphs (a) and (b) must be deposited in an account in the special revenue fund and are annually appropriated to the commissioner to administer sections 299C.46 to 299C.50.

Sec. 12. Minnesota Statutes 2008, section 299E.02, is amended to read:

**299E.02 CONTRACT SERVICES; APPROPRIATION.**

Fees charged for contracted security services provided by the Capitol Complex Security Division of the Department of Public Safety must be deposited in an account in the special revenue fund and are annually appropriated to the commissioner of public safety to administer and provide these services.

Sec. 13. Minnesota Statutes 2008, section 446A.086, subdivision 2, is amended to read:

Subd. 2. **Application.** (a) This section provides a state guarantee of the payment of principal and interest on debt obligations if:

- (1) the obligations are issued after June 30, 2000;
- (2) application to the Public Facilities Authority is made before issuance; and
- (3) the obligations are covered by an agreement meeting the requirements of subdivision 3.

(b) Applications to be covered by the provisions of this section must be made in a form and contain the information prescribed by the authority. Applications are subject to either a fee of \$500 for each bond issue requested by a county or governmental unit or the applicable fees under section 446A.087.

(c) Application fees paid under this section must be deposited in a separate credit enhancement bond guarantee account in the ~~general~~ special revenue fund. Money in the credit enhancement bond guarantee account is appropriated to the authority for purposes of administering this section.

(d) Neither the authority nor the commissioner is required to promulgate administrative rules under this section and the procedures and requirements established by the authority or commissioner under this section are not subject to chapter 14.

Sec. 14. Minnesota Statutes 2008, section 469.177, subdivision 11, is amended to read:

Subd. 11. **Deduction for enforcement costs; appropriation.** (a) The county treasurer shall deduct an amount equal to 0.25 percent of any increment distributed to an authority or municipality. The county treasurer shall pay the amount deducted to the commissioner of management and budget for deposit in ~~the state general~~ an account in the special revenue fund.

(b) The amounts deducted and paid under paragraph (a) are appropriated to the state auditor for the cost of (1) the financial reporting of tax increment financing information and (2) the cost of examining and auditing of authorities' use of tax increment financing as provided under section 469.1771, subdivision 1. Notwithstanding section 16A.28 or any other law to the contrary, this appropriation does not cancel and remains available until spent.

(c) For taxes payable in 2002 and thereafter, the commissioner of revenue shall increase the percent in paragraph (a) to a percent equal to the product of the percent in paragraph (a) and the amount that the statewide tax increment levy for taxes payable in 2002 would have been without the class rate changes in this act and the elimination of the general education levy in this act divided by the statewide tax increment levy for taxes payable in 2002.

Sec. 15. Minnesota Statutes 2008, section 609.3241, is amended to read:

**609.3241 PENALTY ASSESSMENT AUTHORIZED.**

When a court sentences an adult convicted of violating section 609.322 or 609.324, while acting other than as a prostitute, the court shall impose an assessment of not less than \$250 and not more than \$500 for a violation of section 609.324, subdivision 2, or a misdemeanor violation of section 609.324, subdivision 3; otherwise the court shall impose an assessment of not less than \$500 and not more than \$1,000. The mandatory minimum portion of the assessment is to be used for the purposes described in section 626.558, subdivision 2a, and is in addition to the surcharge required by section 357.021, subdivision 6. Any portion of the assessment imposed in excess of the mandatory minimum amount shall be ~~forwarded to the general~~ deposited in an account in the special revenue fund

and is appropriated annually to the commissioner of public safety. The commissioner, with the assistance of the General Crime Victims Advisory Council, shall use money received under this section for grants to agencies that provide assistance to individuals who have stopped or wish to stop engaging in prostitution. Grant money may be used to provide these individuals with medical care, child care, temporary housing, and educational expenses.

Sec. 16. Minnesota Statutes 2008, section 611.20, subdivision 3, is amended to read:

Subd. 3. **Reimbursement.** In each fiscal year, the commissioner of management and budget shall deposit the payments in the ~~general~~ special revenue fund and credit them to a separate account with the Board of Public Defense. The amount credited to this account is appropriated to the Board of Public Defense.

The balance of this account does not cancel but is available until expended. Expenditures by the board from this account for each judicial district public defense office must be based on the amount of the payments received by the state from the courts in each judicial district. A district public defender's office that receives money under this subdivision shall use the money to supplement office overhead payments to part-time attorneys providing public defense services in the district. By January 15 of each year, the Board of Public Defense shall report to the chairs and ranking minority members of the senate and house of representatives divisions having jurisdiction over criminal justice funding on the amount appropriated under this subdivision, the number of cases handled by each district public defender's office, the number of cases in which reimbursements were ordered, the average amount of reimbursement ordered, and the average amount of money received by part-time attorneys under this subdivision.

Sec. 17. Laws 1994, chapter 531, section 1, is amended to read:

Section 1. **SALE OF WILDLIFE LANDS.**

Notwithstanding Minnesota Statutes, sections 84.027, subdivision 10; 92.45; 94.09 to 94.165; 97A.135; 103F.535, or any other law, the commissioner of administration may sell lands located in the Gordy Yaeger wildlife management area in Olmsted county. The consideration for the lands described in sections 2 and 3 shall be \$950 per acre. The conveyances shall be by ~~quitclaim~~ quitclaim deed in a form approved by the attorney general and shall reserve to the state all minerals and mineral rights. The proceeds received from the sales are to be deposited in an account in the ~~general~~ natural resources fund and are appropriated to the commissioner of natural resources for acquisition of replacement wildlife management area lands. These sales are pursuant to the recommendation of the Gordy Yaeger wildlife management area advisory committee.

Sec. 18. **EFFECTIVE DATE.**

Sections 1 to 17 are effective July 1, 2010."

Correct the title numbers accordingly

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.

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

H. F. No. 2060, A bill for an act relating to commerce; regulating public adjusters; modifying the notice of cancellation and prohibited practices; regulating insurance claims for residential roofing goods and services; amending Minnesota Statutes 2008, section 72B.135, subdivisions 2, 4; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 3, after line 15, insert:

"Sec. 3. **[326B.811] RESIDENTIAL ROOFING CONTRACT; RIGHT TO CANCEL.**

Subdivision 1. **Required.** A person who has entered into a written contract with a residential roofer to provide goods and services to be paid by the insured from the proceeds of a property or casualty insurance policy has the right to cancel the contract within 72 hours after the insured has been notified by the insurer that the claim has been denied. Cancellation is evidenced by the insured giving written notice of cancellation to the residential roofer at the address stated in the contract. Notice of cancellation, if given by mail, is effective upon deposit in a mailbox, properly addressed to the residential roofer and postage prepaid. Notice of cancellation need not take a particular form and is sufficient if it indicates, by any form of written expression, the intention of the insured not to be bound by the contract.

Subd. 2. **Writing required; notice of right to cancel; notice of cancellation.** (a) Before entering a contract referred to in subdivision 1, the residential roofer must:

(1) furnish the insured with a statement in boldface type of a minimum size of ten points, in substantially the following form:

"You may cancel this contract at any time within 72 hours after you have been notified that your insurer has denied your claim to pay for the goods and services to be provided under this contract. See attached notice of cancellation form for an explanation of this right."; and

(2) furnish each insured a fully completed form in duplicate, captioned, "NOTICE OF CANCELLATION," which shall be attached to the contract and easily detachable, and which shall contain in boldface type of a minimum size of ten points the following information and statements:

"NOTICE OF CANCELLATION

If your insurer denies your claim to pay for goods and services to be provided under this contract, you may cancel the contract by mailing or delivering a signed and dated copy of this cancellation notice or any other written notice to (name of residential roofer) at (address of residential roofer's place of business) at any time within 72 hours after you have been notified that your claim has been denied. If you cancel, any payments made by you under the contract will be returned within ten business days following receipt by the residential roofer of your cancellation notice.

I HEREBY CANCEL THIS TRANSACTION.

.....  
(date)

.....  
(Insured's signature)"

Subd. 3. **Return of payments; compensation.** Within ten days after a contract referred to in subdivision 1 has been canceled, the residential roofer must tender to the insured any payments made by the insured and any note or other evidence of indebtedness. However, if the residential roofer has performed any emergency services, the residential roofer is entitled to compensation for such services."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the first semicolon

Page 1, line 3, delete everything before "regulating" and after "regulating" insert "contract cancellations and"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2062, A bill for an act relating to poverty; establishing the Ladder Out of Poverty Task Force; providing for its membership and duties; providing legislative appointments.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **LADDER OUT OF POVERTY TASK FORCE.**

Subdivision 1. **Purpose.** The final report of the Commission to End Poverty by 2020 set forth the following strategies regarding the building and maintaining of wealth and assets:

(1) establish public policies to encourage Minnesotans to accumulate and maintain assets;

(2) ban predatory financial practices that erode or deplete existing assets; and

(3) increase financial literacy to reduce vulnerability to predatory practices and enhance the ability to acquire assets and build wealth, and achieve and maintain self-sufficiency.

The purpose of the Ladder Out of Poverty Task Force ("the task force") created in this section is to implement and build on the strategies set forth by the Legislative Commission to End Poverty by 2020 to help poor and near-poor Minnesotans, including older women, who are among the poorest of Minnesotans, have accounted for a larger share of subprime loans, and are particularly vulnerable to predatory lending and financial hardship, to avert or escape poverty.

Achieving this purpose will require strong collaboration and coordination among the public, private, nonprofit, academic, and philanthropic sectors.

Subd. 2. **Creation.** (a) The task force consists of the following members:

(1) four senators, including two members of the majority party and two members of the minority party, appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the senate;

(2) four members of the house of representatives, including two members of the majority party, appointed by the speaker of the house, and two members of the minority party, appointed by the minority leader;

(3) the commissioner of the Minnesota Department of Commerce or the commissioner's designee; and

(4) the attorney general or the attorney general's designee.

(b) The task force shall ensure that representatives of the following have the opportunity to meet with and present views to the task force: credit unions; independent community banks; state and federal financial institutions; community action agencies; faith-based financial counseling agencies; faith-based social justice organizations; legal services organizations representing low-income persons; nonprofit organizations providing free tax preparation services as part of the volunteer income tax assistance program; relevant state and local agencies; University of Minnesota faculty involved in personal and family financial education; philanthropic organizations that have as one of their missions combating predatory lending; organizations representing older Minnesotans; and organizations representing the interests of women, Latinos and Latinas, African-Americans, Asian-Americans, American Indians, and immigrants.

Subd. 3. **Duties.** (a) At a minimum, the task force must identify specific policies, strategies, and actions to:

(1) increase opportunities for poor and near-poor families and individuals to acquire assets and create and build wealth;

(2) expand the utilization of Family Assets for Independence in Minnesota (FAIM) or other culturally specific individual development account programs;

(3) reduce or eliminate predatory financial practices in Minnesota through regulatory actions, legislative enactments, and the development and deployment of alternative, nonpredatory financial products;

(4) provide incentives or assistance to private sector financial institutions to offer additional programs and services that provide alternatives to and education about predatory financial products;

(5) provide financial literacy information to low-income families and individuals at the time the recipient has the ability, opportunity, and motivation to receive, understand, and act on the information provided; and

(6) identify incentives and mechanisms to increase community engagement in combating poverty and helping poor and near-poor families and individuals to acquire assets and create and build wealth.

(b) By June 1, 2012, the task force must provide written recommendations and any draft legislation necessary to implement the recommendations to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over commerce and consumer protection.

Subd. 4. **Administrative provisions.** (a) The director of the Legislative Coordinating Commission, or a designee of the director, must convene the initial meeting of the task force by September 15, 2010. The members of the task force must elect a chair or cochair from the legislative members at the initial meeting.

(b) Members of the task force serve without compensation or payment of expenses.

(c) The task force expires June 1, 2012, or upon the submission of the report required under subdivision 3, whichever is earlier.

(d) The task force may accept gifts and grants, which are accepted on behalf of the state and constitute donations to the state. The funds must be deposited in an account in the special revenue fund and are appropriated to the Legislative Coordinating Committee for purposes of the task force.

(e) The Legislative Coordinating Commission shall provide fiscal services to the task force as needed under this subdivision.

Subd. 5. **Deadline for appointments and designations.** The appointments and designations authorized under this section must be completed no later than August 15, 2010.

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

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 2463, A bill for an act relating to public safety; establishing a pilot project for alcohol and controlled substance monitoring for certain persons with revoked driver's licenses in Crow Wing County.

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

The report was adopted.

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

H. F. No. 2599, A bill for an act relating to commerce; prohibiting the use of live check solicitations; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Page 1, line 8, after the period, insert "For purposes of this section, "live check" does not include a live check issued by a lender or financial institution, as defined in section 47.605, subdivision 1."

Page 1, line 12, delete everything after the period

Page 1, delete line 13

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2612, A bill for an act relating to civil commitment; clarifying civil commitment venue; amending Minnesota Statutes 2008, sections 253B.02, by adding a subdivision; 253B.045, subdivision 2; 253B.05, subdivision 3; 253B.064, subdivision 1; 253B.07, subdivisions 1, 2, 2d; 253B.185, subdivision 1; 253B.20, subdivision 4; 253B.23, subdivision 1, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 253B.10, subdivision 3.

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

The report was adopted.

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

H. F. No. 2621, A bill for an act relating to veterans; eliminating a residency requirement for purposes of eligibility for higher educational benefits for the surviving spouse and children of a deceased veteran who dies as a result of military service; amending Minnesota Statutes 2008, section 197.75, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 11, reinstate the stricken language

Page 1, line 12, reinstate the stricken language and delete the new language and after "armed forces" insert "or at any time during the person's military service or at the time of death."

Page 1, line 13, reinstate the stricken language and delete the new language

Page 1, line 14, strike "Veterans Administration." and insert "Department of Veterans Affairs. Deceased veteran also includes a veteran who has died as a result of the person's military service and whose surviving spouse or child was a Minnesota resident at any time during the veteran's military service or at the time of the veteran's death."

Page 1, line 16, after "natural" insert ", step"

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

The report was adopted.

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

H. F. No. 2629, A bill for an act relating to telecommunications; reducing the plurality necessary in a local election for a municipality to own and operate a telephone exchange; amending Minnesota Statutes 2008, section 237.19.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **MUNICIPALITY OPERATION OF TELEPHONE EXCHANGE.**

For the purpose of this section, "county" means a county that, as of January 1, 2010, has passed a county sales tax for the purpose, among other things, of funding the construction of a countywide high-speed communications infrastructure network, and has received federal funding from the Rural Utilities Service Broadband Initiatives

Program for some of its construction costs of the telephone exchange. Notwithstanding Minnesota Statutes, section 237.19, a county may construct a new telephone exchange within its own borders where an exchange already exists, upon authorization of a majority of those voting thereon voting in favor of the undertaking at a general election or special election called for that purpose. Except as provided in this section, Minnesota Statutes, section 237.19, applies to a county.

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

Delete the title and insert:

"A bill for an act relating to telecommunications; modifying the voting requirements necessary to authorize local government construction of certain telephone exchanges."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2639, A bill for an act relating to public safety; authorizing wireless telecommunications service providers to provide call locations for emergencies; amending Minnesota Statutes 2008, section 626A.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 626A.

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

The report was adopted.

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

H. F. No. 2672, A bill for an act relating to veterans; clarifying the transit fee exemption provisions related to veterans with service-connected disabilities; amending Minnesota Statutes 2009 Supplement, sections 174.24, subdivision 7; 473.408, subdivision 10.

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

The report was adopted.

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

H. F. No. 2819, A bill for an act relating to juvenile records; modifying provisions governing public access to certain juvenile records; limiting release of records with informed consent; amending Minnesota Statutes 2008, section 260B.171, subdivision 5.

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

The report was adopted.

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

H. F. No. 2825, A bill for an act relating to property held in trust; clarifying status of certain distributions; changing certain relationship and inheritance provisions; providing for emergency and temporary conservators; amending Minnesota Statutes 2008, sections 501B.64, subdivision 3; 524.1-201; 524.2-114; Minnesota Statutes 2009 Supplement, section 524.5-409; proposing coding for new law in Minnesota Statutes, chapter 524.

Reported the same back with the following amendments:

Page 6, line 8, delete "6" and insert "4" and delete "7" and insert "5"

Page 8, line 21, delete "parents" and insert "parent"

Page 9, line 2, delete "this" and after "section" insert "524.2-120"

Page 13, after line 3, insert:

"Sec. 13. **EFFECTIVE DATE.**

Sections 1 and 11 are effective the day following final enactment. Sections 2 to 10 are effective August 1, 2010, and apply to the rights of successors of decedents dying on or after August 1, 2010, and to any instruments executed before August 1, 2010, unless there is a clear indication of contrary intent in the instrument."

With the recommendation that when so amended the bill pass.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 2838, A bill for an act relating to natural resources; authorizing the acquisition of certain lands for Lake Vermilion State Park; incorporating lands from an existing state park into Lake Vermilion State Park; repealing Minnesota Statutes 2008, section 85.012, subdivision 53a.

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

The report was adopted.

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

H. F. No. 2855, A bill for an act relating to labor and industry; modifying boiler provisions; amending and imposing civil and criminal penalties; amending Minnesota Statutes 2008, sections 326B.94, as amended; 326B.954; 326B.956; 326B.958; 326B.96; 326B.961, as added if enacted; 326B.964; 326B.966; 326B.97; 326B.98; 326B.986, subdivision 10; 326B.99; 326B.994, subdivision 3; 326B.998; Minnesota Statutes 2009 Supplement, sections 326B.972; 326B.986, subdivision 8; 326B.988; proposing coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2008, sections 326B.952; 326B.962; 326B.968; 326B.982; 326B.996; Minnesota Statutes 2009 Supplement, section 326B.986, subdivision 2; Minnesota Rules, parts 5225.1400; 5225.3100; 5225.3150; 5225.3200.

Reported the same back with the following amendments:

Page 2, line 5, after "licensing," insert "Every individual who operates a boat must hold a current master's license issued by the commissioner, unless the individual holds a valid, current Charter Boat Captain's license issued by the United States Coast Guard."

Page 8, line 13, delete "until all defects are corrected and the correction is" and insert "if the inspector determines that the boiler or pressure vessel is unsafe. The boiler or pressure vessel shall not be operated until these unsafe defects have been corrected and"

Page 8, line 14, delete "reinspection of the boiler or pressure vessel" and insert "the inspector"

Page 9, delete section 6

Page 14, after line 14, insert:

"Sec. 12. Minnesota Statutes 2009 Supplement, section 326B.986, subdivision 2, is amended to read:

Subd. 2. **Fee amounts; master's.** The license and application fee for an initial master's license is \$70, ~~or \$40 if the applicant possesses a valid, unlimited, current United States Coast Guard master's license.~~ The renewal fee for a master's license is \$20 for one year or \$40 for two years. If the renewal fee is paid later than 30 days after expiration, then a late fee of \$15 will be added to the renewal fee."

Page 16, line 19, after "argon" insert ", nitrous oxide"

Page 16, line 21, after "device" insert ". The owner of the vessel shall perform annual visual inspections and planned maintenance on these vessels to ensure vessel integrity"

Page 16, line 23, delete "and"

Page 16, line 24, after "heating" insert "or other hot liquid" and delete the period and insert "; and"

Page 16, after line 24, insert:

"(24) pressure vessels used for the storage of compressed air not exceeding 1.5 cubic feet (11.22 gallons) in volume with a maximum allowable working pressure of 600 psi or less."

