

STATE OF MINNESOTA

EIGHTY-SIXTH SESSION — 2009

SEVENTEENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 5, 2009

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 the Reverend Robert Broeder, retired clergyman of the United Church of Christ and Police Chaplain, Le Sueur, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Dean and Demmer were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Murdock 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.

There being no objection, the order of business advanced to Motions and Resolutions.

MOTIONS AND RESOLUTIONS

MOTION TO INVITE SENATE TO JOINT CONVENTION

Sertich moved that the Chief Clerk be instructed to invite the Senate by message to a Joint Convention to be held on Monday, March 9, 2009, at 1:15 p.m., in the chamber of the House of Representatives to elect members to the Board of Regents of the University of Minnesota. The motion prevailed.

There being no objection, the order of business reverted to Petitions and Communications.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 2, 2009

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. 886, relating to the state budget; exempting allocation of general fund balance at end of fiscal year 2009; requiring governor's general fund budget to be balanced for fiscal years 2012 and 2013.

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 2009 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 2009</i>	<i>Date Filed 2009</i>
	886	5	4:05 p.m. March 2	March 2

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 8, A bill for an act relating to state government; establishing the Minnesota False Claims Act; assessing penalties; proposing coding for new law as Minnesota Statutes, chapter 15C.

Reported the same back with the following amendments:

Page 3, after line 13, insert:

"(d) Except for conduct described in paragraph (a), clause (7), a person is not liable under this section for mere inadvertence or mistake with respect to activities involving a false or fraudulent claim."

Page 4, delete lines 5 to 8 and insert:

"(1) against the legislature, the judiciary, an executive department of the state, or a political subdivision, and their members or employees;"

Page 5, line 24, delete everything after the period and insert "If the attorney general so intervenes, the attorney general subsequently has primary responsibility for conducting the action."

Page 5, delete lines 25 and 26

Page 7, delete lines 1 and 2

Page 7, line 3, delete "(d)" and insert "(c)"

Page 7, line 23, after the period, insert "For recoveries whose distribution is governed by federal code or rule, the basis for calculating the portion of the recovery the person is entitled to receive shall not include such amounts reserved for distribution to the federal government or designated in their use by such federal code or rule."

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

The report was adopted.

Lieder from the Transportation Finance and Policy Division to which was referred:

H. F. No. 85, A bill for an act relating to traffic regulations; authorizing mounting global positioning systems on windshields; amending Minnesota Statutes 2008, section 169.71, subdivision 1.

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

The report was adopted.

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

H. F. No. 116, A bill for an act relating to pupil transportation; modifying qualifications for type III school bus drivers; amending Minnesota Statutes 2008, section 171.02, subdivision 2b.

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 121, A bill for an act relating to highways; designating the Clearwater County Veterans Memorial Highway; amending Minnesota Statutes 2008, section 161.14, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 161.139, is amended to read:

161.139 HIGHWAY DESIGNATION COSTS.

The commissioner shall not adopt a design or erect a sign to mark or memorialize a highway or bridge, pursuant to designation by the legislature ~~on or after January 1, 1996~~, unless the commissioner is assured of the availability of funds from nonstate sources sufficient to pay all costs related to designing, erecting, and maintaining the signs. The commissioner may remove a sign that marks or memorializes a highway or bridge as designated by the legislature if:

(1) the sign requires maintenance, repair, or replacement;

(2) the commissioner has made a reasonable effort to obtain funds for maintenance, repair, or replacement from nonstate sources; and

(3) the funds obtained under clause (2) are insufficient to pay all related costs.

Sec. 2. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision to read:

Subd. 62. **Clearwater County Veterans Memorial Highway.** (a) The following described route is designated the "Clearwater County Veterans Memorial Highway": that portion of Legislative Route No. 168, marked on the effective date of this section as Trunk Highway 200, from its intersection with Clearwater County State-Aid Highway 39 to its intersection with Legislative Route No. 169, marked on the effective date of this section as Trunk Highway 92; and that portion of Route No. 169 to its intersection with Clearwater County State-Aid Highway 5.

(b) The commissioner shall adopt a suitable marking design to mark this highway and erect appropriate signs, subject to section 161.139."

Delete the title and insert:

"A bill for an act relating to highways; modifying provision governing memorial signs erected on designated highways; designating the Clearwater County Veterans Memorial Highway; amending Minnesota Statutes 2008, sections 161.139; 161.14, by adding a subdivision."

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. 130, A bill for an act relating to public safety; prohibiting predatory offenders required to register from accessing and using social networking Web sites; amending Minnesota Statutes 2008, sections 243.166, subdivisions 1a, 4; 244.05, subdivision 6.

Reported the same back with the following amendments:

Page 5, line 2, after "for" insert a colon

Page 5, line 3, delete the comma and insert a semicolon and after "program" insert a comma

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.

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

H. F. No. 161, A bill for an act relating to health; establishing a medical response unit reimbursement pilot program; funding emergency medical services programs; appropriating money.

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

The report was adopted.

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

H. F. No. 166, A bill for an act relating to consumer protection; prohibiting retail sales of toys that have been recalled for safety reasons; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the recommendation that 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:

H. F. No. 211, A bill for an act relating to civil actions; statutory housing warranties; regulating recovery for breaches; amending Minnesota Statutes 2008, section 327A.05.

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. 326, A bill for an act relating to public health; protecting the health of children; prohibiting bisphenol-A in products for young children; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

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

Subdivision 1. **Scope.** For the purposes of sections 325F.172 to 325F.175, the following terms have the meanings given them.

Subd. 2. **Child.** "Child" means a person under three years of age.

Subd. 3. **Children's product.** (a) "Children's product" means a product, including containers used to contain infant formulas, designed or intended by a manufacturer to be used by a child:

(1) as a toy;

(2) to facilitate feeding; or

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

(b) "Children's product" does not include:

(1) a "device" as defined in the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321, paragraph (h); or

(2) a container containing a food or beverage, except that a container containing infant formula is a "children's product."

Subd. 4. **Container.** "Container" means an airtight metal, glass, or plastic container or a container composed of a combination of these materials that contains a food or beverage.

Subd. 5. **Infant formula.** "Infant formula" has the meaning given in the Federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321, paragraph (z).

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

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

(a) By January 1, 2010, no manufacturer may sell or offer for sale in this state a children's product that contains bisphenol-A, except that a manufacturer of infant formula sold in a container is not required to comply with this section until January 1, 2013.

(b) This section does not apply to sale of a used children's product.

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

Sec. 3. [325F.174] REPLACEMENT CHEMICALS.

A manufacturer may not sell or offer for sale in Minnesota a children's product that, as a direct result of the prohibition in section 325F.173, contains a chemical that is:

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

(2) identified by the federal Environmental Protection Agency as causing birth defects, hormone disruption, or harm to reproduction or development.

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

Sec. 4. **[325F.175] PARTICIPATION IN INTERSTATE CLEARINGHOUSE.**

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

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 Commerce and Labor.

The report was adopted.

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

H. F. No. 403, A bill for an act relating to environment; requiring plastic yard waste bags to be compostable; establishing biodegradable standard for certain plastics; providing civil penalties; amending Minnesota Statutes 2008, section 115A.931; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 115A.931, is amended to read:

115A.931 YARD WASTE PROHIBITION.

(a) Except as authorized by the agency, in the metropolitan area after January 1, 1990, and outside the metropolitan area after January 1, 1992, a person may not place yard waste:

- (1) in mixed municipal solid waste;
- (2) in a disposal facility; or
- (3) in a resource recovery facility except for the purposes of reuse, composting, or cocomposting.

(b) [Renumbered 115A.03, subd 38]

(c) On or after January 1, 2010, a person may not place yard waste or source-separated compostable materials generated in a metropolitan county in a plastic bag delivered to a transfer station or yard waste compost facility unless the bag meets all the specifications in ASTM Standard Specification for Compostable Plastics (D6400). For purposes of this paragraph, "metropolitan county" has the meaning given in section 473.121, subdivision 4, and "ASTM" has the meaning given in section 296A.01, subdivision 6.

(d) A person who immediately empties a plastic bag containing yard waste or source-separated compostable materials delivered to a transfer station or yard waste compost facility and removes the plastic bag from the transfer station or yard waste compost facility is exempt from paragraph (c).

(e) A city of the first class with an organized collection system for collecting solid waste is exempt from paragraph (c) until January 1, 2013.

Sec. 2. **[325E.046] STANDARDS FOR LABELING PLASTIC BAGS.**

Subdivision 1. **Biodegradable label.** A person may not offer for sale in this state a plastic bag labeled "biodegradable," "degradable," or any form of those terms, or in any way imply that the bag will chemically decompose into innocuous elements in a reasonably short period of time in a landfill, composting, or other terrestrial environment unless a scientifically based standard for biodegradability is developed and the bags are certified as meeting the standard.

Subd. 2. **Compostable label.** A person may not offer for sale in this state a plastic bag labeled "compostable" unless, at the time of sale, the bag meets the ASTM Standard Specification for Compostable Plastics (D6400). Each bag must be labeled to reflect that it meets the standard. For purposes of this subdivision, "ASTM" has the meaning given in section 296A.01, subdivision 6.

Subd. 3. **Enforcement; civil penalty; injunctive relief.** (a) A person who violates subdivision 1 is subject to a civil penalty of \$100 for each violation up to a maximum of \$5,000 and may be enjoined from such violations.

(b) The attorney general may bring an action in the name of the state in a court of competent jurisdiction for recovery of civil penalties or for injunctive relief as provided in this subdivision. The attorney general may accept an assurance of discontinuance of acts in violation of subdivision 1 in the manner provided in section 8.31, subdivision 2b.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective January 1, 2010."

Delete the title and insert:

"A bill for an act relating to environment; requiring plastic yard waste bags to be compostable; establishing biodegradable and compostable standards for certain plastics; providing civil penalties; amending Minnesota Statutes 2008, section 115A.931; proposing coding for new law in Minnesota Statutes, chapter 325E."

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. 419, A bill for an act relating to health; modifying the Lead Poisoning Prevention Act; amending Minnesota Statutes 2008, sections 144.9501, subdivision 9; 144.9503, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 144.9504, is amended by adding a subdivision to read:

Subd. 12. **Clinical follow-up to elevated blood lead level.** (a) When a child's blood lead level exceeds five micrograms of lead per deciliter of blood, the child's health care provider must provide the following services:

- (1) a follow-up venous blood test for the child three months after the original blood lead level screening;
- (2) a venous blood test for each child under the age of five years living in the same residence as the child; and
- (3) family education as to potential sources of lead and ways to avoid exposure.

(b) For purposes of this subdivision, "health care provider" means an individual licensed by a health-related licensing board as defined in section 214.01, subdivision 2, who has the authority, within the individual's scope of practice, to provide a venous blood test."

Delete the title and insert:

"A bill for an act relating to health; requiring follow-up testing and education if a child's blood lead level exceeds a certain amount; amending Minnesota Statutes 2008, section 144.9504, by adding a subdivision."

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

The report was adopted.

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

H. F. No. 444, A bill for an act relating to health; modifying the state's suicide prevention plan; amending Minnesota Statutes 2008, section 145.56, subdivisions 1, 2.

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. 448, A bill for an act relating to public safety; allowing emergency 911 systems to include referral to mental health crisis teams; amending Minnesota Statutes 2008, sections 403.03; 403.05, subdivision 1.

Reported the same back with the following amendments:

Page 1, delete section 2

Correct the title numbers accordingly

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.

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

H. F. No. 449, A bill for an act relating to public safety; peace officers; establishing crisis intervention team grants; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Page 1, line 7, delete "public safety" and insert "human services"

Page 1, line 9, delete everything after the period

Page 1, delete lines 10 to 14

Page 2, line 8, delete "public safety" and insert "human services"

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

The report was adopted.

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

H. F. No. 456, A bill for an act relating to state government; allowing the Indian Affairs Council to conduct meetings by telephone or by electronic means; amending Minnesota Statutes 2008, section 3.922, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[13D.015] MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS.**

Subdivision 1. **Application.** This section applies to:

(1) a state agency, board, commission, or department, and a statewide public pension plan defined in section 356A.01, subdivision 24; and

(2) a committee, subcommittee, board, department, or commission of an entity listed in clause (1).

Subd. 2. **Conditions.** An entity listed in subdivision 1 may conduct a meeting governed by this section and section 13D.01, subdivisions 1, 2, 4, and 5, by telephone or other electronic means so long as the following conditions are met:

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

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

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

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

Subd. 3. **Quorum; participation.** Each member of the entity participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

Subd. 4. **Monitoring from remote site; costs.** If telephone or another electronic means is used to conduct a meeting, the entity, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The entity may require the person making a connection to pay for documented marginal costs that the entity incurs as a result of the additional connection.

Subd. 5. **Notice.** If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the entity shall provide notice of the regular meeting location, of the fact that some members may participate by electronic means, and of the provisions of subdivision 4. The timing and method of providing notice is governed by section 13D.04."

Delete the title and insert:

"A bill for an act relating to state government; allowing state agencies to conduct meetings by telephone or by electronic means; proposing coding for new law in Minnesota Statutes, chapter 13D."

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. 549, A bill for an act relating to commerce; regulating debt management and debt settlement services; amending Minnesota Statutes 2008, sections 332A.02, subdivisions 5, 8, 9, 10, 13, by adding a subdivision; 332A.04, subdivision 6; 332A.08; 332A.10; 332A.11, subdivision 2; 332A.14; proposing coding for new law as Minnesota Statutes, chapter 332B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 45.011, subdivision 1, is amended to read:

Subdivision 1. **Scope.** As used in chapters 45 to 83, 155A, 332, 332A, 332B, 345, and 359, and sections 325D.30 to 325D.42, 326B.802 to 326B.885, and 386.61 to 386.78, unless the context indicates otherwise, the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 2008, section 46.04, subdivision 1, is amended to read:

Subdivision 1. **General.** The commissioner of commerce, referred to in chapters 46 to 59A, and ~~chapter 332A,~~ and 332B as the commissioner, is vested with all the powers, authority, and privileges which, prior to the enactment of Laws 1909, chapter 201, were conferred by law upon the public examiner, and shall take over all duties in

relation to state banks, savings banks, trust companies, savings associations, and other financial institutions within the state which, prior to the enactment of chapter 201, were imposed upon the public examiner. The commissioner of commerce shall exercise a constant supervision, either personally or through the examiners herein provided for, over the books and affairs of all state banks, savings banks, trust companies, savings associations, credit unions, industrial loan and thrift companies, and other financial institutions doing business within this state; and shall, through examiners, examine each financial institution at least once every 24 calendar months. In satisfying this examination requirement, the commissioner may accept reports of examination prepared by a federal agency having comparable supervisory powers and examination procedures. With the exception of industrial loan and thrift companies which do not have deposit liabilities and licensed regulated lenders, it shall be the principal purpose of these examinations to inspect and verify the assets and liabilities of each and so far investigate the character and value of the assets of each institution as to determine with reasonable certainty that the values are correctly carried on its books. Assets and liabilities shall be verified in accordance with methods of procedure which the commissioner may determine to be adequate to carry out the intentions of this section. It shall be the further purpose of these examinations to assess the adequacy of capital protection and the capacity of the institution to meet usual and reasonably anticipated deposit withdrawals and other cash commitments without resorting to excessive borrowing or sale of assets at a significant loss, and to investigate each institution's compliance with applicable laws and rules. Based on the examination findings, the commissioner shall make a determination as to whether the institution is being operated in a safe and sound manner. None of the above provisions limits the commissioner in making additional examinations as deemed necessary or advisable. The commissioner shall investigate the methods of operation and conduct of these institutions and their systems of accounting, to ascertain whether these methods and systems are in accordance with law and sound banking principles. The commissioner may make requirements as to records as deemed necessary to facilitate the carrying out of the commissioner's duties and to properly protect the public interest. The commissioner may examine, or cause to be examined by these examiners, on oath, any officer, director, trustee, owner, agent, clerk, customer, or depositor of any financial institution touching the affairs and business thereof, and may issue, or cause to be issued by the examiners, subpoenas, and administer, or cause to be administered by the examiners, oaths. In case of any refusal to obey any subpoena issued under the commissioner's direction, the refusal may at once be reported to the district court of the district in which the bank or other financial institution is located, and this court shall enforce obedience to these subpoenas in the manner provided by law for enforcing obedience to subpoenas of the court. In all matters relating to official duties, the commissioner of commerce has the power possessed by courts of law to issue subpoenas and cause them to be served and enforced, and all officers, directors, trustees, and employees of state banks, savings banks, trust companies, savings associations, and other financial institutions within the state, and all persons having dealings with or knowledge of the affairs or methods of these institutions, shall afford reasonable facilities for these examinations, make returns and reports to the commissioner of commerce as the commissioner may require; attend and answer, under oath, the commissioner's lawful inquiries; produce and exhibit any books, accounts, documents, and property as the commissioner may desire to inspect, and in all things aid the commissioner in the performance of duties.

Sec. 3. Minnesota Statutes 2008, section 46.05, is amended to read:

46.05 SUPERVISION OVER FINANCIAL INSTITUTIONS.

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

Sec. 4. Minnesota Statutes 2008, section 46.131, subdivision 2, is amended to read:

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

Sec. 5. Minnesota Statutes 2008, section 325E.311, subdivision 6, is amended to read:

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

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

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

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

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

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

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

Sec. 6. Minnesota Statutes 2008, section 332A.02, is amended by adding a subdivision to read:

Subd. 2a. Advertise. "Advertise" means to solicit business through any means or medium.

Sec. 7. Minnesota Statutes 2008, section 332A.02, subdivision 5, is amended to read:

Subd. 5. **Controlling or affiliated party.** "Controlling or affiliated party" means any person or entity that controls or is controlled, directly or indirectly ~~controlling, controlled by,~~ or is under common control with another person. Controlling or affiliated party includes, but is not limited to, employees, officers, independent contractors, corporations, partnerships, and limited liability corporations.

Sec. 8. Minnesota Statutes 2008, section 332A.02, subdivision 8, is amended to read:

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

- (1) attorneys at law, escrow agents, accountants, broker-dealers in securities;
- (2) state or national banks, trust companies, savings associations, title insurance companies, insurance companies, and all other lending institutions duly authorized to transact business in Minnesota, ~~provided no fee is charged for the service;~~
- (3) persons who, as employees on a regular salary or wage of an employer not engaged in the business of debt management, perform credit services for their employer;
- (4) public officers acting in their official capacities and persons acting as a debt management services provider pursuant to court order;
- (5) any person while performing services incidental to the dissolution, winding up, or liquidation of a partnership, corporation, or other business enterprise;
- (6) the state, its political subdivisions, public agencies, and their employees;
- (7) ~~credit unions and~~ collection agencies, ~~provided no fee is charged for the service~~ that the services are provided to a creditor;
- (8) "qualified organizations" designated as representative payees for purposes of the Social Security and Supplemental Security Income Representative Payee System and the federal Omnibus Budget Reconciliation Act of 1990, Public Law 101-508;
- (9) accelerated mortgage payment providers. "Accelerated mortgage payment providers" are persons who, after satisfying the requirements of sections 332.30 to 332.303, receive funds to make mortgage payments to a lender or lenders, on behalf of mortgagors, in order to exceed regularly scheduled minimum payment obligations under the terms of the indebtedness. The term does not include: (i) persons or entities described in clauses (1) to (8); (ii) mortgage lenders or servicers, industrial loan and thrift companies, or regulated lenders under chapter 56; or (iii) persons authorized to make loans under section 47.20, subdivision 1. For purposes of this clause and sections 332.30 to 332.303, "lender" means the original lender or that lender's assignee, whichever is the current mortgage holder;
- (10) trustees, guardians, and conservators; ~~and~~
- (11) debt settlement services providers; ~~and~~
- (12) credit unions.

Sec. 9. Minnesota Statutes 2008, section 332A.02, subdivision 9, is amended to read:

Subd. 9. **Debt management services.** "Debt management services" means the provision of any ~~one or more of the following~~ services ~~in connection with debt incurred primarily for personal, family, or household services:~~

- (1) ~~managing the financial affairs of an individual by distributing income or money to the individual's creditors;~~
- (2) ~~receiving funds for the purpose of distributing the funds among creditors in payment or partial payment of obligations of a debtor; or~~

~~(3) adjusting, prorating, pooling, or liquidating the indebtedness of a debtor whereby a debt management services provider assists in managing the financial affairs of a debtor by distributing periodic payments to the debtor's creditors from funds that the debt management services provider receives from the debtor and where the primary purpose of the services is to effect repayment of debt incurred primarily for personal, family, or household services.~~

Any person so engaged or holding out as so engaged is deemed to be engaged in the provision of debt management services regardless of whether or not a fee is charged for such services.

Sec. 10. Minnesota Statutes 2008, section 332A.02, subdivision 10, is amended to read:

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

Sec. 11. Minnesota Statutes 2008, section 332A.02, subdivision 13, is amended to read:

Subd. 13. **Debt settlement services provider.** "Debt settlement services provider" ~~means any person engaging in or holding out as engaging in the business of negotiating, adjusting, or settling debt incurred primarily for personal, family, or household purposes without holding or receiving the debtor's funds or personal property and without paying the debtor's funds to, or distributing the debtor's property among, creditors~~ has the meaning given in section 332B.02, subdivision 10. The term shall not include persons listed in subdivision 8, clauses (1) to (10).

Sec. 12. Minnesota Statutes 2008, section 332A.04, subdivision 6, is amended to read:

Subd. 6. **Right of action on bond.** If the registrant has failed to account to a debtor or distribute to the debtor's creditors the amounts required by this chapter ~~and, or has failed to perform any of the services promised in~~ the debt management services agreement between the debtor and registrant, the registrant is in default. The debtor or the debtor's legal representative or receiver, the commissioner, or the attorney general, shall have, in addition to all other legal remedies, a right of action in the name of the debtor on the bond or the security given under this section, for loss suffered by the debtor, not exceeding the face amount of the bond or security, and without the necessity of joining the registrant in the suit or action based on the default.

Sec. 13. Minnesota Statutes 2008, section 332A.08, is amended to read:

332A.08 DENIAL OF REGISTRATION.

The commissioner, with notice to the applicant by certified mail sent to the address listed on the application, may deny an application for a registration upon finding that the applicant:

(1) has submitted an application required under section 332A.04 that contains incorrect, misleading, incomplete, or materially untrue information. An application is incomplete if it does not include all the information required in section 332A.04;

(2) has failed to pay any fee or pay or maintain any bond required by this chapter, or failed to comply with any order, decision, or finding of the commissioner made under and within the authority of this chapter;

(3) has violated any provision of this chapter or any rule or direction lawfully made by the commissioner under and within the authority of this chapter;

(4) or any controlling or affiliated party has ever been convicted of a crime or found civilly liable for an offense involving moral turpitude, including forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or violation, or any violation of a federal or state law or regulation in connection with activities relating to the rendition of debt management services or any consumer fraud, false advertising, deceptive trade practices, or similar consumer protection law;

(5) has had a registration or license previously revoked or suspended in this state or any other state or the applicant or licensee has been permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the debt management services provider business; or any controlling or affiliated party has been an officer, director, manager, or shareholder owning more than a ten percent interest in a debt management services provider whose registration has previously been revoked or suspended in this state or any other state, or who has been permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the debt management services provider business;

(6) has made any false statement or representation to the commissioner;

(7) is insolvent;

(8) refuses to fully comply with an investigation or examination of the debt management services provider by the commissioner;

(9) has improperly withheld, misappropriated, or converted any money or properties received in the course of doing business;

(10) has failed to have a trust account with an actual cash balance equal to or greater than the sum of the escrow balances of each debtor's account;

(11) has defaulted in making payments to creditors on behalf of debtors as required by agreements between the provider and debtor; ~~or~~

(12) has used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in this state or elsewhere; or

(13) has been shown to have engaged in a pattern of failing to perform the services promised.

Sec. 14. Minnesota Statutes 2008, section 332A.10, is amended to read:

332A.10 WRITTEN DEBT MANAGEMENT SERVICES AGREEMENT.

Subdivision 1. **Written agreement required.** (a) A debt management services provider may not perform any debt management services or receive any money related to a debt management services plan until the provider has obtained a debt management services agreement that contains all terms of the agreement between the debt management services provider and the debtor.

(b) A debt management services agreement must:

(1) be in writing, dated, and signed by the debt management services provider and the debtor;

(2) conspicuously indicate whether or not the debt management services provider is registered with the Minnesota Department of Commerce and include any registration number; and

(3) be written in the debtor's primary language if the debt management services provider advertised in that language.

(c) The registrant must furnish the debtor with a copy of the signed contract upon execution.

Subd. 2. **Actions prior to written agreement.** No person may provide debt management services for a debtor or execute a debt management services agreement unless the person first has:

(1) provided the debtor individualized counseling and educational information that, at a minimum, addresses managing household finances, managing credit and debt, budgeting, and personal savings strategies;

(2) prepared in writing and provided to the debtor, in a form that the debtor may keep, an individualized financial analysis and a proposed debt management services plan listing the debtor's known debts with specific recommendations regarding actions the debtor should take to reduce or eliminate the amount of the debts, including written disclosure that debt management services are not suitable for all debtors and that there are other ways, including bankruptcy, to deal with indebtedness;

(3) made a determination supported by an individualized financial analysis that the debtor can reasonably meet the requirements of the proposed debt management services plan and that there is a net tangible benefit to the debtor of entering into the proposed debt management services plan; ~~and~~

(4) prepared, in a form the debtor may keep, a written list identifying all known creditors of the debtor that the provider reasonably expects to participate in the plan and the creditors, including secured creditors, that the provider reasonably expects not to participate; and

(5) disclosed, in addition to the written disclosure on the agreement required under subdivision 1, whether or not the debt management services provider is registered with the Minnesota Department of Commerce and any registration number.

Subd. 3. **Required terms provisions.** (a) Each debt management services agreement must contain the following terms provisions, which must be disclosed prominently and clearly in bold print on the front page of the agreement, segregated by bold lines from all other information on the page:

(1) the origination fee amount to be paid by the debtor and whether all or a portion of the ~~initial~~ origination fee amount is refundable or nonrefundable;

(2) the monthly fee amount or percentage to be paid by the debtor; and

(3) the total amount of fees reasonably anticipated to be paid by the debtor over the term of the agreement.

(b) Each debt management services agreement must also contain the following:

(1) a disclosure that if the amount of debt owed is increased by interest, late fees, over the limit fees, and other amounts imposed by the creditors, the length of the debt management services agreement will be extended and remain in force and that the total dollar charges agreed upon may increase at the rate agreed upon in the original contract agreement;

(2) a prominent statement describing the terms upon which the debtor may cancel the contract as set forth in section 332A.11;

(3) a detailed description of all services to be performed by the debt management services provider for the debtor;

(4) the debt management services provider's refund policy; and

(5) the debt management services provider's principal business address and the name and address of its agent in this state authorized to receive service of process.

Subd. 4. **Prohibited terms.** The following terms shall not be included in the debt management services agreement:

(1) a hold harmless clause;

(2) a confession of judgment, or a power of attorney to confess judgment against the debtor or appear as the debtor in any judicial proceeding;

(3) a waiver of the right to a jury trial, if applicable, in any action brought by or against a debtor;

(4) an assignment of or an order for payment of wages or other compensation for services;

(5) a provision in which the debtor agrees not to assert any claim or defense arising out of the debt management services agreement;

(6) a waiver of any provision of this chapter or a release of any obligation required to be performed on the part of the debt management services provider; or

(7) a mandatory arbitration or choice of law clause.

Subd. 5. **New debt management services agreements; modification of existing agreements.** (a) Separate and additional debt management services agreements that comply with this chapter may be entered into by the debt management services provider and the debtor provided that no additional ~~initial~~ origination fee may be charged by the debt management services provider.

(b) Any modification of an existing debt management services agreement, including any increase in the number or amount of debts included in the debt management ~~service~~ services agreement, must be in writing and signed by both parties, except that the signature of the debtor is not required if:

(1) a creditor is added to or deleted from a debt management services agreement at the request of the debtor or a debtor voluntarily increases the amount of a payment, provided the debt management services provider must provide an updated payment schedule to the debtor within seven days; or

(2) the payment amount to a creditor in the agreement increases by \$10 or less and the total payment amount to all creditors increases a total of \$20 or less as a result of incorrect or incomplete information provided by the debtor regarding the amount of debt owed a creditor, provided the debt management services provider must notify the debtor of the increase within seven days.

No fees, charges, or other consideration may be demanded from the debtor for the modification, other than an increase in the amount of the monthly maintenance fee established in the original debt management services agreement.

Sec. 15. Minnesota Statutes 2008, section 332A.11, subdivision 2, is amended to read:

Subd. 2. **Notice of debtor's right to cancel.** A debt management services agreement must contain, on its face, in an easily readable ~~typeface~~ type immediately adjacent to the space for signature by the debtor, the following notice: "Right To Cancel: You have the right to cancel this contract at any time on ten days' written notice."

Sec. 16. Minnesota Statutes 2008, section 332A.14, is amended to read:

332A.14 PROHIBITIONS.

~~A registrant~~ (a) No debt management services provider shall not:

- (1) purchase from a creditor any obligation of a debtor;
- (2) use, threaten to use, seek to have used, or seek to have threatened the use of any legal process, including but not limited to garnishment and repossession of personal property, against any debtor while the debt management services agreement between the registrant and the debtor remains executory;
- (3) advise, counsel, or encourage a debtor to stop paying a creditor ~~until a debt management services plan is in place, or imply, infer, encourage, or in any other way indicate, that it is advisable to stop paying a creditor;~~
- (4) sanction or condone the act by a debtor of ceasing payments or imply, infer, or in any manner indicate that the act of ceasing payments is advisable or beneficial to the debtor;
- ~~(4)~~ (5) require as a condition of performing debt management services the purchase of any services, stock, insurance, commodity, or other property or any interest therein either by the debtor or the registrant;
- ~~(5)~~ (6) compromise any debts unless the prior written approval of the debtor has been obtained to such compromise and unless such compromise inures solely to the benefit of the debtor;
- ~~(6)~~ (7) receive from any debtor as security or in payment of any fee a promissory note or other promise to pay or any mortgage or other security, whether as to real or personal property;
- ~~(7)~~ (8) lend money or provide credit to any debtor if any interest or fee is charged, or directly or indirectly collect any fee for referring, advising, procuring, arranging, or assisting a consumer in obtaining any extension of credit or other debtor service from a lender or debt management services provider;
- ~~(8)~~ (9) structure a debt management services agreement that would result in negative amortization of any debt in the plan;
- ~~(9)~~ (10) engage in any unfair, deceptive, or unconscionable act or practice in connection with any service provided to any debtor;
- ~~(10)~~ (11) offer, pay, or give any material cash fee, gift, bonus, premium, reward, or other compensation to any person for referring any prospective customer to the registrant or for enrolling a debtor in a debt management services plan, or provide any other incentives for employees or agents of the debt management services provider to induce debtors to enter into a debt management services plan;
- ~~(11)~~ (12) receive any cash, fee, gift, bonus, premium, reward, or other compensation from any person other than the debtor or a person on the debtor's behalf in connection with activities as a registrant, provided that this paragraph does not apply to a registrant which is a bona fide nonprofit corporation duly organized under chapter 317A or under the similar laws of another state;

~~(12)~~ (13) enter into a contract with a debtor unless a thorough written budget analysis indicates that the debtor can reasonably meet the requirements of the financial adjustment plan and will be benefited by the plan;

~~(13)~~ (14) in any way charge or purport to charge or provide any debtor credit insurance in conjunction with any contract or agreement involved in the debt management services plan;

~~(14)~~ (15) operate or employ a person who is an employee or owner of a collection agency or process-serving business; or

~~(15)~~ (16) solicit, demand, collect, require, or attempt to require payment of a sum that the registrant states, discloses, or advertises to be a voluntary contribution to a debt management services provider or designee from the debtor.

Sec. 17. **[332B.02] DEFINITIONS.**

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

Subd. 2. **Advertise.** "Advertise" means to solicit business through any means or medium.

Subd. 3. **Aggregate debt.** "Aggregate debt" means the total of principal and interest that is owed by the debtor to the creditors at the time of execution of the debt settlement agreement.

Subd. 4. **Attorney general.** "Attorney general" means the attorney general of the state of Minnesota.

Subd. 5. **Commissioner.** "Commissioner" means the commissioner of commerce.

Subd. 6. **Controlling or affiliated party.** "Controlling or affiliated party" means any person or entity that controls or is controlled, directly or indirectly, or is under common control with another person. Controlling or affiliated party includes, but is not limited to, employees, officers, independent contractors, corporations, partnerships, and limited liability corporations.

Subd. 7. **Debt settlement services.** "Debt settlement services" means any one or more of the following activities:

(1) offering to provide advice, or offering to act or acting as an intermediary between a debtor and one or more of the debtor's creditors, where the primary purpose of the advice or action is to obtain a settlement for less than the full amount of debt, whether in principal, interest, fees, or other charges, incurred primarily for personal, family, or household purposes including, but not limited to, offering debt negotiation, debt reduction, or debt relief services; or

(2) advising, encouraging, assisting, or counseling a debtor to accumulate funds in an account for future payment of a reduced amount of debt to one or more of the debtor's creditors.

Any person so engaged or holding out as so engaged is deemed to be engaged in the provision of debt settlement services, regardless of whether or not a fee is charged for such services.

Subd. 8. **Debt settlement services agreement.** "Debt settlement services agreement" means the written contract between the debt settlement services provider and the debtor.

Subd. 9. **Debt settlement services plan.** "Debt settlement services plan" means the debtor's individualized package of debt settlement services set forth in the debt settlement services agreement.

Subd. 10. **Debt settlement services provider.** "Debt settlement services provider" means any person offering or providing debt settlement services to a debtor domiciled in this state, regardless of whether or not a fee is charged for the services and regardless of whether the person maintains a physical presence in the state. The term includes any person to whom duties under a debt management agreement or debt management plan are delegated.

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

Sec. 18. **[332B.03] REQUIREMENT OF REGISTRATION.**

On or after August 1, 2009, it is unlawful for any person, whether or not located in this state, to operate as a debt settlement services provider or provide debt settlement services including, but not limited to, offering, advertising, or executing or causing to be executed any debt settlement services or debt settlement services agreement, except as authorized by law, without first becoming registered as provided in this chapter. Debt settlement services providers may continue to provide debt settlement services without complying with this chapter to those debtors who entered into a contract to participate in a debt settlement services plan prior to August 1, 2009, but may not enter into a debt settlement services agreement with a debt on or after August 1, 2009, without complying with this chapter.

Sec. 19. **[332B.04] REGISTRATION.**

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

- (1) the full name of each principal of the entity applying;
- (2) the address, which must not be a post office box, and the telephone number and, if applicable, the e-mail address, of the applicant;
- (3) consent to the jurisdiction of the courts of this state;
- (4) the name and address of the registered agent authorized to accept service of process on behalf of the applicant or appointment of the commissioner as the applicant's agent for purposes of accepting service of process;
- (5) disclosure of:
 - (i) whether any controlling or affiliated party has ever been convicted of a crime or found civilly liable for an offense involving moral turpitude, including forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or violation, or any violation of a federal or state law or regulation in connection with activities relating to the rendition of debt settlement services or involving any consumer fraud, false advertising, deceptive trade practices, or similar consumer protection law;
 - (ii) any judgments, private or public litigation, tax liens, written complaints, administrative actions, or investigations by any government agency against the applicant or any officer, director, manager, or shareholder owning more than five percent interest in the applicant, unresolved or otherwise, filed or otherwise commenced within the preceding ten years;
 - (iii) whether the applicant or any person employed by the applicant has had a record of having defaulted in the payment of money collected for others, including the discharge of debts through bankruptcy proceedings; and
 - (iv) whether the applicant's license or registration to provide debt settlement services in any other state has ever been revoked or suspended;

(6) a copy of the applicant's standard debt settlement services agreement that the applicant intends to execute with debtors;

(7) proof of accreditation; and

(8) any other information and material as the commissioner may require.

The commissioner may, for good cause shown, temporarily waive any requirement of this subdivision.

Subd. 2. **Term and scope of registration.** A registration is effective until 11:59 p.m. on December 31 of the year for which the application for registration is filed or until it is surrendered by the registrant or revoked or suspended by the commissioner. The registration is limited solely to the business of providing debt settlement services.

Subd. 3. **Fees; bond.** An applicant for registration as a debt settlement services provider must comply with the requirements of section 332A.04, subdivisions 3, 4, and 5.

Subd. 4. **Right of action on bond.** If the registrant has failed to account to a debtor, or has failed to perform any of the services promised, the registrant is in default. The debtor or the debtor's legal representative or receiver, the commissioner, or the attorney general, shall have, in addition to all other legal remedies, a right of action in the name of the debtor on the bond or the security given under this section, for loss suffered by the debtor, not exceeding the face amount of the bond or security, and without the necessity of joining the registrant in the suit or action based on the default.

Subd. 5. **Registrant list.** The commissioner must maintain a list of registered debt settlement services providers. The list must be made available to the public in written form upon request and on the Department of Commerce Web site.

Subd. 6. **Renewal of registration.** Each year, each registrant under the provisions of this chapter must not, more than 60 nor less than 30 days before its registration is to expire, apply to the commissioner for renewal of its registration on a form prescribed by the commissioner. The application must be signed by the registrant under penalty of perjury, contain current information on all matters required in the original application, and be accompanied by a payment of \$250. The registrant must maintain a continuous surety bond that satisfies the requirements of section 332A.04, subdivision 4. The renewal is effective for one year. The commissioner may, for good cause shown, temporarily waive any requirement of this section.

Sec. 20. **[332B.05] DENIAL, SUSPENSION, REVOCATION, OR NONRENEWAL OF REGISTRATION.**

Subdivision 1. **Denial.** The commissioner, with notice to the applicant by certified mail sent to the address listed on the application, may deny an application for a registration for any of the reasons specified under section 332A.08.

Subd. 2. **Suspension, revocation, or nonrenewal.** The commissioner may suspend, revoke, or refuse to renew any registration issued under this chapter, or may levy a civil penalty under section 45.027, or any combination of actions, if the debt settlement services provider or any controlling or affiliated person has committed any act or omission for which the commissioner could have refused to issue an initial registration.

Subd. 3. **Procedure.** Suspension, revocation, or nonrenewal must be upon notice and under the conditions prescribed in section 332A.09, subdivision 1. Upon issuance of an order suspending, revoking, or refusing to renew a registration, the commissioner:

(1) shall follow the procedure established in section 332A.09, subdivision 2; and

(2) may follow the procedure specified in section 332A.09, subdivision 3, concerning the appointment of a receiver for funds of sanctioned registrants.

Sec. 21. [332B.06] WRITTEN DEBT SETTLEMENT SERVICES AGREEMENT; DISCLOSURES; TRUST ACCOUNT.

Subdivision 1. Written agreement required. (a) A debt settlement services provider may not perform any debt settlement services until the provider has obtained a debt settlement services agreement that contains all terms of the agreement between the debt settlement services provider and the debtor.

(b) A debt settlement services agreement must:

(1) be in writing, dated, and signed by the debt settlement services provider and the debtor;

(2) conspicuously indicate whether or not the debt settlement services provider is registered with the Minnesota Department of Commerce and include any registration number; and

(3) be written in the debtor's primary language if the debt settlement services provider advertises in that language.

(c) The registrant must furnish the debtor with a copy of the signed contract upon execution.

Subd. 2. Actions prior to executing a written agreement. No person may provide debt settlement services for a debtor or execute a debt settlement services agreement unless the person first has:

(1) provided the debtor individualized counseling that, at a minimum, addresses managing household finances, managing credit and debt, budgeting, personal savings strategies, and a detailed description of all the various ways to reduce or eliminate the debt, which must, at a minimum, include bankruptcy; and

(2) prepared in writing and provided to the debtor, in a form the debtor may keep, an individualized financial analysis of the debtor's financial circumstances, including income and liabilities, and made a determination supported by the individualized financial analysis that:

(i) the debt settlement plan proposed for addressing the debt is suitable for the individual debtor;

(ii) the debtor can reasonably meet the requirements of the proposed debt settlement services plan; and

(iii) there is a net tangible benefit to the debtor of entering into the proposed debt settlement services plan.

Subd. 3. Disclosures. (a) A person offering to provide or providing debt settlement services must disclose both orally and in writing:

(1) whether or not the person is registered with the Minnesota Department of Commerce and any registration number; and

(2) that no fees may be charged until all the services promised are performed.

(b) No person may provide debt settlement services unless the person first has provided, both orally and in writing, on a single sheet of paper, separate from any other document or writing, the following verbatim notice:

WARNING

We CANNOT GUARANTEE that you will successfully reduce or eliminate your debt.

You SHOULD NOT stop paying your creditors.

Fees, interest, and other charges will continue to mount up during the (insert number) months this plan is in effect.

Even if you sign up for this service:

- YOUR WAGES OR BANK ACCOUNT MAY STILL BE GARNISHED.
- YOU MAY STILL BE CONTACTED BY CREDITORS.
- YOU MAY STILL BE SUED BY CREDITORS for the money you owe.

Even if we do settle your debt, YOU MAY STILL HAVE TO PAY TAXES on the amount forgiven.

Your credit rating may be adversely affected.

(c) The heading, "WARNING," must be in bold, underlined, 28-point type, and the remaining text must be in 14-point type, with a double space between each statement.

(d) The disclosure and notice required under this subdivision must be provided in the debtor's primary language if the debt settlement provider advertises in that language.

Subd. 4. **Required information.** (a) Each debt settlement services agreement must contain the following information, which must be disclosed prominently and clearly in bold print on the front page of the agreement, segregated by bold lines from all other information on the page:

(1) the origination fee amount to be paid by the debtor and whether all or part of the origination fee is refundable or nonrefundable; and

(2) the service fee formula and the total amount of service fees reasonably anticipated to be paid by the debtor over the term of the agreement.

(b) Each debt settlement services agreement must also contain the following:

(1) a prominent statement describing the terms upon which the debtor may cancel the contract as set forth in section 332B.07;

(2) a detailed description of all services to be performed by the debt settlement services provider for the debtor;

(3) the debt settlement services provider's refund policy;

(4) the debt settlement services provider's principal business address, which must not be a post office box, and the name and address of its agent in this state authorized to receive service of process; and

(5) the name of each creditor the debtor has listed and the aggregate debt owed to each creditor that will be the subject of settlement.