Page 16, line 26, after "license" insert "and annual inspection by the department"

Page 18, line 25, delete "original"

Page 18, line 26, delete "manufacturer's"

Page 19, line 5, after the first semicolon, insert "326B.96, subdivision 1;"

Page 19, line 6, delete everything after "326B.996,"

Page 19, line 7, delete "2,"

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 2859, A bill for an act relating to human services; modifying a nursing facility rate provision; amending Minnesota Statutes 2008, section 256B.431, subdivision 35.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 256B.431, subdivision 35, is amended to read:

Subd. 35. **Exclusion of raw food cost adjustment.** For rate years beginning on or after July 1, 2001, in calculating a nursing facility's operating cost per diem for the purposes of ~~constructing~~ comparing to an array, ~~determining~~ a median, or ~~otherwise performing a other~~ statistical measure of nursing facility payment rates to be used to determine future rate ~~increases~~ adjustments under this section, section 256B.434, or any other section, the commissioner shall exclude adjustments for raw food costs under subdivision 2b, paragraph (h), that are related to providing special diets based on religious beliefs."

With the recommendation that when so amended the bill pass.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 2881, A bill for an act relating to public safety; authorizing certain qualified persons with medical training or supervision to take blood samples from DWI offenders; providing legal immunity; amending Minnesota Statutes 2008, section 169A.51, subdivision 7.

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

The report was adopted.

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

H. F. No. 2899, A bill for an act relating to data practices; providing an administrative remedy for certain data practices and open meetings law violations; providing civil penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 13; 13D; repealing Minnesota Statutes 2008, sections 13.08, subdivision 4; 13D.06.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 13.072, subdivision 2, is amended to read:

Subd. 2. **Effect.** Opinions issued by the commissioner under this section are not binding on the government entity or members of a body subject to chapter 13D whose data or performance of duties is the subject of the opinion, but an opinion described in subdivision 1, paragraph (a), must be given deference by a court or other

tribunal in a proceeding involving the data. The commissioner shall arrange for public dissemination of opinions issued under this section. This section does not preclude a person from bringing any other action under this chapter or other law in addition to or instead of requesting a written opinion. A government entity, members of a body subject to chapter 13D, or person that acts in conformity with a written opinion of the commissioner issued to the government entity, members, or person or to another party is not liable for compensatory or exemplary damages or awards of attorneys fees in actions for violations arising under section 13.08 or 13.085, or for a penalty under section 13.09 or for fines, awards of attorney fees, or any other penalty under chapter 13D. A member of a body subject to chapter 13D is not subject to forfeiture of office if the member was acting in reliance on an opinion.

Sec. 2. Minnesota Statutes 2008, section 13.08, subdivision 4, is amended to read:

**Subd. 4. Action to compel compliance.** (a) Actions to compel compliance may be brought either under section 13.085 or this subdivision. For actions under this subdivision, 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 \$1,000 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 or other tribunal 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) 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. 3. **[13.085] ADMINISTRATIVE REMEDY.**

Subdivision 1. **Definition.** As used in this section, "office" means the Office of Administrative Hearings.

Subd. 2. **Complaints.** (a) A complaint alleging a violation of this chapter for which an order to compel compliance is requested may be filed with the office. An action to compel compliance does not include procedures pursuant to section 13.04, subdivision 4 or 4a. An action may not be filed under this section in matters involving requests for educational data classified under section 13.32.

(b) The complaint must be filed with the office within two years after the occurrence of the act or failure to act that is the subject of the complaint, except that if the act or failure to act involves concealment or misrepresentation that could not be discovered during that period, the complaint may be filed with the office within one year after the concealment or misrepresentation is discovered.

(c) The complaint must be made in writing, submitted under oath, and detail the factual basis for the claim that a violation of law has occurred. The office may prescribe a standard form for the complaint. The complaint must be accompanied by a filing fee of \$1,000 or a bond to guarantee the payment of this fee.

(d) Upon receipt of a filed complaint, the office must immediately notify the respondent and, if known, the applicable responsible authority, if the responsible authority is not otherwise named as the respondent. The office must provide the respondent with a copy of the complaint by the most expeditious means available. Notice to a responsible authority must be delivered by certified mail. The office must also notify, to the extent practicable, any individual or entity that is the subject of all or part of the data in dispute.

(e) The office must notify the commissioner of administration of an action filed under this section. Proceedings under this section must be dismissed if a request for an opinion from the commissioner was accepted on the matter under section 13.072 before the complaint was filed, and the complainant's filing fee must be refunded.

(f) The respondent must file a response to the complaint within 15 business days of receipt of the notice. For good cause shown, the office may extend the time for filing a response.

Subd. 3. **Probable cause review.** (a) The chief administrative law judge must assign an administrative law judge to review each complaint. Within 20 business days after a response is filed, or the respondent's time to file the response, including any extension, has expired, the administrative law judge must make a preliminary determination for its disposition as follows:

(1) If the administrative law judge determines that the complaint and any timely reply of the respondent agency do not present sufficient facts to believe that a violation of this chapter has occurred, the complaint must be dismissed.

(2) If the administrative law judge determines that the complaint and any timely reply of the respondent agency do present sufficient facts to believe that a violation of this chapter has occurred, the judge must schedule a hearing as provided in subdivision 4.

(b) The office must notify all parties of the determination made under paragraph (a). The notice must provide as follows:

(1) If the complaint is scheduled for a hearing, the notice must identify the time and place of the hearing and inform all parties that they may submit evidence, affidavits, documentation, and argument for consideration by the administrative law judge.

(2) If the complaint is dismissed for failure to present sufficient facts to believe that a violation of this chapter has occurred, the notice must inform the parties of the right of the complainant to seek reconsideration of the decision on the record by the chief administrative law judge, as provided in paragraph (c).

(c) A petition for reconsideration may be filed no later than five business days after a complaint is dismissed for failure to present sufficient facts to believe that a violation of this chapter has occurred. The chief administrative law judge must review the petition and make a final ruling within ten business days after its receipt. If the chief administrative law judge determines that the assigned administrative law judge made a clear material error, the chief administrative law judge must schedule the matter for a hearing as provided in subdivision 4.

Subd. 4. **Hearing; procedure.** (a) A hearing on a complaint must be held within 30 business days after the parties are notified that a hearing will be held. An oral hearing to resolve questions of law may be waived upon consent of all parties and the presiding administrative law judge. For good cause shown, the judge may delay the date of a hearing by no more than ten business days. The judge may continue a hearing to enable the parties to submit additional evidence or testimony.

(b) The administrative law judge must consider any evidence and argument submitted until the hearing record is closed, including affidavits and documentation.

(c) All hearings, and any records relating to the hearing, must be open to the public, except that the judge may inspect in camera any government data in dispute and shall otherwise conduct the hearing and maintain records in a manner that protects the security of data classified or alleged to be classified as not public. A hearing may be conducted by conference telephone call or interactive audio/video system, at the discretion of the presiding judge, and upon consent of all parties.

Subd. 5. **Disposition.** (a) Following a hearing, the judge must determine whether the violation alleged in the complaint occurred and must make at least one of the following dispositions. The judge may:

(1) dismiss the complaint;

(2) find that an act or failure to act constituted a violation of this chapter;

(3) impose a civil penalty against the respondent of up to \$300;

(4) issue an order compelling the respondent to comply with a provision of law that has been violated, and may establish a deadline for production of data, if necessary; and

(5) refer the complaint to the appropriate prosecuting authority for consideration of criminal charges.

(b) In determining whether to assess a civil penalty, the office shall consider the factors described in section 13.08, subdivision 4.

(c) The judge must render a decision on a complaint within ten business days after the hearing record closes. The chief administrative law judge shall provide for public dissemination of orders issued under this section. If the judge determines that a government entity has violated a provision of law and issues an order to compel compliance, the office shall forward a copy of the order to the commissioner of administration. Any order issued pursuant to this section is enforceable through the district court for the district in which the respondent is located.

(d) A party aggrieved by a final decision on a complaint filed under this section is entitled to judicial review as provided in sections 14.63 to 14.69. Proceedings on a complaint are not a contested case within the meaning of chapter 14 and are not otherwise governed by chapter 14.

(e) A decision of the office under this section is not controlling in any subsequent action brought in district court alleging the same violation and seeking damages.

(f) A government entity or person that releases not public data pursuant to an order under this section is immune from civil and criminal liability for that release. A government entity or person that acts in conformity with an order issued under this section to the government entity or to any other person is not liable for compensatory or exemplary damage or awards of attorney fees for acting in conformity with that order in actions under this section or section 13.08, or for a penalty under section 13.09.

**Subd. 6. Costs; attorney fees.** (a) A rebuttable presumption shall exist that a complainant who substantially prevails on the merits in an action brought under this section is entitled to an award of reasonable attorney fees, not to exceed \$5,000. An award of attorney fees may be denied if the judge determines that the violation is merely technical or that there is a genuine uncertainty about the meaning of the governing law.

(b) Reasonable attorney fees, not to exceed \$5,000, must be awarded to a substantially prevailing complainant if the government entity that is the respondent in the action was also the subject of a written opinion issued under section 13.072 and the administrative law judge finds that the opinion is directly related to the matter in dispute and that the government entity did not act in conformity with the opinion.

(c) The office shall refund the filing fee of a substantially prevailing complainant in full, less \$50, and the office's costs in conducting the matter shall be billed to the respondent, not to exceed \$1,000.

(d) A complainant who does not substantially prevail on the merits is entitled to a refund of the filing fee, less any costs incurred by the office in conducting the matter.

(e) If the administrative law judge determines that a complaint is frivolous, or brought for purposes of harassment, the judge must order that the complainant pay the respondent's reasonable attorney fees, not to exceed \$5,000. The complainant is not entitled to a refund of the filing fee.

(f) The court shall award the complainant costs and attorney fees incurred in bringing an action in district court to enforce an order of the office under this chapter.

**Subd. 7. Special account; appropriation.** Proceeds collected by the office from filing fees and bonds submitted under this section shall be deposited into a special account and are appropriated to the office for use in administering the requirements of this section.

**Sec. 4. EFFECTIVE DATE.**

This act is effective August 1, 2010, and applies to actions commenced on or after that date."

Delete the title and insert:

"A bill for an act relating to data practices; providing an administrative remedy for certain data practices law violations; providing civil penalties; appropriating money; amending Minnesota Statutes 2008, sections 13.072, subdivision 2; 13.08, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 13."

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

The report was adopted.

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

H. F. No. 2938, A bill for an act relating to human services; modifying programs and licensure provisions for services to persons with disabilities; amending Minnesota Statutes 2008, section 326B.43, subdivision 2; Minnesota Statutes 2009 Supplement, sections 245A.03, subdivision 7; 245A.11, subdivisions 7a, 7b; 256D.44, subdivision 5; Laws 2009, chapter 79, article 8, sections 81; 84.

Reported the same back with the following amendments:

Page 1, lines 20 and 22, reinstate the stricken language and delete the new language

Page 1, line 24, reinstate the stricken language and delete the new language and strike "or"

Page 2, line 3, strike the period and insert "; or"

Page 2, delete lines 4 to 7, and insert:

"(6) foster care licenses under section 245A.11, subdivision 7a."

Page 2, lines 8, 14, and 33, reinstate the stricken language and delete the new language

Page 3, delete section 2

Page 9, delete line 6 and insert "~~building of six or more units.~~ In a multiunit building of six or more units, the maximum number of units that may be used by"

Page 9, line 7, reinstate everything before "~~The~~"

Page 9, line 8, reinstate the stricken "This paragraph expires"

Page 9, line 9, reinstate the stricken language and strike "2011" and insert "2012"

Page 12, delete section 7

Renumber the sections in sequence

Correct the title numbers accordingly

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

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 2954, A bill for an act relating to natural resources; providing for general burning permits; modifying authority to establish forestry services fees; modifying timber sales provisions; eliminating certain pilot projects and reports; amending Minnesota Statutes 2008, sections 88.17, subdivisions 1, 3; 88.79, subdivision 2; 90.041, by adding a subdivision; 90.14; repealing Minnesota Statutes 2008, section 90.172; Minnesota Statutes 2009 Supplement, section 88.795.

Reported the same back with the following amendments:

Page 3, after line 29, insert:

"Sec. 4. Minnesota Statutes 2009 Supplement, section 88.795, is amended to read:

**88.795 FOREST MANAGEMENT LEASE PILOT PROJECT.**

(a) Notwithstanding the permit procedures of chapter 90, the commissioner of natural resources may lease ~~up to 40,000 acres~~ of state-owned forest lands for forest management purposes for a term not to exceed 21 years. No person or entity may lease more than ~~3,000~~ 20,000 acres. The lease shall provide:

(1) that the lessee must comply with timber harvesting and forest management guidelines developed under section 89A.05 and landscape-level plans under section 89A.06 that have been adopted by the Minnesota Forest Resources Council, and in effect at the time of any management activity; and

(2) for public access for hunting, fishing, and motorized and nonmotorized recreation to the leased land that is the same as would be available under state management.

(b) For the purposes of this section, the term "state-owned forest lands" may include school trust lands as defined in section 92.025 or university land granted to the state by Acts of Congress.

(c) By December 15, 2009, the commissioner of natural resources shall provide a report to the house of representatives and senate natural resources policy and finance committees and divisions on the pilot project. The report will detail a plan for the implementation of the pilot project with a starting date that is no later than July 1, 2010.

(d) Upon implementation of the pilot project, the commissioner shall provide an annual report to the house of representatives and senate natural resources policy and finance committees and divisions on the progress of the project, including the acres leased, a breakdown of the types of forest land, and amounts harvested by species. The report shall include a net revenue analysis comparing the lease revenue with the estimated net revenue that would be obtained through state management and silvicultural practices cost savings the state realizes through leasing.

(e) Nothing in this section supersedes the duties of the commissioner of natural resources to properly manage forest lands under the authority of the commissioner, as defined in section 89.001, subdivision 13."

Page 4, after line 2, insert:

"Sec. 6. Minnesota Statutes 2008, section 90.121, is amended to read:

**90.121 INTERMEDIATE AUCTION SALES; MAXIMUM LOTS OF 3,000 CORDS.**

(a) The commissioner may sell the timber on any tract of state land in lots not exceeding 3,000 cords in volume, in the same manner as timber sold at public auction under section 90.101, and related laws, subject to the following special exceptions and limitations:

(1) the commissioner shall offer all tracts authorized for sale by this section separately from the sale of tracts of state timber made pursuant to section 90.101;

(2) no bidder may be awarded more than 25 percent of the total tracts offered at the first round of bidding unless fewer than four tracts are offered, in which case not more than one tract shall be awarded to one bidder. Any tract not sold at public auction may be offered for private sale as authorized by section 90.101, subdivision 1, to persons eligible under this section at the appraised value; and

(3) no sale may be made to a person having more than ~~20~~ 30 employees. For the purposes of this clause, "employee" means an individual working as a logger for salary or wages on a full-time or part-time basis.

(b) The auction sale procedure set forth in this section constitutes an additional alternative timber sale procedure available to the commissioner and is not intended to replace other authority possessed by the commissioner to sell timber in lots of 3,000 cords or less.

(c) Another bidder or the commissioner may request that the number of employees a bidder has pursuant to paragraph (a), clause (3), be confirmed if there is evidence that the bidder may be ineligible due to exceeding the employee threshold. The commissioner shall request information from the commissioner of labor and industry including the premiums paid by the bidder in question for workers' compensation insurance coverage for all employees of the bidder. The commissioner shall review the information submitted by the commissioner of labor and industry and make a determination based on the information as to whether the bidder is eligible."

Page 5, delete section 6 and insert:

"Sec. 8. **REPEALER.**

Minnesota Statutes 2008, section 90.172, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "modifying the forest management lease pilot project;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

The report was adopted.

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

H. F. No. 2969, A bill for an act relating to health; making technical changes to licensing provisions; amending Minnesota Statutes 2008, sections 148.5193, subdivision 6; 148.5195, subdivision 3; Minnesota Statutes 2009 Supplement, section 148.6405.

Reported the same back with the following amendments:

Page 5, after line 19, insert:

"Sec. 4. Minnesota Statutes 2008, section 148.6418, subdivision 1, is amended to read:

Subdivision 1. **Application.** The commissioner shall issue temporary licensure as an occupational therapist or occupational therapy assistant to applicants who ~~have applied for licensure under section 148.6408, subdivisions 1 and 2; 148.6410, subdivisions 1 and 2; 148.6412; or 148.6415 and~~ who are not the subject of a disciplinary action or past disciplinary action, nor disqualified on the basis of items listed in section 148.6448, subdivision 1.

Sec. 5. Minnesota Statutes 2008, section 148.6418, subdivision 2, is amended to read:

Subd. 2. **Procedures.** To be eligible for temporary licensure, an applicant must submit ~~the~~ a completed application materials required by section 148.6420, subdivision 1 for temporary licensure on forms provided by the commissioner, the fees required by section 148.6445, and one of the following:

(1) evidence of successful completion of the requirements in section 148.6408, subdivision 1, or 148.6410, subdivision 1;

(2) a copy of a current and unrestricted credential for the practice of occupational therapy as either an occupational therapist or occupational therapy assistant in another jurisdiction; or

(3) a copy of a current and unrestricted certificate from the National Board for Certification in Occupational Therapy stating that the applicant is certified as an occupational therapist or occupational therapy assistant."

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 2978, A bill for an act relating to public safety; amending first-degree driving while impaired crime to include prior felony convictions from other states; amending Minnesota Statutes 2008, section 169A.24, subdivision 1.

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

The report was adopted.

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

H. F. No. 2990, A bill for an act relating to guardians ad litem; establishing the State Guardian Ad Litem Board; appropriating money; amending Minnesota Statutes 2008, sections 257.69, subdivision 2; 260B.331, subdivision 6; 260C.331, subdivisions 3, 6; 518.165, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 480.

Reported the same back with the following amendments:

Page 6, line 7, after "services" insert "and may authorize program expenditures until the board is established,"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

The report was adopted.

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

H. F. No. 2995, A bill for an act relating to special education; expanding who is qualified to make a diagnosis of attention deficit disorder or attention deficit hyperactivity disorder; amending Minnesota Statutes 2009 Supplement, section 125A.02, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2009 Supplement, section 125A.02, subdivision 1, is amended to read:

Subdivision 1. **Child with a disability.** "Child with a disability" means a child identified under federal and state special education law as having a hearing impairment, blindness, visual disability, speech or language impairment, physical disability, other health impairment, mental disability, emotional/behavioral disorder, specific learning disability, autism, traumatic brain injury, multiple disabilities, or deafblind disability who needs special education and related services, as determined by the rules of the commissioner, is a child with a disability. A licensed physician, an advanced practice nurse, ~~or~~ a licensed psychologist, or a mental health professional under section 245.4871, subdivision 27, is qualified to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder for purposes of identifying a child with a disability.

Sec. 2. Minnesota Statutes 2009 Supplement, section 245.4871, subdivision 27, is amended to read:

Subd. 27. **Mental health professional.** "Mental health professional" means a person providing clinical services in the diagnosis and treatment of children's emotional disorders. A mental health professional must have training and experience in working with children consistent with the age group to which the mental health professional is assigned. A mental health professional must be qualified in at least one of the following ways:

(1) in psychiatric nursing, the mental health professional must be a registered nurse who is licensed under sections 148.171 to 148.285 and who is certified as a clinical specialist in child and adolescent psychiatric or mental health nursing by a national nurse certification organization or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) in clinical social work, the mental health professional must be a person licensed as an independent clinical social worker under chapter 148D, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders;

(3) in psychology, the mental health professional must be an individual licensed by the board of psychology under sections 148.88 to 148.98 who has stated to the board of psychology competencies in the diagnosis and treatment of mental disorders;

(4) in psychiatry, the mental health professional must be a physician licensed under chapter 147 and certified by the American board of psychiatry and neurology or eligible for board certification in psychiatry;

(5) in marriage and family therapy, the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders or emotional disturbances; or

(6) in licensed professional clinical counseling, the mental health professional shall be a licensed professional clinical counselor under section 148B.5301 with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders or emotional disturbances; ~~or,~~

~~(7) in allied fields, the mental health professional must be a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of emotional disturbances."~~

Delete the title and insert:

"A bill for an act relating to special education; expanding who is qualified to make a diagnosis of attention deficit disorder or attention deficit hyperactivity disorder; amending Minnesota Statutes 2009 Supplement, sections 125A.02, subdivision 1; 245.4871, subdivision 27."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on K-12 Education Policy and Oversight.