Subd. 5. **Prohibited terms.** A debt settlement services agreement may not contain any of the terms prohibited under section 332A.10, subdivision 4.

Subd. 6. **New debt settlement services agreements; modifications of existing agreements.** (a) Separate and additional debt settlement services agreements that comply with this chapter may be entered into by the debt settlement services provider and the debtor, provided that no additional origination fee may be charged by the debt settlement services provider.

(b) Any modification of an existing debt settlement services agreement, including any increase in the number or amount of debts included in the debt settlement services agreement, must be in writing and signed by both parties. No fee may be charged to modify an existing agreement.

Subd. 7. **Payments held in trust.** If the registrant holds funds for the debtor, the registrant must maintain a separate trust account and deposit in the account all payments received from the moment that the funds are available, except that the registrant may commingle the payment with the registrant's own property or funds, but only to the extent necessary to ensure the maintenance of a minimum balance if the financial institution at which the trust account is held requires a minimum balance to avoid the assessment of fees or penalties for failure to maintain a minimum balance. All disbursements, whether to the debtor or to the creditors of the debtor, or to the registrant, must be made from such account.

Sec. 22. **[332B.07] RIGHT TO CANCEL.**

Subdivision 1. **Debtor's right to cancel.** (a) A debtor has the right to cancel a debt settlement services agreement without cause at any time upon ten days' written notice to the debt settlement services provider.

(b) In the event of cancellation, the debt settlement services provider must, within ten days of the cancellation, notify the debtor's creditors of the cancellation and provide a refund of all funds paid by or for the debtor to the debt settlement services provider, except for the origination fee specified in section 332B.09, subdivision 1.

Subd. 2. **Notice of debtor's right to cancel.** A debt settlement services agreement must contain, on its face, in an easily readable type immediately adjacent to the space for signature by the debtor, the following notice: "Right to Cancel: You have the right to cancel this contract at any time on ten days' written notice."

Subd. 3. **Automatic termination.** Upon the payment of all listed or settled debts and fees, the debt settlement services agreement must automatically terminate, and all unexpended funds paid by or for the debtor to the debt settlement services provider must be immediately returned to the debtor.

Subd. 4. **Debt settlement services provider's right to cancel.** (a) A debt settlement services provider may cancel a debt settlement services agreement with good cause upon 30 days' written notice to the debtor.

(b) Within ten days after the cancellation, the debt settlement services provider must:

(1) notify the debtor's creditors of the cancellation; and

(2) return to the debtor all funds paid by or for the debtor to the debt settlement provider, except for the origination fee specified in section 332B.09, subdivision 1.

Sec. 23. **[332B.08] BOOKS, RECORDS, AND INFORMATION.**

Subdivision 1. **Records retention; annual report.** Every registrant must keep, and use in the registrant's business, such books, accounts, and records, including electronic records, as will enable the commissioner to determine whether the registrant is complying with this chapter and the rules, orders, and directives adopted by the

commissioner under this chapter. Every registrant must preserve such books, accounts, and records for at least six years after making the final entry on any transaction recorded therein. Examinations of the books, records, and method of operations conducted under the supervision of the commissioner shall be done at the cost of the registrant. The cost must be assessed as determined under section 46.131.

Subd. 2. **Annual report.** On or before March 15 of each calendar year, each registrant must file a report with the commissioner containing such information as the commissioner may require about the preceding calendar year. The report must be in a form the commissioner prescribes.

Subd. 3. **Statements to debtors.** (a) Each registrant must:

(1) maintain and make available records and accounts that will enable each debtor to ascertain the amounts paid to the creditors of the debtor. A statement showing amounts received from the debtor, disbursements to each creditor, amounts that any creditor has agreed to as payment in full for any debt owed the creditor by the debtor, charges deducted by the registrant, and other information as the commissioner may prescribe, must be furnished by the registrant to the debtor at least monthly and, in addition, upon any cancellation or termination of the contract;

(2) include in the statement furnished to debtors a list of all activities conducted pursuant to the contract, including the number and description of communications with each creditor during the reporting period; and

(3) prepare and retain in the file of each debtor a written analysis of the debtor's income and expenses to substantiate that the plan of payment is feasible and practicable.

(b) Each debtor must have reasonable access, without cost, by electronic or other means, to information in the registrant's files applicable to the debtor. These statements, records, and accounts must otherwise remain confidential, except for duly authorized state and government officials, the commissioner, the attorney general, the debtor, and the debtor's representative and designees.

Sec. 24. [332B.09] FEES, PAYMENTS, AND CONSENT OF CREDITORS.

Subdivision 1. **Origination fee.** A debt settlement services provider may charge a nonrefundable origination fee of not more than \$50.

Subd. 2. **Service fee.** In addition to the origination fee under subdivision 1, a debt settlement services provider may charge a service fee equal to five percent of the savings actually negotiated by the debt settlement services provider. No other fees may be charged. The savings shall be calculated as the difference between the aggregate debt that is stated in the debt settlement services agreement at the time of its execution and total amount that the debtor actually pays to settle all the debts stated in the debt settlement services agreement, provided that only savings resulting from concessions actually negotiated by the debt settlement services provider may be counted.

Subd. 3. **Collection of fees.** No debt settlement services provider may claim, demand, charge, collect, or receive any compensation until after the debt settlement service provider has fully performed each and every service the provider has contracted to perform or represented would be performed.

Subd. 4. **Consent of creditors.** Before providing any services, a debt settlement services provider must obtain the written consent of all creditors that agree to participate in the debt settlement services plan set forth in the debt management services agreement. The debt settlement services provider must notify the debtor within ten days after any failure to obtain the required consent of any creditor and of the debtor's right to cancel the agreement without penalty. If not all creditors listed in the debt settlement services agreement have consented to participate in the debt settlement services plan, the debt settlement services provider must obtain the written authorization from the debtor to proceed with the debt settlement services agreement without the participation of all listed creditors.

Subd. 5. **Withdrawal of creditor.** Whenever a creditor withdraws from a debt settlement services plan, the debt settlement services provider must promptly notify the debtor of the withdrawal, identify the creditor, and inform the debtor of the right to cancel the debt settlement services agreement. In no case may this notice be provided more than 15 days after the debt settlement services provider learns of the creditor's decision to withdraw from a plan.

Subd. 6. **Timely notification of settlement.** A debt settlement services provider must notify the debtor within 24 hours of settlement of a debt with a creditor.

Sec. 25. **[332B.10] PROHIBITIONS.**

No debt settlement services provider shall:

- (1) engage in any activity, act, or omission prohibited under section 332A.14;
- (2) enter into a debt settlement services agreement under which all debts listed will not be settled within 12 months;
- (3) promise, guarantee, or directly or indirectly imply, infer, or in any manner represent that any debt will be settled prior to the presentation to the debtor of an offer by the creditors participating in the debt settlement plan to settle;
- (4) misrepresent the timing of negotiations with creditors;
- (5) imply, infer, or in any manner represent that:
 - (i) fees, interest, and other charges will not continue to accrue prior to the time debts are settled;
 - (ii) wages or bank accounts are not subject to garnishment;
 - (iii) creditors will not continue to contact the debtor;
 - (iv) the debtor is not subject to legal action; and
 - (v) the debtor will not be subject to tax consequences for the portion of any debts forgiven;
- (6) execute a power of attorney or any other agreement, oral or written, express or implied, that extinguishes or limits the debtor's right at any time to contract or communicate with any creditor or the creditor's right at any time to communicate with the debtor;
- (7) exercise or attempt to exercise a power of attorney after an individual has terminated an agreement;
- (8) state, imply, infer, or, in any other manner, indicate that entering into a debt settlement services agreement or settling debts will either have no effect on, or improve, the debtor's credit, credit rating, and credit score;
- (9) challenge a debt without the written consent of the debtor;
- (10) make any false or misleading claim regarding a creditor's right to collect a debt;
- (11) represent that the debt settlement services provider can negotiate better settlement terms with a creditor than the debtor alone can negotiate;

(12) provide or offer to provide legal advice or legal services unless the person providing or offering to provide legal advice is licensed to practice law in the state;

(13) misrepresent that it is authorized or competent to furnish legal advice or perform legal services; and

(14) settle a debt or lead an individual to believe that a payment to a creditor is in settlement of a debt to the creditor unless, at the time of settlement, the individual receives a certification from the creditor that the payment is in full settlement of the debt.

Sec. 26. **[332B.11] ADVERTISEMENT OF DEBT SETTLEMENT SERVICES PLAN.**

No debt settlement services provider may engage in any activity proscribed by section 332A.16, or represent, claim, imply, or infer that secured debts may be settled.

Sec. 27. **[332B.12] DEBT SETTLEMENT SERVICES AGREEMENT RESCISSION.**

Any debtor has the right to rescind any debt settlement services agreement with a debt settlement services provider that commits a material violation of this chapter. On rescission, all fees paid to the debt settlement services provider or any other person other than creditors of the debtor must be returned to the debtor entering into the debt settlement services agreement within ten days of rescission of the debt settlement services agreement.

Sec. 28. **[332B.13] ENFORCEMENT; REMEDIES.**

Subdivision 1. **Violation as deceptive practice.** A violation of any of the provisions of this chapter is considered an unfair or deceptive trade practice under section 8.31, subdivision 1. A private right of action under section 8.31 by an aggrieved debtor is in the public interest.

Subd. 2. **Private right of action.** (a) A debt settlement provider who fails to comply with any of the provisions of this chapter is liable under this section in an individual action for the sum of:

(1) actual, incidental, and consequential damages sustained by the debtor as a result of the failure; and

(2) statutory damages of up to \$5,000.

(b) A debt settlement provider who fails to comply with any of the provisions of this chapter is liable to the named plaintiffs under this section in a class action for the amount that each named plaintiff could recover under paragraph (a), clause (1), and to the other class members for such amount as the court may allow.

(c) In determining the amount of statutory damages, the court shall consider, among other relevant factors:

(1) the frequency, nature, and persistence of noncompliance;

(2) the extent to which the noncompliance was intentional; and

(3) in the case of a class action, the number of debtors adversely affected.

(d) A plaintiff or class successful in a legal or equitable action under this section is entitled to the costs of the action, plus reasonable attorney fees.

Subd. 3. **Injunctive relief.** A debtor may sue a debt settlement services provider for temporary or permanent injunctive or other appropriate equitable relief to prevent violations of any provision of this chapter. A court must grant injunctive relief on a showing that the debt settlement services provider has violated any provision of this chapter, or in the case of a temporary injunction, on a showing that the debtor is likely to prevail on allegations that the debt settlement services provider violated any provision of this chapter.

Subd. 4. **Remedies cumulative.** The remedies provided in this section are cumulative and do not restrict any remedy that is otherwise available. The provisions of this chapter are not exclusive and are in addition to any other requirements, rights, remedies, and penalties provided by law.

Subd. 5. **Public enforcement.** The attorney general shall enforce this chapter under section 8.31.

Sec. 29. **[332B.14] INVESTIGATIONS.**

At any reasonable time, the commissioner may examine the books and records of every registrant and of any person engaged in the business of providing debt settlement services. The commissioner, once during any calendar year, may require the submission of an audit prepared by a certified public accountant of the books and records of each registrant. If the registrant has, within one year previous to the commissioner's demand, had an audit prepared for some other purpose, this audit may be submitted to satisfy the requirement of this section. The commissioner may investigate any complaint concerning violations of this chapter and may require the attendance and sworn testimony of witnesses and the production of documents."

Delete the title and insert:

"A bill for an act relating to commerce; regulating debt management and debt settlement services; amending Minnesota Statutes 2008, sections 45.011, subdivision 1; 46.04, subdivision 1; 46.05; 46.131, subdivision 2; 325E.311, subdivision 6; 332A.02, subdivisions 5, 8, 9, 10, 13, by adding a subdivision; 332A.04, subdivision 6; 332A.08; 332A.10; 332A.11, subdivision 2; 332A.14; proposing coding for new law as Minnesota Statutes, chapter 332B."

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

The report was adopted.

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

H. F. No. 622, A bill for an act relating to public safety; establishing a grant program to assist local law enforcement agencies to develop or expand lifesaver programs that locate lost or wandering persons who are mentally impaired; authorizing a task force; providing for rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299C.

Page 1, line 18, delete "transmitter" and insert "receiver"

Page 1, line 22, before "task" insert "voluntary lifesaver advisory"

Page 1, line 25, after "appoint" insert "at least"

Page 2, line 1, before the first "task" insert "voluntary"

Page 2, line 4, before "task" insert "voluntary"

Page 2, line 16, before "advisory" insert "voluntary"

Page 2, line 17, delete the first "\$....." and insert "\$4,000" and delete the second "\$....." and insert "\$2,000"

Page 2, line 27, after the second comma, insert "receivers,"

Page 2, line 35, delete "appropriations" and insert "state money when appropriated"

Amend the title as follows:

Page 1, line 4, after "a" insert "voluntary advisory"

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.

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

H. F. No. 653, A bill for an act relating to elections; city elections in cities of the first class; providing for election of certain council members elected by ward after reapportionment; amending Minnesota Statutes 2008, section 205.84, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2008, section 204B.135, subdivision 1, is amended to read:

Subdivision 1. **Cities with wards.** Except as provided in this subdivision, a city that elects its council members by wards may not redistrict those wards before the legislature has been redistricted in a year ending in one or two. The wards must be redistricted within 60 days after the legislature has been redistricted or at least 19 weeks before the state primary election in the year ending in two, whichever is first.

In a city electing council members by wards in a year ending in one, if the legislature has not been redistricted by June 1 of that year, the ward boundaries must be reestablished no later than 14 days before the first day to file affidavits of candidacy for city council members. The ward boundaries may be modified after the legislature has been redistricted for the purpose of establishing precinct boundaries as provided in section 204B.14, subdivision 3, but no modification in ward boundaries may result in a change of the population of any ward of more than five percent, plus or minus.

Sec. 2. Minnesota Statutes 2008, section 204B.135, subdivision 3, is amended to read:

Subd. 3. **Voters rights.** (a) An eligible voter may apply to the district court for either a writ of mandamus requiring the redistricting of wards or local government election districts or to revise any plan adopted by the governing body responsible for redistricting of wards or local government election districts.

(b) If a city adopts a ward redistricting plan at least 19 weeks before the primary in a year ending in two, an application for revision of the plan that seeks to affect elections held in the year ending in two must be filed with the district court within three weeks but no later than 18 weeks before the state primary election in the year ending in two, notwithstanding any charter provision. If a city adopts a ward redistricting plan less than 19 weeks before either the municipal primary in a year ending in one or before the state primary in a year ending in two, an application for revision of the plan that seeks to affect elections held in ~~the that year ending in two~~ must be filed with the district court no later than one week after the plan has been adopted, notwithstanding any charter provision.

(c) If a plan for redistricting of a local government election district is adopted at least 15 weeks before the state primary election in a year ending in two, an application for revision of the plan that seeks to affect elections held in the year ending in two must be filed with the district court within three weeks but no later than 14 weeks before the state primary election in the year ending in two. If a plan for redistricting of a local government election district is adopted less than 15 weeks before the state primary election in a year ending in two, an application for revision of the plan that seeks to affect elections held in the year ending in two must be filed with the district court no later than one week after the plan has been adopted.

Sec. 3. Minnesota Statutes 2008, section 204B.14, subdivision 3, is amended to read:

Subd. 3. **Boundary changes; prohibitions; exception.** Notwithstanding other law or charter provisions to the contrary, during the period from January 1 in any year ending in zero to the time when the legislature has been redistricted in a year ending in one or two, no changes may be made in the boundaries of any election precinct except as provided in this subdivision.

(a) If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

(b) A municipality or county may establish new election precincts lying entirely within the boundaries of any existing precinct and shall assign names to the new precincts which include the name of the former precinct.

(c) Precinct boundaries in a city electing council members by wards may be reestablished within 14 days of the adoption of ward boundaries in a year ending in one, as provided in section 204B.135, subdivision 1.

(d) Precinct boundaries must be reestablished within 60 days of the time when the legislature has been redistricted, or at least 19 weeks before the state primary election in a year ending in two, whichever comes first. The adoption of reestablished precinct boundaries becomes effective on the date of the state primary election in the year ending in two.

Precincts must be arranged so that no precinct lies in more than one legislative or congressional district.

Sec. 4. Minnesota Statutes 2008, section 204B.14, subdivision 4, is amended to read:

Subd. 4. **Boundary change procedure.** Any change in the boundary of an election precinct shall be adopted at least ~~90~~ 60 days before the date of the next election and, for the state primary and general election, no later than June 1 in the year of the state general election. The precinct boundary change shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least ~~60~~ 42 days.

The county auditor must publish a notice illustrating or describing the congressional, legislative, and county commissioner district boundaries in the county in one or more qualified newspapers in the county at least 14 days prior to the first day to file affidavits of candidacy for the state general election in the year ending in two.

Alternate dates for adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes pursuant to this subdivision, and procedures for coordinating precinct boundary changes with reestablishing local government election district boundaries may be established in the manner provided in the rules of the secretary of state."

Page 1, after line 18, insert:

"Sec. 6. Minnesota Statutes 2008, section 205.84, subdivision 2, is amended to read:

Subd. 2. **Effective date.** After the official certification of the federal decennial or special census, the governing body of the city shall either confirm the existing ward boundaries as conforming to the standards of subdivision 1 or redefine ward boundaries to conform to those standards as provided in section 204B.135, subdivision 1. If the governing body of the city fails to take either action within the time required, no further compensation shall be paid to the mayor or council member until the wards of the city are either reconfirmed or redefined as required by this section. An ordinance establishing new ward boundaries pursuant to section 204B.135, subdivision 1, becomes effective on the date of the state primary election in the year ending in two, except that new ward boundaries established by a municipality in a year ending in one are effective on the date of the municipal primary election in the year ending in one.

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

Page 1, line 20, delete "Section 1 is" and insert "Sections 1 to 5 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 1 to 3 and insert:

"A bill for an act relating to elections; changing certain municipal precinct and ward boundary procedures and requirements;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

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. 655, A bill for an act relating to elections; requiring an affidavit of candidacy to state the candidate's residence address and telephone number; prohibiting placement of a candidate on the ballot if residency requirements are not met; amending Minnesota Statutes 2008, section 204B.06, subdivision 1.

Reported the same back with the following amendments:

Page 2, delete lines 1 to 12 and insert:

"(c) Except as provided in paragraph (f), an affidavit of candidacy must state the candidate's residence address and a telephone number where the candidate can be contacted. The form for the affidavit of candidacy must inform the candidate that the candidate's address must be classified as private data if the candidate prefers, and allow the candidate to indicate that preference. The address of a candidate who indicates this preference on an affidavit of candidacy is classified as private data on individuals as defined in section 13.02, subdivision 12.

(d) For an office whose residency requirement must be satisfied by the close of the filing period, a registered voter in this state may request in writing that the filing officer receiving the affidavit of candidacy review the address as provided in this paragraph, at any time up to one day after the last day for filing for office. If requested, the filing officer must determine whether the address provided in the affidavit of candidacy is represented by the office the candidate is seeking. If the filing officer determines that the address is not represented by the office, the filing officer must immediately notify the candidate and the candidate's name must be removed from the ballot for that office. A determination made by a filing officer under this paragraph is subject to judicial review under section 204B.44.

(e) Except as provided in paragraph (f), for an office whose residency requirement may be satisfied as of a date after filings close, a candidate who does not reside in the district at the time of filing must submit a separate affidavit stating the candidate's residence address and a telephone number where the candidate can be contacted. The affidavit must be submitted to the filing officer by the deadline for meeting the residency requirement.

(f) The requirements of paragraphs (c), (d), and (e) do not apply to affidavits of candidacy for a candidate for: (1) judicial office; (2) the office of county attorney; or (3) county sheriff."

Page 2, line 13, delete "(e)" and insert "(g)"

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. 690, A bill for an act relating to environment; enacting the Minnesota Clean Car Act; requiring decreased emission of criteria air pollutants and greenhouse gas pollution from new motor vehicles; requiring adoption of low emission standards for motor vehicles; providing for updates as necessary to comply with the federal Clean Air Act; requiring reports; requiring rulemaking; amending Minnesota Statutes 2008, section 168A.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116.

Reported the same back with the following amendments:

Page 2, line 5, delete "to 2235" and insert ", 1956.8(g) and (h), 1960.1, 1961, 1961.1, 1962, 1962.1, 1965, 1968.2, 1968.5, 1976, 1978, 2035, 2037, 2038, 2039, 2040, 2046, 2109, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2135, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2235, and Appendix A to Article 2.1"

Page 4, line 12, delete everything after "vehicle" and insert "program;"

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. 695, A bill for an act relating to marriage; clarifying and modifying certain terms and procedures; specifying forms; amending Minnesota Statutes 2008, sections 517.02; 517.03, subdivision 2; 517.04; 517.05; 517.06; 517.07; 517.08, subdivisions 1a, 1b; 517.10; 517.101; 517.13.

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.

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

H. F. No. 797, A bill for an act relating to agriculture; clarifying that horses and other equines are livestock and raising them is an agricultural pursuit; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the following amendments:

Page 1, line 9, delete "Horses may be used for meat, hides, and animal by-products."