The report was adopted.

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

H. F. No. 3017, A bill for an act relating to local government; authorizing municipalities to permit certain solicitations; proposing coding for new law in Minnesota Statutes, chapter 465.

Reported the same back with the following amendments:

Page 1, line 19, delete everything after "occurrence" and insert "and an endorsement to the policy naming the municipality as an additional insured."

Page 1, delete line 20

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3039, A bill for an act relating to children; modifying driver's license requirements for foster children; requiring in-court reviews; expanding the definition of parent for child protection proceedings; amending Minnesota Statutes 2008, sections 171.04, subdivision 1, by adding a subdivision; 171.05, subdivision 2; 171.055, subdivision 1; 245C.33, subdivision 4, by adding a subdivision; 260C.163, subdivisions 1, 2; 260C.193, subdivision 6; 260C.317, subdivision 3; Minnesota Statutes 2009 Supplement, sections 260C.007, subdivision 25; 260C.150, subdivision 3; 260C.151, subdivision 1; 260C.178, subdivision 3; 260C.201, subdivision 11; 260C.212, subdivision 7; 260C.331, subdivision 1; 260C.456.

Reported the same back with the following amendments:

Page 3, delete section 2

Page 4, delete lines 26 to 29

Page 5, delete lines 31 to 34

Page 6, delete section 3

Page 7, before line 5, insert:

"Sec. 3. Minnesota Statutes 2008, section 260C.007, subdivision 4, is amended to read:

Subd. 4. **Child.** "Child" means an individual under 18 years of age. For purposes of this chapter, child also includes individuals under age 21 who are in foster care pursuant to section 260C.451.

Sec. 4. Minnesota Statutes 2008, section 260C.193, subdivision 6, is amended to read:

Subd. 6. **Jurisdiction to review foster care to age 21, termination of jurisdiction, jurisdiction to age 18.** (a) Jurisdiction over a child in foster care pursuant to section 260C.451 may continue to age 21 for the purpose of conducting the reviews required under section 260C.201, subdivision 11, paragraph (d), 260C.212, subdivision 7, or 260C.317, subdivision 3. Jurisdiction over a child in foster care pursuant to section 260C.451 shall not be terminated without giving the child notice of any motion or proposed order to dismiss jurisdiction and an opportunity to be heard on the appropriateness of the dismissal. When a child in foster care pursuant to section 260C.451 asks to leave foster care or actually leaves foster care, the court may terminate its jurisdiction.

(b) Except when a court order is necessary for a child to be in foster care or when continued review under (1) section 260C.212, subdivision 7, paragraph (d), or 260C.201, subdivision 11, paragraph (d); and (2) section 260C.317, subdivision 3, is required for a child in foster care under section 260C.451, the court may dismiss the petition or otherwise terminate its jurisdiction on its own motion or on the motion or petition of any interested party at any time upon a determination that jurisdiction is no longer necessary to protect the child's best interests.

(c) Unless terminated by the court, and except as otherwise provided in this subdivision, the jurisdiction of the court shall continue until the individual child becomes 18 years of age if the court determines it is in the best interest of the individual to do so.

Sec. 5. Minnesota Statutes 2008, section 260C.201, subdivision 10, is amended to read:

Subd. 10. **Court review of foster care.** (a) If the court orders a child placed in foster care, the court shall review the out-of-home placement at least every 90 days as required in juvenile court rules to determine whether continued out-of-home placement is necessary and appropriate or whether the child should be returned home. This review is not required if the court has returned the child home, ordered the child permanently placed away from the parent under subdivision 11, or terminated rights under section 260C.301. Court review for a child permanently placed away from a parent, including where the child is under guardianship and legal custody of the commissioner, shall be governed by subdivision 11 or section 260C.317, subdivision 3, whichever is applicable.

(b) No later than six months after the child's placement in foster care, the court shall review agency efforts pursuant to section 260C.212, subdivision 2, and order that the efforts continue if the agency has failed to perform the duties under that section.

(c) The court shall review the out-of-home placement plan and may modify the plan as provided under subdivisions 6 and 7.

(d) When the court orders transfer of custody to a responsible social services agency resulting in foster care or protective supervision with a noncustodial parent under subdivision 1, the court shall notify the parents of the provisions of subdivisions 11 and 11a as required under juvenile court rules.

(e) When a child remains in foster care pursuant to section 260C.451 and the court has jurisdiction pursuant to section 260C.193, subdivision 6, paragraph (c), the court shall annually conduct the review required under subdivision 11, paragraph (d), or sections 260C.212, subdivision 7, and 260C.317, subdivision 3."

Page 8, lines 1 and 2, delete the new language and insert ", or for children in foster care beyond age 18 pursuant to section 260C.451, until the individual becomes 21 years of age according to the provisions set forth in sections 260C.193, subdivision 6, and 260C.451"

Page 9, after line 25, insert:

"Sec. 8. Minnesota Statutes 2008, section 260C.451, is amended to read:

**260C.451 AGE LIMIT FOR BENEFITS TO CHILDREN FOSTER CARE BENEFITS TO AGE 21.**

Subdivision 1. **Notification of benefits.** For purposes of any program for foster children or children under state guardianship for which benefits are made available on June 1, 1973, unless specifically provided therein, the age of majority shall be 21 years of age. Within the six months prior to the child's 18th birthday, the local agency shall advise any child in foster care under this chapter, the child's parents or legal guardian, if any, and the child's foster parents of the availability of benefits of the foster care program up to age 21.

Subd. 2. **Independent living plan.** Upon the request of any child receiving foster care benefits immediately prior to the child's 18th birthday and who is in foster care at the time of the request, the local agency shall, in conjunction with the child and other appropriate parties, update the independent living plan required under section 260C.212, subdivision 1, paragraph (c), clause (11), related to the child's employment, vocational, educational, social, or maturational needs. The agency shall provide continued services and foster care for the child including those services that are necessary to implement the independent living plan.

Subd. 3. **Eligibility.** A child already in foster care may continue in foster care past age 18. The child must meet at least one of the following conditions to be considered eligible to continue in foster care to age 21. The child must be:

- (1) completing secondary education or a program leading to an equivalent credential;
- (2) enrolled in an institution which provides postsecondary or vocational education;
- (3) participating in a program or activity designed to promote or remove barriers to employment;
- (4) employed for at least 80 hours per month; or
- (5) incapable of doing any of the activities described in clauses (1) to (4) due to a medical condition.

Subd. 4. **Foster care benefits.** For children between the ages of 18 and 21, "foster care benefits" means payment for those foster care settings defined in section 260C.007, subdivision 18. Additionally, foster care benefits means payment for a supervised setting in which a child may live independently.

Subd. 5. **Permanent decision.** The particular foster care setting, including supervised settings, shall be selected based on the best interest of the child consistent with section 260C.212, subdivision 2. Supervision in approved settings must be determined by an individual determination of the child's needs by the responsible social services agency and consistent with section 260C.212, subdivision 4a.

Subd. 6. **Individual plan to age 21.** Upon request of an individual between the ages of 18 and 21 who, within six months of the individual's 18th birthday, had been under the guardianship of the commissioner and who has left foster care, the responsible social services agency which had been the commissioner's agent for purposes of the guardianship shall develop with the individual a plan related to the individual's vocational, educational, social, or maturational needs. The agency shall provide foster care with maintenance and counseling benefits as required to implement the plan. The agency shall enter into a voluntary placement agreement with the individual if the plan includes foster care.

Subd. 7. **Jurisdiction.** Notwithstanding that the court retains jurisdiction pursuant to this section, individuals in foster care pursuant to this section are adults for all purposes except the continued provision of foster care. Any order establishing guardianship under section 260C.325, any legal custody order under section 260C.201, subdivision 1, and any order for legal custody associated with an order for long-term foster care under section 260C.201, subdivision 11, terminates on the child's 18th birthday."

Page 24, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 2008, section 260C.163, subdivision 2, is amended to read:

Subd. 2. **Right to participate in proceedings.** A child who is the subject of a petition, and the parents, guardian, or legal custodian of the child have the right to participate in all proceedings on a petition. Official tribal representatives have the right to participate in any proceeding that is subject to the Indian Child Welfare Act of 1978, United States Code, title 25, sections 1901 to 1963.

A parent with a legally recognized parent and child relationship must be provided the right to be heard in any review or hearing to be held with respect to the child, which shall include the right to be heard on the disposition order under section 260C.201, subdivision 1, parental visitation under section 260C.178, and the out-of-home placement plan under section 260C.212, subdivision 1. The right to be heard does not automatically confer party status. Party status is governed by the Minnesota Rules of Juvenile Protection Procedure.

Any grandparent of the child has a right to participate in the proceedings to the same extent as a parent, if the child has lived with the grandparent within the two years preceding the filing of the petition. At the first hearing following the filing of a petition, the court shall ask whether the child has lived with a grandparent within the last two years, except that the court need not make this inquiry if the petition states that the child did not live with a grandparent during this time period. Failure to notify a grandparent of the proceedings is not a jurisdictional defect.

If, in a proceeding involving a child in need of protection or services, the responsible social services agency recommends transfer of permanent legal and physical custody to a relative, the relative has a right to participate as a party, and thereafter shall receive notice of any hearing in the proceedings."

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 3046, A bill for an act relating to health; establishing licensure for birthing centers; amending Minnesota Statutes 2008, section 256B.0625, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[144.615] BIRTH CENTERS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following definitions have the meanings given to them.

(b) "Birth center" means a facility licensed for the primary purpose of performing low-risk deliveries that is not a hospital or licensed as part of a hospital and where births are planned to occur away from the mother's usual residence following a low-risk pregnancy.

(c) "CABC" means the Commission for the Accreditation of Birth Centers.

(d) "Low-risk pregnancy" means a normal, uncomplicated prenatal course as determined by documentation of adequate prenatal care and the anticipation of a normal uncomplicated labor and birth, as defined by reasonable and generally accepted criteria adopted by professional groups for maternal, fetal, and neonatal health care.

Subd. 2. **License required.** (a) Beginning January 1, 2011, no birth center shall be established, operated, or maintained in the state without first obtaining a license from the commissioner of health according to this section.

(b) A license issued under this section is not transferable or assignable and is subject to suspension or revocation at any time for failure to comply with this section.

(c) A birth center licensed under this section shall not assert, represent, offer, provide, or imply that the center is or may render care or services other than the services it is permitted to render within the scope of the license or the accreditation issued.

(d) The license must be conspicuously posted in an area where patients are admitted.

Subd. 3. **Temporary license.** For new birth centers planning to begin operations after January 1, 2011, the commissioner may issue a temporary license to the birth center that is valid for a period of six months from the date of issuance. The birth center must submit to the commissioner an application and applicable fee for licensure as required under subdivision 4. The application must include the information required in subdivision 4, clauses (1) to (3) and (5) to (7), and documentation that the birth center has submitted an application for accreditation to the CABC. Upon receipt of accreditation from the CABC, the birth center must submit to the commissioner the information required in subdivision 4, clause (4), and the applicable fee under subdivision 8. The commissioner shall issue a new license.

Subd. 4. **Application.** An application for a license to operate a birth center and the applicable fee under subdivision 8 must be submitted to the commissioner on a form provided by the commissioner and must contain:

(1) the name of the applicant;

(2) the site location of the birth center;

(3) the name of the person in charge of the center;

(4) documentation that the accreditation described under subdivision 6 has been issued, including the effective date and the expiration date of the accreditation, and the date of the last site visit by the CABC;

(5) the number of patients the birth center is capable of serving at a given time;

(6) the names and license numbers, if applicable, of the health care professionals on staff at the birth center; and

(7) any other information the commissioner deems necessary.

Subd. 5. **Suspension, revocation, and refusal to renew.** The commissioner may refuse to grant or renew, or may suspend or revoke, a license on any of the grounds described under section 144.55, subdivision 6, paragraph (a), clause (2), (3), or (4), or upon the loss of accreditation by the CABC. The applicant or licensee is entitled to notice and a hearing as described under section 144.55, subdivision 7, and a new license may be issued after proper inspection of the birth center has been conducted.

Subd. 6. **Standards for licensure.** (a) To be eligible for licensure under this section, a birth center must be accredited by the CABC or must obtain accreditation within six months of the date of the application for licensure. If the birth center loses its accreditation, the birth center must immediately notify the commissioner.

(b) The center must have procedures in place specifying criteria by which risk status will be established and applied to each woman at admission and during labor.

(c) The birth center shall provide the commissioner of health, upon request, with any material submitted by the birth center to the CABC as part of the accreditation process, including the accreditation application, the self-evaluation report, the accreditation decision letter from the CABC, and any reports from the CABC following a site visit.

Subd. 7. **Limitations of services.** (a) The following limitations apply to the services performed at a birth center:

(1) surgical procedures must be limited to those normally accomplished during an uncomplicated birth, including episiotomy and repair;

(2) no abortions may be administered; and

(3) no general or regional anesthesia may be administered.

(b) Notwithstanding paragraph (a), local anesthesia may be administered at a birth center if the administration of the anesthetic is performed within the scope of practice of a health care professional.

Subd. 8. **Fees.** (a) The biennial license fee for a birth center is \$.....

(b) The temporary license fee is \$.....

(c) Fees shall be collected and deposited according to section 144.122.

Subd. 9. **Renewal.** (a) Except as provided in paragraph (b), a license issued under this section expires two years from the date of issue.

(b) A temporary license issued under subdivision 3 expires six months from the date of issue, and may be renewed for one additional six-month period.

(c) An application for renewal shall be submitted at least 60 days prior to expiration of the license on forms prescribed by the commissioner of health.

Subd. 10. **Records.** All health records maintained on each client by a birth center are subject to sections 144.292 to 144.298.

Sec. 2. Minnesota Statutes 2008, section 144.651, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purposes of this section, "patient" means a person who is admitted to an acute care inpatient facility for a continuous period longer than 24 hours, for the purpose of diagnosis or treatment bearing on the physical or mental health of that person. For purposes of subdivisions 4 to 9, 12, 13, 15, 16, and 18 to 20, "patient" also means a person who receives health care services at an outpatient surgical center or at a birth center licensed under section 144.615. "Patient" also means a minor who is admitted to a residential program as defined in section 253C.01. For purposes of subdivisions 1, 3 to 16, 18, 20 and 30, "patient" also means any person who is receiving mental health treatment on an outpatient basis or in a community support program or other community-based program. "Resident" means a person who is admitted to a nonacute care facility including extended care facilities, nursing homes, and boarding care homes for care required because of prolonged mental or physical illness or disability, recovery from injury or disease, or advancing age. For purposes of all subdivisions except subdivisions 28 and 29, "resident" also means a person who is admitted to a facility licensed as a board and lodging facility under Minnesota Rules, parts 4625.0100 to 4625.2355, or a supervised living facility under Minnesota Rules, parts 4665.0100 to 4665.9900, and which operates a rehabilitation program licensed under Minnesota Rules, parts 9530.4100 to 9530.4450.

Sec. 3. Minnesota Statutes 2008, section 144A.51, subdivision 5, is amended to read:

Subd. 5. **Health facility.** "Health facility" means a facility or that part of a facility which is required to be licensed pursuant to sections 144.50 to 144.58, 144.615, and a facility or that part of a facility which is required to be licensed under any law of this state which provides for the licensure of nursing homes.

Sec. 4. Minnesota Statutes 2008, section 256B.0625, is amended by adding a subdivision to read:

Subd. 54. **Services provided in birth centers.** Medical assistance covers services provided by a birth center licensed under section 144.615 if the service would otherwise be covered if provided in a hospital. The commissioner shall apply for any necessary waivers from the Centers for Medicare and Medicaid Services to allow birth centers and birth center providers to be reimbursed."

Delete the title and insert:

"A bill for an act relating to health; establishing licensure for birth centers; amending Minnesota Statutes 2008, sections 144.651, subdivision 2; 144A.51, subdivision 5; 256B.0625, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144."

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

The report was adopted.

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

H. F. No. 3052, A bill for an act relating to commerce; regulating nonrecourse civil litigation funding transactions; proposing coding for new law as Minnesota Statutes, chapter 80G.

Reported the same back with the following amendments:

Page 1, line 13, delete "individual or"

Page 2, line 19, delete "may" and insert "shall"

Page 3, line 4, delete "\$...... annually" and insert "\$1,000 for the initial year of registration and \$500 per year thereafter"

Page 4, line 30, after the period, insert "You understand and agree that the funds received from this nonrecourse civil litigation funding must not be used to pay for litigation costs related to your underlying legal claim."

Page 5, line 18, delete "Upon written request of a non-English speaking consumer,"

Page 5, line 19, after the first "in" insert "both English and"

Page 6, line 7, after "COMMISSIONER'S" insert "ENFORCEMENT" and delete "AND DUTIES"

Page 6, delete subdivisions 1 and 2 and insert:

"The commissioner may take action that is necessary or appropriate to enforce the provisions of this chapter and the commissioner's rules and orders and to protect consumers in this state. The commissioner has the enforcement authority in chapter 45 available to enforce the provisions of this chapter and any rules adopted under it."

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

The report was adopted.

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

H. F. No. 3059, A bill for an act relating to health; modifying mandatory reporting requirements related to pregnant women; amending Minnesota Statutes 2008, section 626.5561, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 626.5561, subdivision 1, is amended to read:

Subdivision 1. **Reports required.** (a) Except as provided in paragraph (b), a person mandated to report under section 626.556, subdivision 3, shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.

(b) A health care professional or a social service professional who is mandated to report under section 626.556, subdivision 3, is exempt from reporting under paragraph (a) a woman's use or consumption of tetrahydrocannabinol or alcoholic beverages during pregnancy if the professional is providing the woman with prenatal care.

(c) Any person may make a voluntary report if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive. An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required to report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the local welfare agency. Any report shall be of sufficient content to identify the pregnant woman, the nature and extent of the use, if known, and the name and address of the reporter.

(d) For purposes of this section, "prenatal care" means the comprehensive package of medical and psychological support provided throughout the pregnancy."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety Policy and Oversight.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 3061, A bill for an act relating to solid waste; amending Minnesota's waste management hierarchy; amending Minnesota Statutes 2008, section 115A.02.

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

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 3067, A bill for an act relating to waters; modifying watershed plan provisions; amending Minnesota Statutes 2008, section 103B.231, subdivisions 7, 9, 11; repealing Minnesota Statutes 2008, section 103B.231, subdivision 8.

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

The report was adopted.

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

H. F. No. 3086, A bill for an act relating to health; providing for access to health records by surviving domestic partners; including domestic partners in provisions governing health care rights, consent to autopsies, and anatomical gifts; amending Minnesota Statutes 2008, sections 144.291, subdivision 2; 144.294, subdivision 1;

144.334; 144.651, subdivisions 2, 28; 144A.161, subdivision 1; 144A.75, subdivision 7; 253B.03, subdivision 6; 390.11, subdivision 2; 390.32, subdivision 3; 525A.02, subdivision 6, by adding a subdivision; 525A.09; Minnesota Statutes 2009 Supplement, section 13.384, subdivision 3.

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

The report was adopted.

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

H. F. No. 3088, A bill for an act relating to human services; making changes to children and family services technical and policy provisions; Minnesota family investment program and adult supports; early childhood development; child welfare; amending Minnesota Statutes 2008, sections 119B.189, by adding subdivisions; 119B.19, subdivision 7; 119B.21, as amended; 245A.04, subdivision 11; 256.01, by adding a subdivision; 256.046, subdivision 1; 256.82, subdivision 3; 256.98, subdivision 8; 256J.24, subdivisions 3, 5a, 10; 256J.37, subdivision 3a; 256J.425, subdivision 5; 260C.007, subdivision 4; 260C.193, subdivision 6; 260C.201, subdivision 10; 260C.451; 626.556, subdivision 10; Minnesota Statutes 2009 Supplement, sections 256D.44, subdivision 3; 256J.24, subdivision 5; 256J.425, subdivision 2; 256J.521, subdivision 2; 256J.561, subdivision 3; 256J.66, subdivision 1; 256J.95, subdivisions 3, 11; 260.012; 260C.212, subdivision 7; repealing Minnesota Statutes 2008, section 256.82, subdivision 5; Minnesota Rules, part 9560.0660.

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

The report was adopted.

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

H. F. No. 3098, A bill for an act relating to health; modifying provisions for the statewide trauma system; amending Minnesota Statutes 2008, sections 144.603; 144.605, subdivisions 2, 3, by adding a subdivision; 144.608, subdivision 1, by adding a subdivision; 145.61, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2008, section 144.607.

Reported the same back with the following amendments:

Pages 5 to 7, delete sections 7 and 8

Page 7, line 32, delete "9" and insert "7"

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 3101, A bill for an act relating to veterans; expanding the eligible uses of money in the Minnesota "Support Our Troops" account; amending Minnesota Statutes 2009 Supplement, section 190.19, subdivision 2a.

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

The report was adopted.

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

H. F. No. 3111, A bill for an act relating to elections; requiring use of a ballot board to process absentee ballots; permitting absentee ballots to be counted starting on the fourth day prior to an election; modifying other absentee ballot processing procedures; amending Minnesota Statutes 2008, sections 201.061, subdivision 4; 203B.04, subdivision 1; 203B.05, subdivision 1; 203B.07, subdivisions 2, 3; 203B.08, subdivisions 2, 3; 203B.125; 203B.23, subdivisions 1, 2; 203B.24, subdivision 1; 203B.26; 204B.45, subdivision 2; 204C.32, subdivision 1; 204C.33, subdivisions 1, 3; 205.065, subdivision 5; 205.185, subdivision 3; 205A.03, subdivision 4; 205A.10, subdivision 3; 206.89, subdivision 2; 208.05; Minnesota Statutes 2009 Supplement, section 204B.46; proposing coding for new law in Minnesota Statutes, chapter 203B; repealing Minnesota Statutes 2008, sections 203B.10; 203B.12, subdivisions 1, 2, 3, 4, 6; 203B.13, subdivisions 1, 2, 3, 4; 203B.25.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 201.061, subdivision 4, is amended to read:

Subd. 4. **Registration by election judges; procedures.** Registration at the polling place on election day shall be conducted by the election judges. Before registering an individual to vote at the polling place, the election judge must review any list of absentee election day registrants provided by the county auditor or municipal clerk to see if the person has already voted by absentee ballot. If the person's name appears on the list, the election judge must not allow the individual to register or to vote in the polling place. The election judge who registers an individual at the polling place on election day shall not handle that voter's ballots at any time prior to the opening of the ballot box after the voting ends. Registration applications and forms for oaths shall be available at each polling place. If an individual who registers on election day proves residence by oath of a registered voter, the form containing the oath shall be attached to the individual's registration application. Registration applications completed on election day shall be forwarded to the county auditor who shall add the name of each voter to the registration system unless the information forwarded is substantially deficient. A county auditor who finds an election day registration substantially deficient shall give written notice to the individual whose registration is found deficient. An election day registration shall not be found deficient solely because the individual who provided proof of residence was ineligible to do so.

Sec. 2. Minnesota Statutes 2008, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **Application procedures.** Except as otherwise allowed by subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided by the secretary of state, ~~notwithstanding rules on absentee ballot forms~~, and shall furnish them to any

person on request. By January 1 of each even-numbered year, the secretary of state shall make the forms to be used available to auditors through electronic means. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

(a) (1) the county auditor of the county where the applicant maintains residence; or

(b) (2) the municipal clerk of the municipality, or school district if applicable, where the applicant maintains residence.

An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, ~~and states~~ date of birth, and at least one of the following:

(1) the applicant's Minnesota driver's license number;

(2) Minnesota state identification card number;

(3) the last four digits of the applicant's Social Security number; or

(4) a statement that the applicant does not have any of these numbers.

To be approved, the application must state that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02. The application may contain a request for the voter's date of birth, which, and must contain an oath that the information contained on the form is accurate, that the applicant is applying on the applicant's own behalf, and that the applicant is signing the form under penalty of perjury.

An applicant's full date of birth, Minnesota driver's license or state identification number, and the last four digits of the applicant's Social Security number must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

An application under this subdivision may contain an application under subdivision 5 to automatically receive an absentee ballot application.

Sec. 3. Minnesota Statutes 2008, section 203B.05, subdivision 1, is amended to read:

Subdivision 1. **Generally.** The full-time clerk of any city or town shall administer the provisions of sections 203B.04 to 203B.15 if:

(a) (1) the county auditor of that county has designated the clerk to administer them; or

(b) (2) the clerk has given the county auditor of that county notice of intention to administer them.

A clerk may only administer the provisions of sections 203B.04 to 203B.15 if the clerk has technical capacity to access the statewide voter registration system in the secure manner prescribed by the secretary of state. The secretary of state must identify hardware, software, security, or other technical prerequisites necessary to ensure the security, access controls, and performance of the statewide voter registration system. A clerk must receive training approved by the secretary of state on the use of the statewide voter registration system before administering this section. A clerk may not use the statewide voter registration system until the clerk has received the required training.

Sec. 4. [203B.065] USING THE REGISTRATION SYSTEM.

Upon accepting an application for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide voter registration system the voter's name, date of birth, address of residence in Minnesota, mailing address, Minnesota driver's license or state identification number, or the last four digits of the voter's Social Security number, if provided by the voter. Upon acceptance of an absentee ballot application of a voter who is registered to vote at an address different from the residential address certified on the absentee ballot application, the voter registration record with the previous address shall be challenged. Once the absentee ballot has been transmitted to the voter, the method of transmission and the date of transmission must be recorded.

Upon receipt of a returned absentee ballot for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide voter registration system that the voter has returned the ballot.

Upon receipt of notice that the ballot board has accepted or rejected the absentee ballot for a state primary or state general election, the county auditor or municipal clerk shall record in the statewide voter registration system whether the ballot was accepted or rejected, and if rejected, the reason for rejection. If a replacement ballot is transmitted to the voter, the county auditor or municipal clerk shall record this in the statewide voter registration system.

The labels provided for envelopes used for transmitting an absentee ballot to and from an applicant for an absentee ballot for a state primary or state general election must contain bar codes generated by the statewide voter registration system to facilitate the recording required under this section. A county auditor or municipal clerk entering information into the statewide voter registration system under this section must include the information provided on the bar code label whenever information is entered into the system.

Sec. 5. Minnesota Statutes 2008, section 203B.07, subdivision 2, is amended to read:

Subd. 2. **Design of envelopes.** The return envelope shall be of sufficient size to conveniently enclose and contain the ballot envelope and a folded voter registration application. The return envelope shall be designed to open on the left-hand end. ~~If the voter was not previously registered,~~ The return envelope must be designed in one of the following ways:

(1) it must be of sufficient size to contain an additional envelope that when sealed, conceals the signature, identification, and other information; or

(2) it must provide an additional flap that when sealed, conceals the signature, identification, and other information.

Election officials may open the flap or the additional envelope at any time after receiving the returned ballot to inspect the returned certificate for completeness or to ascertain other information.

Sec. 6. Minnesota Statutes 2008, section 203B.07, subdivision 3, is amended to read:

Subd. 3. **Eligibility certificate.** A certificate of eligibility to vote by absentee ballot shall be printed on the back of the return envelope. The certificate shall contain space for the voter's Minnesota driver's license number, state identification number, or the last four digits of the voter's Social Security number, or to indicate that the voter does not have one of these numbers. The space must be designed to ensure that the voter provides the same type of identification as provided on the voter's absentee ballot application for purposes of comparison. The certificate must also contain a statement to be signed and sworn by the voter indicating that the voter meets all of the requirements

established by law for voting by absentee ballot. ~~the certificate shall also contain~~ and space for a statement signed by a person who is registered to vote in Minnesota or by a notary public or other individual authorized to administer oaths stating that:

(1) the ballots were displayed to that individual unmarked;

(2) the voter marked the ballots in that individual's presence without showing how they were marked, or, if the voter was physically unable to mark them, that the voter directed another individual to mark them; and

(3) if the voter was not previously registered, the voter has provided proof of residence as required by section 201.061, subdivision 3.

Sec. 7. Minnesota Statutes 2008, section 203B.08, subdivision 2, is amended to read:

Subd. 2. **Address on return envelopes.** The county auditor or municipal clerk shall address return envelopes to allow direct mailing of the absentee ballots to:

~~(a) the county auditor or municipal clerk who sent the ballots to the voter;~~ has the responsibility to accept and reject the absentee ballots.

~~(b) the clerk of the town or city in which the absent voter is eligible to vote; or~~

~~(c) the appropriate election judges.~~

Sec. 8. Minnesota Statutes 2008, section 203B.08, subdivision 3, is amended to read:

Subd. 3. **Procedures on receipt of ballots.** When absentee ballots are returned to a county auditor or municipal clerk, that official shall stamp or initial and date the return envelope and place it in a secure location with other return envelopes received by that office. ~~Within five days after receipt, the county auditor or municipal clerk shall deliver to the appropriate election judges on election day all ballots received before or with the last mail delivery by the United States Postal Service on election day. A town clerk may request the United States Postal Service to deliver absentee ballots to the polling place on election day instead of to the official address of the town clerk ballot board all ballots received, except that during the 14 days immediately preceding an election, the county auditor or municipal clerk shall deliver all ballots received to the ballot board within three days.~~

Sec. 9. **[203B.121] BALLOT BOARDS.**

Subdivision 1. **Establishment; applicable laws.** (a) The governing body of each county, municipality, and school district with responsibility to accept and reject absentee ballots must, by ordinance or resolution, establish a ballot board. The board must consist of a sufficient number of election judges trained in the handling of absentee ballots and appointed as provided in sections 204B.19 to 204B.22. The board may include staff trained as election judges.

(b) Each jurisdiction must pay a reasonable compensation to each member of that jurisdiction's ballot board for services rendered during an election.

(c) Except as otherwise provided by this section, all provisions of the Minnesota Election Law apply to a ballot board.

Subd. 2. **Duties of ballot board; absentee ballots.** (a) The members of the ballot board shall take possession of all return envelopes delivered to them in accordance with section 203B.08. Upon receipt from the county auditor, municipal clerk, or school district clerk, two or more members of the ballot board shall examine each return

envelope and shall mark it accepted or rejected in the manner provided in this subdivision. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10, subdivision 2.

(b) The members of the ballot board shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if a majority of the members of the ballot board examining the envelope are satisfied that:

(1) the voter's name and address on the return envelope are the same as the information provided on the absentee ballot application;

(2) the voter signed the certification on the envelope;

(3) the voter's Minnesota driver's license, state identification number, or the last four digits of the voter's Social Security number are the same as the number provided on the voter's application for ballots. If the number does not match the number as submitted on the application, or if a number was not submitted on the application, the election judges must compare the signature provided by the applicant to determine whether the ballots were returned by the same person to whom they were transmitted;

(4) the voter is registered and eligible to vote in the precinct or has included a properly completed voter registration application in the return envelope; and

(5) the voter has not already voted at that election, either in person or, if it is after the close of business on the fourth day before the election, by absentee ballot.

The return envelope from accepted ballots must be preserved and returned to the county auditor.

(c)(1) If a majority of the members of the ballot board examining a return envelope find that an absentee voter has failed to meet one of the requirements provided in paragraph (b), they shall mark the return envelope "Rejected," initial or sign it below the word "Rejected," list the reason for the rejection on the envelope, and return it to the county auditor. There is no other reason for rejecting an absentee ballot beyond those permitted by this section. Failure to place the ballot within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

(2) If an envelope has been rejected at least five days before the election, the envelope must remain sealed and the official in charge of the ballot board shall provide the voter with a replacement absentee ballot and return envelope in place of the rejected ballot.

(3) If an envelope is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

(d) The official in charge of the absentee ballot board must mail the voter a written notice of absentee ballot rejection between six and ten weeks following the election. If the official determines that the voter has otherwise cast a ballot in the election, no notice is required. If an absentee ballot arrives after the deadline for submission provided by this chapter, the notice must be provided between six to ten weeks after receipt of the ballot. A notice of absentee ballot rejection must contain the following information:

(1) the date on which the absentee ballot was rejected or, if the ballot was received after the required deadline for submission, the date on which the ballot was received;

(2) the reason for rejection; and

(3) the name of the appropriate election official to whom the voter may direct further questions, along with appropriate contact information.

(e) An absentee ballot return envelope marked "Rejected" may not be opened or subject to further review except in an election contest filed pursuant to chapter 209.

Subd. 3. **Record of voting.** (a) When applicable, the county auditor or municipal clerk must immediately record that a voter's absentee ballot has been accepted. After the close of business on the fourth day before the election, a voter whose record indicates that an absentee ballot has been accepted must not be permitted to cast another ballot at that election. In a state primary, general, or state special election for federal or state office, the auditor or clerk must also record this information in the statewide voter registration system.

(b) The roster must be marked, and a supplemental report of absentee voters who submitted a voter registration application with their ballot must be created, no later than the start of voting on election day to indicate the voters that have already cast a ballot at the election. The roster may be marked either:

(1) by the county auditor or municipal clerk before election day;

(2) by the ballot board before election day; or

(3) by the election judges at the polling place on election day.

The record of a voter whose absentee ballot was received after the close of business on the fourth day before the election is not required to be marked on the roster or contained in a supplemental report as required by this paragraph.

Subd. 4. **Opening of envelopes.** After the close of business on the fourth day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided in section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited in the appropriate ballot box. If more than one ballot is enclosed in the ballot envelope, the ballots must be returned in the manner provided by section 204C.25 for return of spoiled ballots, and may not be counted.

Subd. 5. **Storage and counting of absentee ballots.** (a) On a day on which absentee ballots are inserted into a ballot box, two members of the ballot board must:

(1) remove the ballots from the ballot box at the end of the day;

(2) without inspecting the ballots, ensure that the number of ballots removed from the ballot box is equal to the number of voters whose absentee ballots were accepted that day; and

(3) seal and secure all voted and unvoted ballots present in that location at the end of the day.

(b) After the polls have closed on election day, two members of the ballot board must count the ballots, tabulating the vote in a manner that indicates each vote of the voter and the total votes cast for each candidate or question. In state primary and state general elections, the results must indicate the total votes cast for each candidate or question in each precinct and report the vote totals tabulated for each precinct. The count shall be public. No vote totals from ballots may be made public before the close of voting on election day.

In state primary and state general elections, these vote totals shall be added to the vote totals on the summary statements of the returns for the appropriate precinct. In other elections, these vote totals may be added to the vote totals on the summary statement of returns for the appropriate precinct or may be reported as a separate total.

(c) In addition to the requirements of paragraphs (a) and (b), if the task has not been completed previously, the members of the ballot board must verify as soon as possible, but no later than 24 hours after the end of the hours for voting, that voters whose absentee ballots arrived after the rosters were marked or supplemental reports were generated and whose ballots were accepted did not vote in person on election day. An absentee ballot submitted by a voter who has voted in person on election day must be rejected. All other accepted absentee ballots must be opened, duplicated if necessary, and counted by members of the ballot board. The vote totals from these ballots must be incorporated into the totals with the other absentee ballots and handled according to paragraph (b).

**EFFECTIVE DATE.** Subdivision 1 is effective the day following final enactment. Subdivision 2, paragraph (d), is effective October 28, 2010. The remainder of this section is effective June 25, 2010.

Sec. 10. Minnesota Statutes 2008, section 203B.125, is amended to read:

**203B.125 SECRETARY OF STATE TO MAKE RULES.**

The secretary of state shall adopt rules establishing methods and procedures for issuing ballot cards and related absentee forms to be used as provided in section 203B.08, subdivision 1a, and for the reconciliation of voters and ballot cards before tabulation under section ~~203B.12~~ 204C.20, subdivision 1.

Sec. 11. Minnesota Statutes 2008, section 203B.23, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The county auditor must establish an absentee ballot board for ballots issued under sections 203B.16 to 203B.27. The board may consist of staff trained and certified as election judges, in which case, the board is exempt from sections 204B.19, subdivision 5, and 204C.15, relating to party balance in appointment of judges and to duties to be performed by judges of different major political parties.

Sec. 12. Minnesota Statutes 2008, section 203B.23, subdivision 2, is amended to read:

Subd. 2. **Duties.** The absentee ballot board must examine all returned absentee ballot envelopes for ballots issued under sections 203B.16 to 203B.27 and accept or reject the absentee ballots in the manner provided in section 203B.24. If the certificate of voter eligibility is not printed on the return or administrative envelope, the certificate must be attached to the ballot secrecy envelope.

The absentee ballot board must immediately examine the return envelopes and mark them "accepted" or "rejected" during the 30 days before the election. If an envelope has been rejected at least five days before the election, the ballots in the envelope must be considered spoiled ballots and the official in charge of the absentee ballot board must provide the voter with a replacement absentee ballot and return envelope in place of the spoiled ballot.

If a county has delegated the responsibility for administering absentee balloting to a municipality under section 203B.05, accepted absentee ballots must be delivered to the appropriate municipality's absentee ballot board. The absentee ballot board with the authority to open and count the ballots must do so in accordance with section 203B.121, subdivisions 4 and 5.

Sec. 13. Minnesota Statutes 2008, section 203B.24, subdivision 1, is amended to read:

Subdivision 1. **Check of voter eligibility; proper execution of certificate.** Upon receipt of an absentee ballot returned as provided in sections 203B.16 to 203B.27, the election judges shall compare the voter's name with the names recorded under section 203B.19 in the statewide registration system to insure that the ballot is from a voter eligible to cast an absentee ballot under sections 203B.16 to 203B.27. The election judges shall mark the return envelope "Accepted" and initial or sign the return envelope below the word "Accepted" if the election judges are satisfied that:

(1) the voter's name on the return envelope appears in substantially the same form as on the application records provided to the election judges by the county auditor;

(2) the voter has signed the federal oath prescribed pursuant to section 705(b)(2) of the Help America Vote Act, Public Law 107-252;

(3) the voter has set forth the same voter's passport number, or Minnesota driver's license or state identification card number, or the last four digits of the voter's Social Security number as submitted on the application, if the voter has one of these documents; ~~and~~

(4) the voter is not known to have died; and

(5) the voter has not already voted at that election, either in person or by absentee ballot.

If the identification number described in clause (3) does not match the number as submitted on the application, the election judges must make a reasonable effort to satisfy themselves through other information provided by the applicant, or by an individual authorized to apply on behalf of the voter, that the ballots were returned by the same person to whom the ballots were transmitted.

An absentee ballot cast pursuant to sections 203B.16 to 203B.27 may only be rejected for the lack of one of clauses (1) to ~~(4)~~ (5). In particular, failure to place the ballot within the security envelope before placing it in the outer white envelope is not a reason to reject an absentee ballot.

Election judges must note the reason for rejection on the back of the envelope in the space provided for that purpose.

Failure to return unused ballots shall not invalidate a marked ballot, but a ballot shall not be counted if the certificate on the return envelope is not properly executed. In all other respects the provisions of the Minnesota Election Law governing deposit and counting of ballots shall apply. Notwithstanding other provisions of this section, the counting of the absentee ballot of a deceased voter does not invalidate the election.