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. 813, A bill for an act relating to labor and employment; regulating trucking industry classifications of employment; amending Minnesota Statutes 2008, section 268.035, subdivision 25b.

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. 841, A bill for an act relating to agriculture; eliminating the sunset of the farmer-lender mediation law; repealing Minnesota Statutes 2008, section 583.215.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2008, section 583.215, is amended to read:

583.215 EXPIRATION.

~~(a)~~ Sections 336.9-601, subsections (h) and (i); 550.365; 559.209; 582.039; and 583.20 to 583.32, expire June 30, ~~2009~~ 2013.

~~(b) Laws 1986, chapter 398, article 1, section 18, as amended, is repealed."~~

Delete the title and insert:

"A bill for an act relating to agriculture; extending the farmer-lender mediation law; amending Minnesota Statutes 2008, section 583.215."

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.

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

H. F. No. 934, A bill for an act relating to human services; modifying provisions related to children aging out of foster care; amending Minnesota Statutes 2008, section 256B.055, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 8, before the second "Foster" insert "(a)"

Page 1, after line 12, insert:

"(b) Pending federal approval of the state plan amendment to implement paragraph (a), the foster children must be covered by state-only funded medical assistance."

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

The report was adopted.

Mariani from the Committee on K-12 Education Policy and Oversight to which was referred:

H. F. No. 935, A bill for an act relating to education; modifying charter school provisions; amending Minnesota Statutes 2008, sections 124D.10; 124D.11, subdivision 9.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 124D.10, is amended to read:

124D.10 CHARTER SCHOOLS.

Subdivision 1. **Purposes.** (a) The purpose of this section is to:

- (1) improve pupil learning and achievement;
- (2) increase learning opportunities for pupils;
- (3) encourage the use of different and innovative teaching methods;
- (4) ~~require the measurement of~~ measure learning outcomes ~~and create through the creation and use of~~ different and innovative forms of measuring outcomes;
- (5) establish new forms of accountability for schools; or
- (6) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

(b) This section does not provide a means to keep open a school that otherwise would be closed. Applicants in these circumstances bear the burden of proving that conversion to a charter school fulfills a purpose specified in this subdivision, independent of the school's closing.

Subd. 2. **Applicability.** This section applies only to charter schools formed and operated under this section.

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

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

~~(b) The Charter School Advisory Council under this subdivision expires June 30, 2007.~~

Subd. 3. **Sponsor Authorizer.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

"Application" to receive approval as an authorizer means the proposal an eligible authorizer submits to the commissioner under paragraph (c) before that authorizer is able to submit any affidavit to charter to a school.

"Application" to form a school under subdivision 4 means the charter school business plan a school developer submits to an authorizer for approval that documents the school developer's mission statement, school purposes, program design, financial plan, governance and management structure, and background and experience, plus any other information the authorizer requests. The application also shall include a "statement of assurances" of legal compliance prescribed by the commissioner.

"Affidavit" means a written statement the authorizer submits to the commissioner for approval under subdivision 4 attesting to its review and approval of a school charter.

(b) The following organizations may authorize one or more charter schools:

(1) a school board; intermediate school district school board; education district organized under sections 123A.15 to 123A.19;

(2) a charitable organization under section 501(c)(3) of the Internal Revenue Code of 1986, excluding a nonpublic sectarian or religious institution, any person other than a natural person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the nonpublic sectarian or religious institution, and any other charitable organization under this clause that in the federal IRS Form 1023, Part IV, describes activities indicating a religious purpose, that:

(i) is a member of the Minnesota Council of Nonprofits or the Minnesota Council on Foundations;

(ii) is registered with the attorney general's office; ~~and;~~

(iii) reports an end-of-year fund balance of at least \$2,000,000; ~~and~~

(iv) is incorporated in the state of Minnesota;

(3) a Minnesota private college, notwithstanding clause (2), that grants two- or four-year degrees and is registered with the Minnesota Office of Higher Education under chapter 136A; community college, state university, or technical college; governed by the Board of Trustees of the Minnesota State Colleges and Universities; or the University of Minnesota ~~may sponsor one or more charter schools; or~~

~~(b) (4)~~ a nonprofit corporation subject to chapter 317A, described in section 317A.905, and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code of 1986, may ~~sponsor~~ authorize one or more charter schools if the charter school has operated for at least three years under a different ~~sponsor~~ authorizer and if the nonprofit corporation has existed for at least 25 years.

(c) An eligible authorizer under this subdivision must apply to the commissioner for approval as an authorizer before submitting any affidavit to the commissioner to charter a school. The application for approval as a charter school authorizer must demonstrate the applicant's ability to implement the procedures and satisfy the criteria for chartering a school under this section. The commissioner must approve or disapprove an application within 60 business days of the application deadline. If the commissioner disapproves the application, the commissioner must notify the applicant of the deficiencies and the applicant then has 20 business days to address the deficiencies to the commissioner's satisfaction. Failing to address the deficiencies to the commissioner's satisfaction makes an applicant ineligible to be an authorizer. The commissioner, in establishing criteria for approval, must consider the applicant's:

- (1) capacity and infrastructure;
- (2) application criteria and process;
- (3) contracting process;
- (4) ongoing oversight and evaluation processes; and
- (5) renewal criteria and processes.

A disapproved applicant under this paragraph may resubmit an application during a future application period.

(d) The authorizer must participate in ongoing department-approved training.

(e) An authorizer that chartered a school before August 1, 2009, must apply by June 30, 2012, to the commissioner for approval under paragraph (c) to continue as an authorizer under this section. For purposes of this paragraph, an authorizer that fails to submit a timely application is ineligible to charter a school.

(f) The commissioner shall review an authorizer's performance at least once every five years in a manner and form determined by the commissioner, and may review an authorizer's performance more frequently at the commissioner's own initiative or at the request of a charter school developer, operator, board member, or other interested party. The commissioner, after completing the review, shall transmit a report with findings to the authorizer. If, consistent with this section, the commissioner finds that an authorizer has not performed satisfactorily, the commissioner may subject the authorizer to corrective action, which may include terminating the contract with the board of a school it chartered. The commissioner must notify the authorizer in writing of any findings that may subject the authorizer to corrective action and the authorizer then has 15 business days to request an informal hearing before the commissioner takes corrective action.

(g) The commissioner may take corrective action against an authorizer, including terminating an authorizer's eligibility to charter a school for:

- (1) failing to satisfy the criteria under which the commissioner approved the authorizer;
- (2) failing to perform satisfactorily as an approved authorizer; or
- (3) violating a term of the chartering contract between the authorizer and charter school board.

Subd. 4. Formation of school. (a) ~~A sponsor~~ An authorizer, after receiving an application from a school developer, may ~~authorize~~ charter a licensed teacher under section 122A.18, subdivision 1, or a group of individuals that includes one or more licensed teachers under section 122A.18, subdivision 1, to operate a ~~charter~~ school subject to the commissioner's approval by the commissioner of the authorizer's affidavit under paragraph (b). ~~A board must vote on charter school application for sponsorship no later than 90 days after receiving the application.~~ The school must be organized and operated as a cooperative under chapter 308A or nonprofit corporation under chapter 317A and the provisions under the applicable chapter shall apply to the school except as provided in this section.

An authorizer must not locate a newly chartered school or relocate an existing charter school within (i) a one-mile radius of a public school site that a school board closed under section 123B.51, (ii) the boundaries of a school district newly consolidated under section 123A.48, or (iii) the boundaries of a dissolved school district under section 123A.46 for at least 36 months from the date the school board acted to close the school, or consolidate or dissolve the school district unless the school board of the school district in which the charter school would be located gives the authorizer written approval to do so.

Notwithstanding sections 465.717 and 465.719, a school district, subject to this section and section 124D.11, may create a corporation for the purpose of ~~creating~~ establishing a charter school.

(b) Before the operators may ~~form~~ establish and operate a school, the ~~sponsor~~ authorizer must file an affidavit with the commissioner stating its intent to ~~authorize~~ authorize a charter a school. An authorizer must file a separate affidavit for each school it intends to charter. The affidavit must state the terms and conditions under which the ~~sponsor~~ authorizer would ~~authorize~~ authorize a charter a school and how the ~~sponsor~~ authorizer intends to oversee the fiscal and student performance of the charter school and to comply with the terms of the written contract between the ~~sponsor~~ authorizer and the charter school board of directors under subdivision 6. The commissioner must approve or disapprove the ~~sponsor's proposed authorization~~ authorizer's affidavit within ~~90~~ 60 business days of receipt of the affidavit. If the commissioner disapproves the affidavit, the commissioner shall notify the authorizer of the deficiencies in the affidavit and the authorizer then has 20 business days to address the deficiencies. If the authorizer does not address deficiencies to the commissioner's satisfaction, the commissioner's disapproval is final. Failure to obtain commissioner approval precludes a ~~sponsor~~ an authorizer from authorizing chartering the charter school that ~~was~~ is the subject of ~~the~~ this affidavit.

(c) The authorizer may prevent an approved charter school from opening for operation if, among other grounds, the charter school violates this section or does not meet the ready-to-open standards that are part of the authorizer's oversight and evaluation process or are stipulated in the charter school contract.

(d) The operators authorized to organize and operate a school, before entering into a contract or other agreement for professional or other services, goods, or facilities, must incorporate as a cooperative under chapter 308A or as a nonprofit corporation under chapter 317A and must establish a board of directors composed of at least five members who are not related parties until a timely election for members of the ongoing charter school board of directors is held according to the school's articles and bylaws under paragraph (f). A charter school board of directors must be composed of at least five members who are not related parties. ~~Any~~ Staff members ~~who are~~ employed at the school, including teachers providing instruction under a contract with a cooperative, and all parents or legal guardians of children enrolled in the school may participate in the election for are the voters eligible to elect the members of the school's board of directors. ~~Licensed teachers employed at the school, including teachers providing instruction under a contract with a cooperative, must be a majority of the members of the board of directors before the school completes its third year of operation, unless the commissioner waives the requirement for a majority of licensed teachers on the board. A charter school must notify eligible voters of the school board election dates at least 30 days before the election.~~ Board of director meetings must comply with chapter 13D.

~~(d)~~ (e) Upon the request of an individual, the charter school must make available in a timely fashion the minutes of meetings of the board of directors, and of members and committees having any board-delegated authority; financial statements showing all operations and transactions affecting income, surplus, and deficit during the school's last annual accounting period; and a balance sheet summarizing assets and liabilities on the closing date of the accounting period. A charter school also must post on its official Web site information identifying its authorizer and indicate how to contact that authorizer and include that same information about its authorizer in other school materials that it makes available to the public.

(f) Every charter school board member shall attend department-approved training on board governance, the board's role and responsibilities, employment policies and practices, and financial management. A board member who does not complete the required training within 12 months of being seated on the board is ineligible to continue to serve as a board member.

(g) The ongoing board must be elected before the school completes its third year of operation. The board of directors shall be (i) a teacher majority board made up of licensed teachers employed at the school or (ii) a board having at least 20 percent of its members as licensed teachers employed at the school and must include charter school parents or guardians and interested community members. Licensed teachers employed by the school, or

those providing instruction under a contract with a cooperative, may be members of the board of directors. The chief financial officer and chief administrator are nonvoting board members. Board bylaws shall outline the internal process and procedures for changing the board's governance model. A board may change its governance model only with approval from the authorizer and a voting majority of the board of directors and the licensed teachers employed at the school, including teachers providing instruction under a contract with a cooperative.

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

(e) A sponsor (i) The granting or renewal of a charter school by an authorizer must not be contingent on the charter school being required to contract, lease, or purchase services from the authorizer. Any potential contract, lease, or purchase of service from an authorizer must be disclosed to the commissioner, accepted through an open bidding process, and be a separate contract from the charter contract. The school must document the open bidding process. An authorizer must not enter into a contract to provide management and financial services for a school that it authorizes, unless the school documents that it received at least two competitive bids.

(j) The charter school shall not offer any services or goods of value to students, parents, or guardians as an inducement, term, or condition of enrolling a student in a charter school.

(k) An authorizer may authorize permit the operators board of directors of a charter school to expand the operation of the charter school to additional sites or to add additional grades at the school beyond those described in the sponsor's application authorizer's original affidavit as approved by the commissioner only after submitting a supplemental application affidavit for approval to the commissioner in a form and manner prescribed by the commissioner. The supplemental application affidavit must provide evidence show that:

(1) the expansion of proposed by the charter school is supported by need and projected enrollment;

(2) the charter school expansion is warranted, at a minimum, by longitudinal data demonstrating students' improved academic performance and growth on statewide assessments under chapter 120B;

(2) (3) the charter school is fiscally sound and has the financial capacity to implement the proposed expansion; and

(3) (4) the sponsor supports the authorizer finds that the charter school has the management capacity to carry out its expansion; and

(4) the building of the additional site meets all health and safety requirements to be eligible for lease aid.

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

(1) proactively assess opportunities for a charter school to maximize all available revenue sources;

(2) establish and maintain complete, auditable records for the charter school;

(3) establish proper filing techniques;

(4) document formal actions of the charter school, including meetings of the charter school board of directors;

(5) properly manage and retain charter school and student records;

~~(6) comply with state and federal payroll record keeping requirements; and~~

~~(7) address other similar factors that facilitate establishing and maintaining complete records on the charter school's operations.~~

(1) The commissioner shall have 30 business days to review and comment on the supplemental affidavit. The commissioner shall notify the authorizer of any deficiencies in the supplemental affidavit and the authorizer then has 30 business days to address, to the commissioner's satisfaction, any deficiencies in the supplemental affidavit. The school may not expand grades or add sites until the commissioner has reviewed and commented on the supplemental affidavit. The commissioner's approval or disapproval of a supplemental affidavit is final.

Subd. 4a. **Conflict of interest.** ~~(a) A member of a charter school board of directors~~ An individual is prohibited from serving as a member of the charter school board of directors or as if the individual, an immediate family member, or the individual's partner is an owner, employee or agent of or a contractor with a for-profit or nonprofit entity with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities. A violation of this prohibition renders a contract voidable at the option of the commissioner or the charter school board of directors. A member of a charter school board of directors who violates this prohibition shall be is individually liable to the charter school for any damage caused by the violation.

(b) No member of the board of directors, employee, officer, or agent of a charter school shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict exists when:

(1) the board member, employee, officer, or agent;

(2) the immediate family of the board member, employee, officer, or agent;

(3) the partner of the board member, employee, officer, or agent; or

(4) an organization that employs, or is about to employ any individual in clauses (1) to (3),

has a financial or other interest in the entity with which the charter school is contracting. A violation of this prohibition renders the contract void.

(c) Any employee, agent, or board member of the authorizer who participates in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or nonrenewal process or decision is ineligible to serve on the board of directors of a school chartered by that authorizer.

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

~~(c) A member of a charter school board of directors that serves as a member of the board of directors or as an employee or agent of or a contractor with a nonprofit entity with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities, must disclose all potential conflicts to the commissioner.~~

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

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

Subd. 5. **Conversion of existing schools.** A board of an independent or special school district may convert one or more of its existing schools to charter schools under this section if 60 percent of the full-time teachers at the school sign a petition seeking conversion. The conversion must occur at the beginning of an academic year.

Subd. 6. **Charter contract.** The ~~sponsor's~~ authorization for a charter school must be in the form of a written contract signed by the ~~sponsor~~ authorizer and the board of directors of the charter school. The contract must be completed within ~~90~~ 45 business days of the commissioner's approval of the ~~sponsor's proposed authorization.~~ authorizer's affidavit. The authorizer shall submit to the commissioner a copy of the signed charter contract within ten business days of its execution. The contract for a charter school must be in writing and contain at least the following:

(1) ~~a description of a program that carries out one or more of the purposes~~ declaration of the purposes in subdivision 1 that the school intends to carry out and how the school will report its implementation of those purposes;

(2) ~~a description of the school program and the specific academic and nonacademic outcomes that pupils are to~~ must achieve under subdivision 10;

(3) a statement of admission policies and procedures;

(4) a governance, management, and administration of plan for the school;

(5) signed agreements from charter school board members to comply with all federal and state laws governing organizational, programmatic, and financial requirements and procedures for program and financial audits applicable to charter schools;

(6) ~~how the school will comply with subdivisions 8, 13, 16, and 23~~ the criteria, processes, and procedures that the authorizer will use for ongoing oversight of operational, financial, and academic performance;

(7) ~~assumption of liability by the charter school~~ the performance evaluation that is a prerequisite for reviewing a charter contract under subdivision 15;

(8) types and amounts of insurance liability coverage to be obtained by the charter school;

(9) the term of the contract, which may be up to three years for an initial contract plus an additional preoperational planning year, and up to five years for a renewed contract if warranted by the school's academic, financial, and operational performance;

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

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

(12) the plan for an orderly closing of the school under chapter 308A or 317A, if the closure is a termination for cause, a voluntary termination, or a nonrenewal of the contract, and that includes establishing the responsibilities of the school board of directors and the authorizer and notifying the commissioner, authorizer, school district in which the charter school is located, and parents of enrolled students about the closure, the transfer of student records to students' resident districts, and procedures for closing financial operations.

Subd. 6a. **Audit report.** (a) The charter school must submit an audit report to the commissioner and its authorizer by December 31 each year. The commissioner may withhold the charter school's state aid if the charter school does not submit an audit by January 31.

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

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

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

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

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

(b) A school must comply with statewide education accountability requirements governing standards and assessments in chapter 120B and must work with the Department of Education to make available to the public valid and highly reliable comparisons of student academic growth and achievement across schools consistent with school performance report card information under section 120B.36.

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

~~(e)~~ (d) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor An authorizer may not authorize a charter a school or program that is affiliated with a nonpublic sectarian school or a religious institution. A charter school student must be released for religious instruction, consistent with section 120A.22, subdivision 12, clause (3).

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

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

~~(f)~~ (g) A charter school may not charge tuition to students who reside in Minnesota.

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

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

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

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

~~(k)~~ (l) A charter school must comply with chapters 13 and 13D; and sections ~~13.32;~~ 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

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

(n) A charter school is subject to chapter 181.

Subd. 8a. **Aid reduction.** The commissioner may reduce a charter school's state aid under section 127A.42 or 127A.43 if the charter school board fails to correct a violation under this section.

Subd. 8b. **Aid reduction for violations.** The commissioner may reduce a charter school's state aid by an amount not to exceed 60 percent of the charter school's basic revenue for the period of time that a violation of law occurs.

Subd. 9. **Admission requirements.** A charter school may limit admission to:

(1) pupils within an age group or grade level; or

(2) people who are eligible to participate in the graduation incentives program under section 124D.68; ~~or,~~

~~(3) residents of a specific geographic area where the percentage of the population of non-Caucasian people of that area is greater than the percentage of the non-Caucasian population in the congressional district in which the geographic area is located, and as long as the school reflects the racial and ethnic diversity of the specific area.~~

A charter school shall enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils must be accepted by lot. ~~If a charter school is the only school located in a town serving pupils within a particular grade level, then pupils that are residents of the town must be given preference for enrollment before accepting pupils by lot. If a pupil lives within two miles of a charter school and the next closest public school is more than five miles away, the charter school must give those pupils preference for enrollment before accepting other pupils by lot. The charter school must develop and publish a lottery policy and process that it must use when accepting pupils by lot.~~

A charter school shall give preference for enrollment to a sibling of an enrolled pupil and to a foster child of that pupil's parents and may give preference for enrolling children of the school's employees before accepting other pupils by lot.

A charter school may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability and may not establish any criteria or requirements for admission that are inconsistent with this subdivision.

Subd. 10. **Pupil performance.** A charter school must design its programs to at least meet the outcomes adopted by the commissioner for public school students. In the absence of the commissioner's requirements, the school must meet the outcomes contained in the contract with the ~~sponsor~~ authorizer. The achievement levels of the outcomes contained in the contract may exceed the achievement levels of any outcomes adopted by the commissioner for public school students.

Subd. 11. **Employment and other operating matters.** A charter school must employ or contract with necessary teachers, as defined by section 122A.15, subdivision 1, who hold valid licenses to perform the particular service for which they are employed in the school. The charter school's state aid may be reduced under section ~~127A.42~~ 127A.43 if the school employs a teacher who is not appropriately licensed or approved by the board of teaching. The school may employ necessary employees who are not required to hold teaching licenses to perform duties other than teaching and may contract for other services. The school may discharge teachers and nonlicensed employees. The charter school board is subject to section 181.932. When offering employment to a prospective employee, a charter school must give that employee a written description of the terms and conditions of employment and the school's personnel policies. A person, without holding a valid administrator's license, may perform administrative, supervisory, or instructional leadership duties.

The board of directors also shall decide matters related to the operation of the school, including budgeting, curriculum and operating procedures.

Subd. 12. **Pupils with a disability.** A charter school must comply with sections 125A.02, 125A.03 to 125A.24, and 125A.65 and rules relating to the education of pupils with a disability as though it were a district.

Subd. 13. **Length of school year.** A charter school must provide instruction each year for at least the number of days required by section 120A.41. It may provide instruction throughout the year according to sections 124D.12 to 124D.127 or 124D.128.