Sec. 14. Minnesota Statutes 2008, section 203B.26, is amended to read:

#### **203B.26 SEPARATE RECORD.**

A separate record of the ballots of absent voters cast under sections 203B.16 to 203B.27 must be generated from the statewide registration system for each precinct and ~~provided to the election judges in the polling place on election day, along with the returned envelopes marked "accepted" by the absentee ballot board. The content of the record must be in a form prescribed by the secretary of state. The election judges in the polling place must note on the record any envelopes that had been marked "accepted" by the absentee ballot board but were not counted. The election judges must preserve the record and return it to the county auditor or municipal clerk with the election day retained with the other election materials.~~

Sec. 15. [203B.28] POSTELECTION REPORT TO LEGISLATURE.

By March 1, 2011, and by January 15 of every odd-numbered year thereafter, the secretary of state shall provide to the chair and ranking minority members of the legislative committees with jurisdiction over elections a statistical report related to absentee voting in the most recent general election cycle. The statistics must be organized by county and precinct, and include:

(1) the number of absentee ballots transmitted to voters;

(2) the number of absentee ballots returned by voters;

(3) the number of absentee ballots that were rejected, categorized by the reason for rejection;

(4) the number of absentee ballots submitted pursuant to sections 203B.16 to 203B.27, along with the number of returned ballots that were accepted, rejected, and the reason for any rejections; and

(5) the number of absentee ballots that were not counted because the ballot return envelope was received after the deadlines provided in this chapter.

Sec. 16. Minnesota Statutes 2008, section 204B.45, subdivision 2, is amended to read:

Subd. 2. **Procedure.** Notice of the election and the special mail procedure must be given at least six weeks prior to the election. Not more than 30 days nor later than 14 days prior to the election, the auditor shall mail ballots by nonforwardable mail to all voters registered in the town or unorganized territory. No later than 14 days before the election, the auditor must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots as provided in chapter 203B. Ballot return envelopes, with return postage provided, must be preaddressed to the auditor or clerk and the voter may return the ballot by mail or in person to the office of the auditor or clerk. The auditor or clerk ~~may~~ must appoint ~~election judges~~ a ballot board to examine the return envelopes and mark them "accepted" or "rejected" ~~during the 30 days before the election,~~ within three days of receipt if there are 14 or fewer days before election day, or within five days of receipt if there are more than 14 days before election day. The board may consist of staff trained as election judges. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at least five days before the election, the ballots in the envelope must ~~be considered spoiled ballots~~ remain sealed and the auditor or clerk shall provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. If the ballot is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

If the ballot is accepted, the county auditor or municipal clerk must mark the roster to indicate that the voter has already cast a ballot in that election. After the close of business on the fourth day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided by section 206.86, subdivision 5, initialed by the members of the ballot board, and deposited in the ballot box.

In all other respects, the provisions of the Minnesota Election Law governing deposit and counting of ballots apply.

No vote totals from mail or absentee ballots may be made public before the close of voting on election day.

The costs of the mailing shall be paid by the election jurisdiction in which the voter resides. Any ballot received by 8:00 p.m. on the day of the election must be counted.

Sec. 17. Minnesota Statutes 2008, section 204B.46, as amended by Laws 2010, chapter 180, section 4, is amended to read:

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

A county, municipality, or school district submitting questions to the voters at a special election may conduct an election by mail with no polling place other than the office of the auditor or clerk. No more than two questions may be submitted at a mail election and no offices may be voted on. Notice of the election must be given to the county auditor at least 53 days prior to the election. This notice shall also fulfill the requirements of Minnesota Rules, part 8210.3000. The special mail ballot procedures must be posted at least six weeks prior to the election. Not more than 30 nor later than 14 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county, municipality, or school district. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B. The auditor or clerk must appoint a ballot board to examine the return envelopes and mark them "Accepted" or "Rejected" within three days of receipt if there are 14 or fewer days before election day, or within five days of receipt if there are more than 14 days before election day. The board may consist of staff trained as election judges. Election judges performing the duties in this section must be of different major political parties, unless they are exempt from that requirement under section 205.075, subdivision 4, or section 205A.10. If an envelope has been rejected at least five days before the election, the ballots in the envelope must remain sealed and the auditor or clerk must provide the voter with a replacement ballot and return envelope in place of the spoiled ballot. If the ballot is rejected within five days of the election, the envelope must remain sealed and the official in charge of the ballot board must attempt to contact the voter by telephone or e-mail to notify the voter that the voter's ballot has been rejected. The official must document the attempts made to contact the voter.

If the ballot is accepted, the county auditor or municipal clerk must mark the roster to indicate that the voter has already cast a ballot in that election. After the close of business on the fourth day before the election, the ballots from return envelopes marked "Accepted" may be opened, duplicated as needed in the manner provided by section 206.86, subdivision 5, initialed by the ballot board, and deposited in the appropriate ballot box.

In all other respects, the provisions of the Minnesota Election Law governing deposit and counting of ballots apply.

No vote totals from ballots may be made public before the close of voting on election day.

Sec. 18. Minnesota Statutes 2008, section 204C.32, subdivision 1, is amended to read:

Subdivision 1. **County canvass.** The county canvassing board shall meet at the county auditor's office on ~~or before~~ the third day following the state primary. After taking the oath of office, the canvassing board shall publicly canvass the election returns delivered to the county auditor. The board shall complete the canvass ~~no later than~~ on the third day following the state primary and shall promptly prepare and file with the county auditor a report that states:

- (a) the number of individuals voting at the election in the county, and in each precinct;
- (b) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;
- (c) for each major political party, the names of the candidates running for each partisan office and the number of votes received by each candidate in the county and in each precinct;

(d) the names of the candidates of each major political party who are nominated; and

(e) the number of votes received by each of the candidates for nonpartisan office in each precinct in the county and the names of the candidates nominated for nonpartisan office.

Upon completion of the canvass, the county auditor shall mail or deliver a notice of nomination to each nominee for county office voted for only in that county. The county auditor shall transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass. The secretary of state shall mail a notice of nomination to each nominee for state or federal office.

Sec. 19. Minnesota Statutes 2008, section 204C.33, subdivision 1, is amended to read:

Subdivision 1. **County canvass.** The county canvassing board shall meet at the county auditor's office ~~on or before the seventh day~~ between the third and tenth days following the state general election. After taking the oath of office, the board shall promptly and publicly canvass the general election returns delivered to the county auditor. Upon completion of the canvass, the board shall promptly prepare and file with the county auditor a report which states:

(a) the number of individuals voting at the election in the county and in each precinct;

(b) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;

(c) the names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct, including write-in candidates for state and federal office who have requested under section 204B.09 that votes for those candidates be tallied;

(d) the number of votes counted for and against a proposed change of county lines or county seat; and

(e) the number of votes counted for and against a constitutional amendment or other question in the county and in each precinct.

The result of write-in votes cast on the general election ballots must be compiled by the county auditor before the county canvass, except that write-in votes for a candidate for state or federal office must not be counted unless the candidate has timely filed a request under section 204B.09, subdivision 3. The county auditor shall arrange for each municipality to provide an adequate number of election judges to perform this duty or the county auditor may appoint additional election judges for this purpose. The county auditor may open the envelopes or containers in which the voted ballots have been sealed in order to count and record the write-in votes and must reseal the voted ballots at the conclusion of this process.

Upon completion of the canvass, the county canvassing board shall declare the candidate duly elected who received the highest number of votes for each county and state office voted for only within the county. The county auditor shall transmit one of the certified copies of the county canvassing board report for state and federal offices to the secretary of state by express mail or similar service immediately upon conclusion of the county canvass.

Sec. 20. Minnesota Statutes 2008, section 204C.33, subdivision 3, is amended to read:

Subd. 3. **State canvass.** The State Canvassing Board shall meet at the secretary of state's office on the ~~second~~ third Tuesday following the state general election to canvass the certified copies of the county canvassing board reports received from the county auditors and shall prepare a report that states:

- (a) the number of individuals voting in the state and in each county;
- (b) the number of votes received by each of the candidates, specifying the counties in which they were cast; and
- (c) the number of votes counted for and against each constitutional amendment, specifying the counties in which they were cast.

All members of the State Canvassing Board shall sign the report and certify its correctness. The State Canvassing Board shall declare the result within three days after completing the canvass.

Sec. 21. Minnesota Statutes 2008, section 205.065, subdivision 5, is amended to read:

Subd. 5. **Results.** The municipal primary shall be conducted and the returns made in the manner provided for the state primary so far as practicable. ~~Within two days~~ On the third day after the primary, the governing body of the municipality shall canvass the returns, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to the office, who receive the highest number of votes, shall be the nominees for the office named. Their names shall be certified to the municipal clerk who shall place them on the municipal general election ballot without partisan designation and without payment of an additional fee.

Sec. 22. Minnesota Statutes 2008, section 205.185, subdivision 3, is amended to read:

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** (a) ~~Within seven days~~ Between the third and tenth days after an election, the governing body of a city conducting any election including a special municipal election, or the governing body of a town conducting the general election in November shall act as the canvassing board, canvass the returns, and declare the results of the election. The governing body of a town conducting the general election in March shall act as the canvassing board, canvass the returns, and declare the results of the election within two days after an election.

(b) After the time for contesting elections has passed, the municipal clerk shall issue a certificate of election to each successful candidate. In case of a contest, the certificate shall not be issued until the outcome of the contest has been determined by the proper court.

(c) In case of a tie vote, the canvassing board having jurisdiction over the municipality shall determine the result by lot. The clerk of the canvassing board shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

Sec. 23. Minnesota Statutes 2008, section 205A.03, subdivision 4, is amended to read:

Subd. 4. **Results.** The school district primary must be conducted and the returns made in the manner provided for the state primary as far as practicable. ~~Within two days~~ On the third day after the primary, the school board of the school district shall canvass the returns, and the two candidates for each specified school board position who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to at-large school board positions who receive the highest number of votes, are the nominees for the office named. Their names must be certified to the school district clerk who shall place them on the school district general election ballot without partisan designation and without payment of an additional fee.

Sec. 24. Minnesota Statutes 2008, section 205A.10, subdivision 3, is amended to read:

Subd. 3. **Canvass of returns, certificate of election, ballots, disposition.** ~~Within seven days~~ Between the third and tenth days after a school district election other than a recount of a special election conducted under section 126C.17, subdivision 9, or 475.59, the school board shall canvass the returns and declare the results of the election. After the time for contesting elections has passed, the school district clerk shall issue a certificate of election to each

successful candidate. If there is a contest, the certificate of election to that office must not be issued until the outcome of the contest has been determined by the proper court. If there is a tie vote, the school board shall determine the result by lot. The clerk shall deliver the certificate of election to the successful candidate by personal service or certified mail. The successful candidate shall file an acceptance and oath of office in writing with the clerk within 30 days of the date of mailing or personal service. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but that filing may be made at any time before action to fill the vacancy has been taken. The school district clerk shall certify the results of the election to the county auditor, and the clerk shall be the final custodian of the ballots and the returns of the election.

A school district canvassing board shall perform the duties of the school board according to the requirements of this subdivision for a recount of a special election conducted under section 126C.17, subdivision 9, or 475.59.

Sec. 25. Minnesota Statutes 2008, section 206.89, subdivision 2, is amended to read:

Subd. 2. **Selection for review; notice.** At the canvass of the state primary, the county canvassing board in each county must set the date, time, and place for the postelection review of the state general election to be held under this section.

At the canvass of the state general election, the county canvassing boards must select the precincts to be reviewed by lot. Ballots counted centrally by a ballot board shall be considered one precinct eligible to be selected for purposes of this subdivision. The county canvassing board of a county with fewer than 50,000 registered voters must conduct a postelection review of a total of at least two precincts. The county canvassing board of a county with between 50,000 and 100,000 registered voters must conduct a review of a total of at least three precincts. The county canvassing board of a county with over 100,000 registered voters must conduct a review of a total of at least four precincts, or three percent of the total number of precincts in the county, whichever is greater. At least one precinct selected in each county must have had more than 150 votes cast at the general election.

The county auditor must notify the secretary of state of the precincts that have been chosen for review and the time and place the postelection review for that county will be conducted, as soon as the decisions are made. If the selection of precincts has not resulted in the selection of at least four precincts in each congressional district, the secretary of state may require counties to select by lot additional precincts to meet the congressional district requirement. The secretary of state must post this information on the office Web site.

Sec. 26. Minnesota Statutes 2008, section 208.05, is amended to read:

#### **208.05 STATE CANVASSING BOARD.**

The State Canvassing Board at its meeting on the ~~second Tuesday after each state general election date provided in section 204C.33~~ shall open and canvass the returns made to the secretary of state for presidential electors and alternates, prepare a statement of the number of votes cast for the persons receiving votes for these offices, and declare the person or persons receiving the highest number of votes for each office duly elected. When it appears that more than the number of persons to be elected as presidential electors or alternates have the highest and an equal number of votes, the secretary of state, in the presence of the board shall decide by lot which of the persons shall be declared elected. The governor shall transmit to each person declared elected a certificate of election, signed by the governor, sealed with the state seal, and countersigned by the secretary of state.

Sec. 27. **REPEALER.**

Minnesota Statutes 2008, sections 203B.10; 203B.12, subdivisions 1, 2, 3, 4, and 6; 203B.13, subdivisions 1, 2, 3, and 4; and 203B.25, are repealed.

Sec. 28. **EFFECTIVE DATE.**

Sections 1 to 8 and 10 to 27 are effective June 25, 2010."

Delete the title and insert:

"A bill for an act relating to elections; requiring use of a ballot board to process absentee ballots; permitting absentee ballots to be counted starting on the fourth day prior to an election; modifying other absentee ballot processing procedures; amending Minnesota Statutes 2008, sections 201.061, subdivision 4; 203B.04, subdivision 1; 203B.05, subdivision 1; 203B.07, subdivisions 2, 3; 203B.08, subdivisions 2, 3; 203B.125; 203B.23, subdivisions 1, 2; 203B.24, subdivision 1; 203B.26; 204B.45, subdivision 2; 204B.46, as amended; 204C.32, subdivision 1; 204C.33, subdivisions 1, 3; 205.065, subdivision 5; 205.185, subdivision 3; 205A.03, subdivision 4; 205A.10, subdivision 3; 206.89, subdivision 2; 208.05; proposing coding for new law in Minnesota Statutes, chapter 203B; repealing Minnesota Statutes 2008, sections 203B.10; 203B.12, subdivisions 1, 2, 3, 4, 6; 203B.13, subdivisions 1, 2, 3, 4; 203B.25."

With the recommendation that when so amended the bill pass.

The report was adopted.

Mariani from the Committee on K-12 Education Policy and Oversight to which was referred:

H. F. No. 3115, A bill for an act relating to education; requiring statewide physical education standards; requiring a report; establishing a healthy kids awards program; amending Minnesota Statutes 2008, section 120B.021, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 121A.

Reported the same back with the following amendments:

Page 2, delete lines 19 to 20 and insert:

**"EFFECTIVE DATE.** This section is effective the day following final enactment and applies to all school districts and charter schools beginning in the 2012-2013 school year and later. A school district or charter school may implement state physical education standards in an earlier school year than the 2012-2013 school year if it has adopted physical education standards equivalent to the standards developed by the National Association for Sport and Physical Education under section 4 on the effective date of this act, or if it is scheduled to undertake the periodic review of its local physical education standards under Minnesota Statutes, section 120B.023, subdivision 2, paragraph (g), in a school year before the 2012-2013 school year, it may implement state physical education standards consistent with section 4 in an earlier school year."

Page 2, after line 20, insert:

"Sec. 2. Minnesota Statutes 2009 Supplement, section 120B.023, subdivision 2, is amended to read:

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

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

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

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

The commissioner also must ensure that the statewide mathematics assessments administered to students in grades 3 through 8 and 11 are aligned with the state academic standards in mathematics, consistent with section 120B.30, subdivision 1, paragraph (b). The commissioner must implement a review of the academic standards and related benchmarks in mathematics beginning in the 2015-2016 school year.

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

(d) The commissioner in the 2008-2009 school year must revise and align the state's academic standards and high school graduation requirements in science to require that students satisfactorily complete the revised science standards, beginning in the 2011-2012 school year. Under the revised standards, students scheduled to graduate in the 2014-2015 school year or later must satisfactorily complete a chemistry or physics credit. The commissioner must implement a review of the academic standards and related benchmarks in science beginning in the 2017-2018 school year.

(e) The commissioner in the 2009-2010 school year must revise and align the state's academic standards and high school graduation requirements in language arts to require that students satisfactorily complete the revised language arts standards beginning in the 2012-2013 school year. The commissioner must implement a review of the academic standards and related benchmarks in language arts beginning in the 2018-2019 school year.

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

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

(h) The commissioner in the 2013-2014 school year and later must use the good cause exemption, consistent with section 14.388, subdivision 1, clause (3), to amend the rules governing state physical education standards to conform the state standards to changes in the standards developed by the National Association for Sport and Physical Education.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to all school districts and charter schools beginning in the 2012-2013 school year and later, except that paragraph (h) applies beginning in the 2013-2014 school year and later. A school district or charter school may implement state physical

education standards in an earlier school year than the 2012-2013 school year if it has adopted physical education standards equivalent to the standards developed by the National Association for Sport and Physical Education under section 4 on the effective date of this act, or if it is scheduled to undertake the periodic review of its local physical education standards under Minnesota Statutes, section 120B.023, subdivision 2, paragraph (g), in a school year before the 2012-2013 school year, it may implement state physical education standards consistent with section 4 in an earlier school year."

Page 2, line 32, after "classes" insert ", district physical education standards, and local physical education graduation requirements that"

Page 3, delete lines 1 to 3

Page 3, line 4, delete "4" and insert "3" and delete "Minnesota Statutes, section"

Page 3, delete lines 5 and 6 and insert "other laws to the contrary, the commissioner"

Page 3, line 7, after "shall" insert "initially"

Page 3, line 9, delete "Sports" and insert "Sport"

Page 3, line 10, delete "July" and insert "December"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the second semicolon, insert "requiring rulemaking;"

Correct the title numbers accordingly

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

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 3207, A bill for an act relating to natural resources; increasing cross-country ski trail pass fees and providing an exception for school activities; amending Minnesota Statutes 2008, sections 85.41, subdivision 3; 85.42.

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

The report was adopted.

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

H. F. No. 3239, A bill for an act relating to human services; making changes to licensing provisions; modifying background study requirements, disqualifications, and data classification; amending Minnesota Statutes 2008, sections 245A.07, subdivision 2a; 245A.30; 245B.05, subdivision 7; 245C.02, subdivision 18; Minnesota Statutes 2009 Supplement, sections 245A.03, subdivision 2; 245A.04, subdivisions 5, 7; 245A.07, subdivisions 1, 3; 245A.144; 245A.50, subdivision 5; 245C.15, subdivision 2; 245C.20; 245C.22, subdivision 7.

Reported the same back with the following amendments:

Page 8, line 16, delete "When determining"

Page 8, delete lines 17 to 19

Page 15, line 16, strike the first "the individual's"

Page 15, line 35, delete everything after "effective" and insert "retroactively from May 22, 2009."

Page 17, after line 28, insert:

"Sec. 15. **REPEALER.**

Minnesota Rules, part 2500.5000, is repealed."

Correct the title numbers accordingly

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

The report was adopted.

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

S. F. No. 251, A bill for an act relating to commerce; clarifying the definition of "motor vehicle" in the statutory provision deeming the driver to be the agent of the owner in case of accident; amending Minnesota Statutes 2008, section 169.09, subdivision 5a.

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. 1369, A bill for an act relating to health; consolidating and relocating nursing facility beds to a new site in Goodhue County; amending Minnesota Statutes 2008, section 144A.071, subdivision 4c.

Reported the same back with the following amendments:

Page 4, line 4, delete "57" and insert "48.5"

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

S. F. No. 2253, A bill for an act relating to capital improvements; repealing moratorium on demolition or removal of the Rock Island Bridge; repealing Laws 2009, chapter 93, article 1, section 45.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

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

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

The report was adopted.

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

S. F. No. 2475, A bill for an act relating to veterans; designating May 28 as Veterans of Foreign Wars Day; proposing coding for new law in Minnesota Statutes, chapter 197.

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

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 1692, 2060, 2599, 2612, 2629, 2825, 2859, 2969, 3017, 3061, 3067 and 3111 were read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. Nos. 2259, 251, 1369, 2253 and 2475 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Urdahl, Murdock, Gunther and Davids introduced:

H. F. No. 3304, A resolution memorializing Congress to amend the charter for the American Legion to authorize all veterans to join the Legion.

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

Abeler, Norton and Thao introduced:

H. F. No. 3305, A bill for an act relating to health professions; requiring qualification for employment as a surgical technologist; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Downey; Brod; Loon; Eastlund; Demmer; Anderson, S., and Garofalo introduced:

H. F. No. 3306, A bill for an act relating to taxation; making policy, technical, administrative, enforcement, and other changes to individual income, corporate franchise, property, aids, payments, credits, refunds, and other taxes and tax-related provisions; conforming to changes made to the Internal Revenue Code; providing an Angel investment credit and a Minnesota business investment company credit; establishing a TECHZ business program; appropriating money; amending Minnesota Statutes 2008, sections 97A.061, by adding a subdivision; 268.19, subdivision 1; 270A.03, subdivision 7; 270B.14, subdivision 3; 270B.15; 270C.52, subdivision 2; 272.02, subdivision 42, by adding a subdivision; 273.1384, by adding a subdivision; 275.71, subdivision 5; 289A.12, by adding a subdivision; 289A.50, subdivision 1; 290.01, subdivisions 6, 29; 290.06, subdivision 1, by adding a subdivision; 290.068; 290.0921, subdivisions 1, 3; 290.095, subdivision 11; 290A.03, subdivisions 11, 13; 297A.68, by adding a subdivision; 477A.013, subdivision 9; 477A.03, subdivisions 2a, 2b; 477A.12, by adding a subdivision; 477A.14, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 275.70, subdivision 5; 289A.02, subdivision 7; 289A.08, subdivision 16; 290.01, subdivisions 19, 19b, 19d, 31; 290.06, subdivision 2c; 290.091, subdivision 2; 290A.03, subdivision 15; 290C.07; 291.005, subdivision 1; 297A.75, subdivisions 1, 2; Laws 2008, chapter 366, article 3, sections 3; 4; proposing coding for new law in Minnesota Statutes, chapters 116J; 270C; 290; 297I; 469; 477A; repealing Minnesota Statutes 2008, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 290.06, subdivision 23; 477A.03, subdivision 5; Laws 2009, chapter 88, article 12, section 21.

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

Holberg and Emmer introduced:

H. F. No. 3307, A bill for an act relating to the legislature; reducing the size of the legislature; coordinating legislative districts and congressional districts; amending Minnesota Statutes 2008, sections 2.021; 2.031, subdivision 1.

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

Newton introduced:

H. F. No. 3308, A bill for an act relating to education finance; simplifying the capital expenditure health and safety revenue program; amending Minnesota Statutes 2008, section 123B.57, as amended.

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

Kalin, Bly, Urdahl and Murphy, M., introduced:

H. F. No. 3309, A bill for an act relating to state government; providing for designation of Minnesota's Living Treasures; proposing coding for new law in Minnesota Statutes, chapter 4.

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

Hilstrom, Smith, Kalin and Jackson introduced:

H. F. No. 3310, A bill for an act relating to transportation; appropriating funds for State Patrol tax compliance and vehicle crimes investigations; amending Laws 2009, chapter 36, article 1, sections 1; 5, subdivisions 1, 3.

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

Hilstrom introduced:

H. F. No. 3311, A bill for an act relating to education finance; creating an innovation grant; establishing a community school pilot project; appropriating money.

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

Greiling introduced:

H. F. No. 3312, A bill for an act relating to public safety; providing a criminal penalty for intentionally rendering a service animal unable to perform its duties; requiring that offenders who are convicted of harming service animals pay restitution; clarifying that civil remedies are not precluded by the criminal penalty for harming service animals; amending Minnesota Statutes 2008, section 343.21, subdivisions 8a, 9, by adding a subdivision.

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

Atkins, Bly, Kelly, Hilty and Fritz introduced:

H. F. No. 3313, A bill for an act relating to environment; providing for long-term storage costs of spent nuclear waste; proposing coding for new law in Minnesota Statutes, chapter 116C.

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

Huntley introduced:

H. F. No. 3314, A resolution memorializing Congress to enact the Federal Medical Assistance Percentage (FMAP) increase extension.

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

Bigham, McNamara and Hansen introduced:

H. F. No. 3315, A bill for an act relating to natural resources; modifying criminal penalty provisions; providing for participation in comprehensive incident-based reporting system; extending use of silencers for wildlife control; amending Minnesota Statutes 2008, sections 84D.13, subdivision 3; 609.66, subdivision 1h; Minnesota Statutes 2009 Supplement, section 299C.40, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Drazkowski introduced:

H. F. No. 3316, A bill for an act relating to taxation; providing a sales tax exemption for construction materials for new and expanding businesses in St. Charles; authorizing the city of St. Charles to create a tax increment financing district subject to certain rules; amending Minnesota Statutes 2009 Supplement, section 297A.71, subdivision 41.

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

Mullery introduced:

H. F. No. 3317, A bill for an act relating to data practices; regulating the collection, dissemination, disclosure, and use of data; classifying data; amending temporary classification provisions; making technical and conforming changes; amending Minnesota Statutes 2008, sections 13.05, subdivision 4, by adding a subdivision; 13.06, subdivisions 1, 3, 4, 5, 7, by adding subdivisions; 13.43, subdivisions 1, 2; 13.792; 13.87, by adding a subdivision; 13D.05, subdivision 3; 16B.97, by adding a subdivision; 125A.21, subdivision 5; Minnesota Statutes 2009 Supplement, section 13.64; repealing Minnesota Statutes 2008, section 13.06, subdivision 2; Minnesota Rules, part 1205.1800.

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

Hortman, Champion, Smith, Lesch and Kohls introduced:

H. F. No. 3318, A bill for an act relating to judiciary; enacting the Uniform Unsworn Foreign Declarations Act proposed for adoption by the National Conference of Commissioners on Uniform State Laws; providing for penalties; amending Minnesota Statutes 2008, section 609.48, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 358.

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

Zellers and Mahoney introduced:

H. F. No. 3319, A bill for an act relating to taxation; limiting the tax on cigars; amending Minnesota Statutes 2008, section 297F.05, subdivision 3.

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

Solberg introduced:

H. F. No. 3320, A bill for an act relating to taxation; authorizing the use of tax increments to repay the city of Cohasset for certain payments.

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

Lesch introduced:

H. F. No. 3321, A bill for an act relating to drivers' licenses; allowing collection of fees under the license reinstatement diversion pilot program to be extended for 18 months; amending Laws 2009, chapter 59, article 3, section 4, subdivision 9.

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

Clark introduced:

H. F. No. 3322, A bill for an act relating to taxation; imposing an excise tax on disposable bags; amending Minnesota Statutes 2008, sections 289A.01; 289A.02, subdivision 5; 289A.12, by adding a subdivision; 289A.18, by adding a subdivision; 289A.19, by adding a subdivision; 289A.20, by adding a subdivision; 289A.56, subdivision 3; Minnesota Statutes 2009 Supplement, section 270C.56, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 297J.

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

Clark introduced:

H. F. No. 3323, A bill for an act relating to motor vehicles; prohibiting towing of vehicles with disability plate or certificate; amending Minnesota Statutes 2008, sections 168B.04, by adding a subdivision; 169.041, subdivision 5.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Brynaert, Gunther, Mahoney and Gottwalt introduced:

H. F. No. 3324, A bill for an act relating to economic development; expanding the Minnesota investment fund; removing a restriction on construction mitigation pilot program grants; amending Minnesota Statutes 2008, section 116J.8731, subdivisions 1, 4; Minnesota Statutes 2009 Supplement, section 116J.8731, subdivision 3; Laws 2009, chapter 78, article 1, section 3, subdivision 2.

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

Dill introduced:

H. F. No. 3325, A bill for an act relating to game and fish; modifying bear hunting license drawing provisions; amending Minnesota Statutes 2008, section 97B.405.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Demmer introduced:

H. F. No. 3326, A bill for an act relating to real property; modifying a timeline relating to mechanics lien; amending Minnesota Statutes 2008, section 514.011, subdivision 2.

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

Koenen introduced:

H. F. No. 3327, A bill for an act relating to city and county employees; exempting employees of a city-owned or county-owned hospital from certain reporting requirements; amending Minnesota Statutes 2008, section 471.701.

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

Dauids introduced:

H. F. No. 3328, A bill for an act relating to capital improvements; authorizing the sale and issuance of state bonds; appropriating money for a veterans facility in Harmony.

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

Greiling introduced:

H. F. No. 3329, A bill for an act relating to education finance; clarifying the retired employee health benefits levy calculation; amending Minnesota Statutes 2009 Supplement, section 126C.41, subdivision 2.

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

Greiling introduced:

H. F. No. 3330, A bill for an act relating to education; clarifying revenue definitions for school districts and charter schools; amending Minnesota Statutes 2008, section 125A.79, subdivision 1.

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

Greiling introduced:

H. F. No. 3331, A bill for an act relating to education finance; removing obsolete language; amending Minnesota Statutes 2008, section 126C.10, subdivision 2.

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

Jackson introduced:

H. F. No. 3332, A bill for an act relating to veterans; providing attorney fees and costs for prevailing parties seeking the enforcement of certain veterans preference laws; proposing coding for new law in Minnesota Statutes, chapter 197.

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

Hilstrom introduced:

H. F. No. 3333, A bill for an act relating to public safety; increasing the criminal penalty for assaulting a vulnerable adult; providing criminal penalties; amending Minnesota Statutes 2008, sections 609.2231, by adding a subdivision; 609.224, subdivision 2.

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

Juhnke introduced:

H. F. No. 3334, A bill for an act relating to transportation; amending trunk highway project bidding procedures; requiring use of alternative bidding for competing paving materials; amending Minnesota Statutes 2008, section 161.32, by adding a subdivision.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Poppe and Brown introduced:

H. F. No. 3335, A bill for an act relating to Mower County; providing a process for making office of county recorder appointive.

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

Simon, Holberg, Hausman and Thao introduced:

H. F. No. 3336, A bill for an act relating to eminent domain; modifying right of first refusal offers for property obtained with federal transit funding; amending Minnesota Statutes 2008, section 117.226.

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

Greiling and Hausman introduced:

H. F. No. 3337, A bill for an act proposing an amendment to the Minnesota Constitution; providing for a unicameral legislature; changing article IV; article VIII, sections 1 and 6; article IX, sections 1 and 2; and article XI, section 5; providing by statute for a legislature of 99 members; amending Minnesota Statutes 2008, sections 2.021; 2.031, subdivision 1.

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

Kalin, Greiling and Winkler introduced:

H. F. No. 3338, A bill for an act relating to government contracts; modifying certain conflict of interest standards; amending Minnesota Statutes 2008, sections 16C.04, subdivision 3; 471.87.

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

Champion introduced:

H. F. No. 3339, A bill for an act relating to commerce; banning cadmium jewelry; amending Minnesota Statutes 2008, section 325E.389.

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

Hayden introduced:

H. F. No. 3340, A bill for an act relating to state government; modifying provisions governing eligibility for a postretirement option; amending Minnesota Statutes 2009 Supplement, section 43A.346, subdivision 2.

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

Demmer introduced:

H. F. No. 3341, A bill for an act relating to transportation; requiring specific service sign on marked Trunk Highway 52 in Olmsted County.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Simon, Winkler, Slocum, Benson, Garofalo and Greiling introduced:

H. F. No. 3342, A bill for an act relating to education finance; authorizing a school district to use its operating capital for certain costs associated with closing a school; amending Minnesota Statutes 2008, section 126C.10, subdivision 14.

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

Hansen, Winkler, Eken, Mahoney and Anzelc introduced:

H. F. No. 3343, A bill for an act relating to state government; forbidding certain appointments to the classified civil service; requiring reporting on certain appointments.

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

Lesch, Brynaert, Jackson, Zellers, Loon and Tillberry introduced:

H. F. No. 3344, A bill for an act relating to taxation; authorizing a homeless prevention and food shelf programs income tax checkoff; amending Minnesota Statutes 2008, section 270C.445, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Winkler introduced:

H. F. No. 3345, A bill for an act relating to local government; regulating subdivision development contracts; amending Minnesota Statutes 2008, section 462.358, subdivision 2a.

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

Demmer introduced:

H. F. No. 3346, A bill for an act relating to capital improvements; appropriating money for a veterans cemetery in southeastern Minnesota; authorizing the sale and issuance of state bonds.

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

Urdahl and Hosch introduced:

H. F. No. 3347, A bill for an act relating to health; establishing school concession stands as a specific category of food and beverage service establishments; amending Minnesota Statutes 2008, section 157.15, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 157.16, subdivisions 1, 3.

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

Magnus; Juhnke; Torkelson; Anderson, P.; Otremba; Urdahl; Hamilton; Davids; Gunther; Murdock; Nornes; Brod and Lanning introduced:

H. F. No. 3348, A bill for an act relating to agriculture; requiring a terminal capacity study; appropriating money.

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

Falk and Howes introduced:

H. F. No. 3349, A bill for an act relating to game and fish; modifying requirements for quartering deer; amending Minnesota Statutes 2008, section 97A.535, subdivision 2a.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Smith introduced:

H. F. No. 3350, A bill for an act relating to local government; prohibiting city employees from serving on the city council; amending Minnesota Statutes 2008, section 412.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 410.

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

Thao introduced:

H. F. No. 3351, A bill for an act relating to game and fish; allowing scopes on muzzleloaders; amending Minnesota Statutes 2008, section 97B.031, subdivision 5.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Lesch introduced:

H. F. No. 3352, A bill for an act relating to public safety; modifying fire safety provisions to require state fire marshal to coordinate investigation of fatal fires; clarifying or removing obsolete, redundant, or unnecessary language; amending Minnesota Statutes 2008, section 299F.04.

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

Lesch introduced:

H. F. No. 3353, A bill for an act relating to crimes; including possession of machine guns and short-barreled shotguns to list of crimes against a person for registration under the Predatory Offender Registration Law; amending Minnesota Statutes 2008, section 243.167, subdivision 1.

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

Nornes introduced:

H. F. No. 3354, A bill for an act relating to higher education; modifying grant eligibility; modifying loan limits and terms; increasing private institution fees; eliminating the high school-to-college developmental transition program; defining terms; transferring funds; modifying and reducing appropriations; amending Minnesota Statutes 2008, sections 136A.127, by adding subdivisions; 136A.1701, subdivisions 4, 7; 136A.69, subdivisions 1, 3, 4; 141.255; Minnesota Statutes 2009 Supplement, sections 136A.121, subdivision 9; 136A.127, subdivision 9; Laws

2009, chapter 95, article 1, sections 3, subdivisions 6, 12; 4, subdivision 4, as amended; 5, subdivision 2; repealing Minnesota Statutes 2008, sections 136A.1701, subdivision 5; 136A.69, subdivision 2; 141.255, subdivision 3; Minnesota Statutes 2009 Supplement, sections 135A.61; 136A.121, subdivision 9b.

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

Bigham, McNamara, Juhnke and Hansen introduced:

H. F. No. 3355, A bill for an act relating to natural resources; requiring a person to drain water from watercraft before transportation on public roads; modifying civil penalties; amending Minnesota Statutes 2008, sections 84D.10, by adding a subdivision; 84D.13, subdivision 5.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Ruud introduced:

H. F. No. 3356, A bill for an act relating to health occupations; modifying the definition of the practice of dentistry; amending Minnesota Statutes 2008, section 150A.05, subdivision 1.

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

Slawik introduced:

H. F. No. 3357, A bill for an act relating to the city of Oakdale; extending duration of a tax increment financing district.

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

Poppe and Brown introduced:

H. F. No. 3358, A bill for an act relating to local government; allowing Mower County to go to a four-day week for five years.

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

Nelson introduced:

H. F. No. 3359, A bill for an act relating to local government; authorizing Hennepin County to purchase energy under forward pricing mechanisms; proposing coding for new law in Minnesota Statutes, chapter 383B.

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

Nelson and Rukavina introduced:

H. F. No. 3360, A bill for an act relating to licensing; modifying contractor continuing education requirements; amending Minnesota Statutes 2008, section 326B.821, as amended.

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

Holberg, Smith, Olin and Cornish introduced:

H. F. No. 3361, A bill for an act relating to data practices; exempting certain domestic abuse or sexual attack programs from data practices requirements; classifying data; proposing coding for new law in Minnesota Statutes, chapter 13.

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

Dauids introduced:

H. F. No. 3362, A bill for an act relating to environment; modifying petroleum tank release provisions; amending Minnesota Statutes 2008, sections 13.7411, subdivision 6; 115C.02, subdivision 14, by adding a subdivision; 115C.07, subdivision 3; 514.671, subdivision 5.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Dauids introduced:

H. F. No. 3363, A bill for an act relating to weights and measures; modifying requirements for petroleum storage tanks; amending Minnesota Statutes 2008, section 239.752.

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

Jackson introduced:

H. F. No. 3364, A bill for an act relating to human services; delaying the effective date of certain amendments to certain estate recovery provisions.

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

Swails introduced:

H. F. No. 3365, A bill for an act relating to tax increment financing; city of Landfall Village; extending the five-year rule for a district.

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

Demmer, Welti, Norton and Severson introduced:

H. F. No. 3366, A bill for an act relating to highways; authorizing issuance and sale of trunk highway bonds; appropriating money for interchange construction.

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

Bunn, Sailer and Wagenius introduced:

H. F. No. 3367, A bill for an act relating to the environment; modifying requirements for solid waste disposal facilities; amending Minnesota Statutes 2008, section 116.07, subdivisions 4, 4h.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Winkler; Simon; Brown; Loeffler; Murphy, M.; Kalin; Greiling and Hansen introduced:

H. F. No. 3368, A bill for an act relating to campaign finance; requiring additional disclosure in certain circumstances; requiring a disclaimer on certain campaign materials; increasing certain contribution and expenditure limits and amount to be designated by certain taxpayers for payment to the state elections campaign fund; restoring an allotment for political contribution refunds; amending Minnesota Statutes 2008, sections 10A.20, subdivision 2, by adding a subdivision; 10A.25, subdivision 2; 10A.27, subdivision 1; 10A.31, subdivisions 1, 3; 211B.04.

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

Bunn and Gardner introduced:

H. F. No. 3369, A bill for an act relating to water; requiring disclosure of contaminated wells and special well construction areas; requiring perfluorochemical testing of new wells in certain areas; amending Minnesota Statutes 2008, section 103I.236; proposing coding for new law in Minnesota Statutes, chapter 103I.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Reinert introduced:

H. F. No. 3370, A bill for an act relating to taxation; requiring the Department of Revenue to conduct a study on income tax reciprocity with Wisconsin; requiring a report.

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

Olin introduced:

H. F. No. 3371, A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Olin introduced:

H. F. No. 3372, A bill for an act relating to property taxation; limiting the growth in market value for agricultural properties; reducing the property tax targeting refund; amending Minnesota Statutes 2008, sections 273.11, subdivision 1a; 290A.04, subdivision 2h.

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

Eastlund, Kiffmeyer, Drazkowski, Cornish, Severson, Urdahl and Davids introduced:

H. F. No. 3373, A bill for an act relating to taxation; property; extending deadline for remaining property from green acres program without additional taxes; amending Minnesota Statutes 2009 Supplement, section 273.111, subdivision 9.

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

Eastlund, Kiffmeyer, Drazkowski, Cornish, Severson and Davids introduced:

H. F. No. 3374, A bill for an act relating to property taxation; limiting the growth in market value for agricultural properties; establishing a onetime credit for certain agricultural properties; amending Minnesota Statutes 2008, section 273.11, subdivision 1a.