Subd. 14. **Annual public reports.** A charter school must publish an annual report at least annually to its sponsor and the commissioner the information required by the sponsor or the commissioner approved by the charter school board of directors. The annual report must at least include information on school enrollment, governance and management, staffing, finances, academic performance, operational performance, innovative practices and implementation, and future plans. A charter school must distribute the annual report by publication, mail, or electronic means to the commissioner, authorizer, school employees, and parents and legal guardians of students enrolled in the charter school and also must post the report on the charter school's official Web site. The reports are public data under chapter 13.

Subd. 15. **Review and comment.** (a) ~~The department must review and comment on the evaluation, by the sponsor, of the performance of a charter school before the charter school's contract is renewed for another contract term. The sponsor must submit to the commissioner timely information for the review and comment. The commissioner must review and comment on the authorizer's performance evaluation process at the time the authorizer submits its application for approval as an authorizer and each time the authorizer undergoes its five-year review under subdivision 3, paragraph (f). Before renewing a charter contract, the authorizer shall provide the commissioner with a formal, written evaluation of the school's performance.~~

(b) ~~A sponsor~~ An authorizer shall monitor and evaluate the fiscal and student performance of the school, and may for this purpose annually assess a charter school: ~~(1) in its first, second, or third year of operation up to \$30 per student up to a maximum of \$10,000; and (2) in its fourth or a subsequent year of operation up to \$10 per student up to a maximum of \$3,500~~ a fee according to paragraph (c).

(c) The minimum fee that each charter school must pay to an authorizer is the basic formula allowance for that year. Beginning in fiscal year 2013, the maximum fee is four times the formula allowance for that year. Beginning in fiscal year 2013, each charter school's fee, subject to the minimum and maximum fees, equals the product of .015, the formula allowance for that year, and the charter school's adjusted marginal cost pupil units for that year.

(d) Notwithstanding paragraph (c), the following charter school fees apply, subject to the minimum and maximum fee in paragraph (c):

(1) for fiscal year 2010 only, each charter school's fee equals the product of .01, the formula allowance for that year, and the charter school's adjusted marginal cost pupil units for that year and the maximum fee is two times the basic formula allowance for that year;

(2) for fiscal year 2011 only, each charter school's fee equals the product of .01, the formula allowance for that year, and the charter school's adjusted marginal cost pupil units for that year and the maximum fee is three times the basic formula allowance for that year; and

(3) for fiscal year 2012 only, the product of .013, the formula allowance for that year, and the charter school's adjusted marginal cost pupil units for that year and the maximum fee is four times the basic formula allowance for that year.

(e) For the preoperational planning period, the authorizer may assess a charter school the formula allowance for one pupil unit.

(f) Each year by September 30, an authorizer shall submit to the commissioner a statement of expenditures related to authorizing activities during the previous school year ending on June 30. The authorizer must transmit a copy of the statement to all schools chartered by the authorizer.

Subd. 16. **Transportation.** (a) A charter school after its first fiscal year of operation by March 1 of each fiscal year and a charter school by July 1 of its first fiscal year of operation must notify the district in which the school is located and the Department of Education if it will provide its own transportation or use the transportation services of the district in which it is located for the fiscal year.

(b) If a charter school elects to provide transportation for pupils, the transportation must be provided by the charter school within the district in which the charter school is located. The state must pay transportation aid to the charter school according to section 124D.11, subdivision 2.

For pupils who reside outside the district in which the charter school is located, the charter school is not required to provide or pay for transportation between the pupil's residence and the border of the district in which the charter school is located. A parent may be reimbursed by the charter school for costs of transportation from the pupil's residence to the border of the district in which the charter school is located if the pupil is from a family whose income is at or below the poverty level, as determined by the federal government. The reimbursement may not exceed the pupil's actual cost of transportation or 15 cents per mile traveled, whichever is less. Reimbursement may not be paid for more than 250 miles per week.

At the time a pupil enrolls in a charter school, the charter school must provide the parent or guardian with information regarding the transportation.

(c) If a charter school does not elect to provide transportation, transportation for pupils enrolled at the school must be provided by the district in which the school is located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a pupil residing in the same district in which the charter school is located. Transportation may be provided by the district in which the school is located, according to sections 123B.88, subdivision 6, and 124D.03, subdivision 8, for a pupil residing in a different district. If the district provides the transportation, the scheduling of routes, manner and method of transportation, control and discipline of the pupils, and any other matter relating to the transportation of pupils under this paragraph shall be within the sole discretion, control, and management of the district.

Subd. 17. **Leased space.** ~~(a) A charter school may lease space from a sponsor or an authorizer, other public or organization, private, nonprofit nonsectarian organization, private property owner, or a sectarian organization if the leased space is constructed as a school facility. The department must review and approve or disapprove leases in a timely manner. If a charter school is unable to lease appropriate space from an eligible board or other public or private nonprofit nonsectarian organization, the school may lease space from another nonsectarian organization if the Department of Education, in consultation with the Department of Administration, approves the lease. If the school is unable to lease appropriate space from public or private nonsectarian organizations, the school may lease space from a sectarian organization if the leased space is constructed as a school facility and the Department of Education, in consultation with the Department of Administration, approves the lease.~~

(b) Upon approval of the authorizer, a charter school that has operated at least five consecutive years may form a separate affiliated nonprofit building company to provide a school facility. The authorizer shall submit a supplemental affidavit to the commissioner stating that the authorizer has reviewed:

- (1) the school's feasibility study on facility options;
- (2) documents showing the school's need and projected enrollment for such a facility; and
- (3) the school's financial plan and financial status.

The school is prohibited from organizing the nonprofit building company until the authorizer files a supplementary affidavit with the commissioner and receives approval from the commissioner.

~~Subd. 18. **Authority to raise initial working capital.** A sponsor may authorize a charter school before the applicant has secured its space, equipment, facilities, and personnel if the applicant indicates the authority is necessary for it to raise working capital. A sponsor may not authorize a school before the commissioner has approved the authorization.~~

Subd. 19. **Disseminate information.** ~~(a) The sponsor authorizer, the operators, and the Department of Education department must disseminate information to the public on how to form and operate a charter school and. Charter schools must disseminate information about how to utilize use the offerings of a charter school. Particular Targeted groups to be targeted include low-income families and communities, and students of color, and students who are at risk of academic failure.~~

(b) Authorizers, operators, and the department also may disseminate information about the successful best practices in teaching and learning demonstrated by charter schools.

Subd. 20. **Leave to teach in a charter school.** If a teacher employed by a district makes a written request for an extended leave of absence to teach at a charter school, the district must grant the leave. The district must grant a leave not to exceed a total of five years. Any request to extend the leave shall be granted only at the discretion of the school board. The district may require that the request for a leave or extension of leave be made ~~up to 90 days~~

~~before the teacher would otherwise have to report for duty before February 1 in the school year preceding the school year in which the teacher intends to leave, or February 1 of the calendar year in which the teacher's leave is scheduled to terminate.~~ Except as otherwise provided in this subdivision and except for section 122A.46, subdivision 7, the leave is governed by section 122A.46, including, but not limited to, reinstatement, notice of intention to return, seniority, salary, and insurance.

During a leave, the teacher may continue to aggregate benefits and credits in the Teachers' Retirement Association account ~~by paying both the employer and employee contributions based upon the annual salary of the teacher for the last full pay period before the leave began.~~ ~~The retirement association may impose reasonable requirements to efficiently administer this subdivision under chapters 354 and 354A, consistent with subdivision 22.~~

Subd. 21. **Collective bargaining.** Employees of the board of directors of a charter school may, if otherwise eligible, organize under chapter 179A and comply with its provisions. The board of directors of a charter school is a public employer, for the purposes of chapter 179A, upon formation of one or more bargaining units at the school. Bargaining units at the school must be separate from any other units within ~~the sponsoring an authorizing~~ district, except that bargaining units may remain part of the appropriate unit within ~~the sponsoring an authorizing~~ district, if the employees of the school, the board of directors of the school, the exclusive representative of the appropriate unit in the ~~sponsoring authorizing~~ district, and the board of the ~~sponsoring authorizing~~ district agree to include the employees in the appropriate unit of the ~~sponsoring authorizing~~ district.

Subd. 22. **Teacher and other employee retirement.** (a) Teachers in a charter school must be public school teachers for the purposes of chapters 354 and 354a.

(b) Except for teachers under paragraph (a), employees in a charter school must be public employees for the purposes of chapter 353.

Subd. 23. **Causes for nonrenewal or termination of charter school contract.** (a) The duration of the contract with a ~~sponsor authorizer~~ must be for the term contained in the contract according to subdivision 6. The ~~sponsor authorizer~~ may or may not renew a contract at the end of the term for any ground listed in paragraph (b). A ~~sponsor authorizer~~ may unilaterally terminate a contract during the term of the contract for any ground listed in paragraph (b). At least 60 days before not renewing or terminating a contract, the ~~sponsor authorizer~~ shall notify the board of directors of the charter school of the proposed action in writing. The notice shall state the grounds for the proposed action in reasonable detail and that the charter school's board of directors may request in writing an informal hearing before the ~~sponsor authorizer~~ within ~~14~~ 15 business days of receiving notice of nonrenewal or termination of the contract. Failure by the board of directors to make a written request for a hearing within the ~~14-day~~ 15-business-day period shall be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the ~~sponsor authorizer~~ shall give ~~reasonable~~ ten business days' notice to the charter school's board of directors of the hearing date. The ~~sponsor authorizer~~ shall conduct an informal hearing before taking final action. The ~~sponsor authorizer~~ shall take final action to renew or not renew a contract ~~by the last day of classes in the school year.~~ ~~If the sponsor is a local board, the school's board of directors may appeal the sponsor's decision to the commissioner no later than 20 business days before the proposed date for terminating the contract or the end date of the contract.~~

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

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

(4) other good cause shown.

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

~~(c) If at the end of a contract term, either the sponsor or authorizer and the charter school board of directors wants mutually agree to voluntarily terminate or not renew the contract, a change in sponsors authorizers is allowed if the commissioner approves the decision of transfer to a different eligible sponsor approved authorizer to authorize charter the charter school. The party intending to terminate the contract must notify the other party and the commissioner of its intent at least 90 days before the date on which the contract ends. Both parties jointly must submit their intent in writing to the commissioner to mutually terminate the contract. The sponsor authorizer that is a party to the existing contract at least must inform the approved different eligible sponsor new authorizer about the fiscal and operational status, and student performance of the school. If no different eligible sponsor transfer of authorizer is approved, the school must be dissolved according to applicable law and the terms of the contract.~~

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

- (1) failure to meet pupil performance requirements contained in the contract;
- (2) financial mismanagement or failure to meet generally accepted standards of fiscal management; or
- ~~(2)~~ (3) repeated or major violations of the law.

~~(e) If the commissioner terminates a charter school contract because the authorizer fails to comply with subdivision 3, paragraph (g), the commissioner shall provide the charter school with information about other eligible authorizers.~~

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

(b) For purposes of this section and section 124D.11:

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

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

(3) "immediate family" means an individual whose relationship by blood, marriage, adoption, or partnering is no more remote than first cousin;

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

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

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

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

Subd. 24. **Pupil enrollment upon nonrenewal or termination of charter school contract.** If a contract is not renewed or is terminated according to subdivision 23, a pupil who attended the school, siblings of the pupil, or another pupil who resides in the same place as the pupil may enroll in the resident district or may submit an application to a nonresident district according to section 124D.03 at any time. Applications and notices required by section 124D.03 must be processed and provided in a prompt manner. The application and notice deadlines in section 124D.03 do not apply under these circumstances. The closed charter school must transfer the student's educational records within ten business days of closure to the student's school district of residence where the records must be retained or transferred under section 120A.22, subdivision 7.

Subd. 25. **Extent of specific legal authority.** (a) The board of directors of a charter school may sue and be sued.

(b) The board may not levy taxes or issue bonds.

(c) The commissioner, ~~a sponsor~~ an authorizer, members of the board of ~~a sponsor~~ an authorizer in their official capacity, and employees of ~~a sponsor~~ an authorizer are immune from civil or criminal liability with respect to all activities related to a charter school they approve or ~~sponsor~~ authorize. The board of directors shall obtain at least the amount of and types of insurance ~~required by the contract, according to subdivision 6, up to the applicable tort liability limits under chapter 466.~~ The charter school board must submit a copy of the insurance policy to its authorizer before starting operations. The charter school board must submit changes in its insurance carrier or policy to its authorizer within 20 business days of the change.

~~Subd. 26. **Definitions.** For purposes of this section and section 124D.11:~~

~~(1) A "Related party" is an affiliate or close relative of the other party in question, an affiliate of a close relative, or a close relative of an affiliate.~~

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

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

~~(4) "Person" means an individual or entity of any kind.~~

~~(5) "Control" includes the terms "controlling," "controlled by," and "under common control with" and means the possession, direct or indirect, of the power to direct or cause the direction of the management, operations, or policies of a person, whether through the ownership of voting securities, by contract, or otherwise.~~

Sec. 2. Minnesota Statutes 2008, section 124D.11, subdivision 9, is amended to read:

Subd. 9. **Payment of aids to charter schools.** (a) Notwithstanding section 127A.45, subdivision 3, aid payments for the current fiscal year to a charter school ~~not in its first year of operation~~ shall be of an equal amount on each of the ~~23~~ 24 payment dates. ~~A charter school in its first year of operation shall receive, on its first payment~~

~~date, ten percent of its cumulative amount guaranteed for the year and 22 payments of an equal amount thereafter the sum of which shall equal the current year aid payment percentage multiplied by the cumulative amount guaranteed.~~

(b) ~~Notwithstanding paragraph (a) and section 127A.45, for a charter school ceasing operation on or prior to the end of a school year, the current year aid payment percentage multiplied by the amount due for the school year may be paid to the school after audit of prior fiscal year and current fiscal year pupil counts. June 30 of a school year, for the payment periods occurring after the school ceases serving students, the commissioner shall withhold the estimated state aid owed the school. The charter school board of directors and authorizer must submit to the commissioner a closure plan under chapter 308A or 317A, and financial information about the school's liabilities and assets. After receiving the closure plan, financial information, an audit of pupil counts, documentation of lease expenditures, and monitoring of special education expenditures, the commissioner may release cash withheld and may continue regular payments up to the current year payment percentages if further amounts are owed. If, based on audits and monitoring, the school received state aid in excess of the amount owed, the commissioner shall retain aid withheld sufficient to eliminate the aid overpayment. For a charter school ceasing operations prior to, or at the end of, a school year, notwithstanding section 127A.45, subdivision 3, preliminary final payments may be made after receiving the closure plan, audit of pupil counts, monitoring of special education expenditures, and documentation of lease expenditures, and school submission of Uniform Financial Accounting and Reporting Standards (UFARS) financial data for the final year of operation. Final payment may be made upon receipt of audited financial statements under section 123B.77, subdivision 3.~~

~~(c) If a charter school fails to comply with the commissioner's directive to return, for cause, federal or state funds administered by the department, the commissioner may withhold an amount of state aid sufficient to satisfy the directive.~~

~~(d) If, within the timeline under section 471.425, a charter school fails to pay the state of Minnesota, a school district, intermediate school district, or service cooperative after receiving an undisputed invoice for goods and services, the commissioner may withhold an amount of state aid sufficient to satisfy the claim and shall distribute the withheld aid to the interested state agency, school district, intermediate school district, or service cooperative. An interested state agency, school district, intermediate school district, or education cooperative shall notify the commissioner when a charter school fails to pay an undisputed invoice within 75 business days of when it received the original invoice.~~

~~(e) Notwithstanding section 127A.45, subdivision 3, and paragraph (a), 80 percent of the start-up cost aid under subdivision 8 shall be paid within 45 days after the first day of student attendance for that school year.~~

~~(f) In order to receive state aid payments under this subdivision, a charter school in its first three years of operation must submit a school calendar in the form and manner requested by the department and a quarterly report to the Department of Education. The report must list each student by grade, show the student's start and end dates, if any, with the charter school, and for any student participating in a learning year program, the report must list the hours and times of learning year activities. The report must be submitted not more than two weeks after the end of the calendar quarter to the department. The department must develop a Web-based reporting form for charter schools to use when submitting enrollment reports. A charter school in its fourth and subsequent year of operation must submit a school calendar and enrollment information to the department in the form and manner requested by the department.~~

~~(g) Notwithstanding sections 317A.701 to 317A.791, upon closure of a charter school and satisfaction of creditors, cash and investment balances remaining shall be returned to the state.~~

Sec. 3. **EFFECTIVE DATE.**

(a) This act is effective the day following final enactment and applies beginning August 1, 2009, unless otherwise specified in this section.

(b) Section 1, subdivision 3, paragraph (b), clause (2), applies to an authorizer seeking approval to charter a school after the effective date of this act. The changes in section 1, subdivision 3, paragraph (b), clause (2), shall not apply to a sponsor under Minnesota Statutes 2008, section 124D.10, that is a party to a charter contract on the effective date of this act except that section 1, subdivision 3, paragraph (b), clause (2), item (iv), applies to such sponsors beginning July 1, 2012.

(c) Section 1, subdivision 4, paragraph (a), applies to a school board action to close, consolidate, or dissolve a school district taken after the effective the date of this act."

Delete the title and insert:

"A bill for an act relating to education; modifying charter school provisions; amending Minnesota Statutes 2008, sections 124D.10; 124D.11, subdivision 9."

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. 978, A bill for an act relating to insurance; prohibiting automobile insurers from owning repair facilities; amending Minnesota Statutes 2008, section 72A.20, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 980, A bill for an act relating to public safety; modifying requirements of eligibility based on military experience for reciprocity examination for a peace officer; amending Minnesota Statutes 2008, section 626.8517.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

The report was adopted.

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

H. F. No. 985, A bill for an act relating to human services; modifying provisions related to children aging out of foster care; proposing coding for new law in Minnesota Statutes, chapter 260C.

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. 1010, A bill for an act relating to elections; changing certain provisions concerning military and overseas voting; amending Minnesota Statutes 2008, sections 203B.16, subdivision 2; 203B.17, subdivision 1; 203B.21, subdivision 2; 203B.22; 203B.225, subdivision 1; 203B.227.

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:

H. F. No. 1040, A bill for an act relating to education finance; authorizing Independent School District No. 2887, McLeod West, to issue general obligation bonds for its reorganization operating debt.

Reported the same back with the following amendments:

Page 1, line 14, delete "five" and insert "six"

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

The report was adopted.

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

H. F. No. 1156, A bill for an act relating to civil law; authorizing referees to preside over conciliation courts; amending Minnesota Statutes 2008, section 491A.03, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 491A.03, subdivision 1, is amended to read:

Subdivision 1. **Judges; referees.** The judges of district court ~~shall~~ may serve as judges of conciliation court. ~~In the Second and Fourth Judicial Districts, a majority of the judges~~ The chief judge of the district may appoint one or more suitable persons to act as referees in conciliation court; ~~a majority of the judges~~ the chief judge of the district shall establish qualifications for the office, specify the duties and length of service of referees, and fix their compensation ~~not to exceed an amount per day determined by the chief judge of the judicial district.~~

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 Finance.

The report was adopted.

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

H. F. No. 1171, A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to laws and statutes; amending Minnesota Statutes 2008, sections 2.031, subdivision 2; 3.7393, subdivision 10; 6.67; 13.202, subdivision 3; 13.4967, by adding subdivisions; 13.681, by adding a subdivision; 13.871, subdivision 6; 16A.152, subdivision 2; 16A.19, subdivision 1; 16B.284; 16B.85, subdivision 1; 17.4986, subdivision 2; 58.05, subdivision 3; 62S.292, subdivision 4; 66A.07, subdivision 4; 116V.01, subdivision 3; 122A.31, subdivision 1; 125A.63, subdivision 5; 128B.03, subdivision 7; 144.6501, subdivision 6; 144.966, subdivision 2; 148.01, subdivision 1a; 148.71, subdivision 2; 148.725, subdivision 5; 148C.11, subdivision 3; 160.80, subdivision 1a; 161.125, subdivision 1; 168.09, subdivision 3; 168.27, subdivision 1; 169.18, subdivision 5; 181.985, subdivision 1; 201.081; 216B.241, subdivision 9; 216C.19, subdivision 17; 216H.07, subdivision 1; 221.84, subdivision 4; 243.166, subdivisions 1b, 6, 9; 244.052, subdivision 3a; 244.18, subdivision 1; 245.8261, subdivisions 3, 6, 7; 253B.08, subdivision 1; 256B.0571, subdivision 8; 260.105; 260C.446; 270.45; 270.47; 270.80, subdivision 1; 273.05, subdivision 1; 273.061, subdivision 2; 275.065, subdivision 6c; 289A.08, subdivision 16; 289A.40, subdivision 6; 298.34, subdivision 2; 309.745; 325E.317, subdivision 5; 326B.082, subdivision 8; 326B.121, subdivision 3; 327B.041; 336.10-105; 349.31, subdivision 1; 352.017, subdivision 1; 357.18, subdivision 1; 360.0426, subdivision 5; 365A.08, subdivision 2; 401.025, subdivision 3; 414.02, subdivision 4; 423A.01, subdivision 2; 473.167, subdivision 2; 473.384, subdivision 6; 473.388, subdivision 2; 507.24, subdivision 2; 508.82, subdivision 1; 508A.82, subdivision 1; 524.3-303; 524.3-308; 524.8-103; 541.023, subdivision 6; 600.24; 609.75, subdivision 1; 609.76, subdivision 1; 609.762, subdivision 1; 624.731, subdivision 3; 626.556, subdivision 2; Laws 2001, First Special Session chapter 5, article 3, section 50; Laws 2008, chapter 344, section 56; repealing Laws 2003, chapter 26; Laws 2005, chapter 152, article 1, section 18; Laws 2005, chapter 163, section 2; Laws 2006, chapter 260, article 5, section 11; Laws 2008, chapter 204, section 41; Laws 2008, chapter 281, sections 6; 12; Laws 2008, chapter 287, article 1, section 21; Laws 2008, chapter 366, article 9, section 7; article 12, section 2.