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

Falk introduced:

H. F. No. 3375, A bill for an act relating to public safety; transferring control of a portion of the Minnesota Correctional Facility-Moose Lake from the commissioner of corrections to the commissioner of human services; requiring the commissioner of human services to use the transferred portion of the facility to house civilly committed sex offenders; requiring the commissioner of corrections to incarcerate offenders from the transferred portion in private prisons; appropriating capital investment money for the renovation of a portion of the Minnesota Correctional Facility-Moose Lake to be used to house civilly committed sex offenders; appropriating money for costs incurred by the Department of Corrections to incarcerate the offenders transferred to private prisons; appropriating money; authorizing the sale and issuance of state bonds.

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

Falk introduced:

H. F. No. 3376, A bill for an act relating to agriculture; prohibiting limited liability partnerships from owning or farming agricultural land; providing certain exemptions; amending Minnesota Statutes 2008, section 500.24.

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

Rukavina and Sertich introduced:

H. F. No. 3377, A bill for an act relating to taxation; sales and use; authorizing the city of Biwabik to impose local taxes.

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

Falk and Sertich introduced:

H. F. No. 3378, A bill for an act relating to public safety; appropriating money for public safety-related purposes.

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

Gottwalt introduced:

H. F. No. 3379, A bill for an act relating to state government; reducing the number of members of the legislature; preventing the division of a senate district in the formation of a congressional district; amending Minnesota Statutes 2008, sections 2.021; 2.031, subdivision 1.

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

Brynaert, Fritz and Garofalo introduced:

H. F. No. 3380, A bill for an act relating to commerce; limiting successor corporation asbestos-related liabilities; proposing coding for new law in Minnesota Statutes, chapter 604A.

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

Mullery introduced:

H. F. No. 3381, A bill for an act relating to public safety; increasing retention of juvenile history data to one year for a child who was arrested but not referred to a diversion program and delinquency petition has not been filed; amending Minnesota Statutes 2008, section 299C.095, subdivision 2.

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

Lesch and Paymar introduced:

H. F. No. 3382, A bill for an act relating to public safety; modifying provisions governing public hearings and public access to juvenile records; authorizing the expungement of certain juvenile records; authorizing the commissioner of human services to grant set asides or variances for certain individuals disqualified from licensure because of an offense committed as a juvenile; amending Minnesota Statutes 2008, sections 260B.163, subdivision 1; 260B.171, subdivisions 4, 5; 609A.02, subdivision 2; 609A.03, subdivisions 1, 2, 4, 5, 5a, 7; Minnesota Statutes 2009 Supplement, section 245C.24, subdivision 2.

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

Holberg introduced:

H. F. No. 3383, A bill for an act relating to public safety; establishing data classification of private for vehicle information in orders for protection or no contact orders; amending Minnesota Statutes 2008, sections 13.871, by adding a subdivision; 299C.46, subdivision 6.

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

Slawik introduced:

H. F. No. 3384, A bill for an act relating to real estate; enhancing remedies for residents of common interest communities when the community association or its board of directors violates state law or the association's own governing documents; amending Minnesota Statutes 2008, sections 515B.1-114; 515B.4-116.

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

Mullery introduced:

H. F. No. 3385, A bill for an act relating to impaired driving; extending eligibility for the ignition interlock program to include violators of the "no alcohol" requirement of a restricted driver's license; amending Minnesota Statutes 2009 Supplement, section 171.306, subdivision 3.

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

Swails; Obermueller; Zellers; Sterner; Juhnke; Hosch; Thissen; Severson; Solberg; Scalze; Demmer; Murdock; Hoppe; Gardner; Emmer; Norton; Winkler; Jackson; Mahoney; Anderson, S.; Davids; Sanders; Nelson and Olin introduced:

H. F. No. 3386, A bill for an act relating to real property; requiring performance guidelines for certain residential contracts; modifying statutory warranties; requiring notice and opportunity to repair; providing for dispute resolution procedures; amending Minnesota Statutes 2008, sections 326B.809; 327A.01, subdivision 7, by adding a subdivision; 327A.02, subdivision 4, by adding subdivisions.

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

Urdahl; Anderson, P.; Koenen; Westrom; Juhnke; Eken; Hosch; Thao; Hamilton; Torkelson and Magnus introduced:

H. F. No. 3387, A bill for an act relating to economic development; establishing a health insurance pool for farmers; modifying environmental permitting for agriculture-related businesses; modifying environmental review requirements; providing tax incentives for angel investments and water conservation; allowing environmental assessment worksheets to be completed online; conforming to federal section 179 expensing allowances; amending Minnesota Statutes 2008, sections 116D.04, subdivisions 2a, 3a, 11, 13, by adding subdivisions; 290.06, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 290.01, subdivisions 19a, 19c; proposing coding for new law in Minnesota Statutes, chapters 16E; 43A; 116J; 290; repealing Minnesota Statutes 2008, sections 116D.04, subdivisions 4a, 5a, 9, 10; 116D.045, subdivisions 1, 2, 3, 4.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Garofalo introduced:

H. F. No. 3388, A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, special programs, facilities and technology, libraries, nutrition, accounting, early childhood education, and state agencies; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2008, sections 120A.41; 120B.128; 122A.14, by adding a subdivision; 122A.18, subdivisions 1, 2; 122A.23, subdivision 2; 122A.40, subdivision 5, by adding a subdivision; 122A.41, subdivisions 2, 4; 123B.75, subdivision 5; 123B.77, subdivision 1a; 126C.10, subdivision 2a; 127A.441; 127A.45, subdivisions 2, 3, 13, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 122A.09, subdivision 4; 122A.40, subdivisions 6, 8; 122A.41, subdivisions 3, 5; 124D.10, subdivision 13; Laws 2009, chapter 96, article 1, section 24; article 2, section 67; article 3, section 21; article 4, section 12; article 5, section 13; article 6, section 11; article 7, sections 3, subdivision 2; 5; proposing coding for new law in Minnesota Statutes, chapter 127A.

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

Mahoney introduced:

H. F. No. 3389, A bill for an act relating to economic development; creating the Minnesota Science and Technology Authority; appropriating money; amending Laws 2009, chapter 78, article 1, section 3, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 116W; repealing Minnesota Statutes 2008, section 116J.657.

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

McFarlane introduced:

H. F. No. 3390, A bill for an act relating to paternity; modifying limitations period for certain actions to declare the nonexistence of the father and child relationship; amending Minnesota Statutes 2008, section 257.57, subdivision 1, by adding a subdivision.

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

Olin introduced:

H. F. No. 3391, A bill for an act relating to children; modifying provisions relating to children in need of protection or services; amending Minnesota Statutes 2008, sections 260C.007, subdivisions 6, 14; 260C.163, subdivision 2; 260C.201, by adding a subdivision; 260C.301, subdivision 1; Minnesota Statutes 2009 Supplement, sections 260.012; 260C.175, subdivision 1.

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

Bunn, Bigham and Swails introduced:

H. F. No. 3392, A bill for an act relating to youth development; authorizing county and state fair surcharges; authorizing municipalities to raise and spend money on 4-H; requiring a University of Minnesota Extension Service policy; amending Minnesota Statutes 2008, section 37.13, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 38.

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

Jackson introduced:

H. F. No. 3393, A bill for an act relating to real property; amending the Minnesota Common Interest Ownership Act; making clarifying, conforming, and technical changes; amending Minnesota Statutes 2008, sections 515B.1-102; 515B.1-103; 515B.1-107; 515B.1-112; 515B.1-115; 515B.1-116; 515B.2-101; 515B.2-102; 515B.2-105; 515B.2-106; 515B.2-108; 515B.2-109; 515B.2-110; 515B.2-111; 515B.2-112; 515B.2-113; 515B.2-114; 515B.2-118; 515B.2-119; 515B.2-121; 515B.2-124; 515B.3-101; 515B.3-102; 515B.3-103; 515B.3-104; 515B.3-105; 515B.3-106; 515B.3-109; 515B.3-110; 515B.3-112; 515B.3-113; 515B.3-114; 515B.3-115; 515B.3-116; 515B.3-117; 515B.3-120; 515B.3-121; 515B.4-101; 515B.4-102; 515B.4-104; 515B.4-105; 515B.4-106; 515B.4-107; 515B.4-108; 515B.4-110; 515B.4-111; 515B.4-115; 515B.4-116; proposing coding for new law in Minnesota Statutes, chapter 515B.

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

Ward introduced:

H. F. No. 3394, A bill for an act relating to employment; modifying time limits for payment of benefits or wage supplements; imposing criminal penalties; amending Minnesota Statutes 2008, section 181.74; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Clark and Rukavina introduced:

H. F. No. 3395, A bill for an act relating to building codes; modifying requirement for window fall prevention devices; amending Minnesota Statutes 2008, section 326B.106, subdivision 7.

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

Abeler and Atkins introduced:

H. F. No. 3396, A bill for an act relating to insurance; requiring health plan companies to submit medical claims data to health plan sponsors; proposing coding for new law in Minnesota Statutes, chapter 62J.

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

Ruud and Huntley introduced:

H. F. No. 3397, A bill for an act relating to public health; preventing sexually transmitted infections and HIV; creating a responsible family life and sexuality education program; requiring the commissioner of health to develop a state plan for preventing STD's and HIV; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 121A; 144; repealing Minnesota Statutes 2008, section 121A.23.

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

Atkins and Davids introduced:

H. F. No. 3398, A bill for an act relating to insurance; providing former employees the option to bypass continuation coverage and obtain low-cost immediate conversion health insurance coverage from their former employer's insurer; amending Minnesota Statutes 2008, section 62A.17, by adding a subdivision.

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

Juhnke, Buesgens, Hackbarth, Doty, Haws, Holberg, Cornish, Brod, Nornes, Beard, Hoppe, Demmer, Garofalo, Peppin, Gunther, Benson, Olin and Solberg introduced:

H. F. No. 3399, A bill for an act relating to economic development; creating the jobs, family, and economic development fund; providing a funding mechanism for agricultural, rural, early childhood, bioscience, medical technology, and economic development; providing a funding mechanism for athletic, recreational, and extracurricular activities and capital improvements; providing for and regulating gaming activities at racetracks and increasing purses; amending Minnesota Statutes 2008, sections 240.07, subdivision 3; 240.35, subdivision 1; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 541.20; 541.21; proposing coding for new law in Minnesota Statutes, chapters 3; 240.

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

Mullery and Kahn introduced:

H. F. No. 3400, A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 23; eliminating the governor's item veto authority.

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

Gardner introduced:

H. F. No. 3401, A bill for an act relating to water; requiring public water suppliers, counties, and municipalities to charge the lowest residential water and sewer rates in manufactured home parks; amending Minnesota Statutes 2008, sections 103G.291, subdivision 4; 444.075, subdivision 3.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Mullery and Kahn introduced:

H. F. No. 3402, A bill for an act proposing an amendment to Minnesota Constitution, article IV, section 23; eliminating authority of the governor to item veto appropriations for certain capital purposes; requiring prompt sale and issuance of bonds for these purposes.

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

Faust introduced:

H. F. No. 3403, A bill for an act relating to veterans; clarifying eligibility for "IRAQ WAR VET" and "AFGHAN WAR VET" license plates; amending Minnesota Statutes 2008, section 168.123, subdivision 2.

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

Mariani, Buesgens, Morgan, Swails, Slawik and Zellers introduced:

H. F. No. 3404, A bill for an act relating to education finance; modifying the aid payment schedule for certain charter schools; amending Minnesota Statutes 2008, section 127A.45, by adding a subdivision.

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

Eken introduced:

H. F. No. 3405, A bill for an act relating to human services; modifying the commissioner's duties related to the state medical review team; amending Minnesota Statutes 2009 Supplement, section 256.01, subdivision 29.

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

Scalze, Hansen, Sterner and Persell introduced:

H. F. No. 3406, A bill for an act relating to waters; requiring approval of local government exceptions to lower St. Croix River standards; amending Minnesota Statutes 2008, section 103F.351, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Slawik introduced:

H. F. No. 3407, A bill for an act relating to early childhood; providing for early childhood education; amending Minnesota Statutes 2008, sections 121A.16; 121A.17, subdivision 5; 124D.15, by adding a subdivision; 124D.20, subdivision 8; Minnesota Statutes 2009 Supplement, sections 124D.10, subdivision 8; 124D.15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 124D.

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

Marquart introduced:

H. F. No. 3408, A bill for an act relating to taxation; property; clarifying that personal contact information of taxing authority is not required to be included on tax notice; amending Minnesota Statutes 2008, section 275.065, subdivision 3.

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

Obermueller and Rukavina introduced:

H. F. No. 3409, A bill for an act relating to workforce development; clarifying duties and responsibilities; modifying unemployment insurance; amending Minnesota Statutes 2008, sections 116L.665, subdivision 3; 136F.06, by adding a subdivision; 268.095, as amended; Minnesota Statutes 2009 Supplement, section 268.105, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 116L; 268.

The bill was read for the first time and referred to the Higher Education and Workforce Development Finance and Policy Division.

Kelly, Davids and Draskowski introduced:

H. F. No. 3410, A bill for an act relating to public safety; authorizing county and regional jails to house offenders from other states; proposing coding for new law in Minnesota Statutes, chapter 641.

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

Kelly and Norton introduced:

H. F. No. 3411, A bill for an act relating to health; regulating dental laboratories; proposing coding for new law as Minnesota Statutes, chapter 150B.

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

Huntley introduced:

H. F. No. 3412, A bill for an act relating to human services; modifying medical assistance coverage of medication therapy management services; amending Minnesota Statutes 2009 Supplement, section 256B.0625, subdivision 13h.

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

Gunther and Rukavina introduced:

H. F. No. 3413, A bill for an act relating to the Board of Barber Examiners; modifying license fees; appropriating money; amending Minnesota Statutes 2009 Supplement, sections 154.002; 154.003.

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

### MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

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

S. F. No. 2572.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

### FIRST READING OF SENATE BILLS

S. F. No. 2572, A bill for an act relating to transportation; clarifying time for providing notice of vehicle impoundment; amending Minnesota Statutes 2008, section 168B.06, subdivision 1.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

### CONSENT CALENDAR

The Speaker called Hortman to the Chair.

S. F. No. 2373, A bill for an act relating to veterans; designating September 16 of each year as American Legion Day; proposing coding for new law in Minnesota Statutes, chapter 197.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeler	Champion	Emmer	Hilstrom	Kelly	Mahoney
Anderson, P.	Clark	Falk	Hilty	Kiffmeyer	Mariani
Anderson, S.	Cornish	Faust	Hoppe	Knuth	Marquart
Anzelc	Dauids	Fritz	Hornstein	Koenen	Masin
Atkins	Davnie	Gardner	Hortman	Laine	McFarlane
Beard	Dean	Garofalo	Hosch	Lanning	McNamara
Benson	Demmer	Gottwalt	Howes	Lenczewski	Morgan
Bigham	Dettmer	Greiling	Huntley	Lesch	Morrow
Bly	Dill	Gunther	Jackson	Liebling	Mullery
Brod	Dittrich	Hamilton	Johnson	Lieder	Murdock
Brown	Doepke	Hansen	Juhnke	Lillie	Murphy, E.
Brynaert	Doty	Hausman	Kahn	Loeffler	Murphy, M.
Bunn	Downey	Haws	Kalin	Loon	Nelson
Carlson	Eken	Hayden	Kath	Mack	Newton

Nornes	Persell	Sailer	Slawik	Thissen	Westrom
Obermueller	Peterson	Sanders	Slocum	Tillberry	Winkler
Olin	Poppe	Scalze	Smith	Torkelson	Zellers
Otremba	Reinert	Scott	Solberg	Urdahl	Spk. Kelliher
Paymar	Rosenthal	Seifert	Sterner	Wagenius	
Pelowski	Rukavina	Sertich	Swails	Ward	
Peppin	Ruud	Simon	Thao	Welti	

Those who voted in the negative were:

Buesgens	Drazkowski	Hackbarth	Holberg	Kohls	Norton
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The bill was passed and its title agreed to.

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Thursday, March 4, 2010:

H. F. No. 2706; S. F. No. 2309; and H. F. Nos. 2729, 2918 and 2856.

#### CALENDAR FOR THE DAY

H. F. No. 2706 was reported to the House.

Drazkowski offered an amendment to H. F. No. 2706, the first engrossment.

#### POINT OF ORDER

Atkins raised a point of order pursuant to rule 3.21 that the Drazkowski amendment was not in order. Speaker pro tempore Hortman ruled the point of order well taken and the Drazkowski amendment out of order.

The Speaker resumed the Chair.

Buesgens moved to amend H. F. No. 2706, the first engrossment, as follows:

Page 1, after line 12, insert:

"Sec. 2. **[6.4651] DUTIES; CONTINUING EDUCATION.**

The auditor shall participate in a program of learning under section 326A.04, subdivision 4.

**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 Buesgens amendment and the roll was called. There were 42 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Emmer	Hoppe	Mack	Seifert
Anderson, P.	Demmer	Garofalo	Kelly	McNamara	Severson
Anderson, S.	Dettmer	Gottwalt	Kiffmeyer	Murdock	Shimanski
Brod	Doepke	Gunther	Kohls	Nornes	Smith
Buesgens	Downey	Hackbarth	Lanning	Peppin	Torkelson
Cornish	Drazkowski	Hamilton	Lenczewski	Sanders	Urdahl
Davids	Eastlund	Holberg	Loon	Scott	Zellers

Those who voted in the negative were:

Abeler	Doty	Howes	Mahoney	Paymar	Sterner
Anzelc	Eken	Huntley	Mariani	Pelowski	Swails
Atkins	Falk	Jackson	Marquart	Persell	Thao
Beard	Faust	Johnson	Masin	Peterson	Thissen
Benson	Fritz	Juhnke	McFarlane	Poppe	Tillberry
Bigham	Gardner	Kahn	Morgan	Reinert	Wagenius
Bly	Greiling	Kalin	Morrow	Rosenthal	Ward
Brown	Hansen	Kath	Mullery	Rukavina	Welti
Brynaert	Hausman	Knuth	Murphy, E.	Ruud	Westrom
Bunn	Haws	Koenen	Murphy, M.	Sailer	Winkler
Carlson	Hayden	Laine	Nelson	Scalze	Spk. Kelliher
Champion	Hilstrom	Lesch	Newton	Sertich	
Clark	Hilty	Liebling	Norton	Simon	
Davnie	Hornstein	Lieder	Obermueller	Slawik	
Dill	Hortman	Lillie	Olin	Slocum	
Dittrich	Hosch	Loeffler	Otremba	Solberg	

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

H. F. No. 2706, A bill for an act relating to certified public accountants; clarifying licensing requirements; amending Minnesota Statutes 2008, sections 3.972, subdivision 1; 6.66; 110A.32, subdivision 2; 144A.05; 367.36, subdivision 1; 385.06, subdivision 2; 412.222; 412.591, subdivision 3; 471.49, subdivision 10; 471.6985, subdivision 2; 515B.3-121; Minnesota Statutes 2009 Supplement, section 297E.06, subdivision 4; repealing Minnesota Rules, part 8122.0150, subpart 7.