Reported the same back with the following amendments:

Page 18, after line 29, insert:

"Sec. 29. Minnesota Statutes 2008, section 206.82, subdivision 2, is amended to read:

Subd. 2. **Plan.** The municipal clerk in a municipality where an electronic voting system is used and the county auditor of a county in which an electronic voting system is used in more than one municipality and the county auditor of a county in which a counting center serving more than one municipality is located shall prepare a plan which indicates acquisition of sufficient facilities, computer time, and professional services and which describes the proposed manner of complying with section 206.80. The plan must be signed, notarized, and submitted to the

secretary of state more than 60 days before the first election at which the municipality uses an electronic voting system. Prior to July 1 of each subsequent general election year, the clerk or auditor shall submit to the secretary of state notification of any changes to the plan on file with the secretary of state. The secretary of state shall review each plan for its sufficiency and may request technical assistance from the ~~Department of Administration~~ Office of Enterprise Technology or other agency which may be operating as the central computer authority. The secretary of state shall notify each reporting authority of the sufficiency or insufficiency of its plan within 20 days of receipt of the plan. The attorney general, upon request of the secretary of state, may seek a district court order requiring an election official to fulfill duties imposed by this subdivision or by rules promulgated pursuant to this section."

Page 40, after line 31, insert:

"Sec. 61. Minnesota Statutes 2008, section 347.542, subdivision 1, is amended to read:

Subdivision 1. **Dog ownership prohibited.** Except as provided in subdivision 3, no person may own a dog if the person has:

- (1) been convicted of a third or subsequent violation of section 347.51, 347.515, or 347.52;
- (2) been convicted of a violation under section 609.205, clause (4);
- (3) been convicted of a gross misdemeanor under section 609.226, subdivision 1;
- (4) been convicted of a violation under section 609.226, subdivision 2; or
- (5) had a dog ordered destroyed under section 347.56 and been convicted of one or more violations of section 347.51, ~~346.515~~ 347.515, 347.52, or 609.226, subdivision 2."

Renumber the sections in sequence and correct the internal references

Amend the memorandum of explanation accordingly

Correct the title numbers accordingly

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. 335, A bill for an act relating to highways; designating the Speaker Irvin N. Anderson Memorial Highway; amending Minnesota Statutes 2008, section 161.14, subdivision 18, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 161.139, is amended to read:

161.139 HIGHWAY DESIGNATION COSTS.

The commissioner shall not adopt a design or erect a sign to mark or memorialize a highway or bridge, pursuant to designation by the legislature ~~on or after January 1, 1996~~, unless the commissioner is assured of the availability of funds from nonstate sources sufficient to pay all costs related to designing, erecting, and maintaining the signs. The commissioner may remove a sign that marks or memorializes a highway or bridge as designated by the legislature if:

(1) the sign requires maintenance, repair, or replacement;

(2) the commissioner has made a reasonable effort to obtain funds for maintenance, repair, or replacement from nonstate sources; and

(3) the funds obtained under clause (2) are insufficient to pay all related costs.

Sec. 2. Minnesota Statutes 2008, section 161.14, subdivision 18, is amended to read:

Subd. 18. **Voyageur Highway.** The following route is named and designated the "Voyageur Highway":

(a) Beginning at a point on Trunk Highway No. 26 on the boundary line between the states of Minnesota and Iowa; thence northerly along Trunk Highway No. 26 to its junction with Trunk Highway No. 61; thence northwesterly along Trunk Highway No. 61 to its junction with Trunk Highway No. 10 in the city of St. Paul; thence extending in a general northwesterly direction along Trunk Highway No. 10 to its junction with Trunk Highway No. 371 at Little Falls; thence extending in a general northerly direction along Trunk Highway No. 371 to its junction with Trunk Highway No. 210 at Brainerd; thence northeasterly along Trunk Highway No. 210 to its junction with Trunk Highway No. 169 at Aitkin; thence in a general northerly direction along Trunk Highway No. 169 to its junction with Trunk Highway No. 2 at Grand Rapids, except that portion that is designated as the Jim Oberstar Causeway; thence northwesterly along Trunk Highway No. 2 to its junction with Trunk Highway No. 71 at Bemidji; thence northeasterly along Trunk Highway No. 71 to its junction with Trunk Highway No. 11 at Pelland; thence northeasterly along Trunk Highway No. 11 to its junction with Trunk Highway No. 53 at International Falls; ~~thence southeasterly along Trunk Highway No. 53 to its junction with Central Entrance at Duluth.~~ Beginning at a point on Trunk Highway No. 61 at its junction with Interstate Highway 35 and thence northeasterly along Trunk Highway No. 61 to the boundary line between the state of Minnesota and the province of Ontario, Canada.

(b) The route of the Voyageur Highway designated and described in clause (a) is supplemented by legs or alternative routes described as follows:

Beginning at a point on Trunk Highway No. 1 at its junction with Trunk Highway No. 61 northerly of Silver Bay; thence northwesterly along Trunk Highway No. 1 to Ely; thence southwesterly along Trunk Highway No. 1 to its junction with Trunk Highway No. 169; thence southerly and westerly along Trunk Highway No. 169 to its junction with Trunk Highway No. 53, and there terminating.

Beginning at a point on Trunk Highway No. 11 at its junction with Trunk Highway No. 53 at International Falls; thence easterly along Trunk Highway No. 11 to its easterly terminus near Island View.

Beginning at a point on Trunk Highway No. 33 at its junction with Interstate Highway marked I-35 southerly of Cloquet, thence northerly along Trunk Highway No. 33 to its junction with Trunk Highway No. 53.

(c) The commissioner of transportation shall:

(1) adopt a suitable marking design of signs or informational plaques;

(2) effect the installation of such signs or plaques in public waysides or other public areas as approved and designated by the commissioner.

Sec. 3. Minnesota Statutes 2008, section 161.14, is amended by adding a subdivision to read:

Subd. 62. **Speaker Irvin N. Anderson Memorial Highway.** That portion of Route No. 11 known as Trunk Highway 53 on the effective date of this section, from the junction of the northern city limits of Virginia to the intersection with marked Trunk Highway 11 in the city of International Falls, is designated the "Speaker Irvin N. Anderson Memorial Highway." The commissioner of transportation shall adopt a suitable design to mark this highway and erect suitable signs, subject to section 161.139."

Delete the title and insert:

"A bill for an act relating to highways; modifying provision governing memorial signs erected on highways; designating the Speaker Irvin N. Anderson Memorial Highway; amending Minnesota Statutes 2008, sections 161.139; 161.14, subdivision 18, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 85, 121, 211, 444, 456, 653, 797, 813, 978, 1010 and 1171 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 335 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Persell, Scalze and Howes introduced:

H. F. No. 1285, A bill for an act relating to natural resources; eliminating managed forests for purposes of off-highway vehicle travel; modifying forest classification requirements; amending Minnesota Statutes 2008, section 84.926, subdivisions 2, 4; Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Gardner, by request, introduced:

H. F. No. 1286, A bill for an act relating to veterans; extending eligibility for certain free fish and game licenses for disabled veterans; amending Minnesota Statutes 2008, section 97A.441, subdivisions 5, 6, 6a.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Hackbarth introduced:

H. F. No. 1287, A bill for an act relating to game and fish; modifying decoy restrictions; amending Minnesota Statutes 2008, section 97B.811, subdivision 3; repealing Minnesota Statutes 2008, section 97B.811, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Murphy, E., and Lesch introduced:

H. F. No. 1288, A bill for an act relating to taxation; sales and use tax administration; notification of change requirements; proposing coding for new law in Minnesota Statutes, chapter 270C.

The bill was read for the first time and referred to the Committee on Taxes.

Rukavina, Solberg, Juhnke, Olin and Hamilton introduced:

H. F. No. 1289, A bill for an act relating to motor vehicles; requiring probable cause for spot inspection of motor vehicles by state troopers; repealing provision for implied consent to inspection; amending Minnesota Statutes 2008, section 169.771, subdivision 2; repealing Minnesota Statutes 2008, section 169.771, subdivision 4.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Huntley and Murphy, M., introduced:

H. F. No. 1290, A bill for an act relating to capital improvements; appropriating money for a grant to the Duluth Children's Museum to purchase land, renovate historic buildings, construct, furnish, and equip a new children's museum.

The bill was read for the first time and referred to the Committee on Finance.

Lesch and Murphy, E., introduced:

H. F. No. 1291, A bill for an act relating to taxation; the city of St. Paul; housing and redevelopment authority; establishing central corridor light rail transit project area; extending the duration of certain tax increment districts.

The bill was read for the first time and referred to the Committee on Taxes.

Davids introduced:

H. F. No. 1292, A bill for an act relating to capital investment; transferring a 2005 appropriation to the city of Rushford for a nanotechnology facility to a community center project; amending Laws 2005, chapter 20, article 1, section 23, subdivision 11, as amended.

The bill was read for the first time and referred to the Committee on Finance.

Loeffler and Abeler introduced:

H. F. No. 1293, A bill for an act relating to health; modifying emergency medical transport provisions; amending Minnesota Statutes 2008, section 144.604, subdivisions 1, 2; repealing Minnesota Statutes 2008, section 144.604, subdivision 3.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Kahn introduced:

H. F. No. 1294, A bill for an act relating to commerce; regulating certain sales on Sunday; removing statutory prohibitions against off-sale intoxicating liquor sales and the sales of certain motor vehicles; amending Minnesota Statutes 2008, sections 168.27, subdivision 12; 340A.504, subdivision 4; repealing Minnesota Statutes 2008, sections 168.275; 168.276.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Thao, Juhnke, Johnson, Mahoney, Lesch and Lieder introduced:

H. F. No. 1295, A bill for an act relating to veterans; extending veterans benefits to allied soldiers from Vietnam and Laos who assisted the United States armed forces during the Vietnam War; 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.

Mullery, Tillberry, Nelson and Lesch introduced:

H. F. No. 1296, A bill for an act relating to taxation; tax increment financing; housing replacement districts; allowing additional authority to spend increments for housing replacement district plans; authorizing the city of Brooklyn Park to establish housing replacement districts; eliminating the local contribution requirement for housing replacement districts; reauthorizing the cities of St. Paul and Fridley to use special laws for housing replacement; amending Minnesota Statutes 2008, section 469.1763, subdivision 2; Laws 1995, chapter 264, article 5, sections 44, subdivision 4, as amended; 45, subdivision 1, as amended.

The bill was read for the first time and referred to the Committee on Taxes.

Winkler, Beard, Simon and Hansen introduced:

H. F. No. 1297, A bill for an act relating to local government; amending the municipal boundary adjustment law; amending Minnesota Statutes 2008, sections 13.02, subdivision 11; 394.33, subdivision 1; 414.01, subdivisions 1a, 1b; 414.011, by adding a subdivision; 414.031, subdivision 4; 414.0325, subdivision 3; 414.033, subdivisions 2, 12; 414.0333; 414.036; 414.041, subdivisions 3, 5; 414.061, subdivisions 4, 5; 462.357, subdivision 1; 462.358, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 414; repealing Minnesota Statutes 2008, sections 414.02; 414.031, subdivision 1a; 414.0325, subdivision 1a; 414.033, subdivisions 10, 13; 414.08; 462.3535; 462.3585; 572A.03, subdivision 3.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Lenczewski introduced:

H. F. No. 1298, A bill for an act relating to public finance; providing terms and conditions relating to issuance of obligations and financing of public improvements; modifying restrictions on mail elections; amending Minnesota Statutes 2008, sections 204B.46; 360.036, subdivision 2; 366.095, subdivision 1; 373.01, subdivision 3; 373.40, subdivision 1; 373.47, subdivision 1; 375.18, subdivision 3; 383B.117, subdivision 2; 410.32; 412.301; 428A.02, subdivision 1; 428A.03, subdivision 1; 428A.08; 428A.09; 428A.10; 469.005, subdivision 1; 469.034, subdivision 2; 469.040, subdivisions 1, 2, 4; 471.191, subdivision 1; 475.67, subdivision 8; repealing Minnesota Statutes 2008, sections 428A.101; 428A.21.

The bill was read for the first time and referred to the Committee on Taxes.

Hackbarth introduced:

H. F. No. 1299, A bill for an act relating to state government; appropriating money for environment, natural resources, and energy; establishing fees; providing for disposition of certain fees; modifying certain insurance form requirements; modifying and establishing assessments for certain regulatory expenses; amending Minnesota Statutes 2008, sections 45.027, subdivision 1; 60A.315, subdivision 6; 61A.02, subdivisions 2, 2a; 61A.072, subdivision 11; 70A.06, subdivision 2; 84.415, subdivision 5, by adding a subdivision; 84.63; 84.631; 84.632; 85.015, subdivision 1b; 85.019, by adding a subdivision; 93.481, subdivisions 1, 3, 5, 7; 97A.075, subdivision 1; 103G.301, subdivisions 2, 3; 115A.1314, subdivision 2; 216B.62, subdivisions 3, 4, 5, by adding subdivisions; 237.295, subdivisions 2, 3, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 93; repealing Minnesota Statutes 2008, section 60A.315, subdivisions 1, 2, 3, 4, 5; Laws 2008, chapter 363, article 5, section 30.

The bill was read for the first time and referred to the Committee on Finance.

Persell, Howes and Sailer introduced:

H. F. No. 1300, A bill for an act relating to capital improvements; authorizing the sale and issuance of state bonds; appropriating money for bridge design and construction on the Paul Bunyan Trail.

The bill was read for the first time and referred to the Committee on Finance.

Hilstrom, Olin, Bigham, Fritz and Johnson introduced:

H. F. No. 1301, A bill for an act relating to public safety; clarifying authority of apprehension and detention orders outside county that issued the order; amending Minnesota Statutes 2008, section 401.025, subdivision 1.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Johnson, Hausman, Paymar, Lesch and Mariani introduced:

H. F. No. 1302, A bill for an act relating to capital improvements; appropriating money for improvements of the National Great River Park in St. Paul; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Hackbarth introduced:

H. F. No. 1303, A bill for an act relating to gambling; proposing an amendment to the Minnesota Constitution by adding a section to article XIII to authorize a casino; imposing a tax on gambling revenue; providing for construction of a new stadium; authorizing sale of revenue bonds; amending Minnesota Statutes 2008, sections 272.02, by adding a subdivision; 297E.02, subdivisions 1, 4, 6; 299L.01, subdivision 4; 299L.07, subdivisions 2, 2a; 340A.404, by adding a subdivision; 340A.410, subdivision 5; 349.31, by adding a subdivision; 541.20; 541.21; 609.75, subdivision 3; 609.761, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 349B; proposing coding for new law as Minnesota Statutes, chapter 473J.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Faust introduced:

H. F. No. 1304, A bill for an act relating to health; requiring coverage for certain anti-epileptic drugs; prohibiting pharmacists from substituting anti-epileptic drugs without consent; proposing coding for new law in Minnesota Statutes, chapters 62Q; 151.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Emmer introduced:

H. F. No. 1305, A bill for an act relating to impaired driving; eliminating the pretrial application of certain civil sanctions for impaired driving, including administrative license revocation, vehicle license plate impoundment, and vehicle forfeiture; restructuring postconviction driver's license revocation periods, including work permits, restricted driver's licenses, and B-cards; authorizing a payable fine for misdemeanor impaired driving offenses; establishing requirements for abstinence and rehabilitation for multiple repeat impaired driving offenders; specifying rules governing the introduction at trial of computer source code; amending Minnesota Statutes 2008, sections 84.91; 86B.331; 169A.20, subdivision 2; 169A.44, subdivision 2; 169A.45, by adding a subdivision; 169A.47; 169A.50; 169A.52; 169A.54, subdivisions 1, 10; 169A.55; 169A.60; 169A.63; 169A.75; 171.30; 609.101, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 169A; repealing Minnesota Statutes 2008, sections 169A.276, subdivision 3; 169A.53; 171.165, subdivision 2.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Hornstein introduced:

H. F. No. 1306, A bill for an act relating to pet animals; requiring a notice for retail sales of cocoa bean shell mulch; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Murphy, E.; Hosch; Fritz and Abeler introduced:

H. F. No. 1307, A bill for an act relating to human services; directing ombudsman for long-term care to expand volunteer ombudsman program; appropriating money.

The bill was read for the first time and referred to the Committee on Finance.

Norton, Thissen, Gottwalt, Abeler, Huntley and Murphy, E., introduced:

H. F. No. 1308, A bill for an act relating to health; requiring uniform technology and data standards for local public health agencies; appropriating money from American Recovery and Reinvestment Act of 2009; amending Minnesota Statutes 2008, section 62J.495, subdivision 1.

The bill was read for the first time and referred to the Committee on Finance.

Lieder, Beard, Hornstein, Morrow and Hortman introduced:

H. F. No. 1309, A bill for an act relating to transportation appropriations; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers, contingent appropriations, and tort claims; providing for various fees and accounts; reducing appropriation for bridge collapse and other highway construction projects for fiscal year 2009; making technical and clarifying changes; amending Laws 2008, chapter 152, article 1, section 5.

The bill was read for the first time and referred to the Committee on Finance.

Seifert, by request, introduced:

H. F. No. 1310, A bill for an act relating to pupil transportation; requiring crossing arms on school buses; amending Minnesota Statutes 2008, sections 123B.57, subdivision 6; 169.447, by adding a subdivision.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Howes introduced:

H. F. No. 1311, A bill for an act relating to contracts; regulating construction contracts; amending Minnesota Statutes 2008, section 337.10, subdivisions 3, 4, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Lesch, Lanning, Hosch and Laine introduced:

H. F. No. 1312, A bill for an act relating to public safety; continuing and expanding the homeless outreach grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Dean introduced:

H. F. No. 1313, A bill for an act relating to human services, allocating wages paid to patients of the Minnesota Sex Offender Program; amending Minnesota Statutes 2008, sections 246B.05, subdivisions 1, 3, by adding a subdivision; 246B.06, subdivisions 1, 6.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Dean introduced:

H. F. No. 1314, A bill for an act relating to health occupations; changing provisions on licensure of nutritionists; amending Minnesota Statutes 2008, section 148.624, subdivision 2; repealing Minnesota Statutes 2008, section 148.627, subdivisions 1, 2, 3, 4, 5.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Dean introduced:

H. F. No. 1315, A bill for an act relating to human services; requiring state prepaid health care programs to contract for services on a single-plan basis; requiring a report; amending Minnesota Statutes 2008, section 256B.69, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Dean introduced:

H. F. No. 1316, A bill for an act relating to capital improvements; appropriating money for Stillwater flood control; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Bly, Kath, Tillberry and Ward introduced:

H. F. No. 1317, A bill for an act relating to education; enlisting retired teachers to help support newly licensed teachers in developing their teaching practice and improving students' learning; amending Minnesota Statutes 2008, sections 122A.413, subdivision 2; 122A.60, subdivisions 1a, 3.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Dean introduced:

H. F. No. 1318, A bill for an act relating to human services; requiring commissioner to establish a MinnesotaCare demonstration project to allow flexibility in the delivery of benefits; requiring a health benefits account to be established for each demonstration project participant; proposing coding for new law in Minnesota Statutes, chapter 256L.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Kiffmeyer introduced:

H. F. No. 1319, A bill for an act relating to capital improvements; authorizing the sale and issuance of state bonds; appropriating money for the Big Lake Regional Ice Center.

The bill was read for the first time and referred to the Committee on Finance.

Swails, Peppin, Hosch, Abeler, Winkler, Lanning and Greiling introduced:

H. F. No. 1320, A bill for an act relating to health; prohibiting pharmacists from substituting epilepsy drugs without prior consent and notification; proposing coding for new law in Minnesota Statutes, chapter 151.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Clark, Kahn, Huntley and Loeffler introduced:

H. F. No. 1321, A bill for an act relating to game and fish; prohibiting the taking of mourning doves; amending Minnesota Statutes 2008, sections 97A.015, subdivision 24; 97B.731, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Thisen introduced:

H. F. No. 1322, A bill for an act relating to health information technology; creating certain requirements for the use of federal funding; requiring legislative approval of a plan; limiting the appropriation of federal funds.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Rukavina and Anzelc introduced:

H. F. No. 1323, A bill for an act relating to capital improvements; appropriating money for water plant improvements in the city of Hoyt Lakes; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Hornstein introduced:

H. F. No. 1324, A bill for an act relating to education finance; authorizing the commissioner of education to waive the General Education Development (GED) test fee under certain circumstances; amending Minnesota Statutes 2008, section 124D.55.

The bill was read for the first time and referred to the Committee on Finance.

Doty, Ward and Jackson introduced:

H. F. No. 1325, A bill for an act relating to natural resources; appropriating money for the county geologic atlas program.

The bill was read for the first time and referred to the Committee on Finance.

Rukavina, Clark, Mahoney and Sertich introduced:

H. F. No. 1326, A bill for an act relating to workforce development; establishing an emergency employment development program; providing wage subsidies; appropriating money.

The bill was read for the first time and referred to the Committee on Finance.

Murphy, M., introduced:

H. F. No. 1327, A bill for an act relating to retirement; modifying early retirement initiative; amending Minnesota Statutes 2008, section 356.351, subdivisions 1, 2.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Thissen; Lanning; Murphy, E.; Bly; Abeler; Mullery; Hayden; Davnie; Kahn and Hornstein introduced:

H. F. No. 1328, A bill for an act relating to public health; addressing youth violence as a public health problem; coordinating and aligning prevention and intervention programs addressing risk factors of youth violence; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Hosch introduced:

H. F. No. 1329, A bill for an act relating to human services; modifying personal care assistance services; amending Minnesota Statutes 2008, sections 144A.44, subdivision 2; 256B.0655, subdivisions 1b, 1g, 2, 3, 7; 626.556, subdivision 3c, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Benson and Ward introduced:

H. F. No. 1330, A bill for an act relating to education; directing the state of Minnesota to end participation in the No Child Left Behind Act.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Benson introduced:

H. F. No. 1331, A bill for an act relating to education finance; adjusting the qualification criteria for the alternative facilities bonding and levy program; amending Minnesota Statutes 2008, section 123B.59, subdivision 1.

The bill was read for the first time and referred to the Committee on Finance.

Benson, Ward and Clark introduced:

H. F. No. 1332, A bill for an act relating to human services; appropriating money to food shelves and for food stamp outreach.

The bill was read for the first time and referred to the Committee on Finance.

Gardner introduced:

H. F. No. 1333, A bill for an act relating to metropolitan government; providing for the additional financing of metropolitan area transit and paratransit capital expenditures; authorizing the issuance of certain obligations; amending Minnesota Statutes 2008, section 473.39, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Finance.

Gunther introduced:

H. F. No. 1334, A bill for an act relating to human services; modifying medical assistance treatment of certain life insurance policies; modifying rates nursing facilities may charge private paying residents; authorizing payment for certain long-term care employer health insurance costs; amending Minnesota Statutes 2008, sections 245A.11, subdivision 2; 256B.441, by adding a subdivision; 256B.48, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256B.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Gunther and Cornish introduced:

H. F. No. 1335, A bill for an act relating to capital improvements; appropriating money for waste water treatment piping in the city of Winnebago; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Gunther introduced:

H. F. No. 1336, A bill for an act relating to taxation; income taxes; providing for a small wind turbine investment tax credit; 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.

Mahoney, Lesch and Johnson introduced:

H. F. No. 1337, A bill for an act relating to capital investment; authorizing the sale and issuance of state bonds; appropriating money for redevelopment of the former 3M site in St. Paul.

The bill was read for the first time and referred to the Committee on Finance.

Norton; Murphy, E.; Brod and Huntley introduced:

H. F. No. 1338, A bill for an act relating to health; expanding the definition for standard reference compendia; amending Minnesota Statutes 2008, section 62Q.525, subdivision 2.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Ruud, Sterner, Davnie and Benson introduced:

H. F. No. 1339, A bill for an act relating to traffic regulations; modifying provisions governing operation of wireless communications device while operating motor vehicle; amending Minnesota Statutes 2008, sections 169.475; 171.05, subdivision 2b; 171.055, subdivision 2; repealing Minnesota Statutes 2008, section 169.443, subdivision 9.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Mariani and Norton introduced:

H. F. No. 1340, A bill for an act relating to education; creating an alternative teacher preparation program and a resident teacher license for qualified nontraditional candidates; proposing coding for new law in Minnesota Statutes, chapter 122A.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Thissen, Gottwalt, Abeler and Kahn introduced:

H. F. No. 1341, A bill for an act relating to health; changing provisions in the newborn screening program; amending Minnesota Statutes 2008, sections 13.386, subdivision 3; 144.125, subdivision 3, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Lillie introduced:

H. F. No. 1342, A bill for an act relating to higher education; modifying the requirements for certain on-sale liquor sales at the University of Minnesota; amending Minnesota Statutes 2008, section 340A.404, subdivision 4a.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Abeler introduced:

H. F. No. 1343, A bill for an act relating to public safety; clarifying law on inattentive driving and failure to exercise due care; providing for enhanced criminal penalties for certain traffic violations that result in personal injury or property damage; requiring commissioner of public safety to include information on inattentive driving in driver's manual; requiring distribution of traffic law summary to peace officers; amending Minnesota Statutes 2008, sections 169.89, by adding subdivisions; 171.13, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Abeler and Atkins introduced:

H. F. No. 1344, A bill for an act relating to commerce; clarifying the application of usury laws to certain loans related to a right to sue; amending Minnesota Statutes 2008, section 334.01, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Abeler, Atkins, Loeffler and Ruud introduced:

H. F. No. 1345, A bill for an act relating to insurance; prohibiting certain claims processing practices by third-party administrators of health coverage plans; regulating health claims clearinghouses; providing a time limit on insurer audits of health claims payments; amending Minnesota Statutes 2008, section 60A.23, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 62Q.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Abeler and Thissen introduced:

H. F. No. 1346, A bill for an act relating to health; requiring the commissioners of health and human services to develop and implement certification standards for obstetric health care homes; requiring the commissioners to provide payments for the coordination of obstetric services; authorizing rulemaking; amending Minnesota Statutes 2008, sections 256B.0751, subdivisions 3, 7, by adding a subdivision; 256B.0752, subdivision 2; 256B.0753, subdivisions 1, 2.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Seifert introduced:

H. F. No. 1347, A bill for an act relating to local government; authorizing governing bodies of counties and home rule charter and statutory cities to reduce their salaries; amending Minnesota Statutes 2008, sections 375.055, subdivision 1, by adding a subdivision; 412.111; 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.

Juhnke introduced:

H. F. No. 1348, A bill for an act relating to natural resources; appropriating money from the clean water fund for a water quality pilot program on Green Lake in Kandiyohi County.

The bill was read for the first time and referred to the Committee on Finance.

Hilstrom introduced:

H. F. No. 1349, A bill for an act relating to public safety; clarifying requirements under crime victim rights law to include victims of criminal sexual conduct to receive information regarding orders for protection and restraining orders; amending Minnesota Statutes 2008, section 611A.0315, subdivision 1.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Norton introduced:

H. F. No. 1350, A bill for an act relating to insurance; amending the fair claims processing act as it applies to certain automobile insurance claims; providing certain rights for third-party claimants in insurance settlement of claims; amending Minnesota Statutes 2008, section 72A.201, subdivision 6.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Winkler, Hilty and Hornstein introduced:

H. F. No. 1351, A bill for an act relating to elections; changing certain absentee ballot requirements and provisions; amending Minnesota Statutes 2008, sections 203B.04, subdivisions 1, 6; 203B.05, subdivision 1; 203B.06, subdivision 3; 203B.07, subdivision 3; 203B.08, subdivisions 2, 3; 203B.12; 203B.23, subdivision 2; 203B.24, subdivision 1; 203B.26; 204B.45, subdivision 2; 204B.46; 204C.10; 204C.13, subdivision 6; 204C.27; 204C.30, by adding a subdivision; 204C.33, subdivisions 1, 3; 205.185, subdivision 3; 205A.10, subdivisions 2, 3; 206.89, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 203B; repealing Minnesota Statutes 2008, sections 203B.04, subdivision 5; 203B.10; 203B.13; 203B.25.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Clark, Rukavina, Persell, Laine and Hayden introduced:

H. F. No. 1352, A bill for an act relating to health; modifying provisions of the cancer surveillance system; amending Minnesota Statutes 2008, sections 13.3806, subdivision 14; 144.671.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Clark, Mariani and Hayden introduced:

H. F. No. 1353, A bill for an act relating to education; implementing an education campaign for fragrance-free schools in the Minneapolis school district.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Clark introduced:

H. F. No. 1354, A bill for an act relating to housing; authorizing nonprofit housing bonds; appropriating money; amending Minnesota Statutes 2008, section 462A.36, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Finance.

Newton and Abeler introduced:

H. F. No. 1355, A bill for an act relating to education finance; authorizing a levy for certain hazardous pupil transportation services; amending Minnesota Statutes 2008, section 123B.92, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Finance.

Newton, Kalin and Sterner introduced:

H. F. No. 1356, A bill for an act relating to transportation; public transit; allowing use of public transit free of charge for disabled veterans and current, uniformed members on active service; amending Minnesota Statutes 2008, sections 174.24, subdivision 1a, by adding a subdivision; 473.384, subdivision 5, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Koenen introduced:

H. F. No. 1357, A bill for an act relating to traffic regulations; modifying vehicle width and axle requirements for transporting manufactured home; amending Minnesota Statutes 2008, sections 169.80, subdivision 2; 169.828, subdivision 1.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Mahoney and Nelson introduced:

H. F. No. 1358, A bill for an act relating to retirement; amending certain coverage provisions; making certain technical changes; amending Minnesota Statutes 2008, section 352D.02, subdivisions 1, 3.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Peterson, Greiling, Lanning and Swails introduced:

H. F. No. 1359, A bill for an act relating to education; requiring school districts to offer at least two academic years of elective high school level world languages courses; amending Minnesota Statutes 2008, sections 120B.022, subdivision 1; 120B.023, subdivision 2.

The bill was read for the first time and referred to the Committee on K-12 Education Policy and Oversight.

Bigham, Hilstrom and Cornish introduced:

H. F. No. 1360, A bill for an act relating to civil law; extending civil immunity to municipalities that donate public safety equipment; amending Minnesota Statutes 2008, section 466.03, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Civil Justice.

Huntley introduced:

H. F. No. 1361, A bill for an act relating to human services; repealing prenatal alcohol or drug use prevention appropriation; amending Laws 2007, chapter 147, article 19, section 3, subdivision 4.

The bill was read for the first time and referred to the Committee on Finance.

Huntley introduced:

H. F. No. 1362, A bill for an act relating to human services; requiring the commissioner to apply for federal funds; amending Minnesota Statutes 2008, section 256D.051, subdivision 2a.

The bill was read for the first time and referred to the Committee on Finance.

Dean introduced:

H. F. No. 1363, A bill for an act relating to civil actions; regulating the liability of certain health care providers for providing emergency care and treatment; regulating affidavits of expert review in malpractice actions against health care providers; amending Minnesota Statutes 2008, sections 145.682, subdivisions 2, 3, 6; 604A.01, subdivision 2.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Gunther and Mahoney introduced:

H. F. No. 1364, A bill for an act relating to occupations and professions; requiring certain training for school district boiler operators; amending Minnesota Statutes 2008, section 326B.974.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Sertich and Rukavina introduced:

H. F. No. 1365, A bill for an act relating to motor vehicles; establishing special plates for retired firefighters; amending Minnesota Statutes 2008, section 168.12, subdivision 2b, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Finance.

Abeler, Thao and Hosch introduced:

H. F. No. 1366, A bill for an act relating to occupations and professions; changing licensing provisions for social work; reducing certain fees; amending Minnesota Statutes 2008, sections 148D.010, subdivisions 9, 15, by adding subdivisions; 148D.025, subdivisions 2, 3; 148D.061, subdivisions 6, 8; 148D.062, subdivision 2; 148D.063, subdivision 2; 148D.125, subdivisions 1, 3; 148D.180, subdivisions 1, 2, 3, 5; 148E.010, subdivisions 11, 17, by adding subdivisions; 148E.025, subdivisions 2, 3; 148E.055, subdivision 5; 148E.100, subdivisions 3, 4, 5, 6, 7, by adding a subdivision; 148E.105, subdivisions 1, 3, 5, 7, by adding a subdivision; 148E.106, subdivisions 1, 2, 3, 4, 5, 8, 9, by adding a subdivision; 148E.110, subdivisions 1, 2, by adding subdivisions; 148E.115, subdivision 1, by adding a subdivision; 148E.120; 148E.125, subdivisions 1, 3; 148E.130, subdivisions 2, 5, by adding a subdivision; 148E.165, subdivision 1; 148E.180, subdivisions 1, 2, 3, 5; repealing Minnesota Statutes 2008, sections 148D.062, subdivision 5; 148D.125, subdivision 2; 148D.180, subdivision 8; 148E.106, subdivision 6; 148E.125, subdivision 2.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Juhnke, McNamara, Faust, Magnus and Eken introduced:

H. F. No. 1367, A bill for an act relating to agriculture; changing provisions of the Minnesota Noxious Weed Law; establishing a fund; providing for grants; creating an advisory committee; amending Minnesota Statutes 2008, sections 18.75; 18.76; 18.77, subdivisions 1, 3, 5, by adding subdivisions; 18.78, subdivision 1, by adding a subdivision; 18.79; 18.80, subdivision 1; 18.81, subdivision 1; 18.82, subdivisions 1, 3; 18.83; 18.84, subdivisions 1, 2, 3; 18.86; 18.87; 18.88; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 2008, section 18.81, subdivision 3.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Simon introduced:

H. F. No. 1368, A bill for an act relating to consumer protection; requiring the attorney general to maintain a consumer complaint database; amending Minnesota Statutes 2008, section 8.32, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Simon introduced:

H. F. No. 1369, A bill for an act relating to taxation; extending time for establishment of special service districts; amending Minnesota Statutes 2008, section 428A.101.

The bill was read for the first time and referred to the Committee on Taxes.

Abeler and Thissen introduced:

H. F. No. 1370, A bill for an act relating to human services; changing eligibility requirements for medical assistance and MinnesotaCare; amending Minnesota Statutes 2008, sections 256B.056, subdivisions 3, 3c; 256L.17, subdivision 3.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Kahn, Hausman, Rukavina, Sailer and Davids introduced:

H. F. No. 1371, A bill for an act relating to economic development; appropriating money for a grant to the Minnesota Humanities Center.

The bill was read for the first time and referred to the Committee on Finance.

Gardner, Dill, Gunther and Sailer introduced:

H. F. No. 1372, A bill for an act relating to environment; modifying Infectious Waste Control Act; amending Minnesota Statutes 2008, section 116.78, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Gardner and Hornstein introduced:

H. F. No. 1373, A bill for an act relating to transportation; creating Minnesota Council on Transportation Access to improve availability and coordination of services to the transit public; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 174.

The bill was read for the first time and referred to the Committee on Finance.

Buesgens introduced:

H. F. No. 1374, A bill for an act relating to higher education; providing stable undergraduate tuition rates; proposing coding for new law in Minnesota Statutes, chapters 136F; 137.

The bill was read for the first time and referred to the Higher Education and Workforce Development Finance and Policy Division.

Buesgens introduced:

H. F. No. 1375, A bill for an act relating to public finance; eliminating authority of municipalities to issue bonds for certain other postemployment benefits; amending Minnesota Statutes 2008, sections 475.51, subdivision 4; 475.52, subdivision 6; 475.58, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Buesgens introduced:

H. F. No. 1376, A bill for an act relating to education finance; eliminating the concentration factor in compensatory revenue; amending Minnesota Statutes 2008, sections 126C.05, subdivision 3; 126C.10, subdivision 3; repealing Minnesota Statutes 2008, section 126C.10, subdivision 3.

The bill was read for the first time and referred to the Committee on Finance.

Buesgens introduced:

H. F. No. 1377, A bill for an act relating to local government; removing authority of cities to own municipal liquor stores; requiring divestiture; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Minnesota Statutes 2008, sections 340A.601; 340A.602; 340A.603; 340A.604; 426.19; 426.20; 471.6985.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Morrow, Winkler, Marquart and Doty introduced:

H. F. No. 1378, A bill for an act relating to natural disasters; establishing local disaster assistance program and local disaster fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 12.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Nelson, Poppe, Mahoney and Holberg introduced:

H. F. No. 1379, A bill for an act relating to real property; providing for waiver of storage of abandoned property; amending Minnesota Statutes 2008, section 504B.271, subdivisions 1, 2, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Bly introduced:

H. F. No. 1380, A bill for an act relating to transportation; authorizing the sale and issuance of state bonds; appropriating money for an alternatives analysis of a commuter rail line between Northfield and St. Paul.

The bill was read for the first time and referred to the Committee on Finance.

Hackbarth introduced:

H. F. No. 1381, A bill for an act relating to human services; requiring drug screening for MFIP eligibility; amending Minnesota Statutes 2008, section 256J.15, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Demmer introduced:

H. F. No. 1382, A bill for an act relating to education; removing certain restrictions on distribution of staff development revenue; amending Minnesota Statutes 2008, section 122A.61, subdivision 1.

The bill was read for the first time and referred to the Committee on Finance.

Gunther introduced:

H. F. No. 1383, A bill for an act relating to retirement; extending Fairmont Police Relief Association amortization target date from 2010 to 2020; amending Minnesota Statutes 2008, section 69.77, subdivision 4.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Gunther and Cornish introduced:

H. F. No. 1384, A bill for an act relating to education; increasing minimum revenue to school districts for various youth and community education programs; amending Minnesota Statutes 2008, sections 124D.135, subdivision 1; 124D.20, subdivisions 3, 4, 4a.

The bill was read for the first time and referred to the Committee on Finance.

Gunther and Torkelson introduced:

H. F. No. 1385, A bill for an act relating to capital improvements; appropriating money for wastewater treatment infrastructure in Odin and Ormsby; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Gunther and Gottwalt introduced:

H. F. No. 1386, A bill for an act relating to education finance; suspending mandates on school districts for fiscal years 2010 and 2011.

The bill was read for the first time and referred to the Committee on Finance.

Gunther introduced:

H. F. No. 1387, A bill for an act relating to education; removing set-aside for student health personnel; amending Minnesota Statutes 2008, section 126C.44.

The bill was read for the first time and referred to the Committee on Finance.

Carlson, Huntley and Abeler introduced:

H. F. No. 1388, A bill for an act relating to human services; increasing payment rates for a nursing facility in Golden Valley providing residential rehabilitative services; amending Minnesota Statutes 2008, section 256B.441, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Finance.

Scalze, Gardner and Peterson introduced:

H. F. No. 1389, A bill for an act relating to taxation; modifying certain levy limit provisions; amending Minnesota Statutes 2008, sections 275.70, subdivision 5; 275.71, subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.

Atkins and Hansen introduced:

H. F. No. 1390, A bill for an act relating to capital investment; authorizing spending to better public land and other improvements of a capital nature; appropriating money for the swing bridge in Inver Grove Heights; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Emmer introduced:

H. F. No. 1391, A bill for an act relating to health care; prohibiting the use of a broker for medical transportation services; allowing county social workers to make level-of-need determinations; amending Minnesota Statutes 2008, sections 256.045, by adding a subdivision; 256B.04, subdivision 14a; 256B.0625, subdivisions 17, 18, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Lesch, Olin and Paymar introduced:

H. F. No. 1392, A bill for an act relating to crimes; providing for an omnibus sexual conduct technical review bill; amending Minnesota Statutes 2008, sections 609.341, subdivision 11; 609.342, subdivision 1; 609.343, subdivision 1; 609.3455, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Kelly, Drazkowski and Garofalo introduced:

H. F. No. 1393, A bill for an act relating to landfills; modifying provisions of landfill cleanup program; amending Minnesota Statutes 2008, sections 115B.39, subdivision 2; 115B.40, subdivision 6.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Hayden; Mullery; Johnson; Murphy, M., and Nelson introduced:

H. F. No. 1394, A bill for an act relating to real property; specifying notice requirements; modifying provisions governing the reduced redemption period for abandoned property; establishing a duty to protect vacant foreclosed property under certain circumstances; providing for the imposition of fines for failure to maintain property; altering the posting requirement for trespassing on construction sites; modifying provisions governing public nuisances; imposing civil and criminal penalties; amending Minnesota Statutes 2008, sections 463.251, subdivision 2; 580.04; 582.031; 582.032, subdivision 2, by adding a subdivision; 609.605, subdivision 1; 617.80, subdivision 7, by adding a subdivision; 617.81, subdivisions 2, 4.

The bill was read for the first time and referred to the Committee on Civil Justice.

Mullery introduced:

H. F. No. 1395, A bill for an act relating to real property; modifying procedures relating to uses and conveyances of tax-forfeited property; amending Minnesota Statutes 2008, sections 282.01, subdivisions 1, 1a, 1c, 1d, 2, 3, 4, 7, 7a, by adding a subdivision; 287.2205; repealing Minnesota Statutes 2008, section 282.01, subdivisions 1b, 9, 10, 11.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Smith introduced:

H. F. No. 1396, A bill for an act relating to domestic abuse; authorizing courts to include pets and companion animals in protective orders; amending Minnesota Statutes 2008, section 518B.01, subdivisions 6, 7.

The bill was read for the first time and referred to the Committee on Civil Justice.

Hilstrom, Carlson, Smith, Champion, Simon, Loon, Loeffler, Zellers and Emmer introduced:

H. F. No. 1397, A bill for an act relating to courts; providing the Fourth Judicial District with fiscal flexibility as to the location of court facilities; amending Minnesota Statutes 2008, section 484.91, subdivision 1; repealing Minnesota Statutes 2008, section 383B.65, subdivision 2.

The bill was read for the first time and referred to the Committee on Civil Justice.