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 131 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hayden	Lanning	Newton	Severson
Anderson, B.	Dill	Hilstrom	Lenczewski	Nornes	Shimanski
Anderson, P.	Dittrich	Hilty	Lesch	Norton	Simon
Anderson, S.	Doepke	Holberg	Liebling	Obermueller	Slawik
Anzelc	Doty	Hoppe	Lieder	Olin	Slocum
Atkins	Downey	Hornstein	Lillie	Otremba	Smith
Beard	Drazkowski	Hortman	Loeffler	Paymar	Solberg
Benson	Eastlund	Hosch	Loon	Pelowski	Sterner
Bigham	Eken	Howes	Mack	Peppin	Swails
Bly	Emmer	Huntley	Mahoney	Persell	Thao
Brod	Falk	Jackson	Mariani	Peterson	Thissen
Brown	Faust	Johnson	Marquart	Poppe	Tillberry
Brynaert	Fritz	Juhnke	Masin	Reinert	Torkelson
Bunn	Gardner	Kahn	McFarlane	Rosenthal	Urdahl
Carlson	Garofalo	Kalin	McNamara	Rukavina	Wagenius
Champion	Gottwalt	Kath	Morgan	Ruud	Ward
Clark	Greiling	Kelly	Morrow	Sailer	Walti
Cornish	Gunther	Kiffmeyer	Mullery	Sanders	Westrom
Davids	Hamilton	Knuth	Murdock	Scalze	Winkler
Davnie	Hansen	Koenen	Murphy, E.	Scott	Zellers
Dean	Hausman	Kohls	Murphy, M.	Seifert	Spk. Kelliher
Demmer	Haws	Laine	Nelson	Sertich	

Those who voted in the negative were:

Buesgens            Hackbarth

The bill was passed and its title agreed to.

The Speaker called Hortman to the Chair.

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

S. F. No. 2309 was reported to the House.

Buesgens moved to amend S. F. No. 2309 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 44.10, subdivision 1, is amended to read:

Subdivision 1. **Employees in classified service.** Except as provided in subdivision 2, every person holding a position in the classified service of a municipality on the effective date of the merit system ordinance and every person subsequently appointed to such a position shall serve a probationary period of ~~six~~ 12 months. During this period, the person may be dismissed summarily without compliance with section 44.08, but the dismissal shall be in writing and reported to the board.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to persons hired under Minnesota Statutes, chapter 44, on or after that date."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 28 yeas and 104 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Downey	Gunther	Kiffmeyer	Sanders	Urdahl
Buesgens	Drazkowski	Hackbarth	Kohls	Scott	Westrom
Dean	Emmer	Hamilton	Mack	Seifert	Zellers
Demmer	Garofalo	Hoppe	Murdock	Shimanski	
Dettmer	Gottwalt	Kelly	Peppin	Torkelson	

Those who voted in the negative were:

Abeler	Dill	Hornstein	Lieder	Norton	Slawik
Anderson, P.	Dittrich	Hortman	Lillie	Obermueller	Slocum
Anderson, S.	Doepke	Hosch	Loeffler	Olin	Smith
Anzelc	Doty	Howes	Loon	Otremba	Solberg
Atkins	Eastlund	Huntley	Mahoney	Paymar	Sterner
Beard	Eken	Jackson	Mariani	Pelowski	Swails
Benson	Falk	Johnson	Marquart	Persell	Thao
Bigham	Faust	Juhnke	Masin	Peterson	Thissen
Bly	Fritz	Kahn	McFarlane	Poppe	Tillberry
Brown	Gardner	Kalin	McNamara	Reinert	Wagenius
Brynaert	Greiling	Kath	Morgan	Rosenthal	Ward
Bunn	Hansen	Knuth	Morrow	Rukavina	Welti
Carlson	Hausman	Koenen	Mullery	Ruud	Winkler
Champion	Haws	Laine	Murphy, E.	Sailer	Spk. Kelliher
Clark	Hayden	Lanning	Murphy, M.	Scalze	
Cornish	Hilstrom	Lenczewski	Nelson	Sertich	
Davids	Hilty	Lesch	Newton	Severson	
Davnie	Holberg	Liebling	Nornes	Simon	

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

S. F. No. 2309, A bill for an act relating to local government; lengthening probationary period for newly hired peace officers in certain statutory cities; amending Minnesota Statutes 2008, sections 44.01, by adding a subdivision; 44.10, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Laine	Nelson	Sertich
Anderson, B.	Dill	Hayden	Lanning	Newton	Severson
Anderson, P.	Dittrich	Hilstrom	Lenczewski	Nornes	Shimanski
Anderson, S.	Doepke	Hilty	Lesch	Norton	Simon
Anzelc	Doty	Holberg	Liebling	Obermueller	Slawik
Atkins	Downey	Hoppe	Lieder	Olin	Slocum
Beard	Drazkowski	Hornstein	Lillie	Otremba	Smith
Benson	Eastlund	Hortman	Loeffler	Paymar	Solberg
Bigham	Eken	Hosch	Loon	Pelowski	Sterner
Bly	Emmer	Howes	Mack	Peppin	Swails
Brown	Falk	Huntley	Mahoney	Persell	Thao
Brynaert	Faust	Jackson	Mariani	Peterson	Thissen
Buesgens	Fritz	Johnson	Marquart	Poppe	Tillberry
Bunn	Gardner	Juhnke	Masin	Reinert	Torkelson
Carlson	Garofalo	Kahn	McFarlane	Rosenthal	Urdahl
Champion	Gottwalt	Kalin	McNamara	Rukavina	Wagenius
Clark	Greiling	Kath	Morgan	Ruud	Ward
Cornish	Gunther	Kelly	Morrow	Sailer	Welti
Davids	Hackbarth	Kiffmeyer	Mullery	Sanders	Westrom
Davnie	Hamilton	Knuth	Murdock	Scalze	Winkler
Dean	Hansen	Koenen	Murphy, E.	Scott	Zellers
Demmer	Hausman	Kohls	Murphy, M.	Seifert	Spk. Kelliher

The bill was passed and its title agreed to.

H. F. No. 2729, A bill for an act relating to local government; permitting certain metropolitan area local governments to impose response time residency requirements upon firefighters.

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 96 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hilty	Lenczewski	Newton	Simon
Anderson, P.	Doty	Hoppe	Lesch	Norton	Slawik
Anzelc	Eken	Hornstein	Liebling	Obermueller	Slocum
Atkins	Falk	Hortman	Lieder	Olin	Solberg
Beard	Faust	Hosch	Lillie	Otremba	Sterner
Benson	Fritz	Howes	Loeffler	Paymar	Swails
Bigham	Gardner	Huntley	Mahoney	Pelowski	Thao
Bly	Garofalo	Jackson	Mariani	Persell	Thissen
Brown	Greiling	Johnson	Marquart	Peterson	Tillberry
Brynaert	Gunther	Juhnke	Masin	Poppe	Urdahl
Bunn	Hamilton	Kahn	Morgan	Rosenthal	Wagenius
Carlson	Hansen	Kalin	Morrow	Rukavina	Ward
Champion	Hausman	Kath	Mullery	Ruud	Welti
Clark	Haws	Knuth	Murphy, E.	Sailer	Westrom
Davnie	Hayden	Koenen	Murphy, M.	Scalze	Winkler
Dill	Hilstrom	Laine	Nelson	Sertich	Spk. Kelliher

Those who voted in the negative were:

Anderson, B.	Demmer	Emmer	Kohls	Murdock	Seifert
Anderson, S.	Dettmer	Gottwalt	Lanning	Nornes	Severson
Buesgens	Doepke	Hackbarth	Loon	Peppin	Shimanski
Cornish	Downey	Holberg	Mack	Reinert	Smith
Davids	Drazkowski	Kelly	McFarlane	Sanders	Torkelson
Dean	Eastlund	Kiffmeyer	McNamara	Scott	Zellers

The bill was passed and its title agreed to.

H. F. No. 2856 was reported to the House.

Atkins moved to amend H. F. No. 2856, the first engrossment, as follows:

Page 1, line 20, delete "2010" and insert "2011"

Page 3, line 24, delete everything after "year"

Page 3, line 25, delete "is required."

Page 3, line 26, delete the second comma

Page 3, line 27, delete "if any."

Page 3, line 35, delete "no later than June 30, 2010, and"

Page 3, line 36, delete "thereafter" and after the period, insert "The commissioner may delegate the module and test development, subject to the commissioner's approval, to a statewide real estate trade association."

Page 4, line 10, delete everything after "brokers"

Page 4, line 11, delete everything before the period

Page 4, line 26, delete everything after "effective" and insert "January 1, 2011,"

Page 4, line 27, delete "final enactment" and delete "2010" and insert "2011"

Page 4, line 28, delete "2011" and insert "2012"

Page 5, line 1, delete everything after "effective" and insert "January 1, 2011,"

Page 5, line 2, delete "final enactment" and delete "2010" and insert "2011"

Page 5, line 3, delete "2011" and insert "2012"

The motion prevailed and the amendment was adopted.

H. F. No. 2856, A bill for an act relating to commerce; making changes in required continuing education of real estate brokers and salespersons; amending Minnesota Statutes 2008, sections 82.29, subdivision 4; 82.33, subdivision 4; Minnesota Statutes 2009 Supplement, section 82.32.

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 100 yeas and 32 nays as follows:

Those who voted in the affirmative were:

Anderson, S.	Dittrich	Hornstein	Lieder	Nelson	Severson
Anzelc	Doepke	Hortman	Lillie	Newton	Simon
Atkins	Downey	Hosch	Loeffler	Norton	Slawik
Benson	Eken	Huntley	Loon	Obermueller	Slocum
Bigham	Falk	Johnson	Mack	Paymar	Solberg
Bly	Faust	Juhnke	Mahoney	Pelowski	Sterner
Brown	Fritz	Kahn	Mariani	Persell	Swails
Brynaert	Gardner	Kalin	Marquart	Peterson	Thao
Bunn	Greiling	Kath	Masin	Poppe	Thissen
Carlson	Hansen	Kelly	McFarlane	Reinert	Tillberry
Champion	Hausman	Knuth	McNamara	Rosenthal	Wagenius
Clark	Haws	Koenen	Morgan	Ruud	Welti
Cornish	Hayden	Laine	Morrow	Sailer	Winkler
Davnie	Hilstrom	Lanning	Mullery	Sanders	Zellers
Dean	Hilty	Lenczewski	Murdock	Scalze	Spk. Kelliher
Demmer	Holberg	Lesch	Murphy, E.	Scott	
Dill	Hoppe	Liebling	Murphy, M.	Sertich	

Those who voted in the negative were:

Abeler	Dettmer	Gottwalt	Kiffmeyer	Rukavina	Ward
Anderson, B.	Doty	Gunther	Kohls	Seifert	Westrom
Anderson, P.	Drazkowski	Hackbarth	Nornes	Shimanski	
Beard	Eastlund	Hamilton	Olin	Smith	
Buesgens	Emmer	Howes	Otremba	Torkelson	
Davids	Garofalo	Jackson	Peppin	Urdahl	

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

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

## MOTIONS AND RESOLUTIONS

Thao moved that the name of Bunn be added as chief author on H. F. No. 677. The motion prevailed.

Gunther moved that his name be stricken as an author on H. F. No. 1146. The motion prevailed.

Gottwalt moved that the name of Kiffmeyer be added as an author on H. F. No. 1196. The motion prevailed.

Smith moved that the name of Kiffmeyer be added as an author on H. F. No. 1197. The motion prevailed.

Benson moved that the name of Anderson, S., be added as an author on H. F. No. 1331. The motion prevailed.

Severson moved that the name of Seifert be added as an author on H. F. No. 1632. The motion prevailed.

Fritz moved that the name of Davids be added as an author on H. F. No. 1847. The motion prevailed.

Lanning moved that the name of Davids be added as an author on H. F. No. 2062. The motion prevailed.

Davids moved that the name of Drazkowski be added as an author on H. F. No. 2682. The motion prevailed.

Norton moved that the name of Doepke be added as an author on H. F. No. 2689. The motion prevailed.

Sertich moved that the name of Hayden be added as an author on H. F. No. 2690. The motion prevailed.

Davnie moved that the name of Sterner be added as an author on H. F. No. 2750. The motion prevailed.

Emmer moved that the name of Mullery be added as an author on H. F. No. 2752. The motion prevailed.

Obermueller moved that the name of Clark be added as an author on H. F. No. 2801. The motion prevailed.

Hausman moved that her name be stricken as an author on H. F. No. 2804. The motion prevailed.

Knuth moved that the name of Slocum be added as an author on H. F. No. 2837. The motion prevailed.

Bunn moved that the names of Sterner and Urdahl be added as authors on H. F. No. 2839. The motion prevailed.

Norton moved that the name of Urdahl be added as an author on H. F. No. 2849. The motion prevailed.

Peterson moved that the names of Clark and Greiling be added as authors on H. F. No. 2968. The motion prevailed.

Hornstein moved that the name of Davnie be added as an author on H. F. No. 2986. The motion prevailed.

Liebling moved that the name of Downey be added as an author on H. F. No. 2989. The motion prevailed.

Jackson moved that the name of Hamilton be added as an author on H. F. No. 2998. The motion prevailed.

Murdock moved that the name of Davids be added as an author on H. F. No. 3024. The motion prevailed.

Murphy, E., moved that the name of Hornstein be added as an author on H. F. No. 3042. The motion prevailed.

Ruud moved that the names of Brynaert and Kahn be added as authors on H. F. No. 3046. The motion prevailed.

Hortman moved that the names of Gardner and Urdahl be added as authors on H. F. No. 3079. The motion prevailed.

Lenczewski moved that the name of Buesgens be added as an author on H. F. No. 3082. The motion prevailed.

Thissen moved that the name of Loeffler be added as an author on H. F. No. 3086. The motion prevailed.

Paymar moved that the name of Hamilton be added as an author on H. F. No. 3089. The motion prevailed.

Hilstrom moved that the name of Hamilton be added as an author on H. F. No. 3090. The motion prevailed.

Bigham moved that the name of Shimanski be added as an author on H. F. No. 3106. The motion prevailed.

Winkler moved that the name of Poppe be added as an author on H. F. No. 3108. The motion prevailed.

Kalin moved that the name of Sterner be added as an author on H. F. No. 3109. The motion prevailed.

Winkler moved that the names of Sterner and Poppe be added as authors on H. F. No. 3111. The motion prevailed.

Morgan moved that the name of Newton be added as an author on H. F. No. 3123. The motion prevailed.

Cornish moved that the names of Murdock, McNamara, Hackbarth, Draskowski and Smith be added as authors on H. F. No. 3126. The motion prevailed.

Lesch moved that the name of Gardner be added as an author on H. F. No. 3130. The motion prevailed.

Hornstein moved that the name of Loeffler be added as an author on H. F. No. 3134. The motion prevailed.

Simon moved that the name of Loeffler be added as an author on H. F. No. 3135. The motion prevailed.

Kohls moved that the name of Reinert be added as an author on H. F. No. 3140. The motion prevailed.

Bigham moved that the name of Kahn be added as an author on H. F. No. 3141. The motion prevailed.

Mahoney moved that the names of Westrom, Kath, Norton, Ward, Demmer and Newton be added as authors on H. F. No. 3157. The motion prevailed.

Olin moved that the name of Peppin be added as an author on H. F. No. 3158. The motion prevailed.

Jackson moved that the name of Haws be added as an author on H. F. No. 3161. The motion prevailed.

Dill moved that the name of Sailer be added as an author on H. F. No. 3162. The motion prevailed.

Champion moved that the name of Kahn be added as an author on H. F. No. 3184. The motion prevailed.

Peterson moved that the name of Ward be added as an author on H. F. No. 3195. The motion prevailed.

Peterson moved that the name of Ward be added as an author on H. F. No. 3200. The motion prevailed.

Mahoney moved that the name of Scalze be added as an author on H. F. No. 3205. The motion prevailed.

Thissen moved that the name of Kiffmeyer be added as an author on H. F. No. 3211. The motion prevailed.

Ruud moved that the name of Mullery be added as an author on H. F. No. 3217. The motion prevailed.

Atkins moved that the name of Dittrich be added as an author on H. F. No. 3245. The motion prevailed.

McFarlane moved that the name of Doepke be added as an author on H. F. No. 3248. The motion prevailed.

Falk moved that the name of Morrow be added as an author on H. F. No. 3273. The motion prevailed.

Simon moved that the name of Hansen be added as an author on H. F. No. 3277. The motion prevailed.

Gardner moved that the name of Lenczewski be added as an author on H. F. No. 3289. The motion prevailed.

Thissen moved that the names of Koenen, Otremba and Olin be added as authors on H. F. No. 3290. The motion prevailed.

Clark moved that the name of Mahoney be added as an author on H. F. No. 3293. The motion prevailed.

Peppin moved that the name of Lenczewski be added as an author on H. F. No. 3294. The motion prevailed.

Wagenius moved that the names of Kahn and Persell be added as authors on H. F. No. 3296. The motion prevailed.

Brod moved that the name of Scott be added as an author on H. F. No. 3302. The motion prevailed.

Gardner moved that H. F. No. 298 be recalled from the Committee on Finance and be re-referred to the Committee on Commerce and Labor. The motion prevailed.

Marquart moved that H. F. No. 2894 be recalled from the Committee on Finance and be re-referred to the Committee on Environment Policy and Oversight. The motion prevailed.

Jackson moved that H. F. No. 3147 be recalled from the Committee on Taxes and be re-referred to the Committee on State and Local Government Operations Reform, Technology and Elections. The motion prevailed.

Morrow moved that H. F. No. 3191 be recalled from the Committee on Civil Justice and be re-referred to the Committee on Public Safety Policy and Oversight. The motion prevailed.

Rukavina moved that H. F. No. 3228 be recalled from the Committee on Finance and be re-referred to the Higher Education and Workforce Development Finance and Policy Division. The motion prevailed.

Abeler moved that H. F. No. 3229 be recalled from the Committee on Health Care and Human Services Policy and Oversight and be re-referred to the Early Childhood Finance and Policy Division. The motion prevailed.

Hornstein and Lieder were excused for the remainder of today's session.

Pursuant to rule 4.30, Severson moved that H. F. No. 2809 be recalled from the State Government Finance Division, be given its second reading and be placed on the General Register.

A roll call was requested and properly seconded.

The question was taken on the Severson motion and the roll was called. There were 65 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Bigham	Cornish	Demmer	Doty
Anderson, B.	Anzelc	Buesgens	Davids	Dettmer	Downey
Anderson, P.	Beard	Bunn	Dean	Doepke	Drazkowski

Eastlund	Gunther	Kiffmeyer	Murdock	Reinert	Sterner
Eken	Hackbarth	Koenen	Newton	Rosenthal	Swails
Emmer	Holberg	Kohls	Nornes	Sanders	Torkelson
Falk	Hoppe	Lanning	Obermueller	Scott	Urdahl
Faust	Howes	Loon	Olin	Seifert	Ward
Fritz	Jackson	Mack	Otremba	Severson	Westrom
Garofalo	Kath	McFarlane	Peppin	Shimanski	Zellers
Gottwalt	Kelly	McNamara	Persell	Smith	

Those who voted in the negative were:

Atkins	Gardner	Johnson	Mahoney	Paymar	Slocum
Benson	Greiling	Juhnke	Mariani	Pelowski	Solberg
Bly	Hansen	Kahn	Marquart	Peterson	Thao
Brown	Hausman	Kalin	Masin	Poppe	Thissen
Brynaert	Haws	Knuth	Morgan	Rukavina	Tillberry
Carlson	Hayden	Laine	Morrow	Ruud	Wagenius
Champion	Hilstrom	Lenczewski	Mullery	Sailer	Welti
Clark	Hilty	Lesch	Murphy, E.	Scalze	Winkler
Davnie	Hortman	Liebling	Murphy, M.	Sertich	Spk. Kelliher
Dill	Hosch	Lillie	Nelson	Simon	
Dittrich	Huntley	Loeffler	Norton	Slawik	

Not having received the required 68 votes, the motion did not prevail.

Sertich introduced:

House Concurrent Resolution No. 3, A House concurrent resolution adopting deadlines for the 2010 regular session.

The House concurrent resolution was referred to the Committee on Rules and Legislative Administration.

#### ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, March 8, 2010. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and Speaker pro tempore Hortman declared the House stands adjourned until 1:00 p.m., Monday, March 8, 2010.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