Winkler introduced:

H. F. No. 1398, A bill for an act relating to publication of official notices; authorizing an alternative to newspaper publication; amending Minnesota Statutes 2008, section 331A.03, subdivision 3.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Clark introduced:

H. F. No. 1399, A bill for an act relating to employment; amending the Minnesota Labor Relations Act; amending Minnesota Statutes 2008, section 181.87, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Kalin, Magnus, Reinert, Dettmer, Bigham, Severson, Newton, Juhnke, Koenen, Lieder, Otremba, Olin, Persell and Ward introduced:

H. F. No. 1400, A bill for an act relating to veterans; declaring June 13, 2009, Welcome Home Vietnam Veterans Day.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Kahn introduced:

H. F. No. 1401, A bill for an act relating to traffic regulations; amending requirements for person operating a bicycle to stop at stop sign or traffic-control signal; amending Minnesota Statutes 2008, section 169.222, by adding a subdivision.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Wagenius introduced:

H. F. No. 1402, A bill for an act proposing an amendment to the Minnesota Constitution, article XI, section 5; providing for public debt to be incurred for public information technology systems, licenses, and infrastructure.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Kahn introduced:

H. F. No. 1403, A bill for an act relating to aid and credits; modifying the local government aid appropriation and reinstating offsets; amending Minnesota Statutes 2008, sections 477A.014, by adding subdivisions; 477A.03, subdivisions 2a, 5.

The bill was read for the first time and referred to the Committee on Taxes.

Rukavina introduced:

H. F. No. 1404, A bill for an act relating to unemployment insurance; providing limited eligibility for benefits during a voluntary leave; proposing coding for new law in Minnesota Statutes, chapter 268.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

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. 496.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 496, A bill for an act relating to health; modifying the state's suicide prevention plan; amending Minnesota Statutes 2008, section 145.56, subdivisions 1, 2.

The bill was read for the first time.

Thissen moved that S. F. No. 496 and H. F. No. 444, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND
LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Thursday, March 5, 2009:

H. F. No. 56 and S. F. No. 162.

CALENDAR FOR THE DAY

H. F. No. 56 was reported to the House.

CALL OF THE HOUSE

On the motion of Seifert and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

Anderson, S., offered an amendment to H. F. No. 56.

POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Anderson, S., amendment was not in order. The Speaker ruled the point of order well taken and the Anderson, S., amendment out of order.

Seifert appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 84 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Anzelc	Falk	Hosch	Lieder	Norton	Sertich
Atkins	Faust	Huntley	Lillie	Obermueller	Simon
Benson	Fritz	Jackson	Loeffler	Olin	Slawik
Bigham	Gardner	Johnson	Mahoney	Otremba	Slocum
Bly	Gottwalt	Juhnke	Mariani	Paymar	Solberg
Brown	Greiling	Kahn	Marquart	Pelowski	Swails
Brynaert	Hansen	Kalin	Masin	Persell	Thao
Carlson	Hausman	Kath	Morgan	Peterson	Thissen
Champion	Haws	Knuth	Morrow	Poppe	Tillberry
Clark	Hayden	Koenen	Mullery	Reinert	Wagenius
Davnie	Hilstrom	Laine	Murphy, E.	Rukavina	Ward
Dittrich	Hilty	Lenczewski	Murphy, M.	Ruud	Walti
Doty	Hornstein	Lesch	Nelson	Sailer	Winkler
Eken	Hortman	Liebling	Newton	Scalze	Spk. Kelliher

Those who voted in the negative were:

Abeler	Cornish	Emmer	Kelly	McNamara	Severson
Anderson, B.	Dauids	Garofalo	Kiffmeyer	Murdock	Shimanski
Anderson, P.	Dettmer	Gunther	Kohls	Nornes	Smith
Anderson, S.	Dill	Hackbarth	Lanning	Peppin	Sterner
Beard	Doepke	Hamilton	Loon	Rosenthal	Torkelson
Brod	Downey	Holberg	Mack	Sanders	Urdahl
Buesgens	Drazkowski	Hoppe	Magnus	Scott	Westrom
Bunn	Eastlund	Howes	McFarlane	Seifert	Zellers

So it was the judgment of the House that the decision of the Speaker should stand.

H. F. No. 56, A bill for an act relating to capital investment; correcting the grantee for a parks appropriation; amending Laws 2008, chapter 179, section 7, subdivision 26.

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 115 yeas and 17 nays as follows:

Those who voted in the affirmative were:

Abeler	Doty	Hornstein	Lieder	Norton	Slawik
Anderson, P.	Downey	Hortman	Lillie	Obermueller	Slocum
Anderson, S.	Eastlund	Hosch	Loeffler	Olin	Solberg
Anzenc	Eken	Howes	Loon	Otremba	Swails
Atkins	Falk	Huntley	Magnus	Paymar	Thao
Beard	Faust	Jackson	Mahoney	Pelowski	Thissen
Benson	Fritz	Johnson	Mariani	Persell	Tillberry
Bigham	Gardner	Juhnke	Marquart	Peterson	Torkelson
Bly	Garofalo	Kahn	Masin	Poppe	Urdahl
Brown	Gottwalt	Kalin	McFarlane	Reinert	Wagenius
Brynaert	Greiling	Kath	McNamara	Rosenthal	Ward
Bunn	Gunther	Kelly	Morgan	Rukavina	Welti
Carlson	Hamilton	Kiffmeyer	Morrow	Ruud	Westrom
Champion	Hansen	Knuth	Mullery	Sailer	Winkler
Clark	Hausman	Koenen	Murdock	Sanders	Spk. Kelliher
Cornish	Haws	Laine	Murphy, E.	Scalze	
Davids	Hayden	Lanning	Murphy, M.	Seifert	
Davnie	Hilstrom	Lenczewski	Nelson	Sertich	
Dill	Hilty	Lesch	Newton	Severson	
Dittrich	Hoppe	Liebling	Nornes	Simon	

Those who voted in the negative were:

Anderson, B.	Dettmer	Emmer	Kohls	Scott	Sterner
Brod	Doepke	Hackbarth	Mack	Shimanski	Zellers
Buesgens	Drazkowski	Holberg	Peppin	Smith	

The bill was passed and its title agreed to.

CALL OF THE HOUSE LIFTED

Sertich moved that the call of the House be lifted. The motion prevailed and it was so ordered.

S. F. No. 162 was reported to the House.

Swails, Seifert and Huntley moved to amend S. F. No. 162 as follows:

Page 1, line 21, after the first period, insert "This paragraph does not apply to a radiation therapy clinic in the city of Woodbury, Washington County, that was built by March 1, 2008."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Swails et al amendment and the roll was called. There were 61 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Doty	Hilty	Lillie	Olin	Swails
Anderson, P.	Downey	Holberg	Loon	Otremba	Torkelson
Anderson, S.	Drazkowski	Hoppe	Mack	Poppe	Ward
Beard	Eastlund	Howes	Magnus	Reinert	Westrom
Bigham	Emmer	Huntley	Marquart	Sanders	Zellers
Brown	Garofalo	Kelly	McFarlane	Scott	Spk. Kelliher
Buesgens	Gottwalt	Kiffmeyer	McNamara	Seifert	
Champion	Greiling	Kohls	Mullery	Severson	
Davids	Gunther	Laine	Murdock	Shimanski	
Dettmer	Hausman	Lanning	Murphy, M.	Slawik	
Doepke	Hilstrom	Lieder	Nornes	Smith	

Those who voted in the negative were:

Abeler	Dill	Hortman	Liebling	Paymar	Slocum
Anzelc	Dittrich	Hosch	Loeffler	Pelowski	Solberg
Atkins	Eken	Jackson	Mahoney	Peppin	Sterner
Benson	Faust	Johnson	Mariani	Persell	Thao
Bly	Fritz	Juhnke	Masin	Peterson	Thissen
Brod	Gardner	Kahn	Morgan	Rosenthal	Tillberry
Brynaert	Hackbarth	Kalin	Morrow	Rukavina	Urdahl
Bunn	Hamilton	Kath	Murphy, E.	Ruud	Wagenius
Carlson	Hansen	Knuth	Nelson	Sailer	Welti
Clark	Haws	Koenen	Newton	Scalze	Winkler
Cornish	Hayden	Lenczewski	Norton	Sertich	
Davnie	Hornstein	Lesch	Obermueller	Simon	

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

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

Emmer, Buesgens and Anderson, B., moved to amend S. F. No. 162 as follows:

Delete everything after the enacting clause and insert:

"Section 1. **REPEALER.**

Minnesota Statutes 2008, section 144.5509, is repealed."

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker called Liebling to the Chair.

The question was taken on the Emmer et al amendment and the roll was called. There were 31 yeas and 100 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Davids	Holberg	Loon	Severson	Zellers
Anderson, P.	Dettmer	Hoppe	Mack	Shimanski	
Anderson, S.	Downey	Huntley	Magnus	Smith	
Beard	Drazkowski	Kelly	Sanders	Swails	
Brod	Emmer	Kiffmeyer	Scott	Torkelson	
Buesgens	Hackbarth	Kohls	Seifert	Westrom	

Those who voted in the negative were:

Abeler	Doty	Hilty	Liebling	Nornes	Sertich
Anzelc	Eastlund	Hornstein	Lieder	Norton	Simon
Atkins	Eken	Hortman	Lillie	Obermueller	Slawik
Benson	Falk	Hosch	Loeffler	Olin	Slocum
Bigham	Faust	Howes	Mahoney	Otremba	Solberg
Bly	Fritz	Jackson	Mariani	Paymar	Sterner
Brown	Gardner	Johnson	Marquart	Pelowski	Thao
Brynaert	Garofalo	Juhnke	Masin	Peppin	Thissen
Bunn	Gottwalt	Kahn	McFarlane	Persell	Tillberry
Carlson	Greiling	Kalin	McNamara	Peterson	Urdahl
Champion	Gunther	Kath	Morgan	Poppe	Wagenius
Clark	Hamilton	Knuth	Morrow	Reinert	Ward
Cornish	Hansen	Koenen	Mullery	Rosenthal	Welti
Davnie	Hausman	Laine	Murdock	Rukavina	Winkler
Dill	Haws	Lanning	Murphy, E.	Ruud	Spk. Kelliher
Dittrich	Hayden	Lenczewski	Murphy, M.	Sailer	
Doepke	Hilstrom	Lesch	Newton	Scalze	

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

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

Westrom moved to amend S. F. No. 162 as follows:

Page 1, after line 21, insert:

"Sec. 2. **REPEALER.**

Minnesota Statutes 2008, sections 144.551; 144.552; and 144.553, are repealed."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Westrom amendment and the roll was called. There were 37 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Hackbarth	Loon	Scott	Westrom
Anderson, P.	Downey	Holberg	Mack	Seifert	Zellers
Anderson, S.	Drazkowski	Hoppe	Magnus	Severson	
Beard	Eastlund	Howes	Murdock	Shimanski	
Brod	Emmer	Kelly	Nornes	Smith	
Buesgens	Garofalo	Kiffmeyer	Peppin	Swails	
Davids	Gottwalt	Kohls	Sanders	Torkelson	

Those who voted in the negative were:

Abeler	Doepke	Hornstein	Lieder	Obermueller	Slawik
Anzelc	Doty	Hortman	Lillie	Olin	Slocum
Atkins	Eken	Huntley	Loeffler	Otremba	Solberg
Benson	Falk	Jackson	Mahoney	Paymar	Sterner
Bigham	Faust	Johnson	Mariani	Pelowski	Thao
Bly	Fritz	Juhnke	Marquart	Persell	Thissen
Brown	Gardner	Kahn	Masin	Peterson	Tillberry
Brynaert	Greiling	Kalin	McFarlane	Poppe	Urdahl
Bunn	Gunther	Kath	McNamara	Reinert	Wagenius
Carlson	Hamilton	Knuth	Morgan	Rosenthal	Ward
Champion	Hansen	Koenen	Morrow	Rukavina	Welti
Clark	Hausman	Laine	Mullery	Ruud	Winkler
Cornish	Haws	Lanning	Murphy, E.	Sailer	Spk. Kelliher
Davnie	Hayden	Lenczewski	Murphy, M.	Scalze	
Dill	Hilstrom	Lesch	Newton	Sertich	
Dittrich	Hilty	Liebling	Norton	Simon	

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

MOTION TO FIX TIME TO CONVENE

Garofalo moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, March 9, 2009. The motion did not prevail.

S. F. No. 162, A bill for an act relating to health; extending moratorium on radiation therapy facility construction in certain counties; amending Minnesota Statutes 2008, section 144.5509.

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 90 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Abeler	Benson	Brod	Carlson	Cornish	Dittrich
Anzelc	Bigham	Brown	Champion	Davnie	Doepke
Atkins	Bly	Brynaert	Clark	Dill	Doty

Eken	Hilstrom	Laine	McFarlane	Pelowski	Slocum
Falk	Hilty	Lenczewski	McNamara	Peppin	Solberg
Faust	Hornstein	Lesch	Morgan	Persell	Sterner
Fritz	Hortman	Liebling	Morrow	Peterson	Thao
Gardner	Jackson	Lieder	Murphy, E.	Poppe	Thissen
Garofalo	Johnson	Lillie	Murphy, M.	Rosenthal	Tillberry
Gunther	Juhnke	Loeffler	Newton	Rukavina	Urdahl
Hackbarth	Kahn	Mack	Norton	Ruud	Wagenius
Hamilton	Kalin	Magnus	Obermueller	Sailer	Ward
Hansen	Kath	Mahoney	Olin	Scalze	Welti
Haws	Knuth	Mariani	Otremba	Sertich	Winkler
Hayden	Koenen	Masin	Paymar	Simon	Spk. Kelliher

Those who voted in the negative were:

Anderson, B.	Dettmer	Hausman	Kohls	Sanders	Swails
Anderson, P.	Downey	Holberg	Lanning	Scott	Torkelson
Anderson, S.	Drazkowski	Hoppe	Loon	Seifert	Westrom
Beard	Eastlund	Howes	Marquart	Severson	Zellers
Buesgens	Emmer	Huntley	Murdock	Shimanski	
Bunn	Gottwalt	Kelly	Nornes	Slawik	
Davids	Greiling	Kiffmeyer	Reinert	Smith	

The bill was passed and its title agreed to.

The Speaker resumed the chair.

MOTIONS AND RESOLUTIONS

Ward moved that the name of Olin be added as an author on H. F. No. 116. The motion prevailed.

Bigham moved that the name of Hortman be added as an author on H. F. No. 130. The motion prevailed.

Faust moved that the names of Poppe and Gottwalt be added as authors on H. F. No. 217. The motion prevailed.

Lillie moved that the name of Bigham be added as an author on H. F. No. 259. The motion prevailed.

Fritz moved that the name of Ward be added as an author on H. F. No. 277. The motion prevailed.

Gardner moved that the name of Scalze be added as an author on H. F. No. 298. The motion prevailed.

Fritz moved that her name be stricken as an author on H. F. No. 357. The motion prevailed.

Hansen moved that the name of Hayden be added as an author on H. F. No. 424. The motion prevailed.

Lesch moved that the name of Paymar be added as an author on H. F. No. 483. The motion prevailed.

Poppe moved that the name of Otremba be added as an author on H. F. No. 505. The motion prevailed.

Murphy, E., moved that the name of Lillie be added as an author on H. F. No. 618. The motion prevailed.

Knuth moved that the names of Bigham and Gottwalt be added as authors on H. F. No. 689. The motion prevailed.

Newton moved that the name of Obermueller be added as an author on H. F. No. 715. The motion prevailed.

Hornstein moved that the name of Bigham be added as an author on H. F. No. 721. The motion prevailed.

Norton moved that the name of Liebling be added as an author on H. F. No. 786. The motion prevailed.

Murphy, E., moved that the name of Liebling be added as an author on H. F. No. 802. The motion prevailed.

Hornstein moved that the name of Lillie be added as an author on H. F. No. 809. The motion prevailed.

Lenczewski moved that the names of Liebling and Dittrich be added as authors on H. F. No. 816. The motion prevailed.

Norton moved that the name of Liebling be added as an author on H. F. No. 823. The motion prevailed.

Marquart moved that the names of Tillberry and Lillie be added as authors on H. F. No. 872. The motion prevailed.

Mahoney moved that the name of Hilstrom be added as an author on H. F. No. 927. The motion prevailed.

Mahoney moved that the name of Hilstrom be added as an author on H. F. No. 939. The motion prevailed.

Hosch moved that the name of Hilstrom be added as an author on H. F. No. 968. The motion prevailed.

Brod moved that the name of Hilstrom be added as an author on H. F. No. 970. The motion prevailed.

Dill moved that the name of Kalin be added as an author on H. F. No. 992. The motion prevailed.

Seifert moved that the names of Eastlund and Garofalo be added as authors on H. F. No. 997. The motion prevailed.

Winkler moved that the name of Kahn be added as an author on H. F. No. 1029. The motion prevailed.

Wagenius moved that the name of Kahn be added as an author on H. F. No. 1031. The motion prevailed.

Norton moved that the name of Liebling be added as an author on H. F. No. 1033. The motion prevailed.

Swails moved that the names of Davids, Morgan, Eastlund, Smith, Severson and Obermueller be added as authors on H. F. No. 1037. The motion prevailed.

Mariani moved that the name of Kahn be added as an author on H. F. No. 1046. The motion prevailed.

Hornstein moved that the name of Kahn be added as an author on H. F. No. 1047. The motion prevailed.

Simon moved that the name of Kahn be added as an author on H. F. No. 1053. The motion prevailed.

Brod moved that the names of Davids, Gottwalt, Dettmer and Scott be added as authors on H. F. No. 1057. The motion prevailed.

Fritz moved that the names of Doty, Davids, Gottwalt and Scott be added as authors on H. F. No. 1058. The motion prevailed.

Otremba moved that the names of Doty, Davids, Gottwalt, Dettmer and Scott be added as authors on H. F. No. 1059. The motion prevailed.

Wagenius moved that the name of Kahn be added as an author on H. F. No. 1086. The motion prevailed.

Ruud moved that the name of Otremba be added as an author on H. F. No. 1089. The motion prevailed.

Mullery moved that the name of Magnus be added as an author on H. F. No. 1095. The motion prevailed.

Pelowski moved that the name of Davids be added as an author on H. F. No. 1114. The motion prevailed.

Davnie moved that the name of Gunther be added as an author on H. F. No. 1116. The motion prevailed.

McNamara moved that the names of Poppe and Gottwalt be added as authors on H. F. No. 1143. The motion prevailed.

Dean moved that the names of Koenen, Seifert and Otremba be added as authors on H. F. No. 1173. The motion prevailed.

Winkler moved that the name of Slawik be added as an author on H. F. No. 1188. The motion prevailed.

Lanning moved that the names of Swails, Magnus, Doty, Olin, Scalze and Lillie be added as authors on H. F. No. 1195. The motion prevailed.

Gottwalt moved that the names of Magnus; Kohls; Draskowski; Buesgens; Doty; Westrom; Eastlund; Peppin; Ward; Davids; Anderson, P.; Smith; Olin; Hosch and Scott be added as authors on H. F. No. 1196. The motion prevailed.

Smith moved that the names of Kohls; Draskowski; Buesgens; Westrom; Eastlund; Peppin; Ward; Davids; Anderson, P.; Gottwalt; Olin; Hosch; Torkelson and Scott be added as authors on H. F. No. 1197. The motion prevailed.

Davnie moved that the name of Hilstrom be added as an author on H. F. No. 1198. The motion prevailed.

Lesch moved that the name of Haws be added as an author on H. F. No. 1199. The motion prevailed.

Dean moved that the name of Bunn be added as an author on H. F. No. 1205. The motion prevailed.

Simon moved that the name of Lillie be added as an author on H. F. No. 1206. The motion prevailed.

Ruud moved that the name of Kahn be added as an author on H. F. No. 1211. The motion prevailed.

Gardner moved that the names of Persell and Scalze be added as authors on H. F. No. 1217. The motion prevailed.

Masin moved that the name of Hilstrom be added as an author on H. F. No. 1225. The motion prevailed.

Murphy, M., moved that the names of Hausman, Lillie and Loeffler be added as authors on H. F. No. 1231. The motion prevailed.

Hornstein moved that the name of Lillie be added as an author on H. F. No. 1250. The motion prevailed.

Sailer moved that the name of Lillie be added as an author on H. F. No. 1259. The motion prevailed.

Sailer moved that the name of Lillie be added as an author on H. F. No. 1260. The motion prevailed.

Dittrich moved that the name of Kalin be added as an author on H. F. No. 1261. The motion prevailed.

Paymar moved that the names of Lillie and Kahn be added as authors on H. F. No. 1268. The motion prevailed.

Rosenthal moved that the name of Scalze be added as an author on H. F. No. 1273. The motion prevailed.

Rosenthal moved that the name of Persell be added as an author on H. F. No. 1274. The motion prevailed.

Norton moved that the name of Haws be added as an author on H. F. No. 1276. The motion prevailed.

Hilstrom moved that the name of Lillie be added as an author on H. F. No. 1277. The motion prevailed.

Thissen moved that H. F. No. 722 be recalled from the Committee on Taxes and be re-referred to the Committee on Civil Justice. The motion prevailed.

Rukavina moved that H. F. No. 1227 be recalled from the Committee on Commerce and Labor and be re-referred to the Committee on Finance. The motion prevailed.

Dittrich moved that H. F. No. 1261 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.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, March 9, 2009. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Monday, March 9, 2009.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives