

STATE OF MINNESOTA

EIGHTY-SIXTH SESSION — 2010

SEVENTY-FIRST DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 8, 2010

The House of Representatives convened at 1:00 p.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Jon Ellefson (Retired), Rosemount, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Westrom was excused.

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

PETITIONS AND COMMUNICATIONS

The following communication was received:

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

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2010 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F.</i>	<i>H. F.</i>	<i>Session Laws</i>	<i>Time and</i> <i>Date Approved</i>	<i>Date Filed</i>
<i>No.</i>	<i>No.</i>	<i>Chapter No.</i>	<i>2010</i>	<i>2010</i>
2251		184	9:10 a.m. March 3	March 3

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. 224, A bill for an act relating to judicial selection; proposing an amendment to the Minnesota Constitution, article VI, sections 7 and 8; establishing retention elections for judges; creating a judicial performance commission; amending Minnesota Statutes 2008, sections 10A.01, subdivisions 7, 10, 15; 204B.06, subdivision 6; 204B.34, subdivision 3; 204B.36, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 204D; 480B; repealing Minnesota Statutes 2008, sections 204B.36, subdivision 5; 204D.14, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

CONSTITUTIONAL AMENDMENT

Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article VI, section 7, will read:

Sec. 7. ~~The term of office of all judges shall be six years and until their successors are qualified. They~~ Following appointment by the governor, each judge shall initially hold office for a term ending the first Monday of January following the next regularly scheduled general election held more than three years after the appointment. ~~Thereafter, the judge's term of office shall be eight years and until a successor is appointed and qualified. Judges' retention shall be elected~~ determined by the voters from the area which they ~~are to serve,~~ in the manner provided by law. An independent judicial performance commission shall evaluate in a nonpartisan manner the performance of judges according to criteria that the commission develops and publishes, and any such other criteria as may be established by law.

article VI, section 8, will read:

Sec. 8. Whenever there is a vacancy in the office of judge, the governor shall appoint in the manner provided by law a qualified person to fill the vacancy ~~until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment.~~

Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment must be submitted to the people at the 2010 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to reaffirm the impartiality of the judiciary by providing that all judges be appointed by the governor, with their continuation in office determined at a retention election after a public, nonpartisan evaluation of their performance by a judicial performance commission rather than be determined under the current system of contested elections?"

Yes
No"

Sec. 3. **TRANSITION.**

Any judge currently seated or elected at the time the constitutional amendment provided in section 1 is adopted shall complete the remainder of the judge's term as it existed before adoption of the amendment. A judge who is elected at the 2010 general election will serve a term of six years. Following completion of their terms, these judges are subject to the retention election process as provided in the constitution and may file for retention following the procedures described in article 2.

ARTICLE 2

STATUTORY PROVISIONS

Section 1. Minnesota Statutes 2008, section 10A.01, subdivision 7, is amended to read:

Subd. 7. **Ballot question.** "Ballot question" means a question or proposition that is placed on the ballot and that may be voted on by all voters of the state. "Promoting or defeating a ballot question" includes activities, other than lobbying activities, related to qualifying the question for placement on the ballot. A ballot question does not include a judicial retention election.

Sec. 2. Minnesota Statutes 2008, section 10A.01, subdivision 10, is amended to read:

Subd. 10. **Candidate.** "Candidate" means an individual who seeks nomination or election as a state constitutional officer, ~~or~~ legislator, or ~~judge retention in a judicial office.~~ An individual is deemed to seek nomination or election if the individual has taken the action necessary under the law of this state to qualify for nomination or election, has received contributions or made expenditures in excess of \$100, or has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100, for the purpose of bringing about the individual's nomination or election. A candidate remains a candidate until the candidate's principal campaign committee is dissolved as provided in section 10A.24.

Sec. 3. Minnesota Statutes 2008, section 10A.01, subdivision 15, is amended to read:

Subd. 15. **Election.** "Election" means a primary, special primary, general, ~~or~~ special, or retention election.

Sec. 4. Minnesota Statutes 2008, section 10A.14, subdivision 1, is amended to read:

Subdivision 1. **First registration.** The treasurer of a political committee, political fund, principal campaign committee, or party unit must register with the board by filing a statement of organization ~~no later than~~ within the earlier of:

(1) 14 days after the committee, fund, or party unit has made a contribution, received contributions, or made expenditures in excess of \$100, ~~or by;~~

(2) 72 hours after the committee, fund, or party unit has made a contribution, received contributions, or made expenditures in excess of \$100, if the contribution or expenditure was made to advocate the retention or defeat of a candidate for judicial office; or

(3) the end of the next business day after it has received a loan or contribution that must be reported under section 10A.20, subdivision 5, ~~whichever is earlier.~~

Sec. 5. Minnesota Statutes 2008, section 10A.20, subdivision 2, is amended to read:

Subd. 2. **Time for filing.** (a) The reports must be filed with the board on or before January 31 of each year and additional reports must be filed as required and in accordance with paragraphs (b) ~~and (c)~~ to (d).

(b) In each year in which the name of the candidate is on the ballot, the report of the principal campaign committee must be filed 15 days before a primary and ten days before a general election, seven days before a special primary and a special election, and ten days after a special election cycle.

(c) In each general election year, a political committee, political fund, or party unit must file reports 15 days before a primary and ten days before a general election.

(d) In each general election year in which a political committee, political fund, or party unit makes expenditures that, in the aggregate, exceed \$100 to advocate the retention or defeat of a candidate for judicial office, reports must be filed 90 days, 60 days, and 30 days before the retention election.

Sec. 6. Minnesota Statutes 2008, section 10A.20, is amended by adding a subdivision to read:

Subd. 6c. **Independent expenditures; judicial retention.** (a) An individual, corporation, association, political committee, political party unit, or political fund must file a report with the board each time the individual, corporation, association, political committee, political party unit, or political fund makes or contracts to make, at any time up to and including the 20th day before an election, independent expenditures in an aggregate amount in excess of \$1,000 to advocate the retention or defeat of a candidate for judicial office. The report must be filed within 48 hours after initially making or contracting to make the expenditures. An additional report must be filed within 48 hours after each time an independent expenditure in an aggregate amount in excess of \$1,000 is made or contracted to be made, up to and including the 20th day before a retention election. The report must include the information required to be reported under subdivision 3, paragraph (g), except that if the expenditure is reported at the time it is contracted, the report must include the contract amount.

(b) An individual, political committee, political party unit, or political fund must file a report with the board each time the individual, political committee, political party unit, or political fund makes or contracts to make, between the 19th day and the last day before an election, an independent expenditure in an aggregate amount in excess of \$100 to advocate the retention or defeat of a candidate for judicial office. The report must be filed within 24 hours after initially making or contracting to make such expenditures. An additional report must be filed within 24 hours after making or contracting to make an independent expenditure in an aggregate amount in excess of \$100 at any time up to and including the 20th day before a retention election. The report must include the information required to be reported under subdivision 3, paragraph (g), except that if the expenditure is reported at the time it is contracted, the report must include the contract amount.

(c) An individual, corporation, association, political committee, political party unit, or political fund that must file a report under this subdivision must also provide a copy of the report to the candidate, by certified mail, sent within the time period required for filing that same report with the board as provided in paragraphs (a) and (b).

Sec. 7. **[13.95] INDEPENDENT JUDICIAL PERFORMANCE COMMISSION.**

Data of the Independent Judicial Performance Commission is classified and governed as provided in section 480B.02.

Sec. 8. Minnesota Statutes 2008, section 204B.06, subdivision 6, is amended to read:

Subd. 6. **Judicial retention candidates; designation of term office.** ~~An individual~~ A justice or judge who files as a retention candidate for the office of chief justice or associate justice of the Supreme Court, judge of the Court of Appeals, or judge of the district court shall state in the affidavit of candidacy the office of the particular justice or judge for which the individual is a retention candidate. The individual shall be a retention candidate only for the office identified in the affidavit. Each justice of the Supreme Court and each Court of Appeals and district court judge is deemed to hold a separate nonpartisan office.

Sec. 9. Minnesota Statutes 2008, section 204B.11, subdivision 1, is amended to read:

Subdivision 1. **Amount; dishonored checks; consequences.** Except as provided by subdivision 2, a filing fee shall be paid by each candidate who files an affidavit of candidacy. The fee shall be paid at the time the affidavit is filed. The amount of the filing fee shall vary with the office sought as follows:

~~(a)~~ (1) for the office of governor, lieutenant governor, attorney general, state auditor, secretary of state, or representative in Congress, \$300;

(2) for judge of the Supreme Court, judge of the Court of Appeals, or judge of the district court, \$300, plus a judicial performance evaluation fee, to be sent to the judicial performance evaluation fee account established in section 480B.06, subdivision 2, of \$.....;

~~(b)~~ (3) for the office of senator in Congress, \$400;

~~(c)~~ (4) for office of senator or representative in the legislature, \$100;

~~(d)~~ (5) for a county office, \$50; and

~~(e)~~ (6) for the office of soil and water conservation district supervisor, \$20.

For the office of presidential elector, and for those offices for which no compensation is provided, no filing fee is required.

The filing fees received by the county auditor shall immediately be paid to the county treasurer. The filing fees received by the secretary of state shall immediately be paid to the commissioner of management and budget.

When an affidavit of candidacy has been filed with the appropriate filing officer and the requisite filing fee has been paid, the filing fee shall not be refunded. If a candidate's filing fee is paid with a check, draft, or similar negotiable instrument for which sufficient funds are not available or that is dishonored, notice to the candidate of the worthless instrument must be sent by the filing officer via registered mail no later than immediately upon the closing of the filing deadline with return receipt requested. The candidate will have five days from the time the filing officer receives proof of receipt to issue a check or other instrument for which sufficient funds are available. The candidate issuing the worthless instrument is liable for a service charge pursuant to section 604.113. If adequate payment is not made, the name of the candidate must not appear on any official ballot and the candidate is liable for all costs incurred by election officials in removing the name from the ballot.

Sec. 10. Minnesota Statutes 2008, section 204B.34, subdivision 3, is amended to read:

Subd. 3. **Judicial elections.** When one or more justices of the Supreme Court or judges of the Court of Appeals or of a district court ~~are to be nominated at the same primary or elected at the same general election~~ have filed for retention election, the notice of election shall state the name of each justice or judge ~~whose successor is to be nominated or elected~~ seeking retention.

Sec. 11. Minnesota Statutes 2008, section 204B.36, subdivision 4, is amended to read:

Subd. 4. **Judicial retention candidates.** ~~The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote. (a) The official ballot shall contain the names of all justices or judges seeking to retain their office.~~ Each seat for an associate justice, associate judge, or judge of the district court must be numbered. The words "SUPREME COURT," "COURT OF APPEALS," and "(number) DISTRICT COURT" must be printed above the respective judicial office groups on the ballot. The title of each judicial office shall be printed on the official ~~primary and~~ general election ballot as follows:

~~(a)~~ (1) in the case of the Supreme Court:

"Chief justice";

"Associate justice (number)";

~~(b)~~ (2) in the case of the Court of Appeals:

"Judge (number)"; or

(~~e~~) (3) in the case of the district court:

"Judge (number)."

(b) A judicial retention election shall be placed on the ballot as a question, as provided in subdivision 3. The question shall appear in substantially the following form: "Shall (name of judge) of the (district court, Court of Appeals, or Supreme Court) be retained in office?"

Sec. 12. **[204D.30] RETENTION OF JUDGES.**

(a) Within the time period established by section 204B.09, a judge seeking to retain judicial office shall file an affidavit of candidacy with the secretary of state. Judges who have filed an affidavit of candidacy as provided in this section must be placed on the appropriate official ballot at the next regular general election under a nonpartisan designation in the form provided in section 204B.36, subdivision 4.

(b) If a majority of those voting on the question votes "No," then upon the expiration of the term for which the judge was serving, a vacancy exists, which must be filled as provided by law. If a majority of those voting on the question votes "Yes," the judge shall remain in office for an eight-year term, subject to removal as provided by the Minnesota Constitution. A judge who loses a retention election is ineligible to be appointed to fill the resulting vacancy.

(c) A judge seeking to retain judicial office is considered a candidate for election to that office. A judicial retention election is not a ballot question for the purposes of Minnesota Election Law.

Sec. 13. **[480B.02] INDEPENDENT JUDICIAL PERFORMANCE COMMISSION.**

Subdivision 1. **Establishment.** An Independent Judicial Performance Evaluation Commission is established and shall be an independent body not subject to the direct control of any branch of government.

Subd. 2. **Purpose of commission.** After public hearings, the commission shall adopt and administer for all judges a process for evaluating judicial performance. The performance review process must be designed to assist voters in evaluating the performance of judges standing for retention, facilitate self-improvement of all judges, and promote public accountability of the judiciary.

Subd. 3. **Composition; appointment of commission members.** (a) The commission is comprised of 24 members. All members of the commission must be residents of Minnesota at the time of their appointment and for the duration of their term. Sitting judges and public officials, as defined in section 10A.01, subdivision 35, may not be appointed or serve on the commission. Members of the commission who are attorneys at the time of their appointment must have been admitted to practice before the Minnesota Supreme Court for not less than five years. Members of the commission are eligible for reappointment up to two additional full terms.

(b) Members of the commission must be appointed and serve as follows:

(1) the governor shall appoint a total of eight members, no more than four of whom may be attorneys at the time of their appointment. Gubernatorial appointees serve on the commission until the governor who made the appointment leaves office or for a term of four years, whichever comes first;

(2) the Supreme Court shall appoint a total of eight members. The court shall designate one of the appointees to serve as chair of the commission. No more than four of the appointees may be attorneys at the time of their appointment. The Supreme Court's appointees serve on the commission for a four-year term; and

(3) the legislature shall appoint a total of eight members, no more than four of whom may be attorneys at the time of their appointment. Legislative appointments must be made sequentially as follows: the speaker of the house shall appoint one member, the majority leader of the senate shall appoint one member, the minority leader of the house of representatives shall appoint one member, and the minority leader of the senate shall appoint one member. After each legislative leader has made one appointment as provided in this clause, a second round of appointments must be made in the same sequence. Legislative appointees serve on the commission for a two-year term.

In the case of a vacancy on the commission, the authority who appointed the member whose seat has become vacant shall appoint a person to fill the vacancy for the remainder of the unexpired term.

(c) In making appointments, the governor, Supreme Court, and legislative leaders must consider the diversity of the state's population, as well as the importance of balanced geographic representation, and appoint individuals of outstanding competence and reputation. The governor, Supreme Court, and legislative leaders should consult with one another to ensure the requirements of this paragraph are met.

(d) Members shall perform their duties in an impartial and objective manner and shall base their recommendations solely upon matters that are in the record developed by the commission. A member who violates this paragraph may be removed from the commission by majority vote of the commission's membership.

(e) A member may be removed by the appointing authority at any time for cause, after notice and hearing, or after missing three consecutive meetings. After a member misses two consecutive meetings and before the next meeting, the secretary of the commission shall notify the member in writing that the member may be removed if the member misses the next meeting. The chair of the commission shall inform the appointing authority if a member misses three consecutive meetings.

(f) Commission members shall serve without compensation and may not be reimbursed for expenses associated with their work on the commission.

(g) The commission shall appoint an executive secretary to provide administrative assistance and coordinate the work of the commission.

Subd. 4. **Meetings and data.** Meetings of the Independent Judicial Performance Commission are subject to the requirements of chapter 13D, except that a meeting held to evaluate the performance of a judge may only be closed to discuss issues related to the judge's health or allegations against the judge that may be defamatory in nature. The commission is subject to the requirements of chapter 13. Except as otherwise provided in this section, data of the commission are public data pursuant to section 13.03, subdivision 1.

Subd. 5. **Standards and procedures.** (a) The Independent Judicial Performance Commission shall develop written standards, subject to approval of the Supreme Court in their entirety, by which judicial performance is to be evaluated. The standards must be periodically updated and must include knowledge of the law, procedure, integrity, impartiality, temperament, respect for litigants, respect for the rule of law, administrative skill, punctuality, and communication skills. The commission may not evaluate judicial performance based on substantive legal issues or opinions subject to standard appellate processes.

(b) The commission shall adopt procedures for collecting information and conducting reviews and shall create and implement a program of periodic review of the performance of each judge. The commission must request public comment on these procedures prior to their adoption.

Subd. 6. **Surveys.** (a) Midway through a judge's term and again no fewer than nine months before the date of the election for retention of the judge's position, the commission must distribute anonymous survey forms eliciting performance evaluations of the judge to a representative sampling of attorneys, litigants, other judges, and other persons who have been in direct contact with the judge being evaluated and who have direct knowledge of the judge's judicial performance during the evaluation period.

(b) The commission must employ or contract with qualified individuals to prepare survey forms, process responses, and compile the statistical reports of the survey results in a manner that ensures confidentiality and accuracy.

(c) Each survey conducted must seek evaluations in accordance with the written performance standards adopted as provided in paragraph (a) and must solicit narrative comments regarding the judge's performance. Narrative comments contained in a survey response are private data on the judge, as defined in section 13.02, subdivision 12. Other data on an individual who completes or responds to a survey form are private data on that individual.

Subd. 7. **Midterm evaluation.** The commission shall evaluate each judge halfway through the judge's term, as nearly as practicable, to provide feedback to the judge about the judge's performance and to give the judge an opportunity for improvement. The commission shall adopt procedures for conducting the midterm evaluation.

Subd. 8. **Retention-year evaluation.** (a) In each year in which a judge has the opportunity to file as a candidate for retention, the Independent Judicial Performance Commission must conduct a final evaluation of the judge and determine whether the judge meets or does not meet judicial performance standards. Upon completion of the evaluation, the commission must rate the judge "well-qualified," "qualified," or "unqualified" for office. A rating of "unqualified" does not prohibit a judge from seeking retention by the voters.

(b) The final evaluation of a judge must include a public hearing and an opportunity for submission of written public comments on the performance of a judge standing for retention. Prior to accepting public comment and conducting a hearing, the commission must notify each judge to be evaluated of the process for conducting the evaluation and the right of the judge to submit written comments and appear in person at the hearing. The hearing and evaluation may be conducted by a panel of commission members, as provided in subdivision 9.

(c) A judge who does not intend to seek retention may waive the final evaluation process by providing written notice to the commission affirming the judge's intention to not file as a retention candidate for the judge's current office. If a judge waives the final evaluation under this paragraph, the judge is not eligible to file an affidavit of candidacy for the office and is not eligible to be appointed to fill the resulting vacancy.

Subd. 9. **Evaluation panels; review by full commission.** (a) The evaluation of a judge may be conducted by an evaluation panel. An evaluation panel is comprised of five members, including at least one member appointed by each branch of government, but otherwise chosen randomly. A panel must report its results to the full commission. The full commission shall review a panel's evaluation if the panel rates a judge unqualified, or if one panelist or three members of the commission request a review within 15 days after the panel makes its report. The commission may overturn a panel's rating. If a panel's report and rating is not reviewed, the determination of the panel is final. Decisions of an evaluation panel or the full commission regarding a judge's performance are not subject to judicial review.

(b) If an evaluation is reviewed by the full commission, the commission shall provide written notice to the affected judge. The judge has the right to submit written comments to the commission and to appear and be heard by the commission prior to a final vote of the commission members regarding the judge's performance.

Subd. 10. **Publication of evaluation results.** Following the final evaluation of a judge, the commission shall compile a factual report on the judicial performance of each judge intending to stand for retention, including the final rating assigned to the judge's performance. The report must be made available to the public at least one month before the time period established in section 204B.09 for filing an affidavit of candidacy with the secretary of state.

Sec. 14. **[480B.03] JUDICIAL RETENTION ELECTIONS.**

Judicial retention elections must be conducted consistent with the procedures established by law for the administration of state general elections. Judges standing for retention must be placed on the ballot as provided in section 204D.30.

Sec. 15. **[480B.04] REQUIREMENTS FOR SERVICE ON COMMISSIONS.**

Subdivision 1. **Service on multiple commissions prohibited.** A person may not simultaneously serve on more than one commission established under this chapter.

Subd. 2. **Service until appointment of successors.** Members of commissions established under this chapter continue to serve until their successors have been appointed and qualified.

Sec. 16. **[480B.05] TELEPHONIC OR ELECTRONIC PARTICIPATION IN MEETINGS.**

(a) If compliance with section 13D.02 is impractical, any of the commissions established under this chapter may conduct a meeting of its members by telephonic or other electronic means, so long as the following conditions are met:

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

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

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

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

(b) Each member of the commission participating in a meeting by telephonic or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings. If telephonic or other electronic means are used to conduct a meeting, the commission, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The commission may require the person making the connection to pay for documented marginal costs that the commission incurs as a result of the additional connection. If telephonic or other electronic means are used to conduct a regular, special, or emergency meeting, the commission shall provide notice of the regular meeting location, of the fact that some members may participate by telephonic or other electronic means, and of whether and how a person may monitor the meeting electronically from a remote location. The timing and method of providing notice is governed by section 13D.04.

Sec. 17. **[480B.06] JUDICIAL PERFORMANCE EVALUATION; FEE.**

Subdivision 1. **Authorization.** The Supreme Court, through the Lawyer Registration Office, may assess a judicial performance evaluation fee on each licensed attorney in the state. If imposed, the fee must not exceed \$..... and may only apply to attorneys actively engaged in the practice of law.

Subd. 2. **Creation of account.** The Judicial Performance Evaluation Fee Account is created in the special revenue fund. The state court administrator shall forward fees collected under subdivision 1 to the commissioner of finance who shall deposit them in the state treasury and credit them to this account. Money in the account is appropriated to the Independent Judicial Performance Commission.

Sec. 18. **INDEPENDENT JUDICIAL PERFORMANCE COMMISSION; FIRST MEETING; TRANSITION.**

(a) Initial appointments must be made to the Independent Judicial Performance Commission on July 1, 2011.

(b) Initial appointees shall serve for a term ending January 15, 2013, and may be considered for reappointment as provided in this article at that time. The chair of the commission must convene the first full meeting of the commission no later than August 1, 2011, and appoint a secretary for the commission at the first meeting.

(c) The commission is only required to conduct a final retention-year evaluation of each judge whose term expires on or before January 5, 2015, but may conduct an initial evaluation of these judges to provide an opportunity for improvement if the commission determines that it is prepared and equipped to do so. Judges whose terms expire after January 5, 2015, are subject to both the midterm and final retention-year evaluations required by this article.

Sec. 19. **REPEALER.**

Minnesota Statutes 2008, sections 204B.36, subdivision 5; and 204D.14, subdivision 3, are repealed.

Sec. 20. **EFFECTIVE DATE.**

This article is effective July 1, 2011, if the constitutional amendment in article 1 is adopted. However, if the constitutional amendment is adopted, the governor and Supreme Court may immediately undertake any procedure necessary to consider and select potential appointees."

Delete the title and insert:

"A bill for an act relating to judicial selection; proposing an amendment to the Minnesota Constitution, article VI, sections 7 and 8; establishing retention elections for judges; creating an independent judicial performance commission; amending Minnesota Statutes 2008, sections 10A.01, subdivisions 7, 10, 15; 10A.14, subdivision 1; 10A.20, subdivision 2, by adding a subdivision; 204B.06, subdivision 6; 204B.11, subdivision 1; 204B.34, subdivision 3; 204B.36, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 13; 204D; 480B; repealing Minnesota Statutes 2008, sections 204B.36, subdivision 5; 204D.14, subdivision 3."

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

The report was adopted.

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

H. F. No. 1182, A bill for an act relating to eminent domain; clarifying use of eminent domain authority by public service corporations; amending Minnesota Statutes 2008, sections 117.225; 216E.03, subdivision 7; Minnesota Statutes 2009 Supplement, section 117.189.

Reported the same back with the following amendments:

Page 3, line 35, before "publicly" insert "and"

Page 3, line 36, after "corridors" insert "to the extent such consideration does not increase impacts on home or business"

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. 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 282.01, subdivision 1, is amended to read:

Subdivision 1. **Classification as conservation or nonconservation.** ~~It is the general policy of this state to encourage the best use of tax forfeited lands, recognizing~~ (a) When acting on behalf of the state under laws allowing the county board to classify and manage tax-forfeited lands held by the state in trust for the local units as provided in section 281.25, the county board has the discretion to decide that some lands in public ownership should be retained and managed for public benefits while other lands should be returned to private ownership. Parcels of land becoming the property of the state in trust under law declaring the forfeiture of lands to the state for taxes must be classified by the county board of the county in which the parcels lie as conservation or nonconservation. In making the classification the board shall consider the present use of adjacent lands, the productivity of the soil, the character of forest or other growth, accessibility of lands to established roads, schools, and other public services, their peculiar suitability or desirability for particular uses, and the suitability of the forest resources on the land for multiple use, and sustained yield management. The classification, furthermore, must: (1) encourage and foster a mode of land utilization that will facilitate the economical and adequate provision of transportation, roads, water supply, drainage, sanitation, education, and recreation; (2) facilitate reduction of governmental expenditures; (3) conserve and develop the natural resources; and (4) foster and develop agriculture and other industries in the districts and places best suited to them.

~~In making the classification the county board may use information made available by any office or department of the federal, state, or local governments, or by any other person or agency possessing pertinent information at the time the classification is made. The lands may be reclassified from time to time as the county board considers necessary or desirable, except for conservation lands held by the state free from any trust in favor of any taxing district.~~

~~If the lands are located within the boundaries of an organized town, with taxable valuation in excess of \$20,000, or incorporated municipality, the classification or reclassification and sale must first be approved by the town board of the town or the governing body of the municipality in which the lands are located. The town board of the town or the governing body of the municipality is considered to have approved the classification or reclassification and sale if the county board is not notified of the disapproval of the classification or reclassification and sale within 60 days of the date the request for approval was transmitted to the town board of the town or governing body of the~~

~~municipality. If the town board or governing body desires to acquire any parcel lying in the town or municipality by procedures authorized in this section, it must file a written application with the county board to withhold the parcel from public sale. The application must be filed within 60 days of the request for classification or reclassification and sale. The county board shall then withhold the parcel from public sale for six months. A municipality or governmental subdivision shall pay maintenance costs incurred by the county during the six-month period while the property is withheld from public sale, provided the property is not offered for public sale after the six-month period. A clerical error made by county officials does not serve to eliminate the request of the town board or governing body if the board or governing body has forwarded the application to the county auditor. If the town board or governing body of the municipality fails to submit an application and a resolution of the board or governing body to acquire the property within the withholding period, the county may offer the property for sale upon the expiration of the withholding period.~~

(b) Whenever the county board deems it appropriate, the board may hold a meeting for the purpose of reclassifying tax-forfeited land that has not been sold or released from the trust. The criteria and procedures for reclassification are the same as those required for an initial classification.

(c) Prior to meeting for the purpose of classifying or reclassifying tax-forfeited lands, the county board must give notice of its intent to meet for that purpose as provided in this paragraph. The notice must be given no more than 90 days and no less than 60 days before the date of the meeting; provided that if the meeting is rescheduled, notice of the new date, time, and location must be given at least 14 days before the date of the rescheduled meeting. The notice must be posted on a Web site. The notice must also be mailed or otherwise delivered to each person who has filed a request for notice of special meetings with the public body, regardless of whether the matter is considered at a regular or special meeting. The notice must be mailed or delivered at least 60 days before the date of the meeting. If the meeting is rescheduled, notice of the new date, time, and location must be mailed or delivered at least 14 days before the date of the rescheduled meeting. The public body shall publish the notice once, at least 30 days before the meeting, in a newspaper of general circulation within the area of the public body's authority. The board must also mail a notice by electronic means to each person who requests notice of meetings dealing with this subject and who agrees as provided in chapter 325L to accept notice that is mailed by electronic means. Receipt of actual notice under the conditions specified in section 13D.04, subdivision 7, satisfies the notice requirements of this paragraph.

The board may classify or reclassify tax-forfeited lands at any regular or special meeting, as those terms are defined in chapter 13D and may conduct only this business, or this business as well as other business or activities at the meeting.

(d) At the meeting, the county board must allow any person or agency possessing pertinent information to make or submit comments and recommendations about the pending classification or reclassification. In addition, representatives of governmental entities in attendance must be allowed to describe plans, ideas, or projects that may involve use or acquisition of the property by that or another governmental entity. The county board must solicit and consider any relevant components of current municipal or metropolitan comprehensive land use plans that incorporate the area in which the land is located. After allowing testimony, the board may classify, reclassify, or delay taking action on any parcel or parcels. In order for a state agency or a governmental subdivision of the state to preserve its right to request a purchase or other acquisition of a forfeited parcel, it may, at any time following forfeiture, file a written request to withhold the parcel from sale or lease to others under the provisions of subdivision 1a.

(e) When classifying, reclassifying, appraising, and selling lands under this chapter, the county board may designate the tracts as assessed and acquired, or may by resolution provide for the subdivision of the tracts into smaller units or for the grouping of several tracts into one tract when the subdivision or grouping is deemed advantageous for conservation or sale purposes. This paragraph does not authorize the county board to subdivide a parcel or tract of tax-forfeited land that, as assessed and acquired, is withheld from sale under section 282.018, subdivision 1.

(f) A county board may by resolution elect to use the classification and reclassification procedures provided in paragraphs (g), (h), and (i), instead of the procedures provided in paragraphs (b), (c), and (d). Once an election is made under this paragraph, it is effective for a minimum of five years.

(g) The classification or reclassification of tax-forfeited land that has not been sold or released from the trust may be made by the county board using information made available to it by any office or department of the federal, state, or local governments, or by any other person or agency possessing pertinent information at the time the classification is made.

(h) If the lands are located within the boundaries of an organized town or incorporated municipality, a classification or reclassification and sale must first be approved by the town board of the town or the governing body of the municipality in which the lands are located. The town board of the town or the governing body of the municipality is considered to have approved the classification or reclassification and sale if the county board is not notified of the disapproval of the classification or reclassification and sale within 60 days of the date the request for approval was transmitted to the town board of the town or governing body of the municipality. If the town board or governing body disapproves of the classification or reclassification and sale, the county board must follow the procedures in paragraphs (c) and (d), with regard to the parcel, and must additionally cause to be published in a newspaper a notice of the date, time, location, and purpose of the required meeting.

(i) If a town board or a governing body of a municipality or a park and recreation board in a city of the first class desires to acquire any parcel lying in the town or municipality by procedures authorized in this section, it may file a written request under subdivision 1a, paragraph (a).

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 2. Minnesota Statutes 2008, section 282.01, subdivision 1a, is amended to read:

Subd. 1a. **Conveyance; generally to public entities.** (a) Upon written request from a state agency or a governmental subdivision of the state, a parcel of unsold tax-forfeited land must be withheld from sale or lease to others for a maximum of six months. The request must be submitted to the county auditor. Upon receipt, the county auditor must withhold the parcel from sale or lease to any other party for six months, and must confirm the starting date of the six-month withholding period to the requesting agency or subdivision. If the request is from a governmental subdivision of the state, the governmental subdivision must pay the maintenance costs incurred by the county during the period the parcel is withheld. The county board may approve a sale or conveyance to the requesting party during the withholding period. A conveyance of the property to the requesting party terminates the withholding period.

A governmental subdivision of the state must not make, and a county auditor must not act upon, a second request to withhold a parcel from sale or lease within 18 months of a previous request for that parcel. A county may reject a request made under this paragraph if the request is made more than 30 days after the county has given notice to the requesting state agency or governmental subdivision of the state that the county intends to sell or otherwise dispose of the property.

(b) Nonconservation tax-forfeited lands may be sold by the county board, for their market value as determined by the county board, to an organized or incorporated governmental subdivision of the state for any public purpose for which the subdivision is authorized to acquire property ~~or~~. When the term "market value" is used in this section, it means an estimate of the full and actual market value of the parcel as determined by the county board, but in making this determination, the board and the persons employed by or under contract with the board in order to perform, conduct, or assist in the determination, are exempt from the licensure requirements of chapter 82B.

(c) Nonconservation tax-forfeited lands may be released from the trust in favor of the taxing districts on application of to the county board by a state agency for an authorized use at not less than their market value as determined by the county board.

(d) Nonconservation tax-forfeited lands may be sold by the county board to an organized or incorporated governmental subdivision of the state or state agency for less than their market value if:

(1) the county board determines that a sale at a reduced price is in the public interest because a reduced price is necessary to provide an incentive to correct the blighted conditions that make the lands undesirable in the open market, or the reduced price will lead to the development of affordable housing; and

(2) the governmental subdivision or state agency has documented its specific plans for correcting the blighted conditions or developing affordable housing, and the specific law or laws that empower it to acquire real property in furtherance of the plans.

If the sale under this paragraph is to a governmental subdivision of the state, the commissioner of revenue must convey the property on behalf of the state by quit claim deed. If the sale under this paragraph is to a state agency, the commissioner must issue a conveyance document that releases the property from the trust in favor of the taxing districts.

(e) Nonconservation tax-forfeited land held in trust in favor of the taxing districts may be conveyed by the commissioner of revenue ~~may convey by deed~~ in the name of the state ~~a tract of tax forfeited land held in trust in favor of the taxing districts~~ to a governmental subdivision for an authorized public use, if an application is submitted to the commissioner which includes a statement of facts as to the use to be made of the tract ~~and the need therefor~~ and the favorable recommendation of the county board. For the purposes of this paragraph, "authorized public use" means a use that allows an indefinite segment of the public to physically use and enjoy the property in numbers appropriate to its size and use, or is for a public service facility. Authorized public uses as defined in this paragraph are limited to:

(1) a road, or right-of-way for a road;

(2) a park that is both available to, and accessible by, the public that contains amenities such as campgrounds, playgrounds, athletic fields, trails, or shelters;

(3) trails for walking, bicycling, snowmobiling, or other recreational purposes, along with a reasonable amount of surrounding land maintained in its natural state;

(4) transit facilities for buses, light rail transit, commuter rail or passenger rail, including transit ways, park-and-ride lots, transit stations, maintenance and garage facilities, and other facilities related to a public transit system;

(5) public beaches or boat launches;

(6) public parking;

(7) civic recreation or conference facilities; and

(8) public service facilities such as fire halls, police stations, lift stations, water towers, sanitation facilities, water treatment facilities, and administrative offices.

No monetary compensation or consideration is required for the conveyance, except as provided in subdivision 1g, but the conveyance is subject to the conditions provided in law, including, but not limited to, the reversion provisions of subdivisions 1c and 1d.

(f) The commissioner of revenue shall convey a parcel of nonconservation tax-forfeited land to a local governmental subdivision of the state by quit claim deed on behalf of the state upon the favorable recommendation of the county board if the governmental subdivision has certified to the board that prior to forfeiture the subdivision was entitled to the parcel under a written development agreement or instrument, but the conveyance failed to occur prior to forfeiture. No compensation or consideration is required for, and no conditions attach to, the conveyance.

(g) The commissioner of revenue shall convey a parcel of nonconservation tax-forfeited land to the association of a common interest community by quit claim deed upon the favorable recommendation of the county board if the association certifies to the board that prior to forfeiture the association was entitled to the parcel under a written agreement, but the conveyance failed to occur prior to forfeiture. No compensation or consideration is required for, and no conditions attach to, the conveyance.

(h) Conservation tax-forfeited land may be sold to a governmental subdivision of the state for less than its market value for either: (1) creation or preservation of wetlands; (2) drainage or storage of storm water under a storm water management plan; or (3) preservation, or restoration and preservation, of the land in its natural state. The deed must contain a restrictive covenant limiting the use of the land to one of these purposes for 30 years or until the property is reconveyed back to the state in trust. At any time, the governmental subdivision may reconvey the property to the state in trust for the taxing districts. The deed of reconveyance is subject to approval by the commissioner of revenue. No part of a purchase price determined under this paragraph shall be refunded upon a reconveyance, but the amount paid for a conveyance under this paragraph may be taken into account by the county board when setting the terms of a future sale of the same property to the same governmental subdivision under paragraph (b) or (d). If the lands are unplatted and located outside of an incorporated municipality and the commissioner of natural resources determines there is a mineral use potential, the sale is subject to the approval of the commissioner of natural resources.

(i) A park and recreation board in a city of the first class is a governmental subdivision for the purposes of this section.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 3. Minnesota Statutes 2008, section 282.01, subdivision 1b, is amended to read:

Subd. 1b. **Conveyance; targeted neighborhood lands.** ~~(a)~~ Notwithstanding subdivision 1a, in the case of tax-forfeited lands located in a targeted neighborhood, ~~as defined in section 469.201, subdivision 10 in a city of the first class,~~ the commissioner of revenue shall convey by quit claim deed in the name of the state any tract of tax-forfeited land held in trust in favor of the taxing districts, to a political subdivision of the state that submits an application to the commissioner of revenue and the favorable recommendation of the county board. For purposes of this subdivision, the term "targeted neighborhood" has the meaning given in section 469.201, subdivision 10, except that the land must be located within a first class city.

~~(b) The application under paragraph (a) must include a statement of facts as to the use to be made of the tract, the need therefor, and a resolution, adopted by the governing body of the political subdivision, finding that the conveyance of a tract of tax-forfeited land to the political subdivision is necessary to provide for the redevelopment of land as productive taxable property. Deeds of conveyance issued under paragraph (a) are not conditioned on continued use of the property for the use stated in the application.~~

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 4. Minnesota Statutes 2008, section 282.01, subdivision 1c, is amended to read:

Subd. 1c. **Deed of conveyance; form; approvals.** The deed of conveyance for property conveyed for ~~a~~ an authorized public use under the authorities in subdivision 1a, paragraph (e), must be on a form approved by the attorney general and must be conditioned on continued use for the purpose stated in the application as provided in this section. These deeds are conditional use deeds that convey a defeasible estate. Reversion of the estate occurs by operation of law and without the requirement for any affirmative act by or on behalf of the state when there is a failure to put the property to the approved authorized public use for which it was conveyed, or an abandonment of that use, except as provided in subdivision 1d.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 5. Minnesota Statutes 2008, section 282.01, subdivision 1d, is amended to read:

Subd. 1d. **Reverter for failure to use; conveyance to state.** (a) If after three years from the date of the conveyance a governmental subdivision to which tax-forfeited land has been conveyed for ~~a specified~~ an authorized public use as provided in this section subdivision 1a, paragraph (e), fails to put the land to that use, or abandons that use, the governing body of the subdivision ~~may~~, must: (1) with the approval of the county board, purchase the property for an authorized public purpose at the present ~~appraised~~ market value as determined by the county board. ~~In that case, the commissioner of revenue shall, upon proper written application approved by the county board, issue an appropriate deed to the subdivisions free of a use restriction and reverter. The governing body may also, or (2)~~ authorize the proper officers to convey the land, or the part of the land not required for an authorized public use, to the state of Minnesota ~~in trust for the taxing districts. If the governing body purchases the property under clause (1), the commissioner of revenue shall, upon proper application submitted by the county auditor, convey the property on behalf of the state by quit claim deed to the subdivision free of a use restriction and the possibility of reversion or defeasement. If the governing body decides to reconvey the property to the state under this clause, the officers shall execute a deed of conveyance immediately. The conveyance is subject to the approval of the commissioner and its form must be approved by the attorney general. A sale, lease, transfer, or other conveyance of tax forfeited lands by a housing and redevelopment authority, a port authority, an economic development authority, or a city as authorized by chapter 469 is not an abandonment of use and the lands shall not be reconveyed to the state nor shall they revert to the state. A certificate made by a housing and redevelopment authority, a port authority, an economic development authority, or a city referring to a conveyance by it and stating that the conveyance has been made as authorized by chapter 469 may be filed with the county recorder or registrar of titles, and the rights of reverter in favor of the state provided by subdivision 1e will then terminate. No vote of the people is required for the conveyance. For the purposes of this paragraph, there is no failure to put the land to the authorized public use and no abandonment of that use if a formal plan of the governmental subdivision, including, but not limited to, a comprehensive plan or land use plan that shows an intended future use of the land for the authorized public use.~~

(b) Property held by a governmental subdivision of the state under a conditional use deed executed under subdivision 1a, paragraph (e), by the commissioner of revenue on or after January 1, 2007, may be acquired by that governmental subdivision after 15 years from the date of the conveyance if the commissioner determines upon written application from the subdivision that the subdivision has in fact put the property to the authorized public use for which it was conveyed, and the subdivision has made a finding that it has no current plans to change the use of the lands. Prior to conveying the property, the commissioner shall inquire whether the county board where the land is located objects to a conveyance of the property to the subdivision without conditions and without further act by or obligation of the subdivision. If the county does not object within 60 days, and the commissioner makes a favorable determination, the commissioner shall issue a quit claim deed on behalf of the state unconditionally conveying the property to the governmental subdivision. For purposes of this paragraph, demonstration of an intended future use for the authorized public use in a formal plan of the governmental subdivision does not constitute use for that authorized public use.

(c) Property held by a governmental subdivision of the state under a conditional use deed executed under subdivision 1a, paragraph (e), by the commissioner of revenue before January 1, 2007, is released from the use restriction and possibility of reversion on January 1, 2022, if the county board records a resolution describing the land and citing this paragraph. The county board may authorize the county treasurer to deduct the amount of the recording fees from future settlements of property taxes to the subdivision.

(d) All property conveyed under a conditional use deed executed under subdivision 1a, paragraph (e), by the commissioner of revenue is released from the use restriction and reverter, and any use restriction or reverter for which no declaration of reversion has been recorded with the county recorder or registrar of titles, as appropriate, is nullified on the later of: (1) January 1, 2015; (2) 30 years from the date the deed was acknowledged; or (3) final resolution of an appeal to district court under subdivision 1e, if a lis pendens related to the appeal is recorded in the office of the county recorder or registrar of titles, as appropriate, prior to January 1, 2015.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 6. Minnesota Statutes 2008, section 282.01, is amended by adding a subdivision to read:

Subd. 1g. **Conditional use deed fees.** (a) A governmental subdivision of the state applying for a conditional use deed under subdivision 1a, paragraph (e), must submit a fee of \$250 to the commissioner of revenue along with the application. If the application is denied, the commissioner shall refund \$150 of the application fee.

(b) The proceeds from the fees must be deposited in a Department of Revenue conditional use deed revolving fund. The sums deposited into the revolving fund are appropriated to the commissioner of revenue for the purpose of making the refunds described in this subdivision, and administering conditional use deed laws.

EFFECTIVE DATE. This section is effective for applications received by the commissioner after June 30, 2010.

Sec. 7. Minnesota Statutes 2008, section 282.01, is amended by adding a subdivision to read:

Subd. 1h. **Conveyance; form.** The instruments of conveyance executed and issued by the commissioner of revenue under subdivision 1a, paragraphs (c), (d), (e), (f), (g), and (h), and subdivision 1d, paragraph (b), must be on a form approved by the attorney general and are prima facie evidence of the facts stated therein and that the execution and issuance of the conveyance complies with the applicable laws.

EFFECTIVE DATE. This section is effective for deeds executed by the commissioner of revenue after June 30, 2010.

Sec. 8. Minnesota Statutes 2008, section 282.01, subdivision 2, is amended to read:

Subd. 2. **Conservation lands; county board supervision.** (a) ~~Lands classified as conservation lands, unless reclassified as nonconservation lands, sold to a governmental subdivision of the state, designated as lands primarily suitable for forest production and sold as hereinafter provided, or released from the trust in favor of the taxing districts, as herein provided, will~~ **must** be held under the supervision of the county board of the county within which ~~such~~ **the** parcels lie; ~~and must not be conveyed or sold unless the lands are:~~

~~The county board may, by resolution duly adopted, declare lands classified as conservation lands as primarily suitable for timber production and as lands which should be placed in private ownership for such purposes. If such action be approved by the commissioner of natural resources, the lands so designated, or any part thereof, may be sold by the county board in the same manner as provided for the sale of lands classified as nonconservation lands. Such county action and the approval of the commissioner shall be limited to lands lying within areas zoned for restricted uses under the provisions of Laws 1939, chapter 340, or any amendments thereof.~~

- (1) reclassified as nonconservation lands;
- (2) conveyed to a governmental subdivision of the state under subdivision 1a;
- (3) released from the trust in favor of the taxing districts as provided in paragraph (b); or
- (4) conveyed or sold under the authority of another general or special law.

(b) The county board may, by resolution duly adopted, resolve that certain lands classified as conservation lands shall be devoted to conservation uses and may submit ~~such a~~ resolution to the commissioner of natural resources. If, upon investigation, the commissioner of natural resources determines that the lands covered by ~~such the~~ resolution, or any part thereof, can be managed and developed for conservation purposes, the commissioner shall make a certificate describing the lands and reciting the acceptance thereof on behalf of the state ~~for such purposes~~. The commissioner shall transmit the certificate to the county auditor, who shall note the same upon the auditor's records and record the same with the county recorder. The title to all lands so accepted shall be held by the state free from any trust in favor of any and all taxing districts and ~~such the~~ lands shall be devoted thereafter to the purposes of forestry, water conservation, flood control, parks, game refuges, controlled game management areas, public shooting grounds, or other public recreational or conservation uses, and managed, controlled, and regulated ~~for such purposes~~ under the jurisdiction of the commissioner of natural resources and the divisions of the department.

(c) All proceeds derived from the sale of timber, lease of crops of hay, or other revenue from lands under the jurisdiction of the commissioner of natural resources shall be credited to the general fund of the state.

~~In case~~ (d) If the commissioner of natural resources ~~shall determine~~ determines that any tract of land ~~so held~~ acquired by the state under paragraph (b) and situated within or adjacent to the boundaries of any governmental subdivision of the state is suitable for use by ~~such the~~ subdivision for any authorized public purpose, the commissioner may convey ~~such the~~ tract by deed in the name of the state to ~~such the~~ subdivision upon the filing with the commissioner of a resolution adopted by a majority vote of all the members of the governing body thereof, stating the purpose for which the land is desired. The deed of conveyance shall be upon a form approved by the attorney general and must be conditioned upon continued use for the purpose stated in the resolution. ~~All proceeds derived from the sale of timber, lease of hay stumpage, or other revenue from such lands under the jurisdiction of the natural resources commissioner shall be paid into the general fund of the state.~~

(e) The county auditor, with the approval of the county board, may lease conservation lands remaining under the ~~jurisdiction~~ supervision of the county board and sell timber and hay stumpage thereon in the manner hereinafter provided, and all proceeds derived therefrom shall be distributed in the same manner as provided in section 282.04.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 9. Minnesota Statutes 2008, section 282.01, subdivision 3, is amended to read:

Subd. 3. **Nonconservation lands; appraisal and sale.** (a) All parcels of land classified as nonconservation, except those which may be reserved, shall be sold as provided, if it is determined, by the county board of the county in which the parcels lie, that it is advisable to do so, having in mind their accessibility, their proximity to existing public improvements, and the effect of their sale and occupancy on the public burdens. Any parcels of land proposed to be sold shall be first appraised by the county board of the county in which the parcels lie. The parcels may be reappraised whenever the county board deems it necessary to carry out the intent of sections 282.01 to 282.13.

(b) In an appraisal the value of the land and any standing timber on it shall be separately determined. No parcel of land containing any standing timber may be sold until the appraised value of the timber on it and the sale of the land have been approved by the commissioner of natural resources. The commissioner shall base review of a proposed sale on the policy and considerations specified in subdivision 1. The decision of the commissioner shall be in writing and shall state the reasons for it. The commissioner's decision is exempt from the rulemaking provisions of chapter 14 and section 14.386 does not apply. The county may appeal the decision of the commissioner in accordance with chapter 14.

(c) In any county in which a state forest or any part of it is located, the county auditor shall submit to the commissioner at least 60 days before the first publication of the list of lands to be offered for sale a list of all lands included on the list which are situated outside of any incorporated municipality. If, at any time before the opening of the sale, the commissioner notifies the county auditor in writing that there is standing timber on any parcel of ~~such~~ land, the parcel shall not be sold unless the requirements of this section respecting the separate appraisal of the timber and the approval of the appraisal by the commissioner have been complied with. The commissioner may waive the requirement of the 60-day notice as to any parcel of land which has been examined and the timber value approved as required by this section.

(d) If any public improvement is made by a municipality after any parcel of land has been forfeited to the state for the nonpayment of taxes, and the improvement is assessed in whole or in part against the property benefited by it, the clerk of the municipality shall certify to the county auditor, immediately upon the determination of the assessments for the improvement, the total amount that would have been assessed against the parcel of land if it had been subject to assessment; or if the public improvement is made, petitioned for, ordered in or assessed, whether the improvement is completed in whole or in part, at any time between the appraisal and the sale of the parcel of land, the cost of the improvement shall be included as a separate item and added to the appraised value of the parcel of land at the time it is sold. No sale of a parcel of land shall discharge or free the parcel of land from lien for the special benefit conferred upon it by reason of the public improvement until the cost of it, including penalties, if any, is paid. The county board shall determine the amount, if any, by which the value of the parcel was enhanced by the improvement and include the amount as a separate item in fixing the appraised value for the purpose of sale. ~~In classifying, appraising, and selling the lands, the county board may designate the tracts as assessed and acquired, or may by resolution provide for the subdivision of the tracts into smaller units or for the grouping of several tracts into one tract when the subdivision or grouping is deemed advantageous for the purpose of sale. Each such smaller tract or larger tract must be classified and appraised as such before being offered for sale. If any such lands have once been classified, the board of county commissioners, in its discretion, may, by resolution, authorize the sale of the smaller tract or larger tract without reclassification.~~

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 10. Minnesota Statutes 2008, section 282.01, subdivision 4, is amended to read:

Subd. 4. **Sale: method, requirements, effects.** The sale authorized under subdivision 3 must be conducted by the county auditor at the county seat of the county in which the parcels lie, except that in St. Louis and Koochiching Counties, the sale may be conducted in any county facility within the county. The sale must not be for less than the appraised value except as provided in subdivision 7a. The parcels must be sold for cash only ~~and at not less than the appraised value~~, unless the county board of the county has adopted a resolution providing for their sale on terms, in which event the resolution controls with respect to the sale. When the sale is made on terms other than for cash only (1) a payment of at least ten percent of the purchase price must be made at the time of purchase, and the balance must be paid in no more than ten equal annual installments, or (2) the payments must be made in accordance with county board policy, but in no event may the board require more than 12 installments annually, and the contract term must not be for more than ten years. Standing timber or timber products must not be removed from these lands until an amount equal to the appraised value of all standing timber or timber products on the lands at the time of purchase has been paid by the purchaser. If a parcel of land bearing standing timber or timber products is sold at public

auction for more than the appraised value, the amount bid in excess of the appraised value must be allocated between the land and the timber in proportion to their respective appraised values. In that case, standing timber or timber products must not be removed from the land until the amount of the excess bid allocated to timber or timber products has been paid in addition to the appraised value of the land. The purchaser is entitled to immediate possession, subject to the provisions of any existing valid lease made in behalf of the state.

For sales occurring on or after July 1, 1982, the unpaid balance of the purchase price is subject to interest at the rate determined pursuant to section 549.09. The unpaid balance of the purchase price for sales occurring after December 31, 1990, is subject to interest at the rate determined in section 279.03, subdivision 1a. The interest rate is subject to change each year on the unpaid balance in the manner provided for rate changes in section 549.09 or 279.03, subdivision 1a, whichever, is applicable. Interest on the unpaid contract balance on sales occurring before July 1, 1982, is payable at the rate applicable to the sale at the time that the sale occurred.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 11. Minnesota Statutes 2008, section 282.01, subdivision 7, is amended to read:

Subd. 7. **County sales; notice, purchase price, disposition.** The sale must commence at the time determined by the county board of the county in which the parcels are located. The county auditor shall offer the parcels of land in order in which they appear in the notice of sale, and shall sell them to the highest bidder, but not for a sum less than the appraised value, until all of the parcels of land have been offered. Then the county auditor shall sell any remaining parcels to anyone offering to pay the appraised value, except that if the person could have repurchased a parcel of property under section 282.012 or 282.241, that person may not purchase that same parcel of property at the sale under this subdivision for a purchase price less than the sum of all taxes, assessments, penalties, interest, and costs due at the time of forfeiture computed under section 282.251, and any special assessments for improvements certified as of the date of sale. The sale must continue until all the parcels are sold or until the county board orders a reappraisal or withdraws any or all of the parcels from sale. The list of lands may be added to and the added lands may be sold at any time by publishing the descriptions and appraised values. The added lands must be: (1) parcels of land that have become forfeited and classified as nonconservation since the commencement of any prior sale; (2) parcels classified as nonconservation that have been reappraised; (3) parcels that have been reclassified as nonconservation; or (4) other parcels that are subject to sale but were omitted from the existing list for any reason. The descriptions and appraised values must be published in the same manner as provided for the publication of the original list. Parcels added to the list must first be offered for sale to the highest bidder before they are sold at appraised value. All parcels of land not offered for immediate sale, as well as parcels that are offered and not immediately sold, continue to be held in trust by the state for the taxing districts interested in each of the parcels, under the supervision of the county board. Those parcels may be used for public purposes until sold, as directed by the county board.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 12. Minnesota Statutes 2008, section 282.01, subdivision 7a, is amended to read:

Subd. 7a. **City sales; alternate procedures.** Land located in a home rule charter or statutory city, or in a town which cannot be improved because of noncompliance with local ordinances regarding minimum area, shape, frontage or access may be sold by the county auditor pursuant to this subdivision if the auditor determines that a nonpublic sale will encourage the approval of sale of the land by the city or town and promote its return to the tax rolls. If the physical characteristics of the land indicate that its highest and best use will be achieved by combining it with an adjoining parcel and the city or town has not adopted a local ordinance governing minimum area, shape, frontage, or access, the land may also be sold pursuant to this subdivision. If the property consists of an undivided interest in land or land and improvements, the property may also be sold to the other owners under this subdivision. The sale of land pursuant to this subdivision shall be subject to any conditions imposed by the county board pursuant

to section 282.03. The governing body of the city or town may recommend to the county board conditions to be imposed on the sale. The county auditor may restrict the sale to owners of lands adjoining the land to be sold. The county auditor shall conduct the sale by sealed bid or may select another means of sale. The land shall be sold to the highest bidder ~~but in no event shall the land~~ and may be sold for less than its appraised value. All owners of land adjoining the land to be sold shall be given a written notice at least 30 days prior to the sale.

This subdivision shall be liberally construed to encourage the sale and utilization of tax-forfeited land, to eliminate nuisances and dangerous conditions and to increase compliance with land use ordinances.

EFFECTIVE DATE. This section is effective July 1, 2010.

Sec. 13. Minnesota Statutes 2008, section 282.01, is amended by adding a subdivision to read:

Subd. 12. Notice; public hearing for use change. If a governmental subdivision that acquired a parcel for public use under this section later determines to change the use, it must hold a public hearing on the proposed use change. The governmental subdivision must mail written notice of the proposed use change and the public hearing to each owner of property that is within 400 feet of the parcel at least ten days and no more than 60 days before it holds the hearing. The notice must identify: (1) the parcel, (2) its current use, (3) the proposed use, (4) the date, time, and place of the public hearing, and (5) where to submit written comments on the proposal and that the public is invited to testify at the public hearing.

EFFECTIVE DATE. This section is effective July 1, 2010, and applies to a change in use of a parcel acquired under Minnesota Statutes, section 282.01, whether acquired by the governmental subdivision before or after the effective date of this section.

Sec. 14. **REPEALER.**

Minnesota Statutes 2008, sections 282.01, subdivisions 9, 10, and 11; and 383A.76, are repealed.

EFFECTIVE DATE. This section is effective July 1, 2010."

Delete the title and insert:

"A bill for an act relating to real property; modifying procedures relating to uses and conveyances of taxforfeited property; amending Minnesota Statutes 2008, section 282.01, subdivisions 1, 1a, 1b, 1c, 1d, 2, 3, 4, 7, 7a, by adding subdivisions; repealing Minnesota Statutes 2008, sections 282.01, subdivisions 9, 10, 11; 383A.76."

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

The report was adopted.

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

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.

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

The report was adopted.

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

H. F. No. 1503, A bill for an act relating to health occupations; providing registration for massage therapists; amending Minnesota Statutes 2008, section 116J.70, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapters 148; 325F; repealing Minnesota Rules, part 2500.5000.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

MESSAGE THERAPY REGISTRATION

Section 1. [148.981] CITATION.

Sections 148.981 to 148.9886 may be cited as the "Minnesota Massage Therapy Act."

Sec. 2. [148.982] DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) diagnosing any illness or disease; or

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

(2) prescription of drugs or medicines;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) adopt rules necessary to effect the provisions of sections 148.982 to 148.9886;
- (2) conduct a competency exam that an applicant may use as the basis for establishing competence to be registered under section 148.987;
- (3) cause the prosecution of all registrants or applicants for violating sections 148.982 to 148.9886 and have power to incur any associated expense;
- (4) impose discipline as described in section 148.9884;
- (5) maintain a record of names and addresses of massage therapists registered by this chapter;
- (6) keep a permanent record of all its proceedings; and
- (7) employ and establish the duties of personnel necessary to carry on its work.

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

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

- (1) three public members, as defined in section 214.02; and
 - (2) four members who, except for initial appointees, are registered massage therapists.
- (b) Initial appointees shall possess the qualifications necessary to become registered massage therapists and must do so as soon as applications for registration are available. A person may not be appointed to serve more than two consecutive full terms.

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

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

- (1) standards of practice and a code of ethics for registered massage therapists;
- (2) distribution of information regarding massage therapist standards;
- (3) enforcement of sections 148.982 to 148.9886;
- (4) applications and make recommendations of applicants for registration or registration renewal;
- (5) complaints and recommendations regarding disciplinary matters and proceedings according to sections 214.10, 214.103, and 214.13, subdivisions 6 and 7;

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

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

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

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

(1) pay fees under section 148.9886;

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

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

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

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

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

(B) being 18 years of age or older;

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

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

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

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

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

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

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

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

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

(x) additional information as requested by the board;

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) In the event that a disciplinary proceeding or unresolved complaint is pending for a complaint regarding an action of the applicant that would constitute a violation of sections 148.982 to 148.9886, or rules adopted by the board, the applicant shall not be registered in this state until the proceeding or complaint has been resolved in the applicant's favor. If a complaint is resolved in favor of the complainant, the application for licensure may be denied.

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

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

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

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

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

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

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

(iii) employment for at least the previous two years prior to the effective date of sections 148.981 to 148.9886 in the practice of massage therapy which shall be established by Internal Revenue Service income tax return forms, business records, or other records as approved by the board; or

(iv) active membership in a professional organization for at least two years prior to the effective date of sections 148.981 to 148.9886 which shall be established by a letter verifying the applicant's initial membership date and current standing sent directly to the board from the professional organization, or other records as approved by the board.

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

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

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

Subd. 5. **Temporary permit.** The board may issue a temporary permit to practice as a registered massage therapist to an applicant eligible for registration under this section if the application for registration is complete, all applicable requirements in this section have been met, and the fee required in section 148.9886 has been paid. The temporary permit is valid until the board makes a decision on the massage therapist's application for registration.

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

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

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

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

(2) submit the renewal fee;

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

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

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

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

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

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

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

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

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

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

(3) submit the fees required in section 148.9886 for the period not registered, including the fee for late renewal.

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

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

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

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

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

Subdivision 1. **Initial approval.** An institution desiring to conduct a massage therapy program from which graduates will be eligible for registration under section 148.987 shall apply to the board, pay fees under section 148.9886, and submit evidence that the institution is:

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

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

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

(i) schools without accreditation must meet the requirements of clauses (1) and (2), must be in the accreditation application process, and must gain accreditation within two years of the effective date of sections 148.981 to 148.9886 or within two years of commencing operations as a massage therapy program, whichever is later; and

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

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

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

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

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

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

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

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

(1) an approved credentialing or professional organization;

(2) state licensed health care facility;

(3) an accredited college or university; or

(4) a board-approved school.

Subd. 3. Approval of continuing education programs. The board may also approve continuing education programs that do not meet the requirements of subdivision 2 but pay fees under section 148.9886 and meet all of the following criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) failure to demonstrate the qualifications or satisfy the requirements for registration as a massage therapist contained in sections 148.982 to 148.9886, or rules of the board. A person applying for registration has the burden of demonstrating the required qualifications or satisfy the requirements;

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

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

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

(iii) advertising to offer a service that would constitute a violation of sections 148.981 to 148.9886 or rules adopted by the board shall be considered grounds for discipline, regardless of whether actual injury to a client is established; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 2. **Maltreatment of minors.** Nothing in sections 148.981 to 148.9886 shall restrict the ability of a local or state agency to take action regarding the maltreatment of minors under section 609.378 or 626.556. A parent who obtains massage therapy services for the parent's minor child is not relieved of the duty to seek necessary medical care consistent with the requirements of sections 609.378 and 626.556. A registered massage therapist who is providing services to a child who is not receiving necessary medical care must make a report under section 626.556. A registered massage therapist is a mandated reporter under section 626.556, subdivision 3.

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

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

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

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

Sec. 14. **[148.9884] DISCIPLINE; REPORTING.**

For purposes of this chapter, registered massage therapists and applicants are subject to sections 148.262 to 148.266.

Sec. 15. **[148.9885] EFFECT ON MUNICIPAL ORDINANCES.**

Subdivision 1. **License authority.** The provisions of sections 148.981 to 148.9886 preempt the licensure and regulation of a registered massage therapist by a municipality, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a municipal credential to practice massage therapy.

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

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

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

Sec. 16. **[148.9886] FEES.**

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

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

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

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

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

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

Sec. 17. **EFFECTIVE DATE.**

This article is effective August 1, 2010.

ARTICLE 2

CONFORMING AMENDMENTS

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

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

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

(2) any license issued by a county, home rule charter city, statutory city, township, or other political subdivision;

(3) any license required to practice the following occupation regulated by the following sections:

(i) abstracters regulated pursuant to chapter 386;

(ii) accountants regulated pursuant to chapter 326A;

(iii) adjusters regulated pursuant to chapter 72B;

(iv) architects regulated pursuant to chapter 326;

(v) assessors regulated pursuant to chapter 270;

(vi) athletic trainers regulated pursuant to chapter 148;

(vii) attorneys regulated pursuant to chapter 481;

(viii) auctioneers regulated pursuant to chapter 330;

(ix) barbers and cosmetologists regulated pursuant to chapter 154;

(x) boiler operators regulated pursuant to chapter 183;

(xi) chiropractors regulated pursuant to chapter 148;

(xii) collection agencies regulated pursuant to chapter 332;

(xiii) dentists, registered dental assistants, and dental hygienists regulated pursuant to chapter 150A;

(xiv) detectives regulated pursuant to chapter 326;

- (xv) electricians regulated pursuant to chapter 326;
- (xvi) mortuary science practitioners regulated pursuant to chapter 149A;
- (xvii) engineers regulated pursuant to chapter 326;
- (xviii) insurance brokers and salespersons regulated pursuant to chapter 60A;
- (xix) certified interior designers regulated pursuant to chapter 326;
- (xx) midwives regulated pursuant to chapter 147D;
- (xxi) nursing home administrators regulated pursuant to chapter 144A;
- (xxii) optometrists regulated pursuant to chapter 148;
- (xxiii) osteopathic physicians regulated pursuant to chapter 147;
- (xxiv) pharmacists regulated pursuant to chapter 151;
- (xxv) physical therapists regulated pursuant to chapter 148;
- (xxvi) physician assistants regulated pursuant to chapter 147A;
- (xxvii) physicians and surgeons regulated pursuant to chapter 147;
- (xxviii) plumbers regulated pursuant to chapter 326;
- (xxix) podiatrists regulated pursuant to chapter 153;
- (xxx) practical nurses regulated pursuant to chapter 148;
- (xxxi) professional fund-raisers regulated pursuant to chapter 309;
- (xxxii) psychologists regulated pursuant to chapter 148;
- (xxxiii) real estate brokers, salespersons, and others regulated pursuant to chapters 82 and 83;
- (xxxiv) registered nurses regulated pursuant to chapter 148;
- (xxxv) securities brokers, dealers, agents, and investment advisers regulated pursuant to chapter 80A;
- (xxxvi) steamfitters regulated pursuant to chapter 326;
- (xxxvii) teachers and supervisory and support personnel regulated pursuant to chapter 125;
- (xxxviii) veterinarians regulated pursuant to chapter 156;
- (xxxix) water conditioning contractors and installers regulated pursuant to chapter 326;
- (xl) water well contractors regulated pursuant to chapter 103I;

- (xli) water and waste treatment operators regulated pursuant to chapter 115;
- (xlii) motor carriers regulated pursuant to chapter 221;
- (xlili) professional firms regulated under chapter 319B;
- (xliv) real estate appraisers regulated pursuant to chapter 82B;
- (xlv) residential building contractors, residential remodelers, residential roofers, manufactured home installers, and specialty contractors regulated pursuant to chapter 326;
- (xlvi) licensed professional counselors regulated pursuant to chapter 148B; or
- (xlvii) registered massage therapists regulated pursuant to chapter 148;
- (4) any driver's license required pursuant to chapter 171;
- (5) any aircraft license required pursuant to chapter 360;
- (6) any watercraft license required pursuant to chapter 86B;
- (7) any license, permit, registration, certification, or other approval pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a state agency or instrumentality; and
- (8) any pollution control rule or standard established by the Pollution Control Agency or any health rule or standard established by the commissioner of health or any licensing rule or standard established by the commissioner of human services.

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

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

Sec. 3. **REPEALER.**

Minnesota Rules, part 2500.5000, is repealed."

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.

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

H. F. No. 1847, A bill for an act relating to insurance; requiring health plans to establish equal out-of-pocket requirements for oral chemotherapy medications and intravenously administered chemotherapy medications; proposing coding for new law in Minnesota Statutes, chapter 62A.

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. 2002, A bill for an act relating to human services; direction to commissioner regarding billing and collections for general assistance medical care, medical assistance, and MinnesotaCare.

Reported the same back with the following amendments:

Page 1, line 12, delete "2010" and insert "2011"

Page 1, line 13, delete "2009" and insert "2010"

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. 2106, A bill for an act relating to education; establishing a five-year pilot program allowing alternative learning centers and charter schools to identify systemic improvement measures to best serve eligible students; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2009 Supplement, section 120B.35, subdivision 3, is amended to read:

Subd. 3. **State growth target; other state measures.** (a) The state's educational assessment system measuring individual students' educational growth is based on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments.

(b) The commissioner, in consultation with a stakeholder group that includes assessment and evaluation directors and staff and researchers must implement a model that uses a value-added growth indicator and includes criteria for identifying schools and school districts that demonstrate medium and high growth under section 120B.299, subdivisions 8 and 9, and may recommend other value-added measures under section 120B.299, subdivision 3. The model may be used to advance educators' professional development and replicate programs that succeed in meeting students' diverse learning needs. Data on individual teachers generated under the model are personnel data under section 13.43. The model must allow users to:

(1) report student growth consistent with this paragraph; and

(2) for all student categories, report and compare aggregated and disaggregated state growth data using the nine student categories identified under the federal 2001 No Child Left Behind Act and two student gender categories of male and female, respectively, following appropriate reporting practices to protect nonpublic student data.

The commissioner must report separate measures of student growth and proficiency, consistent with this paragraph.

(c) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2011, must report two core measures indicating the extent to which current high school graduates are being prepared for postsecondary academic and career opportunities:

(1) a preparation measure indicating the number and percentage of high school graduates in the most recent school year who completed course work important to preparing them for postsecondary academic and career opportunities, consistent with the core academic subjects required for admission to Minnesota's public colleges and universities as determined by the Office of Higher Education under chapter 136A; and

(2) a rigorous coursework measure indicating the number and percentage of high school graduates in the most recent school year who successfully completed one or more college-level advanced placement, international baccalaureate, postsecondary enrollment options including concurrent enrollment, other rigorous courses of study under section 120B.021, subdivision 1a, or industry certification courses or programs.

When reporting the core measures under clauses (1) and (2), the commissioner must also analyze and report separate categories of information using the nine student categories identified under the federal 2001 No Child Left Behind Act and two student gender categories of male and female, respectively, following appropriate reporting practices to protect nonpublic student data.

(d) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2014, must report summary data on school safety and students' engagement and connection at school. The summary data under this paragraph are separate from and must not be used for any purpose related to measuring or evaluating the performance of classroom teachers. The commissioner, in consultation with qualified experts on student engagement and connection and classroom teachers, must identify highly reliable variables that generate summary data under this paragraph. The summary data may be used at school, district, and state levels only. Any data on individuals received, collected, or created that are used to generate the summary data under this paragraph are nonpublic data under section 13.02, subdivision 9.

(e) For purposes of statewide educational accountability, the commissioner must identify and report measures that demonstrate the relative success of school districts, charter schools, and alternative program providers in improving the graduation outcomes of students under this paragraph. When reporting student performance under section 120B.36, subdivision 1, the commissioner, beginning July 1, 2013, annually must report summary data on the four-year and six-year graduation rates of students who are identified as at risk of not graduating or off track to graduate, including students who are eligible to participate in a program under section 123A.05 or 124D.68, and the relative success that school districts, charter schools, and alternative program providers experience in:

(1) identifying at-risk and off-track student populations by grade;

(2) providing successful prevention and intervention strategies for at-risk students; and

(3) providing successful recuperative and recovery or reenrollment strategies for off-track students.

For purposes of this paragraph, a student who is at risk of not graduating is a student in eighth or ninth grade who meets one or more of the following criteria: first enrolled in an English-language learners program in eighth or ninth grade and may be older than other students enrolled in the same grade; as an eighth grader, is absent from school for at least 20 percent of the days of instruction during the school year, is two or more years older than other students enrolled in the same grade, or fails multiple core academic courses; or as a ninth grader, fails multiple ninth grade core academic courses in English language arts, math, science, or social studies.

For purposes of this paragraph, a student who is off track to graduate is a student who meets one or more of the following criteria: first enrolled in an English-language learners program in high school and is older than other students enrolled in the same grade; is a returning dropout; is 16 or 17 years old and two or more academic years off track to graduate; is 18 years or older and two or more academic years off track to graduate; or is 18 years or older and may graduate within one school year.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to data that are collected in the 2012-2013 school year and later and reported annually beginning July 1, 2013, consistent with the recommendations the commissioner receives from recognized and qualified experts on improving differentiated graduation rates, and establishing alternative routes to a standard high school diploma for at-risk and off-track students.

Sec. 2. Minnesota Statutes 2009 Supplement, section 120B.36, subdivision 1, is amended to read:

Subdivision 1. **School performance report cards.** (a) The commissioner shall report student academic performance under section 120B.35, subdivision 2; the percentages of students showing low, medium, and high growth under section 120B.35, subdivision 3, paragraph (b); school safety and student engagement and connection under section 120B.35, subdivision 3, paragraph (d); rigorous coursework under section 120B.35, subdivision 3, paragraph (c); the four-year and six-year graduation rates of at-risk and off-track students and the academic success that school districts, charter schools, and alternative program providers experience in their efforts to improve the graduation outcomes of those students under section 120B.35, subdivision 3, paragraph (e); two separate student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios; staff characteristics excluding salaries; student enrollment demographics; district mobility; and extracurricular activities. The report also must indicate a school's adequate yearly progress status, and must not set any designations applicable to high- and low-performing schools due solely to adequate yearly progress status.

(b) The commissioner shall develop, annually update, and post on the department Web site school performance report cards.

(c) The commissioner must make available performance report cards by the beginning of each school year.

(d) A school or district may appeal its adequate yearly progress status in writing to the commissioner within 30 days of receiving the notice of its status. The commissioner's decision to uphold or deny an appeal is final.

(e) School performance report card data are nonpublic data under section 13.02, subdivision 9, until not later than ten days after the appeal procedure described in paragraph (d) concludes. The department shall annually post school performance report cards to its public Web site no later than September 1.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to annual reports beginning July 1, 2013.

Sec. 3. **IMPLEMENTING DIFFERENTIATED GRADUATION RATE MEASURES AND EXPLORING ALTERNATIVE ROUTES TO A STANDARD DIPLOMA FOR AT-RISK AND OFF-TRACK STUDENTS.**

(a) To implement the requirements of Minnesota Statutes, section 120B.35, subdivision 3, paragraph (e), the commissioner of education must convene a group of recognized and qualified experts on improving differentiated graduation rates and establishing alternative routes to a standard high school diploma for at-risk and off-track students. The commissioner must assist the group, as requested, to explore and recommend to the commissioner and the legislature (1) research-based measures that demonstrate the academic success of and costs to school districts, charter schools, and alternative program providers in improving the graduation outcomes of at-risk and off-track students, and (2) state and local options for establishing alternative routes to a standard diploma, consistent with Minnesota's statewide accountability system under Minnesota Statutes, chapter 120B, and Minnesota Statutes, sections 123A.05 and 124D.68. When proposing alternative routes to a standard diploma, the group also must identify highly reliable variables that generate summary data to comply with Minnesota Statutes, section 120B.35, subdivision 3, paragraph (e), including: who initiates the request for an alternative route; who approves the request for an alternative route; the specific parameters of the alternative route process, including whether a student first must fail a regular, state-mandated exam; and the comparability of the academic and achievement criteria reflected in the alternative route and the standard route for a standard diploma.

(b) The commissioner must convene the first meeting of this group by September 15, 2010. Group members must include: four teachers and administrators from, and two parents of students currently enrolled in state-approved alternative programs selected by the Minnesota Association of Alternative Programs; one representative selected by the Minnesota K-12 Online Learning Alliance; one representative selected by the Metropolitan Federation of Alternative Schools; one representative of the Minnesota Association of Charter Schools; two faculty members selected by the dean of the College of Education at the University of Minnesota with expertise in serving and assessing at-risk and off-track students; two Minnesota State Colleges and Universities faculty members selected by the Minnesota State Colleges and Universities chancellor with expertise in serving and assessing at-risk and off-track students; one currently serving superintendent selected by the Minnesota Association of School Administrators; one currently serving high school principal selected by the Minnesota Association of Secondary School Principals; and two public members selected by the commissioner. The group may seek input from representatives of other interested stakeholders and organizations with expertise to help inform the group's work. The group must meet at least quarterly. Group members do not receive compensation or reimbursement of expenses for participating in this group. The group expires on February 16, 2012.

(c) The group, by February 15, 2012, must develop and submit to the commissioner and the Education Policy and Finance Committees of the legislature recommendations and legislation, consistent with this section and Minnesota Statutes, section 120B.35, subdivision 3, paragraph (e), for:

(1) measuring and reporting differentiated graduation rates for at-risk and off-track students and the success and costs that school districts, charter schools, and alternative program providers experience in identifying and serving at-risk or off-track student populations; and

(2) establishing alternative routes to a standard diploma.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to school report cards beginning July 1, 2013."

Delete the title and insert:

"A bill for an act relating to education; establishing state accountability measures to improve graduation outcomes for students who are at risk of not graduating and students significantly off track to graduate; amending Minnesota Statutes 2009 Supplement, sections 120B.35, subdivision 3; 120B.36, subdivision 1."

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

The report was adopted.

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

H. F. No. 2557, A bill for an act relating to state government; establishing a position for a state Webmaster; requiring the state chief information officer to develop standards for enhanced public access to state electronic records; amending Minnesota Statutes 2008, sections 16E.04, subdivision 2; 16E.05, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 16E.02, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 24, after "government" insert "and are consistent with the accessibility standards developed under section 16E.03, subdivision 9"

Page 2, line 12, delete "16E.02, subdivision 1, paragraph (c)" and insert "16E.05, subdivision 4"

Page 3, delete sections 3 and 4 and insert:

"Sec. 3. Minnesota Statutes 2008, section 16E.05, is amended by adding a subdivision to read:

Subd. 4. **Standards for transparency.** The chief information officer shall develop standards to enhance public access to electronic data maintained by state government, consistent with the requirements of chapter 13. The standards must ensure that:

(1) the state information architecture facilitates public access to agency data;

(2) publicly available data is managed using an approved state metadata model; and

(3) all geospatial data conform to an approved state geocode model.

Sec. 4. **TRANSPARENCY STANDARDS REPORT.**

By January 15, 2011, the chief information officer shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over the Office of Enterprise Technology regarding the development of the standards to enhance public access to data required under Minnesota Statutes, section 16E.05, subdivision 4. The report must describe the process for development of the standards, including the opportunity provided for public comment, and specify the components of the standards that have been implemented, including a description of the level of public use of the new opportunities for data access under the standards."

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. 2781, A bill for an act relating to labor and industry; modifying licensing provisions; imposing and modifying certain license fees; amending Minnesota Statutes 2008, sections 326B.133, subdivisions 1, 3, 8, 11, by adding subdivisions; 326B.197; 326B.33, subdivisions 18, 20, 21; 326B.42, by adding subdivisions; 326B.43, subdivision 2; 326B.44; 326B.46, as amended; 326B.47; 326B.475, subdivision 2; 326B.50, by adding subdivisions; 326B.54; 326B.55, as amended if enacted; 326B.56, as amended; 326B.805, subdivision 6; 326B.83, subdivisions 1, 3, 6; 326B.865; 326B.921, subdivisions 2, 4, 7; 326B.922; 326B.978, subdivision 2, by adding a subdivision; 327B.04, subdivision 2; Minnesota Statutes 2009 Supplement, sections 326B.33, subdivision 19; 326B.475, subdivision 4; 326B.49, subdivision 1; 326B.58; 326B.815, subdivision 1; 326B.86, subdivision 1; 326B.94, subdivision 4; 326B.986, subdivision 5; 327B.04, subdivisions 7, 7a, 8; 327B.041; proposing coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2008, sections 326B.133, subdivisions 9, 10; 326B.37, subdivision 13; 326B.475, subdivisions 5, 6; 326B.56, subdivision 3; 326B.885, subdivisions 3, 4; 326B.976; Minnesota Statutes 2009 Supplement, section 326B.56, subdivision 4; Minnesota Rules, parts 1301.0500; 1301.0900; 1301.1100, subparts 2, 3, 4; 1350.7200, subpart 3; 1350.8000, subpart 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[326B.091] DEFINITIONS.**

Subdivision 1. **Applicability.** For purposes of sections 326B.091 to 326B.098, the terms defined in this section have the meanings given them.

Subd. 2. **Applicant.** "Applicant" means a person who has submitted to the department an application for a license.

Subd. 3. **License.** "License" means any registration, certification, or other form of approval authorized by chapters 326B and 327B to be issued by the commissioner or department as a condition of doing business or conducting a trade, profession, or occupation in Minnesota. License includes specifically but not exclusively an authorization issued by the commissioner or department: to perform electrical work, plumbing or water conditioning work, high pressure piping work, or residential building work of a residential contractor, residential remodeler, or residential roofer; to install manufactured housing; to serve as a building official; or to operate a boiler or boat.

Subd. 4. **Licensee.** "Licensee" means the person named on the license as the person authorized to do business or conduct the trade, profession, or occupation in Minnesota.

Subd. 5. **Notification date.** "Notification date" means the date of the written notification from the department to an applicant that the applicant is qualified to take the examination required for licensure.

Subd. 6. **Renewal deadline.** "Renewal deadline," when used with respect to a license, means 30 days before the date that the license expires.

Sec. 2. **[326B.092] FEES.**

Subdivision 1. **Licenses requiring examination administered by commissioner.** (a) If the applicant for a license must pass an examination administered by the commissioner in order to obtain the license, then the application for the initial license must be accompanied by an application and examination fee of \$50, which is separate from the license fee. The license fee is due after the applicant passes the examination and before the license is issued.

(b) If the applicant for a Minnesota license holds a license in another state and is seeking Minnesota licensure without examination based on reciprocity, then the application for the Minnesota license must be accompanied by the application and examination fee of \$50, which is separate from the license fee. If the commissioner approves the application, then the license fee is due before the license is issued.

Subd. 2. **Licenses not requiring examination administered by commissioner.** If the applicant for a license is not required to pass an examination in order to obtain the license, or is required to pass an examination that is not administered by the commissioner, then the license fee must accompany the application for the license. If the application is for a license issued under sections 326B.802 to 326B.885 and is not an application for license renewal, then the contractor recovery fund fee required under section 326B.89, subdivision 3, is due after the department has determined that the applicant meets the qualifications for licensing and before the license is issued.

Subd. 3. **Late fee.** The department must receive a complete application for license renewal by the renewal deadline but not more than 90 days before the renewal deadline. If the department receives a renewal application after the expiration of the license, then the renewal application must be accompanied by a late fee equal to one-half of the license renewal fee; except that, for the purpose of calculating the late fee only, the license renewal fee shall not include any contractor recovery fund fee required by section 326B.89, subdivision 3.

Subd. 4. **Lapsed licensed fee.** If the department receives a renewal application within two years after expiration of the license, the renewal application must be accompanied by all license renewal fees to cover the period that the license was expired, plus the late fee described in subdivision 3 and the license renewal fee for the current renewal period.

Subd. 5. **Insufficient fees.** If the applicant does not include all required fees with the application, then the application will be incomplete and the department will notify the applicant of the amount of the deficiency.

Subd. 6. **Fees nonrefundable.** Application and examination fees, license fees, license renewal fees, and late fees are nonrefundable except for:

(1) license renewal fees received more than two years after expiration of the license, as described in section 326B.094, subdivision 2;

(2) any overpayment of fees; and

(3) if the license is not renewed, the contractor recovery fund fee and any additional assessment paid under subdivision 7, paragraph (e).

Subd. 7. **License fees and license renewal fees.** (a) The license fee for each license except a renewed license shall be the base license fee plus any applicable board fee, as set forth in this subdivision. The license renewal fee for each renewed license is the base license fee plus any applicable board fee, continuing education fee, and contractor recovery fund fee and additional assessment, as set forth in this subdivision.

(b) For purposes of this section, "license duration" means the number of years for which the license is issued except that:

(1) if the initial license is not issued for a whole number of years, the license duration shall be rounded up to the next whole number; and

(2) if the department receives an application for license renewal after the renewal deadline, license duration means the number of years for which the renewed license would have been issued if the renewal application had been submitted on time and all other requirements for renewal had been met.

(c) The base license fee shall depend on whether the license is classified as an entry level, master, journeyman, or business license, and on the license duration. The base license fee shall be:

<u>License Classification</u>	<u>License Duration</u>		
	<u>1 Year</u>	<u>2 Years</u>	<u>3 Years</u>
<u>Entry level</u>	<u>\$10</u>	<u>\$20</u>	<u>\$30</u>
<u>Journeyman</u>	<u>\$20</u>	<u>\$40</u>	<u>\$60</u>
<u>Master</u>	<u>\$40</u>	<u>\$80</u>	<u>\$120</u>
<u>Business</u>	<u>\$90</u>	<u>\$180</u>	<u>\$260</u>

(d) If there is a continuing education requirement for renewal of the license, then a continuing education fee must be included in the renewal license fee. The continuing education fee for all license classifications shall be: \$10 if the renewal license duration is one year; \$20 if the renewal license duration is two years; and \$30 if the renewal license duration is three years.

(e) If the license is issued under sections 326B.31 to 326B.59 or 326B.90 to 326B.93, then a board fee must be included in the license fee and the renewal license fee. The board fee for all license classifications shall be: \$4 if the license duration is one year; \$8 if the license duration is two years; and \$12 if the license duration is three years.

(f) If the application is for the renewal of a license issued under sections 326B.802 to 326B.885, then the contractor recovery fund fee required under section 326B.89, subdivision 3, and any additional assessment required under section 326B.89, subdivision 16, must be included in the license renewal fee.

Sec. 3. **[326B.093] LICENSES REQUIRING EXAMINATION ADMINISTERED BY COMMISSIONER.**

Subdivision 1. **Qualifications for examination.** If the applicant for a license must pass an examination administered by the commissioner in order to obtain the license, then the applicant's complete application must demonstrate that the applicant is qualified to take the examination. The applicant is qualified to take the examination if the applicant meets all requirements for the license except for passing the examination.

Subd. 2. **Not qualified for examination.** If the applicant is not qualified to take the examination, then the commissioner must deny the application. The applicant may subsequently submit another application, accompanied by the required fee.

Subd. 3. **Taking the examination.** If the applicant is qualified to take the examination, then the department must notify the applicant, and the applicant may schedule a time to take the examination within one year after the notification date. If the applicant does not take the examination at the scheduled time, the applicant may, one time only, reschedule a time to take the examination on a date within one year after the notification date. If the applicant fails to take the examination within one year after the notification date, the commissioner must deny the application and the applicant forfeits the application/examination fee. The applicant may subsequently submit another application, accompanied by the required application/examination fee.

Subd. 4. **Examination results.** If the applicant receives a passing score on the examination and meets all other requirements for licensure, the commissioner must approve the application and notify the applicant of the approval within 60 days of the date of the passing score. The applicant must, within 90 days after the notification of approval, pay the license fee. Upon receipt of the license fee, the commissioner must issue the license. If the applicant does not pay the license fee within 90 days after the notification of approval, the commissioner will rescind the approval and must deny the application. If the applicant does not receive a passing score on the examination, the commissioner must deny the application. If the application is denied because of the applicant's failure to receive a passing score on the examination, then the applicant cannot submit a new application for the license until at least 30 days after the notification of denial.

Sec. 4. **[326B.094] RENEWAL OF LICENSES.**

Subdivision 1. **Expiration of licenses.** Unless and until the department or commissioner issues a renewal of a license, the license expires on the expiration date printed on the license. While the license is expired, the licensee cannot perform the activities authorized by the license.

Subd. 2. **Availability of renewal.** A licensee may apply to renew a license no later than two years after the expiration of the license. If the department receives a complete renewal application no later than two years after the expiration of the license, then the department must approve or deny the renewal application within 60 days of receiving the complete renewal application. If the department receives a renewal application more than two years after the expiration of the license, the department must return the renewal license fee to the applicant without approving or denying the application. If the licensee wishes to obtain a valid license more than two years after expiration of the license, the licensee must apply for a new license.

Subd. 3. **Deadline for avoiding license expiration.** The department must receive a complete application to renew a license no later than the renewal deadline. If the department does not receive a complete application by the renewal deadline, the license may expire before the department has either approved or denied the renewal application.

Sec. 5. **[326B.095] INCOMPLETE LICENSE APPLICATIONS.**

This section applies to both applications for initial licenses and license renewal applications. If the department determines that an application is incomplete, the department must notify the applicant of the deficiencies that must be corrected in order to complete the application. If the applicant wishes to complete the application, the department must receive the completed application within 90 days after the date the department mailed or delivered the incomplete application to the applicant. If the department does not receive the completed application by this deadline, the commissioner must deny the application and the applicant will forfeit all fees except as provided in section 326B.092, subdivision 6. If the application is for license renewal and the department receives the corrected application after the license has expired, then the corrected application must be accompanied by the late fee.

Sec. 6. **[326B.096] REINSTATEMENT OF LICENSES.**

Subdivision 1. **Reinstatement after revocation.** (a) If a license is revoked under this chapter and if an applicant for a license needs to pass an examination administered by the commissioner before becoming licensed, then, in order to have the license reinstated, the person who holds the revoked license must:

(1) retake the examination and achieve a passing score; and

(2) meet all other requirements for an initial license, including payment of the application and examination fee and the license fee. The person holding the revoked license is not eligible for Minnesota licensure without examination based on reciprocity.

(b) If a license is revoked under a chapter other than this chapter, then, in order to have the license reinstated, the person who holds the revoked license must:

(1) apply for reinstatement to the commissioner no later than two years after the effective date of the revocation;

(2) pay a \$100 reinstatement application fee and any applicable renewal license fee; and

(3) meet all applicable requirements for licensure, except that, unless required by the order revoking the license, the applicant does not need to retake any examination and does not need to repay a license fee that was paid before the revocation.

Subd. 2. **Reinstatement after suspension.** If a license is suspended, then, in order to have the license reinstated, the person who holds the suspended license must:

(1) apply for reinstatement to the commissioner no later than two years after the completion of the suspension period;

(2) pay a \$100 reinstatement application fee and any applicable renewal license fee; and

(3) meet all applicable requirements for licensure, except that, unless required by the order suspending the license, the applicant does not need to retake any examination and does not need to repay a license fee that was paid before the suspension.

Subd. 3. **Reinstatement after voluntary termination.** A licensee who is not an individual may voluntarily terminate a license issued to the person under this chapter. If a licensee has voluntarily terminated a license under this subdivision, then, in order to have the license reinstated, the person who holds the terminated license must:

(1) apply for reinstatement to the commissioner no later than the date that the license would have expired if it had not been terminated;

(2) pay a \$100 reinstatement application fee and any applicable renewal license fee; and

(3) meet all applicable requirements for licensure, except that the applicant does not need to repay a license fee that was paid before the termination.

Sec. 7. **[326B.097] PROHIBITION OF TRANSFER.**

A licensee shall not transfer or sell any license.

Sec. 8. **[326B.098] CONTINUING EDUCATION.**

Subdivision 1. **Applicability.** This section applies to seminars offered by the department for the purpose of allowing licensees to meet continuing education requirements for license renewal.

Subd. 2. **Rescheduling.** An individual who is registered with the department to attend a seminar may reschedule one time only, to attend the same seminar on a date within one year after the date of the seminar the individual was registered to attend.

Subd. 3. **Fees nonrefundable.** All seminar fees paid to the department are nonrefundable except for any overpayment of fees.

Sec. 9. Minnesota Statutes 2008, section 326B.133, subdivision 1, is amended to read:

Subdivision 1. **Designation.** Each municipality shall designate a building official to administer the code. A municipality may designate no more than one building official responsible for code administration defined by each certification category ~~established in rule~~ created by statute or rule. Two or more municipalities may combine in the designation of a building official for the purpose of administering the provisions of the code within their communities. In those municipalities for which no building officials have been designated, the state building official may use whichever state employees are necessary to perform the duties of the building official until the municipality makes a temporary or permanent designation. All costs incurred by virtue of these services rendered by state employees must be borne by the involved municipality and receipts arising from these services must be paid to the commissioner.

Sec. 10. Minnesota Statutes 2008, section 326B.133, is amended by adding a subdivision to read:

Subd. 2a. **Application; renewal; fees; expiration.** (a) An applicant for certification shall submit a completed application on a form approved by the commissioner to the department. The commissioner shall review applications for compliance with the requirements established by rule.

(b) Application for initial certification or renewal certification as a building official, building official-limited, or accessibility specialist shall be according to this section and sections 326B.092 to 326B.095.

(c) Fees shall be paid to the department according to section 326B.092.

(d) Unless revoked or suspended under this chapter, all certifications issued or renewed under this section expire two years from the date of original issuance and every two years thereafter.

Sec. 11. Minnesota Statutes 2008, section 326B.133, subdivision 3, is amended to read:

Subd. 3. **Certification criteria.** The commissioner shall by rule establish certification criteria as proof of qualification pursuant to subdivision 2. The commissioner may:

(1) develop and administer written and practical examinations to determine if a person is qualified pursuant to subdivision 2 to be a building official;

(2) accept documentation of successful completion of testing programs developed and administered by nationally recognized testing agencies, as proof of qualification pursuant to subdivision 2; or

(3) determine qualifications by satisfactory completion of clause (2) and a mandatory training program developed or approved by the commissioner.

Upon a determination of qualification under clause (1), (2), or (3), the commissioner shall issue a certificate to the building official stating that the official is certified. ~~Each person applying for examination and certification pursuant to this section shall pay a nonrefundable fee of \$70.~~ The commissioner or a designee may establish categories of certification that will recognize the varying complexities of code enforcement in the municipalities within the state. The commissioner shall provide educational programs designed to train and assist building officials in carrying out their responsibilities.

Sec. 12. Minnesota Statutes 2008, section 326B.133, is amended by adding a subdivision to read:

Subd. 3a. **Certification categories.** (a) If a municipality has adopted or adopts the State Building Code, the responsibilities for code administration and enforcement are under the authority of its designated building official or the certified building official-limited.

(b) Certified building official. This certification is identified as "certified building official" on the certificate card. This certification is granted to an individual who has met the certified building official requirements established by rule and passed the written examination prepared by the state. A person with this certification may serve as the designated building official for any municipality. For the purposes of calculating fees under section 326B.092, certification as a building official is a master license.

(c) Certified building official-limited. This certification is identified as "certified building official-limited" on the certification card. This certification is granted to an individual who has met the certified building official-limited requirements established by rule and passed the written examination prepared by the state. An individual with this certification may perform code administration for one- and two-family dwellings, their accessory structures, and "exempt classes of buildings" as provided in Minnesota Rules, part 1800.5000, of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design, and "facilities for persons with physical disabilities" that are governed by the State Building Code. Subject to the limitations of the building official-limited certification, an individual with this certification may serve as the designated building official for any municipality. Code administration for all other buildings must be performed by a certified building official as defined in paragraph (a). A certified building official-limited may conduct inspections for other structures regulated by the State Building Code under the direction of a designated certified building official or the state building official.

Subject to all other certification requirements, as of January 1, 2012, valid Class I certifications shall be included in the certified building official-limited category upon the next immediate renewal. For the purposes of calculating fees under section 326B.092, certification as a building official-limited is a journeyman license.

(d) Accessibility specialist. This certification is identified as accessibility specialist on the certification card. This certification is granted to an individual who has met the "accessibility specialist" requirements established by rule and passed the written examination prepared by the state. An individual with this classification is limited to the administration of those provisions of the State Building Code that provide access for persons with disabilities. For the purposes of calculating fees under section 326B.092, certification as an accessibility specialist is a journeyman license.

Sec. 13. Minnesota Statutes 2008, section 326B.133, subdivision 8, is amended to read:

Subd. 8. **Continuing education requirements; extension of time.** (a) This subdivision establishes the number of continuing education units required within each two-year certification period.

A certified building official shall accumulate 16 continuing education units in any education program that is approved under Minnesota Rules, part 1301.1000.

A certified building official-limited shall, in each year of the initial two-year certification period, accumulate eight continuing education units in any education program that is approved under Minnesota Rules, part 1301.1000. Continuing education units shall be reported annually during the initial two-year certification period by the method established in rule. A certified building official-limited shall accumulate 16 continuing education units for each two-year certification period thereafter in any education program that is approved under Minnesota Rules, part 1301.1000.

An accessibility specialist must accumulate four continuing education units in any of the programs described in Minnesota Rules, part 1301.1000, subpart 1 or 2. The four units must be for courses relating to building accessibility, plan review, field inspection, or building code administration.

Continuing education programs may be approved as established in rule.

(b) Subject to sections 326B.101 to 326B.194, the commissioner may by rule establish or approve continuing education programs for certified building officials dealing with matters of building code administration, inspection, and enforcement.

Each person certified as a building official for the state must satisfactorily complete applicable educational programs established or approved by the commissioner to ~~retain~~ renew certification.

(c) The state building official may grant an extension of time to comply with continuing education requirements if the certificate holder requesting the extension of time shows cause for the extension. The request for the extension must be in writing. For purposes of this section, the certificate holder's current certification effective dates shall remain the same. The extension does not relieve the certificate holder from complying with the continuing education requirements for the next two-year period.

Sec. 14. Minnesota Statutes 2008, section 326B.133, subdivision 11, is amended to read:

Subd. 11. **Failure to renew.** An individual who has failed to make a timely application for renewal of a certificate is not certified and must not serve as the designated building official for any municipality, or a certified building official, a certified building official-limited, or an accessibility specialist until a renewed certificate has been issued by the commissioner.

Sec. 15. Minnesota Statutes 2008, section 326B.197, is amended to read:

326B.197 BOND REQUIRED FOR CERTAIN CONTRACTORS.

(a) A person contracting to do gas, heating, ventilation, cooling, air conditioning, fuel burning, or refrigeration work must give and maintain bond to the state in the amount of \$25,000 for all work entered into within the state. The bond must be for the benefit of persons suffering financial loss by reason of the contractor's failure to comply with the requirements of the State Mechanical Code. A bond given to the state must be filed with the commissioner of labor and industry and is in lieu of all other bonds to any political subdivision required for work covered by this section. The bond must be written by a corporate surety licensed to do business in the state.

(b) The commissioner of labor and industry may charge each person giving bond under this section ~~an annual a~~ biennial bond filing fee of ~~\$15~~ \$100.

Sec. 16. Minnesota Statutes 2008, section 326B.33, subdivision 18, is amended to read:

Subd. 18. **Examination.** In addition to the other requirements described in this section and sections 326B.091 to 326B.098, and except as provided in subdivision 20, as a precondition to issuance of a personal license, each applicant must pass a written or oral examination developed and administered by the commissioner to ensure the competence of each applicant for license. An oral examination shall be administered only to an applicant who furnishes a written statement from a certified teacher or other professional, trained in the area of reading disabilities stating that the applicant has a specific reading disability which would prevent the applicant from performing satisfactorily on a written test. The oral examination shall be structured so that an applicant who passes the examination will not impair the applicant's own safety or that of others while acting as a licensed individual. ~~No individual failing an examination may retake it for six months thereafter, but within such six months the individual may take an examination for a lesser grade of license. Any individual failing to renew a personal license for two years or more after its expiration, and any licensee whose personal license is revoked under this chapter, shall be required to retake the examination before being issued a new license. An individual whose personal license is revoked under any other chapter is not required to retake the examination before being issued a new license, unless the personal license was revoked two years or more before the commissioner received the completed application for a new license. A licensee whose personal license is suspended for any reason is not required to retake the examination before the personal license is reinstated, unless the personal license has not been reinstated within two years after the suspension began.~~

~~An applicant for a personal license shall submit to the commissioner an application and examination fee at the time of application. Upon approval of the application, the commissioner shall schedule the applicant for the next available examination, which shall be held within 60 days. The applicant shall be allowed one opportunity to reschedule an examination without being required to submit another application and examination fee. Additionally, an applicant who fails an examination, or whose application was not approved, shall submit another application and examination fee.~~

Sec. 17. Minnesota Statutes 2009 Supplement, section 326B.33, subdivision 19, is amended to read:

Subd. 19. **License, registration, and renewal fees; expiration.** (a) Unless revoked or suspended under this chapter, all licenses issued or renewed under this section expire on the date specified in this subdivision. Master licenses expire March 1 of each odd-numbered year after issuance or renewal. Electrical contractor licenses expire March 1 of each even-numbered year after issuance or renewal. Technology system contractor licenses expire August 1 of each even-numbered year after issuance or renewal. All other personal licenses expire two years from the date of original issuance and every two years thereafter. Registrations of unlicensed individuals expire one year from the date of original issuance and every year thereafter.

~~(b) Fees for application and examination, and for the original issuance and each subsequent renewal, are:~~

~~(1) For each personal license application and examination: \$35;~~

~~(2) For original issuance and each subsequent renewal of:~~

~~Class A Master or master special electrician, including master elevator constructor: \$40 per year;~~

~~Class B Master: \$25 per year;~~

~~Power Limited Technician: \$15 per year;~~

~~Class A Journeyman, Class B Journeyman, Installer, Elevator Constructor, Lineman, or Maintenance Electrician other than master special electrician: \$15 per year;~~

~~Contractor: \$100 per year;~~

~~Unlicensed individual registration: \$15 per year.~~

~~(c) If any new license is issued in accordance with this subdivision for less than two years, the fee for the license shall be prorated on an annual basis.~~

~~(d) A license fee may not be refunded after a license is issued or renewed. However, if the fee paid for a license was not prorated in accordance with this subdivision, the amount of the overpayment shall be refunded.~~

~~(e) Any contractor who seeks reissuance of a license after it has been revoked or suspended under this chapter shall submit a reissuance fee of \$100 before the license is reinstated.~~

~~(f) An individual or contractor who fails to renew a license before 30 days after the expiration or registration of the license must submit a late fee equal to one year's license fee in addition to the full renewal fee. Fees for renewed licenses or registrations are not prorated. An individual or contractor that fails to renew a license or registration by the expiration date is unlicensed until the license or registration is renewed.~~

(b) For purposes of calculating license fees and renewal license fees required under section 326B.092:

(1) the registration of an unlicensed individual under subdivision 12 shall be considered an entry level license;

(2) the following licenses shall be considered journeyman licenses: Class A journeyman electrician, Class B journeyman electrician, Class A installer, Class B installer, elevator constructor, lineman, maintenance electrician, and power limited technician;

(3) the following licenses shall be considered master licenses: Class A master electrician, Class B master electrician, and master elevator constructor; and

(4) the following licenses shall be considered business licenses: Class A electrical contractor, Class B electrical contractor, elevator contractor, and technology systems contractor.

(c) For each filing of a certificate of responsible person by an employer, the fee is \$100.

Sec. 18. Minnesota Statutes 2008, section 326B.33, subdivision 20, is amended to read:

Subd. 20. **Reciprocity.** The commissioner may enter into reciprocity agreements for personal licenses with another state if approved by the board. Once approved by the board, the commissioner may issue a personal license without requiring the applicant to pass an examination provided the applicant:

- (a) submits an application under this section;
- (b) pays the application and examination fee and license fee required under ~~this~~ section 326B.092; and
- (c) holds a valid comparable license in the state participating in the agreement.

Agreements are subject to the following:

(1) The parties to the agreement must administer a statewide licensing program that includes examination and qualifying experience or training comparable to Minnesota's.

(2) The experience and training requirements under which an individual applicant qualified for examination in the qualifying state must be deemed equal to or greater than required for an applicant making application in Minnesota at the time the applicant acquired the license in the qualifying state.

(3) The applicant must have acquired the license in the qualifying state through an examination deemed equivalent to the same class of license examination in Minnesota. A lesser class of license may be granted where the applicant has acquired a greater class of license in the qualifying state and the applicant otherwise meets the conditions of this subdivision.

(4) At the time of application, the applicant must hold a valid license in the qualifying state and have held the license continuously for at least one year before making application in Minnesota.

(5) An applicant is not eligible for a license under this subdivision if the applicant has failed the same or greater class of license examination in Minnesota, or if the applicant's license of the same or greater class has been revoked or suspended.

(6) An applicant who has failed to renew a personal license for two years or more after its expiration is not eligible for a license under this subdivision.

Sec. 19. Minnesota Statutes 2008, section 326B.33, subdivision 21, is amended to read:

Subd. 21. **Exemptions from licensing.** (a) An individual who is a maintenance electrician is not required to hold or obtain a license under sections 326B.31 to 326B.399 if:

(1) the individual is engaged in the maintenance and repair of electrical equipment, apparatus, and facilities that are owned or leased by the individual's employer and that are located within the limits of property operated, maintained, and either owned or leased by the individual's employer;

(2) the individual is supervised by:

(i) the responsible master electrician for a contractor who has contracted with the individual's employer to provide services for which a contractor's license is required; or

(ii) a licensed master electrician, a licensed maintenance electrician, an electrical engineer, or, if the maintenance and repair work is limited to technology circuits or systems work, a licensed power limited technician; and

(3) the individual's employer has ~~filed on file~~ with the commissioner a current certificate of responsible person, signed by the responsible master electrician of the contractor, the licensed master electrician, the licensed maintenance electrician, the electrical engineer, or the licensed power limited technician, and stating that the person signing the certificate is responsible for ensuring that the maintenance and repair work performed by the employer's employees complies with the Minnesota Electrical Act and the rules adopted under that act. The employer must pay a filing fee to file a certificate of responsible person with the commissioner. The certificate shall expire two years from the date of filing. In order to maintain a current certificate of responsible person, the employer must resubmit a certificate of responsible person, with a filing fee, no later than two years from the date of the previous submittal.

(b) Employees of a licensed electrical or technology systems contractor or other employer where provided with supervision by a master electrician in accordance with subdivision 1, or power limited technician in accordance with subdivision 7, paragraph (a), clause (1), are not required to hold a license under sections 326B.31 to 326B.399 for the planning, laying out, installing, altering, and repairing of technology circuits or systems except planning, laying out, or installing:

(1) in other than residential dwellings, class 2 or class 3 remote control circuits that control circuits or systems other than class 2 or class 3, except circuits that interconnect these systems through communication, alarm, and security systems are exempted from this paragraph;

(2) class 2 or class 3 circuits in electrical cabinets, enclosures, or devices containing physically unprotected circuits other than class 2 or class 3; or

(3) technology circuits or systems in hazardous classified locations as covered by chapter 5 of the National Electrical Code.

(c) Companies and their employees that plan, lay out, install, alter, or repair class 2 and class 3 remote control wiring associated with plug or cord and plug connected appliances other than security or fire alarm systems installed in a residential dwelling are not required to hold a license under sections 326B.31 to 326B.399.

(d) Heating, ventilating, air conditioning, and refrigeration contractors and their employees are not required to hold or obtain a license under sections 326B.31 to 326B.399 when performing heating, ventilating, air conditioning, or refrigeration work as described in section 326B.38.

(e) Employees of any electrical, communications, or railway utility, cable communications company as defined in section 238.02, or a telephone company as defined under section 237.01 or its employees, or of any independent contractor performing work on behalf of any such utility, cable communications company, or telephone company, shall not be required to hold a license under sections 326B.31 to 326B.399:

(1) while performing work on installations, materials, or equipment which are owned or leased, and operated and maintained by such utility, cable communications company, or telephone company in the exercise of its utility, antenna, or telephone function, and which

(i) are used exclusively for the generation, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence and do not have as a principal function the consumption or use of electric current or provided service by or for the benefit of any person other than such utility, cable communications company, or telephone company, and

(ii) are generally accessible only to employees of such utility, cable communications company, or telephone company or persons acting under its control or direction, and

(iii) are not on the load side of the service point or point of entrance for communication systems;

(2) while performing work on installations, materials, or equipment which are a part of the street lighting operations of such utility; or

(3) while installing or performing work on outdoor area lights which are directly connected to a utility's distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction.

(f) An owner shall not be required to hold or obtain a license under sections 326B.31 to 326B.399.

Sec. 20. Minnesota Statutes 2008, section 326B.42, is amended by adding a subdivision to read:

Subd. 1a. **Contractor.** "Contractor" means a person who performs or offers to perform any plumbing work, with or without compensation, who is licensed as a contractor by the commissioner. Contractor includes plumbing contractors and restricted plumbing contractors.

Sec. 21. Minnesota Statutes 2008, section 326B.42, is amended by adding a subdivision to read:

Subd. 8. **Plumbing contractor.** "Plumbing contractor" means a licensed contractor whose responsible licensed plumber is a licensed master plumber.

Sec. 22. Minnesota Statutes 2008, section 326B.42, is amended by adding a subdivision to read:

Subd. 9. **Responsible licensed plumber.** A contractor's "responsible licensed plumber" means the licensed master plumber or licensed restricted master plumber designated in writing by the contractor in the contractor's license application, or in another manner acceptable to the commissioner, as the individual responsible for the contractor's compliance with sections 326B.41 to 326B.49, all rules adopted under these sections and sections 326B.50 to 326B.59, and all orders issued under section 326B.082.

Sec. 23. Minnesota Statutes 2008, section 326B.42, is amended by adding a subdivision to read:

Subd. 10. **Restricted plumbing contractor.** "Restricted plumbing contractor" means a licensed contractor whose responsible licensed plumber is a licensed restricted master plumber.

Sec. 24. Minnesota Statutes 2008, section 326B.44, is amended to read:

326B.44 LOCAL REGULATIONS.

Any of the following entities may, by ordinance, adopt local regulations providing for plumbing permits, approval of plans and specifications, and inspections of plumbing, which regulations are not in conflict with the plumbing code: any city having a system of waterworks or sewerage, regardless of population; any town having a population of 5,000 or more according to the last federal census, exclusive of any statutory cities located therein; and the Metropolitan Airports Commission. No such entity shall prohibit ~~plumbers~~ plumbing contractors licensed by the commissioner from engaging in or working at the business of plumbing, except cities and statutory cities which, prior to April 21, 1933, by ordinance required the licensing of plumbers. No such entity shall require any person who engages in the business of plumbing to post a bond as a prerequisite for engaging in the business of plumbing, except the bond to the state required under section 326B.46 and except any performance bond required

under a contract with the person for the performance of plumbing work for the entity. No such entity shall require any person who engages in the business of plumbing to maintain public liability insurance as a prerequisite for engaging in the business of plumbing, except the insurance required under section 326B.46 and except any public liability insurance required under a contract with the person for the performance of plumbing work for the entity. No city or town may require a license for persons performing building sewer or water service installation who have completed pipe laying training as prescribed by the commissioner of labor and industry. Any city by ordinance may prescribe regulations, reasonable standards, and inspections and grant permits to any person engaged in the business of installing water softeners, who is not licensed as a ~~master plumber or journeyman plumber contractor~~ by the commissioner, to connect water softening and water filtering equipment to private residence water distribution systems, where provision has been previously made therefor and openings left for that purpose or by use of cold water connections to a domestic water heater; where it is not necessary to rearrange, make any extension or alteration of, or addition to any pipe, fixture or plumbing connected with the water system except to connect the water softener, and provided the connections so made comply with minimum standards prescribed by the Plumbing Board.

Sec. 25. Minnesota Statutes 2008, section 326B.46, as amended by Laws 2009, chapter 78, article 5, section 14, and chapter 109, section 13, is amended to read:

326B.46 LICENSING, BOND AND INSURANCE.

Subdivision 1. **License required.** (a) No ~~person~~ individual shall engage in or work at the business of a master plumber, restricted master plumber, journeyman plumber, and restricted journeyman plumber unless licensed to do so by the ~~state~~ commissioner. A license is not required for individuals performing building sewer or water service installation who have completed pipe laying training as prescribed by the commissioner ~~of labor and industry~~. A master plumber may also work as a journeyman plumber, a restricted journeyman plumber, and a restricted master plumber. A journeyman plumber may also work as a restricted journeyman plumber. Anyone not so licensed may do plumbing work which complies with the provisions of the minimum standards prescribed by the Plumbing Board on premises or that part of premises owned and actually occupied by the worker as a residence, unless otherwise forbidden to do so by a local ordinance.

(b) No person shall engage in the business of planning, superintending, or installing plumbing or shall install plumbing in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber, or in cities and towns with a population of fewer than 5,000 according to the last federal census, a restricted master plumber, who shall be responsible for proper installation, is in charge of the plumbing work of the person, ~~firm, or corporation~~.

(c) Except as provided in subdivision 2, no person shall perform or offer to perform plumbing work with or without compensation unless the person obtains a contractor's license. A contractor's license does not of itself qualify its holder to perform the plumbing work authorized by holding a master, journeyman, restricted master, or restricted journeyman license.

Subd. 1a. **Exemptions from licensing.** (a) An individual without a contractor license may do plumbing work on the individual's residence in accordance with subdivision 1, paragraph (a).

(b) An individual who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by the individual's employer and which is within the limits of property owned or leased, and operated or maintained by the individual's employer, shall not be required to maintain a contractor license as long as the employer has on file with the commissioner a current certificate of responsible person. The certificate must be signed by the responsible master plumber or, in an area of the state that is not a city or town with a population of more than 5,000 according to the last federal census, restricted master plumber, and must state that the person signing the certificate is responsible for ensuring that the maintenance and repair work performed by the

employer's employees comply with sections 326B.41 to 326B.49, all rules adopted under those sections and sections 326B.50 to 326B.59, and all orders issued under section 326B.082. The employer must pay a filing fee to file a certificate of responsible person with the commissioner. The certificate shall expire two years from the date of filing. In order to maintain a current certificate of responsible person, the employer must resubmit a certificate of responsible person, with a filing fee, no later than two years from the date of the previous submittal. The filing of the certificate of responsible person does not exempt any employee of the employer from the requirements of this chapter regarding individual licensing as a plumber or registration as a plumber's apprentice.

(c) If a contractor employs a licensed plumber, the licensed plumber does not need a separate contractor license to perform plumbing work on behalf of the employer within the scope of the licensed plumber's license.

Subd. 1b. **Employment of master plumber or restricted master plumber.** (a) Each contractor must designate a responsible licensed plumber, who shall be responsible for the performance of all plumbing work in accordance with sections 326B.41 to 326B.49, all rules adopted under these sections and sections 326B.50 to 326B.59, and all orders issued under section 326B.082. A plumbing contractor's responsible licensed plumber must be a master plumber. A restricted plumbing contractor's responsible licensed plumber must be a master plumber or a restricted master plumber. A plumbing contractor license authorizes the contractor to offer to perform and, through licensed and registered individuals, to perform plumbing work in all areas of the state. A restricted plumbing contractor license authorizes the contractor to offer to perform and, through licensed and registered individuals, to perform plumbing work in all areas of the state except in cities and towns with a population of more than 5,000 according to the last federal census.

(b) If the contractor is an individual or sole proprietorship, the responsible licensed plumber must be the individual, proprietor, or managing employee. If the contractor is a partnership, the responsible licensed plumber must be a general partner or managing employee. If the contractor is a limited liability company, the responsible licensed plumber must be a chief manager or managing employee. If the contractor is a corporation, the responsible licensed plumber must be an officer or managing employee. If the responsible licensed plumber is a managing employee, the responsible licensed plumber must be actively engaged in performing plumbing work on behalf of the contractor, and cannot be employed in any capacity as a plumber for any other contractor. An individual may be the responsible licensed plumber for only one contractor.

(c) All applications and renewals for contractor licenses shall include a verified statement that the applicant or licensee has complied with this subdivision.

Subd. 2. **Bond; insurance.** Any person contracting to do plumbing work must give As a condition of licensing, each contractor shall give and maintain bond to the state in the amount of at least \$25,000 for (1) all plumbing work entered into within the state or (2) all plumbing work and subsurface sewage treatment work entered into within the state. If the bond is for both plumbing work and subsurface sewage treatment work, the bond must comply with the requirements of this section and section 115.56, subdivision 2, paragraph (e). The bond shall be for the benefit of persons injured or suffering financial loss by reason of failure to comply with the requirements of the State Plumbing Code and, if the bond is for both plumbing work and subsurface sewage treatment work, financial loss by reason of failure to comply with the requirements of sections 115.55 and 115.56. The bond shall be filed with the commissioner and shall be written by a corporate surety licensed to do business in the state.

In addition, each applicant for a master plumber license or restricted master plumber license, or renewal thereof, shall provide evidence of as a condition of licensing, each contractor shall have and maintain in effect public liability insurance, including products liability insurance with limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. The insurance shall be written by an insurer licensed to do business in the state of Minnesota and each licensed master plumber shall maintain on file with the commissioner a certificate evidencing the insurance providing that the insurance shall not be canceled without the insurer first giving 15 days written notice to the commissioner. The term of the insurance shall be concurrent with the term of the license.

~~Subd. 3. **Bond and insurance exemption.** If a master plumber or restricted master plumber who is in compliance with the bond and insurance requirements of subdivision 2, employs a licensed plumber, the employee plumber shall not be required to meet the bond and insurance requirements of subdivision 2. An individual who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by the individual's employer and which is within the limits of property owned or leased, and operated or maintained by the individual's employer, shall not be required to meet the bond and insurance requirements of subdivision 2.~~

~~Subd. 4. **Fee.** (a) Each person giving bond to the state under subdivision 2 shall pay the department a bond registration fee of \$40 for one year or \$80 for two years.~~

~~(b) The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the bond registration from one year to two years so that the expiration of bond registration corresponds with the expiration of the license issued under section 326B.475 or 326B.49, subdivision 1.~~

Subd. 5. **Exterior connections.** Persons licensed as manufactured home installers under chapter 327B are not required to be licensed under sections 326B.42 to 326B.49 when connecting the exterior building drain sewer outlets to the aboveground building sewer system and when connecting the exterior water line to the aboveground water system to the manufactured home as described in National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, title 42, section 5401 et seq. No additional licensure, bond, or insurance related to the scope of work permitted under this subdivision may be required of a licensed manufactured home installer by any unit of government.

Sec. 26. Minnesota Statutes 2008, section 326B.47, is amended to read:

326B.47 PLUMBER'S APPRENTICES.

Subdivision 1. **Registration; supervision; records.** (a) All plumber's apprentices must be registered. To be a registered plumber's apprentice, an individual must either:

(1) be an individual employed in the trade of plumbing under an apprenticeship agreement approved by the department under Minnesota Rules, part 5200.0300; or

(2) be an unlicensed individual registered with the commissioner under subdivision 3.

(b) A plumber's apprentice is authorized to assist in the installation of plumbing only while under the direct supervision of a master, restricted master, journeyman, or restricted journeyman plumber. The master, restricted master, journeyman, or restricted journeyman plumber is responsible for ensuring that all plumbing work performed by the plumber's apprentice complies with the plumbing code. The supervising master, restricted master, journeyman, or restricted journeyman must be licensed and must be employed by the same employer as the plumber's apprentice. Licensed individuals shall not permit plumber's apprentices to perform plumbing work except under the direct supervision of an individual actually licensed to perform such work. Plumber's apprentices shall not supervise the performance of plumbing work or make assignments of plumbing work to unlicensed individuals.

(c) Contractors employing plumber's apprentices to perform plumbing work shall maintain records establishing compliance with this subdivision that shall identify all plumber's apprentices performing plumbing work, and shall permit the department to examine and copy all such records.

Subd. 2. **Journeyman exam.** A plumber's apprentice who has completed four years of practical plumbing experience is eligible to take the journeyman plumbing examination. Up to 24 months of practical plumbing experience prior to becoming a plumber's apprentice may be applied to the four-year experience requirement. However, none of this practical plumbing experience may be applied if the individual did not have any practical

plumbing experience in the 12-month period immediately prior to becoming a plumber's apprentice. The Plumbing Board may adopt rules to evaluate whether the individual's past practical plumbing experience is applicable in preparing for the journeyman's examination. If two years after completing the training the individual has not taken the examination, the four years of experience shall be forfeited.

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

Subd. 3. **Registration, rules, applications, renewals, and fees.** An unlicensed individual may register by completing and submitting to the commissioner ~~a registration~~ an application form provided by the commissioner, with all fees required by section 326B.092. A completed ~~registration~~ application form must state the date the individual began training, the individual's age, schooling, previous experience, and employer, and other information required by the commissioner. The board may prescribe rules, not inconsistent with this section, for the registration of unlicensed individuals. ~~Each applicant for initial registration as a plumber's apprentice shall pay the department an application fee of \$25.~~ Applications for initial registration may be submitted at any time. Registration must be renewed annually and shall be for the period from July 1 of each year to June 30 of the following year. ~~Applications for renewal registration must be received by the commissioner by June 30 of each registration period on forms provided by the commissioner, and must be accompanied by a fee of \$25. An application for renewal registration received on or after July 1 in any year but no more than three months after expiration of the previously issued registration must pay the past due renewal fee plus a late fee of \$25. No applications for renewal registration will be accepted more than three months after expiration of the previously issued registration.~~

Sec. 27. Minnesota Statutes 2008, section 326B.475, subdivision 2, is amended to read:

Subd. 2. **Use of license.** A restricted master plumber and restricted journeyman plumber may engage in the plumbing trade in all areas of the state except in cities and towns with a population of more than 5,000 according to the last federal census.

Sec. 28. Minnesota Statutes 2009 Supplement, section 326B.475, subdivision 4, is amended to read:

Subd. 4. **Renewal; use period for license.** (a) A restricted master plumber and restricted journeyman plumber license must be renewed for as long as that licensee engages in the plumbing trade. Notwithstanding section 326B.094, failure to renew a restricted master plumber and restricted journeyman plumber license within 12 months after the expiration date will result in permanent forfeiture of the restricted master plumber and restricted journeyman plumber license.

(b) The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of restricted master plumber and restricted journeyman plumber licenses from one year to two years. By June 30, 2011, all restricted master plumber and restricted journeyman plumber licenses shall be two-year licenses.

Sec. 29. Minnesota Statutes 2009 Supplement, section 326B.49, subdivision 1, is amended to read:

Subdivision 1. **Application, examination, and license fees.** (a) Applications for master and journeyman plumber's license licenses shall be made to the commissioner, with fee all fees required by section 326B.092. Unless the applicant is entitled to a renewal, the applicant shall be licensed by the commissioner only after passing a satisfactory examination developed and administered by the commissioner, based upon rules adopted by the Plumbing Board, showing fitness. ~~Examination fees for both journeyman and master plumbers shall be \$50 for each examination. Upon being notified of having successfully passed the examination for original license the applicant shall submit an application, with the license fee herein provided. The license fee for each initial master plumber's license shall be \$240. The license fee for each initial journeyman plumber's license shall be \$110.~~

(b) All initial ~~master and~~ journeyman plumber's licenses shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made. ~~The license fee for each renewal master plumber's license shall be \$120 for one year or \$240 for two years. The license fee for each renewal journeyman plumber's license shall be \$55 for one year or \$110 for two years. All master plumber's licenses shall expire on December 31 of each even-numbered year after issuance or renewal.~~ The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of master and journeyman plumber's licenses from one year to two years. By June 30, 2011, all renewed master and journeyman plumber's licenses shall be two-year licenses.

(c) ~~Any licensee who does not renew a license within two years after the license expires is no longer eligible for renewal. Such an individual must retake and pass the examination before a new license will be issued. A journeyman or master plumber who submits a license renewal application after the time specified in rule but within two years after the license expired must pay all past due renewal fees plus a late fee of \$25. Applications for contractor licenses shall be made to the commissioner, with all fees required by section 326B.092. All contractor licenses shall expire on December 31 of each odd-numbered year after issuance or renewal.~~

(d) For purposes of calculating license fees and renewal license fees required under section 326B.092:

(1) the following licenses shall be considered business licenses: plumbing contractor and restricted plumbing contractor;

(2) the following licenses shall be considered master licenses: master plumber and restricted master plumber;

(3) the following licenses shall be considered journeyman licenses: journeyman plumber and restricted journeyman plumber; and

(4) the registration of a plumber's apprentice under section 326B.47, subdivision 3, shall be considered an entry level license.

(e) For each filing of a certificate of responsible person by an employer, the fee is \$100.

Sec. 30. Minnesota Statutes 2008, section 326B.50, is amended by adding a subdivision to read:

Subd. 1a. **Responsible licensed master.** "Responsible licensed master" means the licensed water conditioning master or licensed master plumber designated in writing by the water conditioning contractor in the water conditioning contractor's license application, or in another manner acceptable to the commissioner, as the individual responsible for the water conditioning contractor's compliance with sections 326B.50 to 326B.59, all rules adopted under these sections, the Minnesota Plumbing Code, and all orders issued under section 326B.082.

Sec. 31. Minnesota Statutes 2008, section 326B.50, is amended by adding a subdivision to read:

Subd. 2a. **Water conditioning contractor.** "Water conditioning contractor" means a person who performs or offers to perform any water conditioning installation or water conditioning servicing, with or without compensation, who is licensed as a water conditioning contractor by the commissioner.

Sec. 32. Minnesota Statutes 2008, section 326B.50, is amended by adding a subdivision to read:

Subd. 3a. **Water conditioning journeyman.** "Water conditioning journeyman" means an individual, other than a water conditioning master, who has demonstrated practical knowledge of water conditioning installation and servicing, and who is licensed by the commissioner as a water conditioning journeyman.

Sec. 33. Minnesota Statutes 2008, section 326B.50, is amended by adding a subdivision to read:

Subd. 3b. **Water conditioning master.** "Water conditioning master" means an individual who has demonstrated skill in planning, superintending, installing, and servicing water conditioning installations, and who is licensed by the commissioner as a water conditioning master.

Sec. 34. Minnesota Statutes 2008, section 326B.54, is amended to read:

326B.54 VIOLATIONS TO BE REPORTED TO COMMISSIONER.

Such local authority as may be designated by any such ordinance for the issuance of such water conditioning installation and servicing permits and approval of such plans shall report to the commissioner persistent or willful violations of the same and any incompetence of a licensed water conditioning contractor, licensed water conditioning master, or licensed water conditioning ~~installer~~ journeyman observed by the local authority.

Sec. 35. Minnesota Statutes 2008, section 326B.55, as amended by Laws 2010, chapter 183, section 13, is amended to read:

326B.55 LICENSING IN CERTAIN CITIES; QUALIFICATIONS; RULES.

Subdivision 1. **Licensing.** (a) Except as provided in paragraph (d), no individual shall perform water conditioning installation or water conditioning servicing unless licensed by the commissioner as a master plumber, journeyman plumber, water conditioning master, or water conditioning journeyman, or, in all areas of the state except in cities and towns with a population of more than 5,000 according to the last federal census, as a restricted master plumber or restricted journeyman plumber.

(b) Except as provided in paragraph (e), no person shall perform or offer to perform water conditioning installation or water conditioning servicing with or without compensation unless the person obtains a water conditioning contractor's license. A water conditioning contractor's license does not of itself qualify its holder to perform the water conditioning installation or water conditioning servicing authorized by holding a water conditioning master or water conditioning journeyman license.

(c) Except as provided in paragraph (d), no person shall engage in or work at the business of water conditioning installation or servicing anywhere in the state unless (1) at all times an individual licensed as a master plumber or water conditioning contractor master by the commissioner ~~shall be~~, who is responsible for the proper installation and servicing, is in charge of the water conditioning installation and servicing work ~~of such person, and (2) all installations, other than,~~

If a water conditioning contractor employs a licensed master, restricted master, journeyman or restricted journeyman plumber, or a licensed water conditioning master or journeyman, then the licensed individual does not need a separate water conditioning contractor license to perform water conditioning installation or servicing on behalf of the employer within the scope of the individual's plumber license.

(d) No water conditioning contractor, water conditioning master, or water conditioning journeyman license is required:

(1) for exchanges of portable water conditioning equipment, ~~are performed by a licensed water conditioning contractor or licensed water conditioning installer. Any individual not so licensed may, or~~

(2) for an individual to perform water conditioning work that complies with the minimum standards prescribed by the Plumbing Board on premises or that part of premises owned and occupied by the ~~worker~~ individual as a residence, unless otherwise prohibited by a local ordinance.

Subd. 2. **Qualifications for licensing.** (a) A water conditioning ~~contractor~~ master license shall be issued only to an individual who has demonstrated skill in planning, superintending, and servicing water conditioning installations, and has successfully passed the examination for water conditioning ~~contractors~~ masters. A water conditioning ~~installer~~ journeyman license shall only be issued to an individual other than a water conditioning ~~contractor~~ master who has demonstrated practical knowledge of water conditioning installation, and has successfully passed the examination for water conditioning ~~installers~~ journeymen. A water conditioning ~~installer~~ journeyman must successfully pass the examination for water conditioning ~~contractors~~ masters before being licensed as a water conditioning ~~contractor~~ master.

(b) Each water conditioning contractor must designate a responsible licensed master plumber or a responsible licensed water conditioning master, who shall be responsible for the performance of all water conditioning installation and servicing in accordance with the requirements of sections 326B.50 to 326B.59, all rules adopted under these sections, the Minnesota Plumbing Code, and all orders issued under section 326B.082. If the water conditioning contractor is an individual or sole proprietorship, the responsible licensed master must be the individual, proprietor, or managing employee. If the water conditioning contractor is a partnership, the responsible licensed master must be a general partner or managing employee. If the water conditioning contractor is a limited liability company, the responsible licensed master must be a chief manager or managing employee. If the water conditioning contractor is a corporation, the responsible licensed master must be an officer or managing employee. If the responsible licensed master is a managing employee, the responsible licensed master must be actively engaged in performing water conditioning work on behalf of the water conditioning contractor, and cannot be employed in any capacity as a water conditioning master or water conditioning journeyman for any other water conditioning contractor. An individual must not be the responsible licensed master for more than one water conditioning contractor.

(c) All applications and renewals for water conditioning contractor licenses shall include a verified statement that the applicant or licensee has complied with paragraph (b).

(d) Each application and renewal for a water conditioning master license, water conditioning journeyman license, or a water conditioning contractor license shall be accompanied by all fees required by section 326B.092.

Subd. 3. **Commissioner.** The commissioner shall:

(1) license water conditioning ~~contractors~~, water conditioning masters, and ~~installers~~ water conditioning journeymen; and

(2) collect ~~an examination fee from each examinee for a license as a water conditioning contractor and an examination fee from each examinee for a license as a water conditioning installer in an amount set forth in section 326B.58~~ the fees required by section 326B.092.

Subd. 4. **Plumber's apprentices.** (a) A plumber's apprentice who is registered under section 326B.47 is authorized to assist in water conditioning installation and water conditioning servicing only while under the direct supervision of a master plumber, journeyman plumber, water conditioning master, or water conditioning journeyman. The master or journeyman is responsible for ensuring that all water conditioning work performed by the plumber's apprentice complies with the plumbing code and rules adopted under sections 326B.50 to 326B.59. The supervising master or journeyman must be licensed and must be employed by the same employer as the plumber's apprentice. Licensed individuals shall not permit plumber's apprentices to perform water conditioning work except under the direct supervision of an individual actually licensed to perform such work. Plumber's apprentices shall not supervise the performance of plumbing work or make assignments of plumbing work to unlicensed individuals.

(b) Water conditioning contractors employing plumber's apprentices to perform water conditioning work shall maintain records establishing compliance with this subdivision that shall identify all plumber's apprentices performing water conditioning work, and shall permit the department to examine and copy all such records.

Sec. 36. Minnesota Statutes 2008, section 326B.56, as amended by Laws 2009, chapter 78, article 5, section 18, is amended to read:

326B.56 ALTERNATIVE STATE BONDING AND INSURANCE REGULATION.

Subdivision 1. **Bonds.** ~~(a) An applicant for a water conditioning contractor or installer license or renewal thereof who is required by any political subdivision to give a bond to obtain or maintain the license, may comply with any political subdivision bonding requirement by giving~~ As a condition of licensing, each water conditioning contractor shall give and maintain a bond to the state as described in paragraph (b). No applicant for a water conditioning contractor or installer license who maintains the bond under paragraph (b) shall be otherwise required to meet the bond requirements of any political subdivision.

(b) Each bond given to the state under this subdivision shall be in the total sum of \$3,000 conditioned upon the faithful and lawful performance of all water conditioning ~~contracting or installing work~~ installation or servicing done within the state. The bond shall be for the benefit of persons suffering injuries or damages due to the work. The bond shall be filed with the commissioner and shall be written by a corporate surety licensed to do business in this state. The bond must remain in effect at all times while the application is pending and while the license is in effect.

Subd. 2. **Insurance.** ~~(a) Each applicant for a water conditioning contractor or installer license or renewal thereof who is required by any political subdivision to maintain insurance to obtain or maintain the license may comply with any political subdivision's insurance requirement by maintaining~~ As a condition of licensing, each water conditioning contractor shall have and maintain in effect the insurance described in paragraph (b). No applicant for a water conditioning contractor ~~or installer~~ license who maintains the insurance described in paragraph (b) shall be otherwise required to meet the insurance requirements of any political subdivision.

(b) The insurance shall provide coverage, including products liability coverage, for all damages in connection with licensed work for which the licensee is liable, with personal damage limits of at least \$50,000 per person and \$100,000 per occurrence and property damage insurance with limits of at least \$10,000. The insurance shall be written by an insurer licensed to do business in this state and a certificate evidencing the insurance shall be filed with the commissioner. The insurance must remain in effect at all times while the application is pending and while the license is in effect. The insurance shall not be canceled without the insurer first giving 15 days' written notice to the commissioner.

Subd. 3. **Bond and insurance exemption.** A water conditioning contractor or installer who is an employee of a water conditioning contractor or installer, including an employee engaged in the maintenance and repair of water conditioning equipment, apparatus, or facilities owned, leased and operated, or maintained by the employer, is not required to meet the bond and insurance requirements of subdivisions 1 and 2 or of any political subdivision.

Subd. 4. **Fee.** (a) The commissioner shall collect a \$40 bond registration fee for one year or \$80 for two years from each applicant for issuance or renewal of a water conditioning contractor or installer license who elects to proceed under subdivisions 1 and 2.

(b) The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the bond registration from one year to two years so that the expiration of bond registration corresponds with the expiration of the license issued under section 326B.55.

Sec. 37. Minnesota Statutes 2009 Supplement, section 326B.58, is amended to read:

326B.58 FEES; RENEWAL.

(a) ~~Examination fees for both water conditioning contractors and water conditioning installers shall be \$50 for each examination.—Each initial water conditioning contractor and installer master and water conditioning journeyman license shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made. The license fee for each initial water conditioning contractor's license shall be \$140, except that the license fee shall be \$105 if the application is submitted during the last three months of the calendar year. The license fee for each renewal water conditioning contractor's license shall be \$70 for one year or \$140 for two years. The license fee for each initial water conditioning installer license shall be \$70, except that the license fee shall be \$52.50 if the application is submitted during the last three months of the calendar year. The license fee for each renewal water conditioning installer license shall be \$35 for one year or \$70 for two years.~~

(b) The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of water conditioning ~~contractor and installer~~ master and journeyman licenses from one year to two years. By June 30, 2011, all renewed water conditioning contractor and installer licenses shall be two-year licenses. The ~~commissioner~~ Plumbing Board may by rule prescribe for the expiration and renewal of licenses.

(c) ~~Any licensee who does not renew a license within two years after the license expires is no longer eligible for renewal. Such an individual must retake and pass the examination before a new license will be issued. A water conditioning contractor or water conditioning installer who submits a license renewal application after the time specified in rule but within two years after the license expired must pay all past due renewal fees plus a late fee of \$25. All water conditioning contractor licenses shall expire on December 31 of the year after issuance or renewal.~~

(d) For purposes of calculating license fees and renewal fees required under section 326B.092:

(1) a water conditioning journeyman license shall be considered a journeyman license;

(2) a water conditioning master license shall be considered a master license; and

(3) a water conditioning contractor license shall be considered a business license.

Sec. 38. Minnesota Statutes 2008, section 326B.805, subdivision 6, is amended to read:

Subd. 6. **Exemptions.** The license requirement does not apply to:

(1) an employee of a licensee performing work for the licensee;

(2) a material person, manufacturer, or retailer furnishing finished products, materials, or articles of merchandise who does not install or attach the items;

(3) an owner of residential real estate who builds or improves any structure on residential real estate, if the building or improving is performed by the owner's bona fide employees or by individual owners personally. This exemption does not apply to an owner who constructs or improves property for purposes of speculation if the building or improving is performed by the owner's bona fide employees or by individual owners personally. A residential building contractor or residential remodeler will be presumed to be building or improving for purposes of speculation if the contractor or remodeler constructs or improves more than one property within any 24-month period;

(4) an architect or professional engineer engaging in professional practice as defined by section 326.02, subdivisions 2 and 3;

(5) a person whose total gross annual receipts for performing specialty skills for which licensure would be required under this section do not exceed \$15,000;

(6) a mechanical contractor;

(7) a plumber, electrician, or other person whose profession is otherwise subject to statewide licensing, when engaged in the activity which is the subject of that licensure;

(8) specialty contractors who provide only one special skill as defined in section 326B.802;

(9) a school district, or a technical college governed under chapter 136F; and

(10) Habitat for Humanity and Builders Outreach Foundation, and their individual volunteers when engaged in activities on their behalf.

To qualify for the exemption in clause (5), a person must obtain a certificate of exemption from licensure from the commissioner. A certificate of exemption will be issued upon the applicant's filing with the commissioner, an affidavit stating that the applicant does not expect to exceed \$15,000 in gross annual receipts derived from performing services which require licensure under this section during the calendar year in which the affidavit is received. For the purposes of calculating fees under section 326B.092, a certificate of exemption is an entry level license. To renew the exemption in clause (5), the applicant must file an affidavit stating that the applicant did not exceed \$15,000 in gross annual receipts during the past calendar year. If a person, operating under the exemption in clause (5), exceeds \$15,000 in gross receipts during any calendar year, the person must immediately surrender the ~~exemption~~ certificate of exemption and apply for the appropriate license. The person must remain licensed until such time as the person's gross annual receipts during a calendar year fall below \$15,000. The person may then apply for an exemption for the next calendar year.

Sec. 39. Minnesota Statutes 2009 Supplement, section 326B.815, subdivision 1, is amended to read:

Subdivision 1. **Licensing fee Fees.** (a) ~~The licensing fee for persons licensed pursuant to sections 326B.802 to 326B.885, except for manufactured home installers, is \$200 for a two-year period. The~~ For the purposes of calculating fees under section 326B.092, an initial or renewed residential contractor, residential remodeler, or residential roofer license is a business license. Notwithstanding section 326B.092, the licensing fee for manufactured home installers under section 327B.041 is \$300 for a three-year period.

(b) All initial and renewal licenses, except for manufactured home installer licenses, shall be effective for two years and shall expire on March 31 of the year after the year in which the application is made. ~~The license fee for each renewal of a residential contractor, residential remodeler, or residential roofer license shall be \$100 for one year and \$200 for two years.~~

(c) The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of residential contractor, residential remodeler, and residential roofer licenses from one year to two years. By June 30, 2011, all renewed residential contractor, residential remodeler, and residential roofer licenses shall be two-year licenses.

Sec. 40. Minnesota Statutes 2008, section 326B.83, subdivision 1, is amended to read:

Subdivision 1. **Form.** ~~(a) An applicant for a license under sections 326B.802 to 326B.885 must submit an application, under oath and accompanied by the license fee fees required by section 326B.815 326B.092, on a form prescribed by the commissioner. Within 30 business days of receiving all required information, the commissioner must act on the license request.~~

(b) If one of the categories in the application does not apply, the applicant must identify the category and state the reason the category does not apply. The commissioner may refuse to issue a license if the application is not complete or contains unsatisfactory information.

Sec. 41. Minnesota Statutes 2008, section 326B.83, subdivision 3, is amended to read:

Subd. 3. **Examination.** (a) Each qualifying person must ~~satisfactorily complete~~ pass a written examination for the type of license requested. The commissioner may establish the examination qualifications, including related education experience and education, the examination procedure, and the examination for each licensing group. The examination must include at a minimum the following areas:

(1) appropriate knowledge of technical terms commonly used and the knowledge of reference materials and code books to be used for technical information; and

(2) understanding of the general principles of business management and other pertinent state laws.

(b) Each examination must be designed for the specified type of license requested.

~~(c) An individual's passing examination results expire two years from the examination date. An individual who passes the examination but does not choose to apply to act as a qualifying person for a licensee within two years from the examination date, must, upon application provide:~~

~~(1) passing examination results within two years from the date of application; or~~

~~(2) proof that the person has fulfilled the continuing education requirements in section 326B.821 in the manner required for a qualifying person of a licensee for each license period after the expiration of the examination results.~~

Sec. 42. Minnesota Statutes 2008, section 326B.83, subdivision 6, is amended to read:

Subd. 6. **License.** A nonresident of Minnesota may be licensed as a residential building contractor, residential remodeler, residential roofer, or manufactured home installer upon compliance with all the provisions of sections 326B.092 to 326B.098 and 326B.802 to 326B.885.

Sec. 43. Minnesota Statutes 2009 Supplement, section 326B.86, subdivision 1, is amended to read:

Subdivision 1. **Bond.** (a) Licensed manufactured home installers and licensed residential roofers must post a biennial surety bond in the name of the licensee with the commissioner, conditioned that the applicant shall faithfully perform the duties and in all things comply with all laws, ordinances, and rules pertaining to the license or permit applied for and all contracts entered into. The biennial bond must be continuous and maintained for so long as the licensee remains licensed. The aggregate liability of the surety on the bond to any and all persons, regardless of the number of claims made against the bond, may not exceed the amount of the bond. The bond may be canceled as to future liability by the surety upon 30 days' written notice mailed to the commissioner by regular mail.

(b) A licensed residential roofer must post a bond of at least \$15,000.

(c) A licensed manufactured home installer must post a bond of at least \$2,500.

Bonds issued under sections 326B.802 to 326B.885 are not state bonds or contracts for purposes of sections 8.05 and 16C.05, subdivision 2.

Sec. 44. Minnesota Statutes 2008, section 326B.865, is amended to read:

326B.865 SIGN CONTRACTOR; BOND.

(a) A sign contractor may post a compliance bond with the commissioner, conditioned that the sign contractor shall faithfully perform duties and comply with laws, ordinances, rules, and contracts entered into for the installation of signs. The bond must be renewed ~~annually~~ biennially and maintained for so long as determined by the commissioner. The aggregate liability of the surety on the bond to any and all persons, regardless of the number of claims made against the bond, may not exceed the annual amount of the bond. The bond may be canceled as to future liability by the surety upon 30 days' written notice mailed to the commissioner by United States mail.

(b) The amount of the bond shall be \$8,000. The bond may be drawn upon only by a local unit of government that requires sign contractors to post a compliance bond. The bond is in lieu of any compliance bond required by a local unit of government.

(c) For purposes of this section, "sign" means a device, structure, fixture, or placard using graphics, symbols, or written copy that is erected on the premises of an establishment including the name of the establishment or identifying the merchandise, services, activities, or entertainment available on the premises.

Sec. 45. Minnesota Statutes 2008, section 326B.921, subdivision 2, is amended to read:

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

A person must have at all times as a full-time employee at least one individual holding a contracting high pressure pipefitter competency license. Only full-time employees who hold contracting high pressure pipefitter licenses are authorized to obtain high pressure piping permits in the name of the business. The contracting high pressure pipefitter competency license holder can be the employee of only one high pressure piping business at a time. An application for a high pressure piping business license shall include a verified statement that the applicant or licensee has complied with this subdivision.

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

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

The board shall prescribe by rule procedures for application for and issuance of business licenses.

Sec. 46. Minnesota Statutes 2008, section 326B.921, subdivision 4, is amended to read:

Subd. 4. **Registration with commissioner.** An unlicensed individual may register to assist in the practical construction and installation of high pressure piping and appurtenances while in the employ of a licensed high pressure piping business by completing and submitting to the commissioner a registration form provided by the commissioner, with all fees required by section 326B.092. The board may prescribe rules, not inconsistent with this section, for the registration of unlicensed individuals.

~~An unlicensed individual applying for initial registration shall pay the department an application fee of \$50. Applications for initial registration may be submitted at any time. Registration must be renewed annually and shall be valid for one calendar year beginning January 1. Applications for renewal registration must be submitted to the commissioner before December 31 of each registration period on forms provided by the commissioner, and must be accompanied by a fee of \$50. There shall be no refund of fees paid.~~

Sec. 47. Minnesota Statutes 2008, section 326B.921, subdivision 7, is amended to read:

Subd. 7. **License fee, registration, and renewal fees.** ~~The department shall charge the following license fees:~~

~~(a) application for journeyman high pressure pipefitter competency license, \$120;~~

~~(b) renewal of journeyman high pressure pipefitter competency license, \$80;~~

~~(c) application for contracting high pressure pipefitter competency license, \$270;~~

~~(d) renewal of contracting high pressure pipefitter competency license, \$240;~~

~~(e) application for high pressure piping business license, \$450;~~

~~(f) application to inactivate a contracting high pressure pipefitter competency license or inactivate a journeyman high pressure pipefitter competency license, \$40; and~~

~~(g) renewal of an inactive contracting high pressure pipefitter competency license or inactive journeyman high pressure pipefitter competency license, \$40.~~

~~If an application for renewal of an active or inactive journeyman high pressure pipefitter competency license or active or inactive contracting high pressure pipefitter competency license is received by the department after the date of expiration of the license, a \$30 late renewal fee shall be added to the license renewal fee.~~

~~Payment must accompany the application for a license or renewal of a license. There shall be no refund of fees paid.~~

For purposes of calculating license, registration, and renewal fees required under section 326B.092:

(1) the registration of an unlicensed individual under subdivision 4 is an entry level license;

(2) a journeyman high pressure pipefitter license is a journeyman license;

(3) a contracting high pressure pipefitter license is a master license; and

(4) a high pressure piping business license is a business license.

Sec. 48. Minnesota Statutes 2008, section 326B.922, is amended to read:

326B.922 LICENSE APPLICATION AND RENEWAL.

(a) ~~Application for a contracting high pressure pipefitter competency or, a journeyman high pressure pipefitter competency, or a high pressure piping business license shall be made to the department, with all fees required by section 326B.092.~~

(b) ~~The applicant for a contracting high pressure pipefitter or a journeyman high pressure pipefitter license shall be licensed only after passing an examination developed and administered by the department in accordance with rules adopted by the board. A competency license issued by the department shall expire on December 31 of each year. A renewal application must be received by the department within one year after expiration of the competency license. A license that has been expired for more than one year cannot be renewed, and can only be reissued if the applicant submits a new application for the competency license, pays a new application fee, and retakes and passes the applicable license examination.~~

(c) All initial contracting high pressure pipefitter licenses, journeyman high pressure pipefitter licenses, and high pressure piping business licenses are effective for more than one calendar year and expire on December 31 of the year after the year in which the application is made. The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of contracting high pressure pipefitter, journeyman high pressure pipefitter, and high pressure piping business licenses from one year to two years. By June 30, 2012, all such licenses shall be two-year licenses.

Sec. 49. Minnesota Statutes 2009 Supplement, section 326B.94, subdivision 4, is amended to read:

Subd. 4. **Examinations, licensing.** Every individual that operates a boat must hold a current master's license issued by the commissioner, unless the individual holds a valid, current Charter Boat Captain's license issued by the United States Coast Guard. The commissioner shall develop and administer an examination for all masters of boats carrying passengers for hire on the inland waters of the state as to their qualifications and fitness. If found qualified and competent to perform their duties as a master of a boat carrying passengers for hire, they shall be issued a license authorizing them to act as such on the inland waters of the state. All initial master's licenses shall be for two years. The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of master's licenses from one year to two years. By June 30, 2011, all renewed master's licenses shall be two-year licenses. Fees for the original issue and renewal of the license authorized under this section shall be pursuant to section 326B.986, subdivision 2 326B.092.

Sec. 50. Minnesota Statutes 2008, section 326B.978, subdivision 2, is amended to read:

Subd. 2. **Applications.** Any individual who desires an engineer's license shall submit an application on a written or electronic form prescribed by the commissioner, ~~at least 15 days before the requested exam date. If the commissioner approves the applicant for examination, the applicant may take the examination on one occasion within one year from the date the commissioner receives the application with all fees required by section 326B.092.~~

Sec. 51. Minnesota Statutes 2008, section 326B.978, is amended by adding a subdivision to read:

Subd. 19. **Applicability.** This section shall not apply to traction or hobby boiler engineer's licenses or provisional licenses.

Sec. 52. Minnesota Statutes 2009 Supplement, section 326B.986, subdivision 5, is amended to read:

Subd. 5. **Boiler engineer license fees.** ~~(a) For the following licenses, the nonrefundable license and application fee is:~~

- ~~(1) chief engineer's license, \$70;~~
- ~~(2) first class engineer's license, \$70;~~
- ~~(3) second class engineer's license, \$70;~~
- ~~(4) special engineer's license, \$40;~~
- ~~(5) traction or hobby boiler engineer's license, \$50; and~~
- ~~(6) provisional license, \$50.~~

~~(b) An engineer's license, except a provisional license, may be renewed upon application and payment of a renewal fee of \$20 for one year or \$40 for two years. If the renewal fee is paid later than 30 days after expiration, then a late fee of \$15 will be added to the renewal fee.~~

(a) For purposes of calculating license fees and renewal license fees required under section 326B.092:

(1) the boiler special engineer license is an entry level license;

(2) the following licenses are journeyman licenses: first class engineer, Grade A; first class engineer, Grade B; first class engineer, Grade C; second class engineer, Grade A; second class engineer, Grade B; second class engineer, Grade C; and provisional license; and

(3) the following licenses are master licenses: boiler chief engineer, Grade A; boiler chief engineer, Grade B; boiler chief engineer, Grade C; boiler commissioner inspector; or traction or hobby boiler engineer.

(b) Notwithstanding section 326B.092, subdivision 7, paragraph (a), the license duration for steam traction and hobby engineer licenses are one year only for the purpose of calculating license fees under section 326B.092, subdivision 7, paragraph (b).

Sec. 53. Minnesota Statutes 2008, section 327B.04, subdivision 2, is amended to read:

Subd. 2. **Subagency licenses.** Any dealer who has a place of business at more than one location shall designate one location as its principal place of business, one name as its principal name, and all other established places of business as subagencies. A subagency license shall be required for each subagency. Subagency license renewal must coincide with the principal license date. No dealer shall do business as a dealer under any other name than the name on its license.

Sec. 54. Minnesota Statutes 2009 Supplement, section 327B.04, subdivision 7, is amended to read:

Subd. 7. **Licenses; when granted renewal.** In addition to the requirements of this section, each application for a license or license renewal must be accompanied by a fee in an amount established by subdivision 7a all applicable fees required by section 326B.092. The fees shall be set in an amount which over the fiscal biennium will produce revenues approximately equal to the expenses which the commissioner expects to incur during that fiscal biennium while administering and enforcing sections 327B.01 to 327B.12. ~~The commissioner shall grant or deny a license~~

~~application or a renewal application within 60 days of its filing.~~ If the license is granted, the commissioner shall license the applicant as a dealer or manufacturer for the remainder of the licensure period. Upon application by the licensee, the commissioner shall renew the license for a two-year period, if:

- (1) the renewal application satisfies the requirements of subdivisions 3 and 4;
- (2) the renewal applicant has made all listings, registrations, notices and reports required by the commissioner during the preceding licensure period; and
- (3) the renewal applicant has paid all fees owed pursuant to sections 327B.01 to 327B.12 and all taxes, arrearages, and penalties owed to the state.

Sec. 55. Minnesota Statutes 2009 Supplement, section 327B.04, subdivision 7a, is amended to read:

Subd. 7a. **Fees.** (a) Fees for licenses issued pursuant to this section ~~are as follows:~~ shall be calculated pursuant to section 326B.092.

- ~~(1) initial dealer license for principal location, \$400. Fee is not refundable;~~
- ~~(2) initial dealer license for subagency location, \$80;~~
- ~~(3) dealer license biennial renewal, principal location, \$400; dealer subagency location biennial renewal, \$160. Subagency license renewal must coincide with the principal license date;~~
- (4) initial limited dealer license, \$200;
- (5) change of bonding company, \$10;
- ~~(6) reinstatement of bond after cancellation notice has been received, \$10;~~
- ~~(7) checks returned without payment, \$15; and~~
- ~~(8) change of address, \$10.~~

(b) All initial limited dealer licenses shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made.

~~(c) The license fee for each renewed limited dealer license shall be \$100 for one year and \$200 for two years. For the purposes of calculating fees under section 326B.092, any license issued under this section is a business license, except that a subagency license is a master license.~~ The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of limited dealer licenses from one year to two years. By June 30, 2011, all renewed limited dealer licenses shall be two-year licenses.

~~(d) All fees are not refundable.~~

Sec. 56. Minnesota Statutes 2009 Supplement, section 327B.04, subdivision 8, is amended to read:

Subd. 8. **Limited dealer's license.** The commissioner shall issue a limited dealer's license to an owner of a manufactured home park authorizing the licensee as principal only to engage in the sale, offering for sale, soliciting, or advertising the sale of used manufactured homes located in the owned manufactured home park. The licensee must be the title holder of the homes and may engage in no more than ten sales during each year of the two-year

licensure period. An owner may, upon payment of the applicable fee and compliance with this subdivision, obtain a separate license for each owned manufactured home park and is entitled to sell up to 20 homes per license period provided that only one limited dealer license may be issued for each park. The license shall be issued after:

(1) receipt of an application on forms provided by the commissioner containing the following information:

(i) the identity of the applicant;

(ii) the name under which the applicant will be licensed and do business in this state;

(iii) the name and address of the owned manufactured home park, including a copy of the park license, serving as the basis for the issuance of the license;

(iv) the name, home, and business address of the applicant;

(v) the name, address, and telephone number of one individual that is designated by the applicant to receive all communications and cooperate with all inspections and investigations of the commissioner pertaining to the sale of manufactured homes in the manufactured home park owned by the applicant;

(vi) whether the applicant or its designated individual has been convicted of a crime within the previous ten years that is either related directly to the business for which the license is sought or involved fraud, misrepresentation or misuse of funds, or has suffered a judgment in a civil action involving fraud, misrepresentation, or conversion within the previous five years or has had any government license or permit suspended or revoked as a result of an action brought by a federal or state governmental agency in this or any other state within the last five years; and

(vii) the applicant's qualifications and business history, including whether the applicant or its designated individual has ever been adjudged bankrupt or insolvent, or has any unsatisfied court judgments outstanding against it or them;

(2) payment of the license fee established by subdivision 7a; and

(3) provision of a surety bond in the amount of \$5,000. A separate surety bond must be provided for each limited license.

The applicant need not comply with section 327B.04, subdivision 4, paragraph (e). The holding of a limited dealer's license does not satisfy the requirement contained in section 327B.04, subdivision 4, paragraph (e), for the licensee or salespersons with respect to obtaining a dealer license. The commissioner may, upon application for a renewal of a license, require only a verification that copies of sales documents have been retained and payment of the renewal ~~fee~~ fees established by ~~subdivision 7a~~ section 326B.092. "Sales documents" mean only the safety feature disclosure form defined in section 327C.07, subdivision 3a, title of the home, financing agreements, and purchase agreements.

The license holder shall, upon request of the commissioner, make available for inspection during business hours sales documents required to be retained under this subdivision.

Sec. 57. Minnesota Statutes 2009 Supplement, section 327B.041, is amended to read:

327B.041 MANUFACTURED HOME INSTALLERS.

(a) Manufactured home installers are subject to all of the fees in section 326B.092 and the requirements of sections 326B.802 to 326B.885, except for the following:

(1) manufactured home installers are not subject to the continuing education requirements of section 326B.821, but are subject to the continuing education requirements established in rules adopted under section 327B.10;

(2) the examination requirement of section 326B.83, subdivision 3, for manufactured home installers shall be satisfied by successful completion of a written examination administered and developed specifically for the examination of manufactured home installers. The examination must be administered and developed by the commissioner. The commissioner and the state building official shall seek advice on the grading, monitoring, and updating of examinations from the Minnesota Manufactured Housing Association;

(3) a local government unit may not place a surcharge on a license fee, and may not charge a separate fee to installers;

(4) a dealer or distributor who does not install or repair manufactured homes is exempt from licensure under sections 326B.802 to 326B.885;

(5) the exemption under section 326B.805, subdivision 6, clause (5), does not apply; and

(6) manufactured home installers are not subject to the contractor recovery fund in section 326B.89.

(b) The commissioner may waive all or part of the requirements for licensure as a manufactured home installer for any individual who holds an unexpired license or certificate issued by any other state or other United States jurisdiction if the licensing requirements of that jurisdiction meet or exceed the corresponding licensing requirements of the department and the individual complies with section 326B.092, subdivisions 1 and 3 to 7. For the purposes of calculating fees under section 326B.092, licensure as a manufactured home installer is a business license.

Sec. 58. **REVISOR'S INSTRUCTION.**

In Minnesota Rules, the Revisor of Statutes shall change all references to Minnesota Rules, part 1350.8300 to Minnesota Statutes, section 327B.04.

Sec. 59. **REPEALER.**

(a) Minnesota Statutes 2008, sections 326B.133, subdivisions 9 and 10; 326B.37, subdivision 13; 326B.475, subdivisions 5 and 6; 326B.56, subdivision 3; 326B.885, subdivisions 3 and 4; and 326B.976, are repealed.

(b) Minnesota Statutes 2009 Supplement, section 326B.56, subdivision 4, is repealed.

(c) Minnesota Rules, parts 1301.0500; 1301.0900; 1301.1100, subparts 2, 3, and 4; 1350.7200, subpart 3; and 1350.8000, subpart 2, are repealed.

Sec. 60. **EFFECTIVE DATE.**

Sections 1 to 59 are effective January 1, 2012."

Delete the title and insert:

"A bill for an act relating to labor and industry; modifying licensing provisions; imposing and modifying certain license fees; amending Minnesota Statutes 2008, sections 326B.133, subdivisions 1, 3, 8, 11, by adding subdivisions; 326B.197; 326B.33, subdivisions 18, 20, 21; 326B.42, by adding subdivisions; 326B.44; 326B.46, as amended; 326B.47; 326B.475, subdivision 2; 326B.50, by adding subdivisions; 326B.54; 326B.55, as amended;

326B.56, as amended; 326B.805, subdivision 6; 326B.83, subdivisions 1, 3, 6; 326B.865; 326B.921, subdivisions 2, 4, 7; 326B.922; 326B.978, subdivision 2, by adding a subdivision; 327B.04, subdivision 2; Minnesota Statutes 2009 Supplement, sections 326B.33, subdivision 19; 326B.475, subdivision 4; 326B.49, subdivision 1; 326B.58; 326B.815, subdivision 1; 326B.86, subdivision 1; 326B.94, subdivision 4; 326B.986, subdivision 5; 327B.04, subdivisions 7, 7a, 8; 327B.041; proposing coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2008, sections 326B.133, subdivisions 9, 10; 326B.37, subdivision 13; 326B.475, subdivisions 5, 6; 326B.56, subdivision 3; 326B.885, subdivisions 3, 4; 326B.976; Minnesota Statutes 2009 Supplement, section 326B.56, subdivision 4; Minnesota Rules, parts 1301.0500; 1301.0900; 1301.1100, subparts 2, 3, 4; 1350.7200, subpart 3; 1350.8000, subpart 2."

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. 2879, A bill for an act relating to insurance; allowing certain minors to contract for automobile insurance; proposing coding for new law in Minnesota Statutes, chapter 65B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[65B.136] MINORS.**

A minor authorized under section 168.101 to own a private passenger vehicle, as defined in section 65B.001, subdivision 3, may contract to buy a plan of reparation security, as defined in section 65B.43, subdivision 15, on that vehicle, as a contract that is fully binding on the minor on the same basis as if the minor were an adult. This section does not require an insurer to issue coverage to a minor or limit an insurer's underwriting discretion in regard to any aspect of the coverage.

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

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2901, A bill for an act relating to human services; implementing governor's health care reform; creating interstate health insurance choice; creating a flexible benefit plan and repealing the small employer flexible benefits plan; creating primary provider care tiering for Minnesota health care programs; creating a MinnesotaCare modern benefit plan; authorizing rulemaking; amending Minnesota Statutes 2008, sections 256B.0754, by adding subdivisions; 256L.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 62L; 256L; proposing coding for new law as Minnesota Statutes, chapter 62V; repealing Minnesota Statutes 2008, section 62L.056; Minnesota Statutes 2009 Supplement, section 256B.032.

Reported the same back with the following amendments:

Page 8, line 23, delete "256L.28" and insert "256L.29"

Page 9, line 4, delete "\$....." and insert "\$1,200"

Page 9, line 7, delete "section 256L.03, subdivision 5c." and insert "subdivision 4"

Page 9, line 15, delete "5c" and insert "4"

Page 9, line 22, delete "\$....." and insert "\$700"

Page 9, line 29, delete "section 256L.28." and insert "this section"

Page 9, line 30, delete "\$....." and insert "\$19"

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

The report was adopted.

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

H. F. No. 2913, A bill for an act relating to local government; requiring an adjustment in continuation health insurance premiums charged for certain disabled retired local government employees; amending Minnesota Statutes 2008, section 471.61, subdivision 2b.

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

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. 2922, A bill for an act relating to retirement; Minneapolis Employees Retirement Fund; transfer of administrative functions to the Public Employees Retirement Association; creation of MERF consolidation account within the Public Employees Retirement Association; appropriating money; amending Minnesota Statutes 2008, sections 11A.23, subdivision 4; 13D.01, subdivision 1; 43A.17, subdivision 9; 43A.316, subdivision 8; 69.021, subdivision 10; 126C.41, subdivision 3; 256D.21; 353.01, subdivision 2b, by adding subdivisions; 353.03, subdivision 1; 353.05; 353.27, as amended; 353.34, subdivisions 1, 6; 353.37, subdivisions 1, 2, 3, 4, 5; 353.46, subdivisions 2, 6; 353.64, subdivision 7; 353.71, subdivision 4; 353.86, subdivisions 1, 2; 353.87, subdivisions 1, 2; 353.88; 354.71; 354A.011, subdivision 27; 354A.39; 356.214, subdivision 1; 356.215, subdivision 8; 356.30, subdivision 3; 356.302, subdivisions 1, 7; 356.303, subdivision 4; 356.407, subdivision 2; 356.431, subdivision 1; 356.465, subdivision 3; 356.64; 356.65, subdivision 2; 356.91; 422A.101, subdivision 3; 422A.26; 473.511, subdivision 3; 473.606, subdivision 5; 475.52, subdivision 6; Minnesota Statutes 2009 Supplement, sections 6.67; 69.011, subdivision 1; 69.031, subdivision 5; 352.01, subdivision 2b; 353.01, subdivision 2a; 353.06; 356.20, subdivision 2; 356.215, subdivision 11; 356.32, subdivision 2; 356.401, subdivision 3; 356.415, subdivision 2; 356.96, subdivision 1; 480.181, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 353; repealing Minnesota Statutes 2008, sections 13.63, subdivision 1; 69.011, subdivision 2a; 356.43; 422A.01,

subdivisions 1, 2, 3, 4, 4a, 5, 6, 7, 8, 9, 10, 11, 12, 13a, 17, 18; 422A.02; 422A.03; 422A.04; 422A.05, subdivisions 1, 2a, 2b, 2c, 2d, 2e, 2f, 5, 6, 8; 422A.06, subdivisions 1, 2, 3, 5, 6, 7; 422A.08, subdivision 1; 422A.09; 422A.10; 422A.101, subdivisions 1, 1a, 2, 2a; 422A.11; 422A.12; 422A.13; 422A.14, subdivision 1; 422A.15; 422A.151; 422A.155; 422A.156; 422A.16, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; 422A.17; 422A.18, subdivisions 1, 2, 3, 4, 5, 7; 422A.19; 422A.20; 422A.21; 422A.22, subdivisions 1, 3, 4, 6; 422A.23, subdivisions 1, 2, 5, 6, 7, 8, 9, 10, 11, 12; 422A.231; 422A.24; 422A.25; Minnesota Statutes 2009 Supplement, sections 422A.06, subdivision 8; 422A.08, subdivision 5.

Reported the same back with the following amendments:

Page 2, line 10, strike the first "public" and insert "general" and strike "or" and insert "under this chapter,"

Page 2, line 31, reinstate the stricken "and"

Page 3, line 2, delete the new language and insert a period

Page 3, line 3, delete "(4)" and insert "(d) For the purpose of participation in the MERF division of the general employees retirement plan, public employees include"

Page 22, line 11, reinstate the stricken language

Page 22, line 12, reinstate the stricken language and delete the new language

Page 23, line 3, before "Notwithstanding" insert "(a)"

Page 23, after line 9, insert:

"(b) The creation of the MERF division must not be construed to alter the Social Security or Medicare coverage of any member of the former Minneapolis Employees Retirement Fund on June 29, 2010, while employed in a position covered under the MERF division of the Public Employees Retirement Association."

Page 23, line 26, delete "30" and insert "29"

Page 23, line 27, delete "July 1" and insert "June 30"

Page 23, line 33, delete "July 1" and insert "June 30"

Page 25, line 5, after "(e)" insert "Annually after June 30, 2012,"

Page 25, line 12, after "division" insert "and based on a June 30, 2031, amortization date"

Page 25, line 13, delete "\$9,000,000" and insert "\$36,500,000"

Page 25, line 18, delete "2010" and insert "2012"

Page 25, line 26, after "\$9,000,000" insert "or \$36,500,000, whichever applies"

Page 26, delete lines 8 to 22 and insert:

"Subd. 7a. **Minneapolis Municipal Retirement Association dues.** If authorized by an annuitant or retirement benefit recipient in writing on a form prescribed by the executive director of the Public Employees Retirement Association, the executive director shall deduct the dues for the Minneapolis Municipal Retirement Association from the person's annuity or retirement benefit. This dues deduction authority expires upon the eventual full consolidation of the MERF account under subdivision 8.

Subd. 8. **Eventual full consolidation.** (a) Once the fiscal year end market value of assets of the MERF division account equals or exceeds 80 percent of the actuarial accrued liability of the MERF division as calculated by the approved actuary retained by the Public Employees Retirement Association under section 356.215 and the Standards for Actuarial Work adopted by the Legislative Commission on Pensions and Retirement, the MERF division must be merged with the general employees retirement plan of the Public Employees Retirement Association and the MERF division account ceases as a separate account within the general employees retirement fund of the Public Employees Retirement Association.

(b) If the market value of the MERF division account is less than 100 percent of the actuarial accrued liability of the MERF division under paragraph (a), the total employer contribution of employing units referenced in subdivision 7, paragraph (e), for the period after the full consolidation and June 30, 2031, to amortize on a level annual dollar payment the remaining unfunded actuarial accrued liability of the former MERF division account on the full consolidation date by June 30, 2031, shall be calculated by the consulting actuary retained under section 356.214 using the applicable postretirement interest rate actuarial assumption for the general employees retirement plan under section 356.215. The actuarial accrued liability of the MERF division must be calculated using the healthy retired life mortality assumption applicable to the general employees retirement plan.

(c) The merger shall occur as of the first day of the first month after the date on which the triggering actuarial valuation report is filed with the executive director of the Legislative Commission on Pensions and Retirement.

(d) The executive director of the Public Employees Retirement Association shall prepare proposed legislation fully implementing the merger and updating the applicable provisions of chapters 353 and 356 and transmit the proposed legislation to the executive director of the Legislative Commission on Pensions and Retirement by the following February 15.

Subd. 9. **Merger of former MERF membership groups into PERA-general.** If provided for in an agreement between the board of trustees of the Public Employees Retirement Association and the governing board of an employing unit formerly with retirement coverage provided for its employees by the former Minneapolis Employees Retirement Fund, an employing unit may transfer sufficient assets to the general employees retirement fund to cover the anticipated actuarial accrued liability for its current or former employees that is in excess of MERF division account assets attributable to those employees, have those employees be considered full members of the general employees retirement plan, and be relieved of any further contribution obligation to the general employees retirement plan for those employees under this section. Any agreement under this subdivision and any actuarial valuation report related to a merger under this subdivision must be submitted to the executive director of the Legislative Commission on Pensions and Retirement for comment prior to the final execution."

Page 34, line 28, after "2012" insert ", and"

Page 34, line 29, after "(d)" insert "Annually and after June 30, 2012,"

Page 36, line 28, after the period, insert "Upon the transfer of the employee, the Minneapolis Employees Retirement Fund shall transfer assets to the city of Minneapolis equal to the present value of any accumulated unused vacation or sick leave balances as of the date of transfer."

Page 37, line 7, after the period, insert "Upon the transfer of the employee, the executive director of the Public Employees Retirement Association shall deduct from any assets transferred under section 353.50 an amount equal to the present value of any accumulated unused vacation or sick leave balances as of the date of transfer."

Page 59, after line 4, insert:

"Sec. 22. Minnesota Statutes 2008, section 355.095, subdivision 1, is amended to read:

Subdivision 1. **Agreement.** (a) The director, on behalf of the state, its political subdivisions, and its other governmental employers, is authorized to enter into an agreement with the Secretary of Health and Human Services to extend the provisions of United States Code, title 42, section 426, 426-1, and 1395c, to the employees in

paragraph (b) who meet the requirements of United States Code, title 42, section 418(v)(2) and who do not have coverage by the federal old age, survivors, and disability insurance program for that employment under any previous modification of the agreement or previous Medicare referendum.

(b) The applicable employees are:

(1) employees who are members of one of the retirement plans in Minnesota Statutes 2008, section 356.30, subdivision 3, except clauses (4) and (8), based on continuous employment since March 31, 1986; and

(2) employees of a special authority or district who have been continuously employed by the special authority or district since March 31, 1986."

Page 72, line 27, delete "41" and insert "42"

Renumber the sections in sequence

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 2941, A bill for an act relating to insurance; regulating dental insurance provider agreements; amending Minnesota Statutes 2008, section 62Q.76, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 62Q.76, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** For purposes of sections 62Q.76 to ~~62Q.79~~ 62Q.791, the terms ~~defined in this section~~ contract, health care provider, dental plan, dental organization, dentist, and enrollee have the meanings given them in sections 62Q.733 and 62Q.76.

Sec. 2. **[62Q.791] CONTRACTS WITH DENTAL CARE PROVIDERS.**

(a) Notwithstanding any other provision of law, no contract of any dental organization licensed under chapter 62C for provision of dental care services may:

(1) require, directly or indirectly, that a dentist or health care provider provide dental care services to its enrollees at a fee set by the dental organization, unless the services provided are covered dental care services for enrollees under the dental plan or contract; or

(2) prohibit, directly or indirectly, the dentist or health care provider from offering or providing dental care services that are not covered dental care services under the dental plan or contract, on terms and conditions acceptable to the enrollee and the dentist or health care provider. For purposes of this section, "covered dental care

services" means dental care services that are expressly covered under the dental plan or contract, including dental care services that are subject to contractual limitations such as deductibles, co-payments, annual maximums, and waiting periods.

(b) When making payment or otherwise adjudicating any claim for dental care services provided to an enrollee, a dental organization or dental plan must clearly identify on an explanation of benefits form or other form of claim resolution the amount, if any, that is the enrollee's responsibility to pay to the enrollee's dentist or health care provider.

(c) This section does not apply to any contract for the provision of dental care services under any public program sponsored or funded by the state or federal government.

EFFECTIVE DATE. This section is effective August 1, 2010."

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

The report was adopted.

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

H. F. No. 2996, A bill for an act relating to civil actions; requiring notice and other actions before a civil action or arbitration proceeding may be commenced to collect a purchased debt; regulating default judgments; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 544.

Reported the same back with the following amendments:

Page 2, line 9, delete "or"

Page 2, line 12, delete the period and insert "; or"

Page 2, after line 12, insert:

"(3) if the applicable statute of limitations period for commencing the action or arbitration proceeding has expired."

Page 2, line 24, after the semicolon, insert "and"

Page 2, line 26, delete "; and" and insert a period

Page 2, delete lines 27 to 29

Page 3, delete lines 29 to 31

Amend the title as follows:

Page 1, line 4, delete "providing criminal penalties;"

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.

Hilty from the Energy Finance and Policy Division to which was referred:

H. F. No. 3009, A bill for an act relating to energy; making technical changes related to utility report filings, hydrogen energy projects, weatherization programs, public utility commission assessments, and utility metering for supporting housing; removing obsolete and redundant language; authorizing individuals and entities to take certain easements in agricultural land; amending Minnesota Statutes 2008, sections 16E.15, subdivision 2; 216B.241, subdivision 2; 216B.812, subdivision 2; 216C.264; 216E.18, subdivision 3; 326B.106, subdivision 12; 500.221, subdivision 2; repealing Minnesota Statutes 2008, sections 216C.19, subdivisions 2, 3, 13, 14, 15, 16, 18, 19, 20; 216C.262; Minnesota Statutes 2009 Supplement, section 216C.19, subdivision 17.

Reported the same back with the following amendments:

Page 6, delete section 7

Page 7, line 26, delete "8" and insert "7"

Amend the title as follows:

Page 1, line 5, delete everything after the semicolon

Page 1, line 6, delete "in agricultural land;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3025, A bill for an act relating to business organizations; regulating the organization and operation of business corporations, nonprofit corporations, and limited liability companies; providing for consistent law relating to registered agents and offices of business entities; repealing the prohibition against certain business names; amending Minnesota Statutes 2008, sections 5.16, subdivision 1; 222.18, subdivision 1; 302A.011, subdivision 18; 302A.121; 302A.123; 302A.215, subdivision 3; 302A.311; 302A.341, subdivision 2; 302A.402, subdivisions 3, 4; 302A.429, subdivision 2; 302A.435, subdivision 1; 302A.461, subdivision 2; 302A.661, subdivision 1; 303.05, subdivision 1; 303.10; 308A.025; 308A.131, subdivision 1; 308B.115; 317A.011, subdivision 15; 317A.111, subdivisions 1, 3, 4, by adding a subdivision; 317A.121; 317A.123; 317A.133, subdivisions 1, 2, 3; 317A.181, subdivision 2, by adding a subdivision; 317A.203; 317A.227; 317A.231, subdivisions 1, 4; 317A.237; 317A.239, subdivisions 1, 3; 317A.241, subdivisions 1, 2, by adding a subdivision; 317A.255, subdivision 1; 317A.301; 317A.311; 317A.315; 317A.321; 317A.341, subdivision 2; 317A.521, subdivision 9; 317A.613, subdivision 2; 317A.661; 317A.721, subdivisions 1, 3; 321.0114; 321.0905; 322B.03, subdivision 29; 322B.13; 322B.135; 322B.34, subdivision 1; 322B.373, subdivision 2; 322B.676; 322B.686, subdivision 2; 322B.77, subdivision 1; 322B.935; 323A.1001; 323A.1102; 333.20, subdivision 1; 333.22, subdivisions 1, 3; Minnesota Statutes 2009 Supplement, sections 5.15; 5.34; 5.35; 303.06, subdivision 2; 321.0809; 321.0902; 321.0906; Laws 2008, chapter 233, article 3, section 8; proposing coding for new law in Minnesota Statutes, chapter 5; repealing Minnesota Statutes 2008, section 333.17.

Reported the same back with the following amendments:

Page 13, delete section 27

Renumber the sections in sequence

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 3036, A bill for an act relating to human services; establishing a MinnesotaCare defined contribution program; proposing coding for new law in Minnesota Statutes, chapter 256L.

Reported the same back with the following amendments:

Page 1, line 20, after "may use" insert "up to"

Page 2, line 14, delete "extrapolated" and insert "interpolated"

Page 2, line 35, delete "percentages" and insert "amounts"

Page 3, line 21, after "paid" insert "to the Minnesota Comprehensive Health Association"

Page 3, after line 24, insert:

"Sec. 2. Minnesota Statutes 2008, section 256L.05, is amended by adding a subdivision to read:

Subd. 6. Referral of veterans. The commissioner shall modify the Minnesota health care programs application form to add a question asking applicants: "Are you a U.S. military veteran?" The commissioner shall ensure that all applicants for MinnesotaCare, with incomes less than or equal to 133 percent of the federal poverty guidelines, who identify themselves as veterans, are referred to a county veterans service officer to complete a Veterans Administration form DD214 to determine their eligibility for Veterans Administration benefits."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "program;" insert "providing review of veteran applicant's DD form 214 for VA eligibility;"

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. 3047, A bill for an act relating to human services; modifying the commissioner's duties; creating an Office of Health Care Inspector General; amending Minnesota Statutes 2008, section 256.01, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 3048, A bill for an act relating to labor and industry; modifying construction codes and licensing provisions; modifying certain notice provisions; imposing criminal penalties; amending Minnesota Statutes 2008, sections 178.01; 178.03, subdivisions 3, 4; 178.06; 178.08; 178.11; 326B.04, subdivision 2; 326B.127, subdivision 3; 326B.13, subdivisions 3, 4, 5, 6; 326B.133, subdivision 5; 326B.139; 326B.142; 326B.148, subdivisions 2, 3; 326B.191; 326B.31, subdivision 28; 326B.33, subdivision 17; 326B.84; 326B.89, subdivisions 1, 5, 6, 7, 8, 10, 13, by adding subdivisions; Minnesota Statutes 2009 Supplement, sections 14.14, subdivision 1a; 326B.145; repealing Minnesota Statutes 2008, sections 299G.11; 299G.13, subdivisions 1, 6, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28; 299G.14; 299G.15; 299G.16; 299G.17; 299G.18; 326B.115; 326B.37, subdivision 13; Minnesota Rules, parts 5200.0020; 5200.0050; 5200.0080, subparts 2, 3, 4, 4a, 4b, 6, 7, 8.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2009 Supplement, section 14.14, subdivision 1a, is amended to read:

Subd. 1a. **Notice of rule hearing.** (a) Each agency shall maintain a list of all persons who have registered ~~their name and United States mail or electronic mail address~~ with the agency for the purpose of receiving notice of rule proceedings. Persons may register to receive notice of rule proceedings by submitting to the agency:

(1) their electronic mail address; or

(2) their name and United States mail address.

The agency may inquire as to whether those persons on the list wish to ~~maintain their names remain~~ on it and may remove ~~names persons~~ for ~~which whom~~ there is a negative reply or no reply within 60 days. The agency shall, at least 30 days before the date set for the hearing, give notice of its intention to adopt rules by United States mail or electronic mail to all persons on its list, and by publication in the State Register. The mailed notice must include either a copy of the proposed rule or an easily readable and understandable description of its nature and effect and an announcement that a free copy of the proposed rule is available on request from the agency. In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be significantly affected by the rule being proposed by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication. The notice in the State Register must include the proposed rule or an amended rule in the form required by the revisor under section 14.07, together with an easily readable and understandable summary of the overall nature and effect of the proposed rule, a citation to the most specific statutory authority for the proposed rule, a statement of the place, date, and time of the public hearing, a statement that persons may register with the agency for the purpose of receiving notice of rule proceedings and notice that the agency intends to

adopt a rule and other information required by law or rule. When an entire rule is proposed to be repealed, the agency need only publish that fact, along with an easily readable and understandable summary of the overall nature of the rules proposed for repeal, and a citation to the rule to be repealed.

(b) The chief administrative law judge may authorize an agency to omit from the notice of rule hearing the text of any proposed rule, the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient if:

- (1) knowledge of the rule is likely to be important to only a small class of persons;
- (2) the notice of rule hearing states that a free copy of the entire rule is available upon request to the agency; and
- (3) the notice of rule hearing states in detail the specific subject matter of the omitted rule, cites the statutory authority for the proposed rule, and details the proposed rule's purpose and motivation.

Sec. 2. Minnesota Statutes 2008, section 178.01, is amended to read:

178.01 PURPOSES.

The purposes of this chapter are: to open to young people regardless of race, sex, creed, color or national origin, the opportunity to obtain training and on-the-job learning that will equip them for profitable employment and citizenship; to establish as a means to this end, a program of voluntary apprenticeship under approved apprentice agreements providing facilities for their training and guidance in the arts, skills, and crafts of industry and trade, with concurrent, supplementary instruction in related subjects; to promote ~~employment~~ apprenticeship opportunities under conditions providing adequate training and on-the-job learning and reasonable earnings; to relate the supply of skilled workers to employment demands; to establish standards for apprentice training; to establish an Apprenticeship Board and apprenticeship committees to assist in effectuating the purposes of this chapter; to provide for a Division of Labor Standards and Apprenticeship within the Department of Labor and Industry; to provide for reports to the legislature regarding the status of apprentice training in the state; to establish a procedure for the determination of apprentice agreement controversies; and to accomplish related ends.

Sec. 3. Minnesota Statutes 2008, section 178.03, subdivision 3, is amended to read:

Subd. 3. **Duties and functions.** The director, under the supervision of the commissioner, and with the advice and consultation of the Apprenticeship Board, is authorized: to administer the provisions of this chapter; to promote apprenticeship and other forms of on-the-job training learning; to establish, in cooperation and consultation with the Apprenticeship Board and with the apprenticeship committees, conditions ~~and~~ training, and learning standards for the approval of apprenticeship programs and agreements, which conditions and standards shall in no case be lower than those ~~prescribed by this chapter~~ established under Code of Federal Regulations, title 29, part 29; to promote equal employment opportunity in apprenticeship and other on-the-job training learning and to establish a Minnesota plan for equal employment opportunity in apprenticeship which shall be consistent with standards established under Code of Federal Regulations, title 29, part 30, as amended; to issue certificates of registration to sponsors of approved apprenticeship programs; to act as secretary of the Apprenticeship Board; to approve, if of the opinion that approval is for the best interest of the apprentice, any apprenticeship agreement which meets the standards established hereunder; to terminate any apprenticeship agreement in accordance with the provisions of such agreement; to keep a record of apprenticeship agreements and their disposition; to issue certificates of completion of apprenticeship; and to perform such other duties as the commissioner deems necessary to carry out the intent of this chapter; provided, that the administration and supervision of supplementary instruction in related subjects for apprentices; coordination of instruction on a concurrent basis with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the function of state and local boards responsible for vocational education. The director shall have the authority to make wage determinations applicable to the graduated

schedule of wages and journeyman wage rate for apprenticeship agreements, giving consideration to the existing wage rates prevailing throughout the state, except that no wage determination by the director shall alter an existing wage provision for apprentices or journeymen that is contained in a bargaining agreement in effect between an employer and an organization of employees, nor shall the director make any determination for the beginning rate for an apprentice that is below the wage minimum established by federal or state law.

Sec. 4. Minnesota Statutes 2008, section 178.03, subdivision 4, is amended to read:

Subd. 4. **Reciprocity approval.** The director, if requested by a sponsoring entity, shall grant reciprocity approval to apprenticeship programs of employers and unions who jointly form a sponsoring entity on a multistate basis in other than the building construction industry if such programs are in conformity with this chapter and have been registered in compliance with Code of Federal Regulations, title 29, part 29, by a state apprenticeship council recognized by or registered with the Bureau of Apprenticeship and Training, United States Department of Labor, when such approval is necessary for federal purposes under Code of Federal Regulations, title 29, section ~~29.12(a)~~ 29.13(a).

Sec. 5. Minnesota Statutes 2008, section 178.06, is amended to read:

178.06 APPRENTICE.

The term "apprentice," as used herein, means a person at least 16 years of age who has entered into a written agreement, hereinafter called an apprentice agreement, with a committee, an employer, an association of employers, or an organization of employees, which apprentice agreement provides for:

(1) a time-based approach involving not less than 2,000 hours or one year of reasonably continuous employment for such person and for participation in an approved program of ~~training~~ on-the-job learning through employment and through concurrent, supplementary education in related subjects;

(2) a competency-based approach involving successful demonstration of acquired skills and knowledge by an apprentice plus on-the-job learning; or

(3) a hybrid approach involving the completion of a specified minimum number of hours plus the successful demonstration of competency.

Whenever a minimum age exceeding 16 years is prescribed by federal or state law to apply to workers in certain hazardous occupations, the minimum age so prescribed shall be applicable to apprentices.

Sec. 6. Minnesota Statutes 2008, section 178.08, is amended to read:

178.08 DIRECTOR TO APPROVE APPRENTICE AGREEMENTS.

Every apprentice agreement is subject to approval by the director and shall be signed by the committee, the employer, an association of employers, or an organization of employees, and by the apprentice, and if the apprentice is a minor, by a parent or legal guardian. When a minor enters into an apprentice agreement under this chapter for a period of ~~training~~ learning extending into majority the apprentice agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

Sec. 7. Minnesota Statutes 2008, section 178.11, is amended to read:

178.11 LABOR EDUCATION ADVANCEMENT GRANT PROGRAM.

The commissioner shall establish the labor education advancement grant program for the purpose of facilitating the participation of minorities and women in apprenticeable trades and occupations. The commissioner shall award grants to community-based organizations serving the targeted populations on a competitive request-for-proposal

basis. Interested organizations shall apply for the grants in a form prescribed by the commissioner. As part of the application process, applicants must provide a statement of need for the grant, a description of the targeted population and apprenticeship opportunities, a description of activities to be funded by the grant, evidence supporting the ability to deliver services, information related to coordinating grant activities with other employment and ~~training~~ learning programs, identification of matching funds, a budget, and performance objectives. Each submitted application shall be evaluated for completeness and effectiveness of the proposed grant activity.

Sec. 8. Minnesota Statutes 2008, section 326.02, subdivision 5, is amended to read:

Subd. 5. **Limitation.** The provisions of sections 326.02 to 326.15 shall not apply to the preparation of plans and specifications for the erection, enlargement, or alteration of any building or other structure by any person, for that person's exclusive occupancy or use, unless such occupancy or use involves the public health or safety or the health or safety of the employees of said person, or of the buildings listed in section 326.03, subdivision 2, nor to any detailed or shop plans required to be furnished by a contractor to a registered engineer, landscape architect, architect, or certified interior designer, nor to any standardized manufactured product, nor to any construction superintendent supervising the execution of work designed by an architect, landscape architect, engineer, or certified interior designer licensed or certified in accordance with section 326.03, nor to the planning for and supervision of the construction and installation of work by an electrical contractor or master plumber as defined in and licensed pursuant to ~~this~~ chapter 326B, where such work is within the scope of such licensed activity and not within the practice of professional engineering, or architecture, or where the person does not claim to be a certified interior designer as defined in subdivision 2, 3, or 4b.

Sec. 9. Minnesota Statutes 2008, section 326B.04, subdivision 2, is amended to read:

Subd. 2. **Deposits.** ~~All remaining balances as of June 30, 2007, in the state government special revenue fund and special revenue fund accounts maintained for the Building Codes and Standards Division, Board of Electricity, and plumbing and engineering unit are transferred to the construction code fund.~~ Unless otherwise specifically designated by law: (1) all money collected under sections 144.122, paragraph (f); 181.723; 326B.101 to 326B.194; 326B.197; 326B.32 to 326B.399; 326B.43 to 326B.49; 326B.52 to 326B.59; 326B.802 to 326B.885; 326B.90 to 326B.998; 327.31 to 327.36; and 327B.01 to 327B.12, except penalties, is credited to the construction code fund; (2) all fees collected under section 45.23 in connection with continuing education for residential contractors, residential remodelers, and residential roofers are credited to the construction code fund; and (3) all penalties assessed under the sections set forth in clauses (1) and (2) and all penalties assessed under sections 144.99 to 144.993 in connection with any violation of sections 326B.43 to 326B.49 or 326B.52 to 326B.59 or the rules adopted under those sections are credited to the assigned risk safety account established by section 79.253.

Sec. 10. Minnesota Statutes 2008, section 326B.127, subdivision 3, is amended to read:

Subd. 3. **Powers and duties.** The state building official may, with the approval of the commissioner, employ personnel necessary to carry out the inspector's function under sections 326B.101 to 326B.194. ~~The state building official shall distribute without charge a printed or electronic version of the code to each municipality within the state. A printed or electronic version of the code shall be made available to municipalities and interested parties for a fee prescribed by the commissioner.~~ The state building official shall perform other duties in administering the code assigned by the commissioner.

Sec. 11. Minnesota Statutes 2008, section 326B.13, subdivision 3, is amended to read:

Subd. 3. **Filing.** ~~The commissioner shall file one copy of the complete code with the secretary of state, except that~~ All standards referred to in any model or statewide specialty code or any of the modifications of a code need not be filed with the secretary of state. All standards ~~referred to in~~ that are incorporated by reference into the code must be kept on file and available for inspection in the office of the commissioner.

Sec. 12. Minnesota Statutes 2008, section 326B.13, subdivision 4, is amended to read:

Subd. 4. **Hearings Consultation with commissioner required.** ~~The commissioner shall hold all state hearings and make all determinations regarding any subject matter dealt with in the code including those in which another state agency proposes to adopt or amend rules which are incorporated by reference into the code or whenever the commissioner proposes to incorporate those rules into the State Building Code. In no event may a state agency subsequently authorized to adopt rules involving State Building Code subject matter proceed to adopt the rules without prior consultation with the commissioner.~~

Sec. 13. Minnesota Statutes 2008, section 326B.13, subdivision 5, is amended to read:

Subd. 5. **Proposed amendments; hearings.** Any interested person may propose amendments to the code which may be either applicable to all municipalities or, where it is alleged and established that geological conditions exist within a municipality which are not generally found within other municipalities, amendments may be restricted in application to that municipality. ~~Notice of public hearings on proposed amendments shall be given to the governing bodies of all municipalities in addition to those persons entitled to notice under the Administrative Procedure Act.~~

Sec. 14. Minnesota Statutes 2008, section 326B.13, subdivision 6, is amended to read:

Subd. 6. **Adoption.** The commissioner shall approve any proposed amendments deemed by the commissioner to be reasonable in conformity with the policy and purpose of the code and justified under the particular circumstances involved. ~~Upon adoption, a copy of each amendment must be distributed to the governing bodies of all affected municipalities. The commissioner shall make an electronic version of amendments to the code available to municipalities. Upon request, a municipality may receive a paper copy of amendments to the code available for a fee prescribed by the commissioner.~~

Sec. 15. Minnesota Statutes 2008, section 326B.133, subdivision 5, is amended to read:

Subd. 5. **Grounds.** ~~In addition to the grounds set forth in section 326B.082, subdivision 11, The commissioner may deny, suspend, limit, place conditions on, or revoke a certificate, or may censure use any enforcement provision in section 326B.082 against an applicant or individual holding a certificate, if the applicant or individual:~~

- (1) violates a provision of sections 326B.101 to 326B.194 or a rule adopted under those sections; or
- (2) engages in fraud, deceit, or misrepresentation while performing the duties of a certified building official.

Nothing in this subdivision limits or otherwise affects the authority of a municipality to dismiss or suspend a building official at its discretion, except as otherwise provided for by law.

Sec. 16. Minnesota Statutes 2008, section 326B.139, is amended to read:

326B.139 APPEALS.

A person aggrieved by the final decision of any ~~municipality~~ local or state level board of appeals as to the application of the code, including any rules adopted under sections 471.465 to 471.469, may, within 180 days of the decision, appeal to the commissioner. Appellant shall submit a nonrefundable fee of \$70, payable to the commissioner, with the request for appeal. An appeal must be heard as a contested case under chapter 14. The commissioner shall submit written findings to the parties. The party not prevailing shall pay the costs of the contested case hearing, including fees charged by the Office of Administrative Hearings and the expense of transcript preparation. Costs under this section do not include attorney fees. Any person aggrieved by a ruling of the commissioner may appeal in accordance with chapter 14. For the purpose of this section "any person aggrieved" includes the Council on Disability. No fee or costs shall be required when the council on disability is the appellant.

Sec. 17. Minnesota Statutes 2008, section 326B.142, is amended to read:

326B.142 CERTAIN PERMITS CERTIFICATES.

~~Building permits or certificates of occupancy validly issued before July 1, 1972, regarding buildings or structures being constructed or altered according to the permits or certificates, are valid after that date. The construction may be completed according to the building permit, unless the building official determines that life or property is in jeopardy.~~

Sec. 18. Minnesota Statutes 2009 Supplement, section 326B.145, is amended to read:

326B.145 ANNUAL REPORT.

Each municipality shall annually report by June 30 to the department, in a format prescribed by the department, all construction and development-related fees collected by the municipality from developers, builders, and subcontractors if the cumulative fees collected exceeded \$5,000 in the reporting year, except that, for reports due June 30, 2009, to June 30, 2013, the reporting threshold is \$10,000. The report must include:

- (1) the number and valuation of units for which fees were paid;
- (2) the amount of building permit fees, plan review fees, administrative fees, engineering fees, infrastructure fees, and other construction and development-related fees; and
- (3) the expenses associated with the municipal activities for which fees were collected.

A municipality that fails to report to the department in accordance with this section is subject to the remedies provided by section 326B.082.

Sec. 19. Minnesota Statutes 2008, section 326B.148, subdivision 2, is amended to read:

Subd. 2. **Collection and reports.** All permit surcharges must be collected by each municipality and a portion of them remitted to the state. Each municipality having a population greater than 20,000 people shall prepare and submit to the commissioner once a month a report of fees and surcharges on fees collected during the previous month but shall retain the greater of two percent or that amount collected up to \$25 to apply against the administrative expenses the municipality incurs in collecting the surcharges. All other municipalities shall submit the report and surcharges on fees once a quarter but shall retain the greater of four percent or that amount collected up to \$25 to apply against the administrative expenses the municipalities incur in collecting the surcharges. The report, which must be in a form prescribed by the commissioner, must be submitted together with a remittance covering the surcharges collected by the 15th day following the month or quarter in which the surcharges are collected.

A municipality that fails to report or submit the required remittance to the department in accordance with this subdivision is subject to the remedies provided by section 326B.082.

Sec. 20. Minnesota Statutes 2008, section 326B.148, subdivision 3, is amended to read:

Subd. 3. **Revenue to equal costs.** Revenue received from the surcharge imposed in subdivision 1 should approximately equal the cost, including the overhead cost, of administering sections 326B.101 to 326B.194. ~~By November 30 each year, the commissioner must report to the commissioner of management and budget and to the legislature on changes in the surcharge imposed in subdivision 1 needed to comply with this policy. In making this report, the commissioner must assume that the services associated with administering sections 326B.101 to 326B.194 will continue to be provided at the same level provided during the fiscal year in which the report is made.~~

Sec. 21. Minnesota Statutes 2008, section 326B.191, is amended to read:

326B.191 CONFLICT OF LAWS.

Nothing in sections 326B.163 to 326B.191 supersedes the Minnesota Electrical Act in this chapter ~~326~~.

Sec. 22. Minnesota Statutes 2008, section 326B.31, subdivision 28, is amended to read:

Subd. 28. **Responsible licensed individual.** A contractor's "responsible licensed individual" means the licensed Class A master electrician, Class B master electrician, master elevator constructor, or power limited technician designated in writing by the contractor in the contractor's license application, or in another manner acceptable to the commissioner, as the individual responsible for the contractor's compliance with sections 326B.31 to 326B.399 ~~and~~, ~~all rules and orders adopted or issued under these sections, and all orders issued under section 326B.082.~~ The terms "licensed responsible individual" and "licensed responsible master electrician or power limited technician" are synonymous.

Sec. 23. Minnesota Statutes 2008, section 326B.33, subdivision 17, is amended to read:

Subd. 17. **Employment of master electrician or power limited technician.** (a) Each contractor must designate a responsible master electrician or power limited technician, who shall be responsible for the performance of all electrical work in accordance with the requirements of sections 326B.31 to 326B.399 ~~or any rule or order, all rules adopted or issued under these sections, and all orders issued under section 326B.082.~~ The classes of work that a licensed contractor is authorized to perform shall be limited to the classes of work that the responsible master electrician or power limited electrician is licensed to perform.

(b) When a contractor's license is held by an individual, sole proprietorship, partnership, limited liability company, or corporation and the individual, proprietor, one of the partners, one of the members, or an officer of the corporation, respectively, is not the responsible master electrician or power limited technician, all requests for inspection shall be signed by the responsible master electrician or power limited technician. If the contractor is an individual or a sole proprietorship, the responsible licensed individual must be the individual, proprietor, or managing employee. If the contractor is a partnership, the responsible licensed individual must be a general partner or managing employee. If the licensed contractor is a limited liability company, the responsible licensed individual must be a chief manager or managing employee. If the contractor is a corporation, the responsible licensed individual must be an officer or managing employee. If the responsible licensed individual is a managing employee, the responsible licensed individual must be actively engaged in performing electrical work on behalf of the contractor, and cannot be employed in any capacity as an electrician or technician by any other contractor or employer designated in subdivision 21. An individual may be the responsible licensed individual for only one contractor or employer.

(c) All applications and renewals for contractor licenses shall include a verified statement that the applicant or licensee has complied with this subdivision.

Sec. 24. Minnesota Statutes 2008, section 326B.42, subdivision 2, is amended to read:

Subd. 2. **Direct supervision.** The term "direct supervision," with respect to direct supervision of a plumber's apprentice or registered unlicensed individual by a master, restricted master, journeyman, or restricted journeyman plumber, means that:

(1) at all times while the plumber's apprentice or registered unlicensed individual is performing plumbing work, the supervising plumber is present at the location where the plumber's apprentice or registered unlicensed individual is working;

(2) the supervising plumber is physically present and immediately available to the plumber's apprentice or registered unlicensed individual at all times for assistance and direction;

(3) any form of electronic supervision does not meet the requirement of physically present;

(4) the supervising plumber actually reviews the plumbing work performed by the plumber's apprentice or registered unlicensed individual before the plumbing is operated; and

(5) the supervising plumber is able to and does determine that all plumbing work performed by the plumber's apprentice or registered unlicensed individual is performed in compliance with the plumbing code.

Sec. 25. Minnesota Statutes 2008, section 326B.42, subdivision 6, is amended to read:

Subd. 6. **Plumber's apprentice.** A "plumber's apprentice" is any individual, ~~other than a master, restricted master, journeyman, or restricted journeyman plumber who, as a principal occupation, is engaged in working as an employee of a plumbing contractor under the direct supervision of a master, restricted master, journeyman, or restricted journeyman plumber and is learning and assisting in the installation of plumbing who is employed in the practical installation of plumbing under an apprenticeship agreement approved by the department under Minnesota Rules, part 5200.0340.~~

Sec. 26. Minnesota Statutes 2008, section 326B.435, subdivision 2, is amended to read:

Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the power to:

(1) elect its chair, vice-chair, and secretary;

(2) adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing such other provisions as may be useful and necessary for the efficient conduct of the business of the board;

(3) adopt the plumbing code that must be followed in this state and any plumbing code amendments thereto. The board shall adopt the plumbing code and any amendments thereto pursuant to chapter 14 and as provided in subdivision 6, paragraphs (b), (c), and (d);

(4) review requests for final interpretations and issue final interpretations as provided in section 326B.127, subdivision 5;

(5) except for rules regulating continuing education, adopt rules that regulate the licensure or registration of plumbing contractors, journeymen, ~~apprentices~~ unlicensed individuals, master plumbers, restricted master plumbers, and restricted journeymen and other persons engaged in the design, installation, and alteration of plumbing systems, except for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f);

(6) advise the commissioner regarding educational requirements for plumbing inspectors;

(7) refer complaints or other communications to the commissioner, whether oral or written, as provided in subdivision 8, that allege or imply a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to code compliance, licensure, or an offering to perform or performance of unlicensed plumbing services;

(8) approve per diem and expenses deemed necessary for its members as provided in subdivision 3;

- (9) approve license reciprocity agreements;
- (10) select from its members individuals to serve on any other state advisory council, board, or committee; and
- (11) recommend the fees for licenses and certifications.

Except for the powers granted to the Plumbing Board, the Board of Electricity, and the Board of High Pressure Piping Systems, the commissioner of labor and industry shall administer and enforce the provisions of this chapter and any rules promulgated pursuant thereto.

(b) The board shall comply with section 15.0597, subdivisions 2 and 4.

(c) The commissioner shall coordinate the board's rulemaking and recommendations with the recommendations and rulemaking conducted by the other boards created pursuant to this chapter. The commissioner shall provide staff support to the board. The support includes professional, legal, technical, and clerical staff necessary to perform rulemaking and other duties assigned to the board. The commissioner of labor and industry shall supply necessary office space and supplies to assist the board in its duties.

Sec. 27. Minnesota Statutes 2008, section 326B.47, is amended to read:

326B.47 PLUMBER'S APPRENTICES UNLICENSED INDIVIDUALS.

Subdivision 1. **Registration.** All unlicensed individuals, other than plumber's apprentices, must be registered under subdivision 3. ~~To be a registered plumber's apprentice, an individual must either:~~

~~(1) be an individual employed in the trade of plumbing under an apprenticeship agreement approved by the department under Minnesota Rules, part 5200.0300; or~~

~~(2) be an unlicensed individual registered with the commissioner under subdivision 3.~~ A plumber's apprentice or registered unlicensed individual is authorized to assist in the installation of plumbing only while under the direct supervision of a master, restricted master, journeyman, or restricted journeyman plumber. The master, restricted master, journeyman, or restricted journeyman plumber is responsible for ensuring that all plumbing work performed by the plumber's apprentice or registered unlicensed individual complies with the plumbing code.

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

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

Subd. 3. **Registration, rules, applications, renewals, and fees.** An unlicensed individual may register by completing and submitting to the commissioner a registration form provided by the commissioner. A completed registration form must state the date the individual began training, the individual's age, schooling, previous experience, and employer, and other information required by the commissioner. The board may prescribe rules, not

inconsistent with this section, for the registration of unlicensed individuals. Each applicant for initial registration as a ~~plumber's apprentice~~ registered unlicensed individual shall pay the department an application fee of \$25. Applications for initial registration may be submitted at any time. Registration must be renewed annually and shall be for the period from July 1 of each year to June 30 of the following year. Applications for renewal registration must be received by the commissioner by June 30 of each registration period on forms provided by the commissioner, and must be accompanied by a fee of \$25. An application for renewal registration received on or after July 1 in any year but no more than three months after expiration of the previously issued registration must pay the past due renewal fee plus a late fee of \$25. No applications for renewal registration will be accepted more than three months after expiration of the previously issued registration.

Sec. 28. Minnesota Statutes 2008, section 326B.84, is amended to read:

326B.84 GROUNDS FOR LICENSE SANCTIONS.

~~In addition to the grounds set forth in section 326B.082, subdivision 11, The commissioner may deny, suspend, limit, place conditions on, or revoke a license or certificate of exemption, or may censure the person holding the use any enforcement provision in section 326B.082 against an applicant for or holder of a license or certificate of exemption, if the applicant, licensee, certificate of exemption holder, qualifying person, or affiliate of an owner, officer, member, managing employee, or affiliate of the applicant, licensee, or certificate of exemption holder, or other agent owner:~~

(1) has filed an application for licensure or a certificate of exemption which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(2) has engaged in a fraudulent, deceptive, or dishonest practice;

(3) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the business;

(4) has failed to reasonably supervise employees, agents, subcontractors, or salespersons, or has performed negligently or in breach of contract, so as to cause injury or harm to the public;

(5) has violated or failed to comply with any provision of sections 326B.802 to 326B.885, any rule or order under sections 326B.802 to 326B.885, or any other law, rule, or order related to the duties and responsibilities entrusted to the commissioner;

(6) has been convicted of a violation of the State Building Code or has refused to comply with a notice of violation or stop order issued by a certified building official, or in local jurisdictions that have not adopted the State Building Code has refused to correct a violation of the State Building Code when the violation has been documented or a notice of violation or stop order issued by a certified building official has been received;

(7) has failed to use the proceeds of any payment made to the licensee for the construction of, or any improvement to, residential real estate, as defined in section 326B.802, subdivision 13, for the payment of labor, skill, material, and machinery contributed to the construction or improvement, knowing that the cost of any labor performed, or skill, material, or machinery furnished for the improvement remains unpaid;

(8) has not furnished to the person making payment either a valid lien waiver as to any unpaid labor performed, or skill, material, or machinery furnished for an improvement, or a payment bond in the basic amount of the contract price for the improvement conditioned for the prompt payment to any person or persons entitled to payment;

(9) has engaged in an act or practice that results in compensation to an aggrieved owner or lessee from the contractor recovery fund pursuant to section 326B.89, unless:

(i) the applicant or licensee has repaid the fund twice the amount paid from the fund, plus interest at the rate of 12 percent per year; and

(ii) the applicant or licensee has obtained a surety bond in the amount of at least \$40,000, issued by an insurer authorized to transact business in this state;

(10) has engaged in bad faith, unreasonable delays, or frivolous claims in defense of a civil lawsuit or arbitration arising out of their activities as a licensee or certificate of exemption holder under this chapter;

(11) has had a judgment entered against them for failure to make payments to employees, subcontractors, or suppliers, that the licensee has failed to satisfy and all appeals of the judgment have been exhausted or the period for appeal has expired;

(12) if unlicensed, has obtained a building permit by the fraudulent use of a fictitious license number or the license number of another, or, if licensed, has knowingly allowed an unlicensed person to use the licensee's license number for the purpose of fraudulently obtaining a building permit; or has applied for or obtained a building permit for an unlicensed person;

(13) has made use of a forged mechanic's lien waiver under chapter 514;

(14) has provided false, misleading, or incomplete information to the commissioner or has refused to allow a reasonable inspection of records or premises;

(15) has engaged in an act or practice whether or not the act or practice directly involves the business for which the person is licensed, that demonstrates that the applicant or licensee is untrustworthy, financially irresponsible, or otherwise incompetent or unqualified to act under the license granted by the commissioner; or

(16) has failed to comply with requests for information, documents, or other requests from the department within the time specified in the request or, if no time is specified, within 30 days of the mailing of the request by the department.

Sec. 29. Minnesota Statutes 2008, section 326B.89, subdivision 1, is amended to read:

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

(b) "Gross annual receipts" means the total amount derived from residential contracting or residential remodeling activities, regardless of where the activities are performed, and must not be reduced by costs of goods sold, expenses, losses, or any other amount.

(c) "Licensee" means a person licensed as a residential contractor or residential remodeler.

(d) "Residential real estate" means a new or existing building constructed for habitation by one to four families, and includes detached garages.

(e) "Fund" means the contractor recovery fund.

(f) "Owner" when used in connection with real property, means a person who has any legal or equitable interest in real property and includes a condominium or townhome association that owns common property located in a condominium building or townhome building or an associated detached garage. Owner does not include any real estate developer.

Sec. 30. Minnesota Statutes 2008, section 326B.89, subdivision 5, is amended to read:

Subd. 5. **Payment limitations.** ~~Except as otherwise provided in this section,~~ The commissioner shall not pay compensation from the fund to an owner or a lessee in an amount greater than \$75,000 per licensee. ~~Except as otherwise provided in this section,~~ The commissioner shall not pay compensation from the fund to owners and lessees in an amount that totals more than \$150,000 per licensee. ~~The commissioner shall not pay compensation from the fund for a final judgment based on a cause of action that arose before the commissioner's receipt of the licensee's fee required by subdivision 3.~~ The commissioner shall only pay compensation from the fund for a final judgment that is based on a contract directly between the licensee and the homeowner or lessee that was entered into prior to the cause of action and that requires licensure as a residential building contractor or residential remodeler.

Sec. 31. Minnesota Statutes 2008, section 326B.89, subdivision 6, is amended to read:

Subd. 6. **Verified application.** To be eligible for compensation from the fund, an owner or lessee shall serve on the commissioner a verified application for compensation on a form approved by the commissioner. The application shall verify the following information:

- (1) the specific grounds upon which the owner or lessee seeks to recover from the fund;
- (2) that the owner or the lessee has obtained a final judgment in a court of competent jurisdiction against a licensee licensed under section ~~326B.803~~ 326B.83;
- (3) that the final judgment was obtained against the licensee on the grounds of fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance that arose directly out of a contract directly between the licensee and the homeowner or lessee that was entered into prior to the cause of action and that occurred when the licensee was licensed and performing any of the special skills enumerated under section 326B.802, subdivision 15;
- (4) the amount of the owner's or the lessee's actual and direct out-of-pocket loss on the owner's residential real estate, on residential real estate leased by the lessee, or on new residential real estate that has never been occupied or that was occupied by the licensee for less than one year prior to purchase by the owner;
- (5) that the residential real estate is located in Minnesota;
- (6) that the owner or the lessee is not the spouse of the licensee or the personal representative of the licensee;
- (7) the amount of the final judgment, any amount paid in satisfaction of the final judgment, and the amount owing on the final judgment as of the date of the verified application;
- (8) that the owner or lessee has diligently pursued remedies against all the judgment debtors and all other persons liable to the judgment debtor in the contract for which the owner or lessee seeks recovery from the fund; and
- (9) that the verified application is being served within two years after the judgment became final.

The verified application must include documents evidencing the amount of the owner's or the lessee's actual and direct out-of-pocket loss. The owner's and the lessee's actual and direct out-of-pocket loss shall not include attorney fees, litigation costs or fees, interest on the loss, and interest on the final judgment obtained as a result of the loss.

Any amount paid in satisfaction of the final judgment shall be applied to the owner's or lessee's actual and direct out-of-pocket loss. An owner or lessee may serve a verified application regardless of whether the final judgment has been discharged by a bankruptcy court. A judgment issued by a court is final if all proceedings on the judgment have either been pursued and concluded or been forgone, including all reviews and appeals. For purposes of this section, owners who are joint tenants or tenants in common are deemed to be a single owner. For purposes of this section, owners and lessees eligible for payment of compensation from the fund shall not include government agencies, political subdivisions, financial institutions, and any other entity that purchases, guarantees, or insures a loan secured by real estate.

Sec. 32. Minnesota Statutes 2008, section 326B.89, subdivision 7, is amended to read:

Subd. 7. **Commissioner review.** The commissioner shall within 120 days after receipt of the complete verified application:

(1) enter into an agreement with an owner or a lessee that resolves the verified application for compensation from the fund; or

(2) issue an order to the owner or the lessee accepting, modifying, or denying the verified application for compensation from the fund.

Upon receipt of an order issued under clause (2), the owner or the lessee shall have 30 days to serve upon the commissioner a written request for a hearing. If the owner or the lessee does not serve upon the commissioner a timely written request for hearing, the order issued under clause (2) shall become a final order of the commissioner that may not be reviewed by any court or agency. The commissioner shall order compensation from the fund only if the owner or the lessee has filed a verified application that complies with subdivision 6 and if the commissioner determines based on review of the application that compensation should be paid from the fund. The commissioner shall not be bound by any prior settlement, compromise, or stipulation between the owner or the lessee and the licensee.

Sec. 33. Minnesota Statutes 2008, section 326B.89, subdivision 8, is amended to read:

Subd. 8. **Administrative hearing.** If an owner or a lessee timely serves a request for hearing under subdivision 7, the commissioner shall request that an administrative law judge be assigned and that a hearing be conducted under the contested case provisions of chapter 14 within ~~30~~ 45 days after the ~~service of the request for hearing upon the commissioner received the request for hearing, unless the parties agree to a later date.~~ The commissioner must notify the owner or lessee of the time and place of the hearing at least 15 days before the hearing. Upon petition of the commissioner, the administrative law judge shall continue the hearing up to 60 days and upon a showing of good cause may continue the hearing for such additional period as the administrative law judge deems appropriate.

At the hearing the owner or the lessee shall have the burden of proving by substantial evidence under subdivision 6, clauses (1) to (8). Whenever an applicant's judgment is by default, stipulation, or consent, or whenever the action against the licensee was defended by a trustee in bankruptcy, the applicant shall have the burden of proving the cause of action for fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance. Otherwise, the judgment shall create a rebuttable presumption of the fraudulent, deceptive, or dishonest practices, conversion of funds, or failure of performance. This presumption is a presumption affecting the burden of producing evidence.

The administrative law judge shall issue findings of fact, conclusions of law, and order. If the administrative law judge finds that compensation should be paid to the owner or the lessee, the administrative law judge shall order the commissioner to make payment from the fund of the amount it finds to be payable pursuant to the provisions of and in accordance with the limitations contained in this section. The order of the administrative law judge shall constitute the final decision of the agency in the contested case. Judicial review of the administrative law judge's findings of fact, conclusions of law, and order shall be in accordance with sections 14.63 to 14.69.

Sec. 34. Minnesota Statutes 2008, section 326B.89, subdivision 10, is amended to read:

Subd. 10. **Right of subrogation.** Notwithstanding subdivisions 1 to 9 and 11 to 16, the commissioner shall not pay compensation from the fund to an owner or lessee unless and until the owner or lessee executes an assignment to the commissioner of all rights, title, and interest in the final judgment in the amount of the compensation to be paid under an agreement under subdivision 7, clause (1), or a final order issued under subdivision 7, clause (2), or subdivision 8. If the commissioner pays compensation from the fund to an owner or a lessee pursuant to an agreement under subdivision 7, clause (1), or a final order issued under subdivision 7, clause (2), or subdivision 8, then the commissioner shall be subrogated to all of the rights, title, and interest in the owner's or lessee's final judgment in the amount of compensation paid from the fund and the owner or the lessee shall assign to the commissioner all rights, title, and interest in the final judgment in the amount of compensation paid. The commissioner shall deposit in the fund money recovered under this subdivision.

Sec. 35. Minnesota Statutes 2008, section 326B.89, subdivision 13, is amended to read:

Subd. 13. **Condominiums or townhouses.** (a) For purposes of this section, the owner or the lessee of a condominium or townhouse is considered an owner or a lessee of residential property terms "owner" and "lessee" of residential real estate include the following, regardless of the number of residential units per building-:

(1) an owner or lessee of an apartment as defined in and governed by chapter 515;

(2) an owner or lessee of a unit in a common interest community created under or governed by chapter 515B;

(3) an owner or lessee of a unit in a planned community or cooperative created prior to June 1, 1994, that has not elected to be governed by chapter 515B;

(4) an association or master association, as defined in chapter 515B, that owns or leases the common elements of a common interest community; and

(5) a homeowners association that owns or leases the common elements in a planned community or cooperative created prior to June 1, 1994, that has not elected to be governed by chapter 515B.

(b) For purposes of this subdivision, "common elements" means common areas and facilities as defined in chapter 515 and common elements as defined in chapter 515B.

Sec. 36. Minnesota Statutes 2008, section 326B.89, is amended by adding a subdivision to read:

Subd. 18. **Recovery of payments.** If the commissioner pays compensation from the fund on the basis of any false or misleading information provided to the commissioner in connection with the application for compensation, then, upon the application of the commissioner, a district court shall order the owner or lessee to repay to the fund all such compensation paid from the fund. In addition, the state may be allowed an amount determined by the court to be the reasonable value of all or part of the litigation expenses, including attorney fees, incurred by the state. The commissioner shall deposit in the fund money recovered under this subdivision.

Sec. 37. Minnesota Statutes 2008, section 326B.89, is amended by adding a subdivision to read:

Subd. 19. **Payment of penalty.** If an owner or lessee violates section 326B.084 in connection with an application for compensation from the fund, and if the commissioner issues to the owner or lessee an administrative order under section 326B.082, subdivision 7, for that violation of section 326B.084, then the commissioner shall deposit in the fund all penalties paid pursuant to the administrative order.

Sec. 38. Minnesota Statutes 2008, section 326B.921, subdivision 3, is amended to read:

Subd. 3. **Registration requirement.** All unlicensed individuals, other than pipefitter apprentices, must be registered under subdivision 4. No licensed high pressure piping business shall employ an unlicensed individual to assist in the practical construction and installation of high pressure piping and appurtenances unless the unlicensed individual is registered with the department. A pipefitter apprentice or registered unlicensed individual employed by a high pressure piping business may assist in the practical construction and installation of high pressure piping and appurtenances only while under direct supervision of a licensed contracting high pressure pipefitter or licensed journeyman high pressure pipefitter employed by the same high pressure piping business. The licensed contracting high pressure pipefitter or licensed journeyman high pressure pipefitter shall supervise no more than two pipefitter apprentices or registered unlicensed individuals. The licensed contracting high pressure pipefitter or journeyman high pressure pipefitter is responsible for ensuring that all high pressure piping work performed by the pipefitter apprentice or registered unlicensed individual complies with Minnesota Statutes and Minnesota Rules.

~~The board shall make recommendations by October 1, 2008, to the chairs of the standing committees of the senate and house of representatives having jurisdiction over high pressure piping regulation on the ratio of licensed contracting high pressure pipefitters or licensed journeyman high pressure pipefitters to pipefitter apprentices or registered unlicensed individuals for purposes of supervision.~~

Sec. 39. **REPEALER.**

Minnesota Statutes 2008, sections 299G.11; 299G.13, subdivisions 1, 6, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28; 299G.14; 299G.15; 299G.16; 299G.17; 299G.18; 326B.115; and 326B.37, subdivision 13, are repealed.

Minnesota Rules, parts 5200.0020; 5200.0050; and 5200.0080, subparts 2, 3, 4, 4a, 4b, 6, 7, and 8, are repealed.

Sec. 40. **EFFECTIVE DATE.**

Sections 1 to 39 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to labor and industry; modifying construction codes and licensing provisions; modifying certain notice provisions; amending Minnesota Statutes 2008, sections 178.01; 178.03, subdivisions 3, 4; 178.06; 178.08; 178.11; 326.02, subdivision 5; 326B.04, subdivision 2; 326B.127, subdivision 3; 326B.13, subdivisions 3, 4, 5, 6; 326B.133, subdivision 5; 326B.139; 326B.142; 326B.148, subdivisions 2, 3; 326B.191; 326B.31, subdivision 28; 326B.33, subdivision 17; 326B.42, subdivisions 2, 6; 326B.435, subdivision 2; 326B.47; 326B.84; 326B.89, subdivisions 1, 5, 6, 7, 8, 10, 13, by adding subdivisions; 326B.921, subdivision 3; Minnesota Statutes 2009 Supplement, sections 14.14, subdivision 1a; 326B.145; repealing Minnesota Statutes 2008, sections 299G.11; 299G.13, subdivisions 1, 6, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28; 299G.14; 299G.15; 299G.16; 299G.17; 299G.18; 326B.115; 326B.37, subdivision 13; Minnesota Rules, parts 5200.0020; 5200.0050; 5200.0080, subparts 2, 3, 4, 4a, 4b, 6, 7, 8."

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. 3055, A bill for an act relating to human services; making changes to the State-County Results, Accountability, and Service Delivery Redesign Act; amending Minnesota Statutes 2009 Supplement, sections 402A.01; 402A.10, subdivision 5; 402A.15; 402A.18; 402A.20; proposing coding for new law in Minnesota Statutes, chapter 402A; repealing Minnesota Statutes 2009 Supplement, sections 402A.30; 402A.45.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 2008, section 179A.03, subdivision 15, is amended to read:

Subd. 15. **Public employer or employer.** "Public employer" or "employer" means:

(a) the state of Minnesota for employees of the state not otherwise provided for in this subdivision or section 179A.10 for executive branch employees;

(b) the Board of Regents of the University of Minnesota for its employees;

(c) the state court administrator for court employees;

(d) the state Board of Public Defense for its employees;

(e) Hennepin Healthcare System, Inc.;

(f) a service delivery authority created under chapter 402A; and

~~(g)~~ (g) notwithstanding any other law to the contrary, the governing body of a political subdivision or its agency or instrumentality which has final budgetary approval authority for its employees. However, the views of elected appointing authorities who have standing to initiate interest arbitration, and who are responsible for the selection, direction, discipline, and discharge of individual employees shall be considered by the employer in the course of the discharge of rights and duties under sections 179A.01 to 179A.25.

When two or more units of government subject to sections 179A.01 to 179A.25 undertake a project or form a new agency under law authorizing common or joint action, the employer is the governing person or board of the created agency. The governing official or body of the cooperating governmental units shall be bound by an agreement entered into by the created agency according to sections 179A.01 to 179A.25.

"Public employer" or "employer" does not include a "charitable hospital" as defined in section 179.35, subdivision 2.

Nothing in this subdivision diminishes the authority granted pursuant to law to an appointing authority with respect to the selection, direction, discipline, or discharge of an individual employee if this action is consistent with general procedures and standards relating to selection, direction, discipline, or discharge which are the subject of an agreement entered into under sections 179A.01 to 179A.25.

Sec. 2. **[179A.50] SERVICE DELIVERY AUTHORITY UNITS.**

(a) Service delivery authorities created under chapter 402A shall be considered public employers under section 179A.03, subdivision 15.

(b) Employees of counties that form or are required to become part of a service delivery authority shall become employees of the new service delivery authority.

(c) If a majority of counties in a newly formed service delivery authority were certified as represented by an employee organization, the employees of the new service delivery authority shall continue to be certified and represented by the employee organization that represented them when they were employed by the counties.

(d) Until the service delivery authority negotiates a new collective bargaining agreement with the employee organizations, the collective bargaining agreements in effect prior to the creation of the service delivery authority shall remain in effect for employees previously covered by the agreements."

Page 6, line 3, strike "as a nonvoting member" and insert "Council 5 and one representative appointed by AFSCME Council 65 as nonvoting members"

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "specifying public employee status for service delivery units;"

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 3079, A bill for an act relating to state government; providing for certain permitting efficiency; modifying environmental review provisions; amending Minnesota Statutes 2008, sections 17.03, by adding a subdivision; 84.027, by adding a subdivision; 116.03, by adding a subdivision; 116D.04, subdivision 10, by adding a subdivision.

Reported the same back with the following amendments:

Page 3, after line 14, insert:

"Sec. 4. Minnesota Statutes 2008, section 116D.04, subdivision 2a, is amended to read:

Subd. 2a. **When prepared.** Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible governmental unit. The environmental impact statement shall be an analytical rather than an encyclopedic document which describes the proposed action in detail, analyzes its significant environmental impacts, discusses appropriate alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement shall also analyze those economic, employment and sociological effects that cannot be avoided should the action be implemented. To ensure its use in the decision-making process, the environmental impact statement shall be prepared as early as practical in the formulation of an action. No mandatory environmental impact statement may be required for an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than 125,000,000 gallons of ethanol annually and is located outside of the seven-county metropolitan area.

(a) The board shall by rule establish categories of actions for which environmental impact statements and for which environmental assessment worksheets shall be prepared as well as categories of actions for which no environmental review is required under this section.

(b) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet in a manner to be determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30 day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit's decision on the need for an environmental impact statement shall be based on the environmental assessment worksheet and the comments received during the comment period, and shall be made within 15 days after the close of the comment period. The board's chair may extend the 15 day period by not more than 15 additional days upon the request of the responsible governmental unit.

(c) An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 25 individuals, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects. Petitions requesting the preparation of an environmental assessment worksheet shall be submitted to the board. The chair of the board shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet shall be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chair may extend the 15 day period by not more than 15 additional days upon request of the responsible governmental unit.

(d) Except in an environmentally sensitive location where Minnesota Rules, part 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental review under this chapter and rules of the board, if:

(1) the proposed action is:

(i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

(ii) an expansion of an existing animal feedlot facility with a total cumulative capacity of less than 1,000 animal units;

(2) the application for the animal feedlot facility includes a written commitment by the proposer to design, construct, and operate the facility in full compliance with Pollution Control Agency feedlot rules; and

(3) the county board holds a public meeting for citizen input at least ten business days prior to the Pollution Control Agency or county issuing a feedlot permit for the animal feedlot facility unless another public meeting for citizen input has been held with regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition to other exemptions provided under other law and rules of the board.

(e) The board may, prior to final approval of a proposed project, require preparation of an environmental assessment worksheet by a responsible governmental unit selected by the board for any action where environmental review under this section has not been specifically provided for by rule or otherwise initiated.

(f) An early and open process shall be utilized to limit the scope of the environmental impact statement to a discussion of those impacts, which, because of the nature or location of the project, have the potential for significant environmental effects. The same process shall be utilized to determine the form, content and level of detail of the statement as well as the alternatives which are appropriate for consideration in the statement. In addition, the permits which will be required for the proposed action shall be identified during the scoping process. Further, the

process shall identify those permits for which information will be developed concurrently with the environmental impact statement. The board shall provide in its rules for the expeditious completion of the scoping process. The determinations reached in the process shall be incorporated into the order requiring the preparation of an environmental impact statement.

(g) The responsible governmental unit shall, to the extent practicable, avoid duplication and ensure coordination between state and federal environmental review and between environmental review and environmental permitting. Whenever practical, information needed by a governmental unit for making final decisions on permits or other actions required for a proposed project shall be developed in conjunction with the preparation of an environmental impact statement.

(h) An environmental impact statement shall be prepared and its adequacy determined within 280 days after notice of its preparation unless the time is extended by consent of the parties or by the governor for good cause. The responsible governmental unit shall determine the adequacy of an environmental impact statement, unless within 60 days after notice is published that an environmental impact statement will be prepared, the board chooses to determine the adequacy of an environmental impact statement. If an environmental impact statement is found to be inadequate, the responsible governmental unit shall have 60 days to prepare an adequate environmental impact statement."

Renumber the sections in sequence

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 3081, A bill for an act relating to crime; increasing the penalty for criminal sexual conduct in the first degree; amending Minnesota Statutes 2008, section 609.342, subdivision 2.

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

The report was adopted.

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

H. F. No. 3094, A bill for an act relating to natural resources; modifying certain administrative accounts; modifying electronic transaction provisions; providing for certain registration exemptions; modifying all-terrain vehicle operation restrictions; modifying state trails and canoe and boating routes; modifying fees and disposition of certain receipts; modifying certain competitive bidding exemptions; modifying horse trail pass provisions; modifying master plan requirements; modifying beaver dam provisions; modifying the Water Law; modifying nongame wildlife checkoffs; providing for acquisition of Lake Vermilion State Park; amending Minnesota Statutes 2008, sections 84.025, subdivision 9; 84.027, subdivision 15; 84.0856; 84.0857; 84.82, subdivision 3, by adding a subdivision; 84.922, subdivision 5, by adding a subdivision; 84.925, subdivision 1; 85.015, subdivision 14; 85.052,

subdivision 4; 85.22, subdivision 5; 85.32, subdivision 1; 85.43; 85.46, as amended; 97B.665, subdivision 2; 103A.305; 103F.325, by adding a subdivision; 103F.335, subdivision 1; 103G.271, subdivision 3; 103G.285, subdivision 5; 103G.301, subdivision 6; 103G.305, subdivision 2; 103G.315, subdivision 11; 103G.515, subdivision 5; 290.431; 290.432; Minnesota Statutes 2009 Supplement, sections 84.928, subdivision 1; 85.015, subdivision 13; 86A.09, subdivision 1; 103G.201; proposing coding for new law in Minnesota Statutes, chapter 103G; repealing Minnesota Statutes 2008, sections 97B.665, subdivision 1; 103G.295; 103G.650.

Reported the same back with the following amendments:

Page 4, after line 15, insert:

"Sec. 7. Minnesota Statutes 2008, section 84.92, subdivision 9, is amended to read:

Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than ~~900~~ 1,000 pounds.

Sec. 8. Minnesota Statutes 2008, section 84.92, subdivision 10, is amended to read:

Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of ~~900~~ 1,000 to ~~1,500~~ 1,800 pounds."

Page 12, delete section 19

Page 18, line 17, delete "**PROHIBITED**"

Page 18, line 18, delete everything before "The"

Page 19, lines 4 to 6, reinstate the stricken language

Page 19, line 7, reinstate "form determined by the commission."

Page 20, lines 1 to 3, reinstate the stricken language

Page 20, line 4, reinstate "the commission."

Page 20, after line 21, insert:

"(c) The revisor of statutes shall change the term "Minnesota Conservation Corps" to "Conservation Corps Minnesota" wherever it appears in Minnesota Statutes and Minnesota Rules."

Page 20, line 23, delete "97B.665, subdivision 1;"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "operation restrictions" and insert "provisions"

Page 1, line 7, delete "modifying beaver dam"

Page 1, line 8, delete "provisions;"

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 3103, A bill for an act relating to public safety; amending a definition related to child pornography; amending Minnesota Statutes 2008, section 617.246, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 9, insert:

"(d) "Lewd" means in a manner having a tendency to sexually stimulate a viewer.

"(e) "Apparent" means that which seems to the eye or mind to be so."

Page 1, line 10, strike "(d)" and insert "(f)"

Page 1, line 12, strike "(e)" and insert "(g)"

Page 1, line 13, strike "(e)" and insert "(g)"

Page 1, line 22, after "genitals" insert "or pubic or rectal area"

Page 2, line 3, strike "(f)" and insert "(h)"

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

The report was adopted.

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

H. F. No. 3108, A bill for an act relating to elections; changing and clarifying certain provisions; amending Minnesota Statutes 2008, sections 201.016, subdivision 1a; 201.061, subdivision 1; 201.12; 201.13; 201.14; 201.15, subdivisions 1, 2; 201.155; 203B.02, subdivision 3; 203B.04, subdivision 1; 203B.06, subdivision 5; 203B.16, subdivision 2; 203B.19; 204B.04, subdivision 2; 204B.135, subdivision 4; 204B.14, by adding a subdivision; 204B.18, subdivision 1; 204B.19, subdivision 2; 204B.21, subdivision 2; 204B.22, subdivisions 1, 2; 204B.24; 204B.27, subdivisions 2, 3; 204B.38; 204C.02; 204C.04, subdivision 1; 204C.06, subdivision 1; 204C.08; 204C.12, subdivision 2; 204C.13, subdivision 2; 204C.33, subdivision 1; 204C.35, subdivision 2; 204C.36, subdivisions 3, 4; 204C.37; 204D.04, subdivision 2; 204D.09, subdivision 2; 204D.10, subdivision 1; 204D.20, subdivision 1; 205.07,

by adding a subdivision; 205.075, subdivision 1; 205.13, subdivisions 1, 2; 205.16, subdivisions 2, 3; 205A.05, subdivision 1; 205A.11, subdivision 3; 208.03; proposing coding for new law in Minnesota Statutes, chapters 201; 205A; repealing Minnesota Statutes 2008, sections 3.22; 204B.22, subdivision 3; 204D.10, subdivision 2; 206.57, subdivision 7; 206.91.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 201.016, subdivision 1a, is amended to read:

Subd. 1a. **Violations; penalty.** (a) The county auditor shall mail a ~~violation~~ notice to any voter who the county auditor can determine has ~~voted~~; (1) provided the address at which the voter maintains residence, but was allowed to vote in a precinct other than the precinct in which the voter maintains residence; and (2) not voted in the wrong precinct previously. The notice must be in the form provided by the secretary of state.

(b) The county auditor shall mail a violation notice to any voter who otherwise voted in a precinct in which the voter did not maintain residence on election day. The county auditor shall also change the status of the voter in the statewide registration system to "challenged" and the voter shall be required to provide proof of residence to either the county auditor or to the election judges in the voter's precinct before voting in the next election. Any of the forms authorized by section 201.061 for registration at the polling place may be used for this purpose.

~~(b)~~ (c) A voter who votes in a precinct other than the precinct in which the voter maintains residence after receiving an initial violation notice as provided in this subdivision is guilty of a petty misdemeanor.

~~(c)~~ (d) A voter who votes in a precinct other than the precinct in which the voter maintains residence after having been found to have committed a petty misdemeanor under paragraph (b) is guilty of a misdemeanor.

~~(d)~~ (e) Reliance by the voter on inaccurate information regarding the location of the voter's polling place provided by the state, county, or municipality is an affirmative defense to a prosecution under this subdivision.

Sec. 2. Minnesota Statutes 2008, section 201.061, subdivision 1, is amended to read:

Subdivision 1. **Prior to election day.** At any time except during the 20 days immediately preceding any regularly scheduled election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence by completing a voter registration application as described in section 201.071, subdivision 1, and submitting it in person or by mail to the county auditor of that county or to the Secretary of State's Office. A registration that is received no later than 5:00 p.m. on the 21st day preceding any election shall be accepted. An improperly addressed or delivered registration application shall be forwarded within two working days after receipt to the county auditor of the county where the voter maintains residence. A state or local agency or an individual that accepts completed voter registration applications from a voter must submit the completed applications to the secretary of state or the appropriate county auditor within ten calendar days after the applications are dated by the voter.

For purposes of this section, mail registration is defined as a voter registration application delivered to the secretary of state, county auditor, or municipal clerk by the United States Postal Service or a commercial carrier.

Sec. 3. Minnesota Statutes 2008, section 201.11, is amended to read:

201.11 PRECINCT BOUNDARIES; HOUSE NUMBER; STREET ADDRESS CHANGED, CHANGE OF FILES.

Subdivision 1. **Precinct boundaries changed.** When the boundaries of a precinct are changed, the county auditor shall immediately update the voter records for that precinct in the statewide voter registration system to accurately reflect those changes.

Subd. 2. **House number or street address changed.** If a municipality administratively changes the number or name of a street address of an existing residence, the municipal clerk shall promptly notify the county auditor and the county auditor shall immediately update the voter records of registered voters in the statewide voter registration system to accurately reflect that change. A municipality must not make a change to the number or name of a street address of an existing residence effective during the 45 days prior to any election in a jurisdiction which includes the affected residence.

Sec. 4. Minnesota Statutes 2008, section 201.12, is amended to read:

201.12 PROPER REGISTRATION; VERIFICATION BY MAIL; CHALLENGES.

Subdivision 1. **Notice of registration.** To prevent fraudulent voting and to eliminate excess names, the county auditor may mail to any registered voter a notice stating the voter's name and address as they appear in the registration files. The notice shall request the voter to notify the county auditor if there is any mistake in the information.

Subd. 2. **Moved within state.** If any nonforwardable mailing from an election official is returned as undeliverable but with a permanent forwarding address in this state, the county auditor may change the voter's status to "inactive" in the statewide registration system and shall ~~notify~~ transmit a copy of the mailing to the auditor of the county in which the new address is located. ~~Upon receipt of the notice,~~ If an election is scheduled to occur in the precinct in which the voter resides in the next 47 days, the county auditor shall promptly update the voter's address in the statewide voter registration system ~~and~~. If there is not an election scheduled, the auditor may wait to update the voter's address until after the next list of address changes is received from the secretary of state. Once updated, the county auditor shall mail to the voter a notice stating the voter's name, address, precinct, and polling place, except that if the voter's record is challenged due to a felony conviction, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, the auditor must not mail the notice. The notice must advise the voter that the voter's voting address has been changed and that the voter must notify the county auditor within 21 days if the new address is not the voter's address of residence. The notice must state that it must be returned if it is not deliverable to the voter at the named address.

Subd. 3. **Moved out of state.** If any nonforwardable mailing from an election official is returned as undeliverable but with a permanent forwarding address outside this state, the county auditor shall promptly mail to the voter at the voter's new address a notice advising the voter that the voter's status in the statewide voter registration system will be changed to "inactive" unless the voter notifies the county auditor within 21 days that the voter is retaining the former address as the voter's address of residence. If the notice is not received by the deadline, the county auditor shall change the voter's status to "inactive" in the statewide voter registration system.

Subd. 4. **Challenges.** If any nonforwardable mailing from an election official is returned as undeliverable but with no forwarding address, the county auditor shall change the registrant's status to "challenged" in the statewide voter registration system. An individual challenged in accordance with this subdivision shall comply with the provisions of section 204C.12, before being allowed to vote. If a notice mailed at least 60 days after the return of the first nonforwardable mailing is also returned by the postal service, the county auditor shall change the registrant's status to "inactive" in the statewide voter registration system.

EFFECTIVE DATE. This section is effective June 1, 2011.

Sec. 5. Minnesota Statutes 2008, section 201.121, subdivision 3, is amended to read:

Subd. 3. **Postelection sampling.** Within ten days after an election, the county auditor shall send the notice required by subdivision 2 to a random sampling of the individuals registered on election day. The random sampling shall be determined in accordance with the rules of the secretary of state. As soon as practicable after the election,

the county auditor shall mail the notice required by subdivision 2 to all other individuals registered on election day. If a notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. A county auditor who does not receive or obtain satisfactory proof of an individual's eligibility to vote shall immediately notify the county attorney of all of the relevant information and the secretary of state of the numbers by precinct. By March 1 of every odd-numbered year, the secretary of state shall report to the chair and ranking minority members of the legislative committees with jurisdiction over elections the number of notices reported under this subdivision to the secretary of state for the previous state general election by county and precinct.

Sec. 6. Minnesota Statutes 2008, section 201.13, is amended to read:

201.13 REPORT OF DECEASED VOTERS; CHANGES TO VOTER RECORDS.

Subdivision 1. **Commissioner of health; reports of deceased residents.** Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the commissioner of health shall report monthly by electronic means to the secretary of state the name, address, date of birth, and county of residence of each individual 18 years of age or older who has died while maintaining residence in Minnesota since the last previous report. The secretary of state shall determine if any of the persons listed in the report are registered to vote and shall prepare a list of those registrants for each county auditor. Within 60 days after receiving the list from the secretary of state, the county auditor shall change the status of those registrants to "deceased" in the statewide voter registration system.

Subd. 1a. **Social Security Administration; reports of deceased residents.** The secretary of state shall determine if any of the persons listed on the Social Security Death Index are registered to vote and prepare a list of those registrants for each county auditor. The county auditor shall change the status of those registrants to "deceased" in the statewide voter registration system.

Subd. 2. **Deceased nonresidents.** After receiving notice of death of a voter who has died outside the county, the county auditor shall change the voter's status to "deceased." Notice must be in the form of a printed obituary or a written statement signed by a registered Minnesota voter ~~of the county~~.

Subd. 3. **Use of change of address system.** (a) At least once each month the secretary of state shall obtain a list of individuals registered to vote in this state who have filed with the United States Postal Service a change of their permanent address. However, the secretary of state shall not load data derived from this list into the statewide voter registration system within the 47 days before the state primary or 47 days before a November general election.

(b) If the address is changed to another address in this state, the secretary of state shall locate the precinct in which the voter resides, if possible. If the secretary of state is able to locate the precinct in which the voter resides, the secretary must transmit the information about the changed address by electronic means to the county auditor of the county in which the new address is located. If the voter has not voted or submitted a voter registration application since the address change, upon receipt of the information, the county auditor shall update the voter's address in the statewide voter registration system and. The county auditor shall mail to the voter a notice stating the voter's name, address, precinct, and polling place, unless the voter's record is challenged due to a felony conviction, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, in which case the auditor must not mail the notice. The notice must advise the voter that the voter's voting address has been changed and that the voter must notify the county auditor within 21 days if the new address is not the voter's address of residence. The notice must state that it must be returned if it is not deliverable to the voter at the named address.

~~(b)~~ (c) If the change of permanent address is to an address outside this state, the secretary of state shall notify by electronic means the auditor of the county where the voter formerly resided that the voter has moved to another state. If the voter has not voted or submitted a voter registration application since the address change, the county auditor shall promptly mail to the voter at the voter's new address a notice advising the voter that the voter's status in

the statewide voter registration system will be changed to "inactive" unless the voter notifies the county auditor within 21 days that the voter is retaining the former address as the voter's address of residence, except that if the voter's record is challenged due to a felony conviction, noncitizenship, name change, incompetence, or a court's revocation of voting rights of individuals under guardianship, the auditor must not mail the notice. If the notice is not received by the deadline, the county auditor shall change the voter's status to "inactive" in the statewide voter registration system.

Subd. 4. **Request for removal of voter record.** If a voter makes a written request for removal of the voter's record, the county auditor shall remove the record of the voter from the statewide voter registration system.

EFFECTIVE DATE. Subdivision 1a is effective the day following final enactment. Subdivision 3 is effective June 1, 2011. The remainder of this section is effective August 1, 2010.

Sec. 7. Minnesota Statutes 2008, section 201.14, is amended to read:

201.14 COURT ADMINISTRATOR OF DISTRICT COURT; REPORT CHANGES OF NAMES.

The ~~state court administrator of district court in each county~~ shall regularly report ~~monthly~~ by electronic means to the ~~county auditor~~ secretary of state the name ~~and~~, address, and, if available, driver's license or state identification card number of each individual, 18 years of age or over, ~~who maintains residence in that county and~~ whose name was changed ~~during the month preceding the date of the~~ since the last report, by marriage, divorce or any order or decree of the court. The secretary of state shall determine if any of the persons in the report are registered to vote under their previous name and shall prepare a list of those registrants for each county auditor. Upon receipt of the report list, the county auditor shall ~~notify by mail each registered voter whose name was changed that it will be necessary to reregister under the changed name in order to vote~~ make the change in the voter's record and mail to the voter the notice of registration required by section 201.121, subdivision 2.

EFFECTIVE DATE. This section is effective June 1, 2011.

Sec. 8. Minnesota Statutes 2008, section 201.15, subdivision 1, is amended to read:

Subdivision 1. **Guardianships and incompetents.** Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report ~~monthly~~ regularly by electronic means to the secretary of state the name, address, ~~and~~ date of birth, and, if available, driver's license or state identification card number of each individual 18 years of age or over, who ~~during the month preceding the date of the~~ since the last report:

(~~a~~) (1) was placed under a guardianship in which the court order revokes the ward's right to vote; or

(~~b~~) (2) was adjudged legally incompetent.

The court administrator shall also report the same information for each individual transferred to the jurisdiction of the court who meets a condition specified in clause (~~a~~) (1) or (~~b~~) (2). The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the record in the statewide registration system of any individual named in the report to indicate that the individual is not eligible to reregister or vote.

Sec. 9. Minnesota Statutes 2008, section 201.15, subdivision 2, is amended to read:

Subd. 2. **Guardianship termination or modification.** Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report ~~monthly~~ regularly by electronic means to the secretary of state the name, address, ~~and~~ date of birth, and, if available, driver's license or state identification card number of

each individual whose guardianship was modified to restore the ward's right to vote or whose guardianship was terminated by order of the court under section 524.5-317 after being ineligible to vote for any of the reasons specified in subdivision 1. The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for the county auditor. The county auditor shall change the status on the voter's record in the statewide registration system to "active."

Sec. 10. Minnesota Statutes 2008, section 201.155, is amended to read:

201.155 REPORT ON FELONY CONVICTIONS.

Pursuant to the Help America Vote Act of 2002, Public Law 107-252, the state court administrator shall report ~~monthly~~ regularly by electronic means to the secretary of state the name, address, date of birth, and, if available, driver's license or state identification card number, date of sentence, effective date of the sentence, and county in which the conviction occurred of each person who has been convicted of a felony. The state court administrator shall also report the name, address, and date of birth of each person previously convicted of a felony whose civil rights have been restored. The secretary of state shall determine if any of the persons in the report is registered to vote and shall prepare a list of those registrants for each county auditor. The county auditor shall change the status of those registrants in the appropriate manner in the statewide registration system.

Sec. 11. **[201.157] USE OF DEPARTMENT OF CORRECTIONS DATA.**

As required by the Help America Vote Act of 2002, Public Law 107-252, the commissioner of corrections shall make electronic data available to the secretary of state on individuals 18 years of age or older who are currently serving felony sentences under the commissioner's jurisdiction. The data must include the name, date of birth, corrections' state identification number, and if available, the driver's license or state identification card number, and, if an individual has completed the sentence, the date of discharge.

The secretary of state must determine if any data newly indicates that:

(1) an individual with an active voter registration in the statewide voter registration system is currently serving a felony sentence under the commissioner's jurisdiction and the individual's voter record does not already have a challenged status due to a felony conviction;

(2) an individual with an active voter registration in the statewide voter registration system who is currently serving a felony sentence under the commissioner's jurisdiction appears to have registered to vote or to have voted during a period when the individual's civil rights were revoked; and

(3) an individual with a voter record that has a challenged status due to a felony conviction who was serving a felony sentence under the commissioner's jurisdiction has been discharged from a sentence.

The secretary of state shall prepare a list of the registrants included under clause (1), (2), or (3) for each county auditor. For individuals under clause (1), the county auditor shall challenge the individual's record in the statewide voter registration system. The county auditor must provide information to the county attorney about individuals under clause (2) for the county attorney's investigation. For individuals under clause (3), the county auditor must determine if the challenge status should be removed from the voter record for the individual, and if so, must remove the challenge.

The secretary of state must make the required determinations and provide the required lists to the county auditors at least monthly.

For each state general election that occurs prior to the statewide voter registration system being programmed to generate lists as required by this section, the secretary of state must make the determination and provide lists to the county auditors between 30 and 60 days before the election and again between six and ten weeks after the election. In the year following that state election, the secretary of state must make this determination and provide lists to the county auditors again as part of the annual list maintenance.

EFFECTIVE DATE. This section is effective August 1, 2010.

Sec. 12. **[201.158] USE OF DEPARTMENT OF PUBLIC SAFETY DATA.**

As required by the Help America Vote Act of 2002, Public Law 107-252, the commissioner of public safety shall make electronic data on citizenship available to the secretary of state. The secretary of state must determine whether the data newly indicates that any individuals who have active records in the statewide voter registration system are not citizens. The secretary of state shall prepare a list of those voters for each county auditor. The county auditor shall change the status of those registrants in the statewide voter registration system to reflect that they are challenged based upon their citizenship and must notify the county attorney.

In 2010, the secretary of state must make the determination and provide lists to the county auditors between 30 and 60 days before the general election and again between six and ten weeks after the election. In 2011, the secretary of state must make this determination again as part of the annual list maintenance. By August 1, 2012, the secretary of state must provide electronic lists to the counties at least monthly.

Sec. 13. Minnesota Statutes 2008, section 201.171, is amended to read:

201.171 POSTING VOTING HISTORY; FAILURE TO VOTE; REGISTRATION REMOVED.

Within six weeks after every election, the county auditor shall post the voting history for every person who voted in the election. After the close of the calendar year, the secretary of state shall determine if any registrants have not voted during the preceding four years. The secretary of state shall perform list maintenance by changing the status of those registrants to "inactive" in the statewide registration system. The list maintenance performed must be conducted in a manner that ensures that the name of each registered voter appears in the official list of eligible voters in the statewide registration system. A voter must not be removed from the official list of eligible voters unless the voter is not eligible or is not registered to vote. List maintenance must include procedures for eliminating duplicate names from the official list of eligible voters.

The secretary of state shall also prepare a report to the county auditor containing the names of all registrants whose status was changed to "inactive."

Registrants whose status was changed to "inactive" must register in the manner specified in section 201.054 before voting in any primary, special primary, general, school district, or special election, as required by section 201.018.

Although not counted in an election, a late or rejected absentee or mail ballot must be considered a vote for the purpose of continuing registration under this section, but is not considered voting history for the purpose of public information lists available under section 201.091, subdivision 4.

Sec. 14. Minnesota Statutes 2008, section 203B.02, subdivision 3, is amended to read:

Subd. 3. **Permanent Indefinite residence abroad.** A United States citizen living ~~permanently~~ indefinitely outside the United States who is eligible under federal law to vote in federal elections in Minnesota may vote by absentee ballot only as provided in sections 203B.16 to 203B.27.

Sec. 15. Minnesota Statutes 2008, section 203B.04, subdivision 1, is amended to read:

Subdivision 1. **Application procedures.** Except as otherwise allowed by subdivision 2 or by section 203B.11, subdivision 4, an application for absentee ballots for any election may be submitted at any time not less than one day before the day of that election. The county auditor shall prepare absentee ballot application forms in the format provided by the secretary of state, ~~notwithstanding rules on absentee ballot forms~~, and shall furnish them to any person on request. By January 1 of each even-numbered year, the secretary of state shall make the forms to be used available to auditors through electronic means. An application submitted pursuant to this subdivision shall be in writing and shall be submitted to:

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

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

An application shall be approved if it is timely received, signed and dated by the applicant, contains the applicant's name and residence and mailing addresses, and states that the applicant is eligible to vote by absentee ballot for one of the reasons specified in section 203B.02. The application may contain a request for the voter's date of birth, which must not be made available for public inspection. An application may be submitted to the county auditor or municipal clerk by an electronic facsimile device. An application mailed or returned in person to the county auditor or municipal clerk on behalf of a voter by a person other than the voter must be deposited in the mail or returned in person to the county auditor or municipal clerk within ten days after it has been dated by the voter and no later than six days before the election. The absentee ballot applications or a list of persons applying for an absentee ballot may not be made available for public inspection until the close of voting on election day.

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

Sec. 16. Minnesota Statutes 2008, section 203B.06, subdivision 5, is amended to read:

Subd. 5. **Preservation of records.** An application for absentee ballots shall be dated by the county auditor or municipal clerk when it is received and shall be initialed when absentee ballots are mailed or delivered to the applicant. All applications shall be preserved by the county auditor or municipal clerk ~~and arranged according to precincts and the initial letter of the applicant's surname~~ for 22 months.

Sec. 17. Minnesota Statutes 2008, section 203B.16, subdivision 2, is amended to read:

Subd. 2. **~~Permanent~~ Indefinite residence outside United States.** Sections 203B.16 to 203B.27 provide the exclusive voting procedure for United States citizens who are living ~~permanently~~ indefinitely outside the territorial limits of the United States who meet all the qualifications of an eligible voter except residence in Minnesota, but who are authorized by federal law to vote in Minnesota because they maintained residence in Minnesota for at least 20 days immediately prior to their departure from the United States. Individuals described in this subdivision shall be permitted to vote only for the offices of president, vice-president, senator in Congress, and representative in Congress.

Sec. 18. Minnesota Statutes 2008, section 203B.19, is amended to read:

203B.19 RECORDING APPLICATIONS.

Upon accepting an application, the county auditor shall record in the statewide registration system the voter's name, address of present or former residence in Minnesota, mailing address, school district number, passport number, Minnesota driver's license number or state identification card number, or the last four digits of the voter's Social Security number, and whether the voter is in the military or the spouse or dependent of an individual serving

in the military, is a voter temporarily outside the territorial limits of the United States, or is living permanently outside the territorial limits of the United States and voting under federal law. The county auditor shall retain the record for six years. A voter whose name is recorded as provided in this section shall not be required to register under any other provision of law in order to vote under sections 203B.16 to 203B.27. Persons from whom applications are not accepted must be notified by the county auditor and provided with the reasons for the rejection.

No later than 60 days after the general election, the county auditor shall report to the secretary of state the combined number of absentee ballots transmitted to ~~absent voters described in section 203B.16.~~ ~~No later than 60 days after the general election, the county auditor shall report to the secretary of state~~ and the combined number of absentee ballots returned and cast by absent voters described in section 203B.16. The secretary of state may require the information be reported by category under section 203B.16 or by precinct.

No later than 90 days after the general election, the secretary of state shall report to the federal Election Assistance Commission the number of absentee ballots transmitted to voters under section 203B.16.

Sec. 19. Minnesota Statutes 2008, section 204B.04, subdivision 2, is amended to read:

Subd. 2. **Candidates seeking nomination by primary.** No individual who seeks nomination for any partisan or nonpartisan office at a primary shall be nominated for the same office by nominating petition, except as otherwise provided for ~~partisan offices in section 204D.10, subdivision 2, and for nonpartisan offices in section 204B.13, subdivision 4.~~

Sec. 20. Minnesota Statutes 2008, section 204B.135, subdivision 4, is amended to read:

Subd. 4. **Special elections; limitations.** No municipality or school district may conduct a special election during the 19 weeks before the state primary election in the year ending in two, ~~except for special elections conducted on the date of the school district general election.~~ A school district special election required by any other law may be deferred until the date of the next school district general election, the state primary election, or the state general election.

Sec. 21. Minnesota Statutes 2008, section 204B.14, is amended by adding a subdivision to read:

Subd. 4a. **Municipal boundary adjustment procedure.** A change in the boundary of an election precinct that has occurred as a result of a municipal boundary adjustment made under chapter 414 that is effective more than 21 days before a regularly scheduled election takes effect at the scheduled election.

A change in the boundary of an election precinct that has occurred as a result of a municipal boundary adjustment made under chapter 414 that is effective less than 21 days before a regularly scheduled election takes effect the day after the scheduled election.

Sec. 22. Minnesota Statutes 2008, section 204B.18, subdivision 1, is amended to read:

Subdivision 1. **Booths; voting stations.** (a) Each polling place must contain a number of voting booths or voting stations in proportion to the number of individuals eligible to vote in the precinct. Each booth or station must be at least six feet high, three feet deep and two feet wide with a shelf at least two feet long and one foot wide placed at a convenient height for writing. The booth or station shall permit the voter to vote privately and independently.

(b) Each polling place must have at least one accessible voting booth or other accessible voting station and beginning with federal and state elections held after December 31, 2005, and county, municipal, and school district elections held after December 31, 2007, one voting system that conforms to section 301(a)(3)(B) of the Help America Vote Act, Public Law 107-252.

(c) Local jurisdictions must make accessible voting stations purchased with funds provided from the Help America Vote Act account available to other local jurisdictions holding stand-alone elections. The jurisdiction providing the equipment may require the jurisdiction using the equipment to reimburse any direct actual costs incurred as a result of the equipment's use and any prorated indirect costs of maintaining and storing the equipment. A rental or other similar use fee may not be charged.

Any funds received under this clause for expenses incurred by that local jurisdiction as a direct result of making the equipment available that were not paid for in whole or in part with funds from the Help America Vote Act account are not program income under the Help America Vote Act, Public Law 107-252.

Any funds received by a local jurisdiction making the equipment available as reimbursement for expenses as defined as "operating costs" under Laws 2005, chapter 162, section 34, subdivision 1, paragraph (b), and paid for in whole or in part with funds from the Help America Vote Act account must be treated as program income and deposited into the jurisdiction's Help America Vote Act account in the direct proportion that funds from the Help America Vote Act account were used to pay for those "operating costs."

(d) All booths or stations must be constructed so that a voter is free from observation while marking ballots. During the hours of voting, the booths or stations must have instructions, a pencil, and other supplies needed to mark the ballots. A chair must be provided for elderly voters and voters with disabilities to use while voting or waiting to vote. Stable flat writing surfaces must also be made available to voters who are completing election-related forms.

(e) All ballot boxes, voting booths, voting stations, and election judges must be in open public view in the polling place.

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

Sec. 23. Minnesota Statutes 2008, section 204B.22, subdivision 1, is amended to read:

Subdivision 1. **Minimum number required.** (a) A minimum of ~~three~~ four election judges shall be appointed for each precinct, except as provided by subdivision 2. In a combined polling place under section 204B.14, subdivision 2, at least one judge must be appointed from each municipality in the combined polling place, provided that not less than three judges shall be appointed for each combined polling place. The appointing authorities may appoint election judges for any precinct in addition to the number required by this subdivision including additional election judges to count ballots after voting has ended.

(b) An election judge may serve for all or part of election day, at the discretion of the appointing authority, as long as the minimum number of judges required is always present. The head election judge designated under section 204B.20 must serve for all of election day and be present in the polling place unless another election judge has been designated by the head election judge to perform the functions of the head election judge during any absence.

Sec. 24. Minnesota Statutes 2008, section 204B.22, subdivision 2, is amended to read:

Subd. 2. ~~**Additional election judges in paper ballot precincts**~~ **Exception.** ~~In precincts using paper ballots, A minimum of three election judges shall be appointed in precincts not using electronic voting equipment. One additional election judge shall be appointed for each 150 votes cast in that precinct at the last similar election. At each state primary or state general election in precincts using paper ballots and in which more than 300 votes were cast at the last similar election, additional election judges shall be appointed to count the ballots and complete the returns in place of the election board that served while voting was taking place.~~

Sec. 25. Minnesota Statutes 2008, section 204B.24, is amended to read:

204B.24 ELECTION JUDGES; OATH.

Each election judge shall sign the following oath before assuming the duties of the office:

"I solemnly swear (or affirm) that I will perform the duties of election judge according to law and the best of my ability and will diligently endeavor to prevent fraud, deceit and abuse in conducting this election. I will perform my duties in a fair and impartial manner and not attempt to create an advantage for my party or for any candidate."

The oath shall be attached to the summary statement of the election returns of that precinct. If there is no individual present who is authorized to administer oaths, the election judges may administer the oath to each other.

Sec. 26. Minnesota Statutes 2008, section 204B.27, subdivision 2, is amended to read:

Subd. 2. **Election law and instructions.** The secretary of state shall prepare and publish a volume containing all state general laws relating to elections. The attorney general shall provide annotations to the secretary of state for this volume. On or before ~~July~~ August 1 of every ~~even-numbered~~ odd-numbered year the secretary of state shall furnish to the county auditors and municipal clerks enough copies of this volume so that each county auditor and municipal clerk will have at least one copy. On or before July 1 of every even-numbered year, the secretary of state shall prepare and make an electronic copy available on the office's Web site. The secretary of state may prepare and transmit to the county auditors and municipal clerks detailed written instructions for complying with election laws relating to the conduct of elections, conduct of voter registration and voting procedures.

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

Sec. 27. Minnesota Statutes 2008, section 204B.27, subdivision 3, is amended to read:

Subd. 3. **Instruction posters.** At least 25 days before every state primary election the secretary of state shall prepare and furnish to the county auditor of each county ~~in which paper ballots are used~~, voter instruction posters printed in large type upon cards or heavy paper. The instruction posters must contain the information needed to enable the voters to cast their paper ballots quickly and correctly and indicate the types of assistance available for elderly and disabled voters. Two instruction posters shall be furnished for each precinct ~~in which paper ballots are used~~. Upon mutual agreement, the secretary of state may provide the posters in an electronic format.

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

Sec. 28. Minnesota Statutes 2008, section 204B.28, is amended by adding a subdivision to read:

Subd. 3. **Certification of number.** The county auditor or municipal clerk must certify the number of ballots being provided to each precinct and provide this number to the election judges for inclusion on the summary statement. The auditor or clerk must not open prepackaged ballots, but must count the ballots, presuming that the total count for each package is correct.

Sec. 29. Minnesota Statutes 2008, section 204B.38, is amended to read:

204B.38 NAMES ON BALLOTS; IDENTICAL DESCRIPTIVE WORDS.

When the similarity of ~~surnames~~ both the first and last names of two or more candidates for the same office at the same election may cause confusion to voters, up to three additional words may be printed on the ballot after each surname to indicate the candidate's occupation, office, residence or any combination of them if the candidate furnishes the identifying words to the filing officer by the last day for withdrawal of candidacy.

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

Sec. 30. Minnesota Statutes 2008, section 204C.02, is amended to read:

204C.02 APPLICATION.

This chapter applies to all elections held in this state except as otherwise provided by law.

An individual who is unable to write the individual's name must sign election-related documents in the manner provided by section 645.44, subdivision 14. An individual who has power of attorney for another person may not sign election-related documents for that person, except as provided by this section.

Sec. 31. Minnesota Statutes 2008, section 204C.04, subdivision 1, is amended to read:

Subdivision 1. **Right to be absent.** Every employee who is eligible to vote in an election has the right to be absent from work for the purpose of voting during the morning of for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election, without penalty or deduction from salary or wages because of the absence. An employer or other person may not directly or indirectly refuse, abridge, or interfere with this right or any other election right of an employee.

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

Sec. 32. Minnesota Statutes 2008, section 204C.06, subdivision 1, is amended to read:

Subdivision 1. **Lingering Persons allowed near polling place.** An individual shall be allowed to go to and from the polling place for the purpose of voting without unlawful interference. No one except an election official or an individual who is waiting to register or to vote or an individual who is conducting exit polling shall stand within 100 feet of the building in which a polling place is located. "Exit polling" is defined as approaching voters in a predetermined pattern as they leave the polling place after they have voted and asking voters to fill out an anonymous, written questionnaire.

Sec. 33. Minnesota Statutes 2008, section 204C.08, is amended to read:

204C.08 OPENING OF POLLING PLACES.

Subdivision 1. **Arrival; ballots.** The election judges shall meet at the polling place at least one hour before the time for opening the polls. Before the polls open, the election judges shall compare the ballots used with the sample ballots, electronic ballot displays, and audio ballot reader furnished to see that the names, numbers, and letters on both agree and shall certify to that fact on forms provided for that purpose. The certification must be filed with the election returns.

Subd. 1a. Display of flag. Upon their arrival at the polling place on the day of election, the election judges shall cause the national flag to be displayed on a suitable staff at the entrance to the polling place. The flag shall be displayed continuously during the hours of voting and the election judges shall attest to that fact by signing the flag certification statement on the precinct summary statement. The election judges shall receive no compensation for any time during which they intentionally fail to display the flag as required by this subdivision.

Subd. 4a. 1b. Voter's Bill of Rights. The county auditor shall prepare and provide to each polling place sufficient copies of a poster setting forth the Voter's Bill of Rights as set forth in this section. Before the hours of voting are scheduled to begin, the election judges shall post it in a conspicuous location or locations in the polling place. The Voter's Bill of Rights is as follows:

"VOTER'S BILL OF RIGHTS

For all persons residing in this state who meet federal voting eligibility requirements:

(1) You have the right to be absent from work for the purpose of voting ~~during the morning of~~ without reduction to your pay, personal leave, or vacation time on election day for the time necessary to appear at your polling place, cast a ballot, and return to work.

(2) If you are in line at your polling place any time ~~between 7:00 a.m. and before~~ 8:00 p.m., you have the right to vote.

(3) If you can provide the required proof of residence, you have the right to register to vote and to vote on election day.

(4) If you are unable to sign your name, you have the right to orally confirm your identity with an election judge and to direct another person to sign your name for you.

(5) You have the right to request special assistance when voting.

(6) If you need assistance, you may be accompanied into the voting booth by a person of your choice, except by an agent of your employer or union or a candidate.

(7) You have the right to bring your minor children into the polling place and into the voting booth with you.

(8) If you have been convicted of a felony but your felony sentence has expired (been completed) or you have been discharged from your sentence, you have the right to vote.

(9) If you are under a guardianship, you have the right to vote, unless the court order revokes your right to vote.

(10) You have the right to vote without anyone in the polling place trying to influence your vote.

(11) If you make a mistake or spoil your ballot before it is submitted, you have the right to receive a replacement ballot and vote.

(12) You have the right to file a written complaint at your polling place if you are dissatisfied with the way an election is being run.

(13) You have the right to take a sample ballot into the voting booth with you.

(14) You have the right to take a copy of this Voter's Bill of Rights into the voting booth with you."

Subd. 2. **Posting of voting instructions.** Before the hours for voting are scheduled to begin, the election judges shall post any official voter instruction posters furnished to them in a conspicuous location or locations in the polling place.

Subd. 2a. **Sample ballots.** ~~At least two sample ballot ballots~~ At least two sample ballot ballots must be posted in a conspicuous location in the polling place and must remain open to inspection by the voters throughout election day. The sample ~~ballot~~ ballots must accurately reflect the offices, candidates, and rotation sequence on the ballots used in that polling place. The sample ballots may be either in full or reduced size.

Subd. 3. **Locking of ballot boxes box.** Immediately before the time when voting is scheduled to begin, one of the election judges shall open the ballot ~~boxes box~~ boxes box in the presence of the individuals assembled at the polling place, ~~turn the boxes upside down to demonstrate that it is empty them,~~ lock them it, and deliver the key to another election judge. Except as provided by law or rule, the boxes box shall not be reopened except to count the ballots until after the hours for voting have ended and all voting has been concluded. The ~~boxes box~~ boxes box shall be kept in public view at all

times during voting hours. After locking the ballot ~~boxes~~ box, the election judges shall proclaim that voting may begin, and shall post outside the polling place conspicuous written or printed notices of the time when voting is scheduled to end.

Subd. 4. **Ballot ~~boxes~~, box boxcar seals.** The governing body of a municipality or school district by resolution may direct the municipal or school district clerk to furnish a boxcar seal for each ballot box in place of a lock and key. Each seal shall consist of a numbered ~~metal~~ strap with a self-locking device securely attached to one end of the strap so that the other end may be inserted and securely locked in the seal. No two ~~metal~~ straps shall bear the same number.

Sec. 34. Minnesota Statutes 2008, section 204C.09, subdivision 1, is amended to read:

Subdivision 1. **Counting and initialing.** (a) Before the voting begins, at least two election judges must certify the number of ballots delivered to the precinct. Election judges may conduct this count, presuming that the total count provided for prepackaged ballots is correct. As each package is opened, two judges must count the ballots in the package to ensure that the total count provided for the package is correct. Any discrepancy must be noted on the incident log.

(b) Before the voting begins, or as soon as possible after it begins, at least two election judges shall each initial the backs of all the ballots. The election judges shall not otherwise mark the ballots.

Sec. 35. Minnesota Statutes 2008, section 204C.12, subdivision 2, is amended to read:

Subd. 2. **Statement of grounds; oath.** A challenger must be a resident of this state. The secretary of state shall prepare a form that challengers must complete and sign when making a challenge. The form must include space to state the ground for the challenge, a statement that the challenge is based on the challenger's personal knowledge, and a statement that the challenge is made under oath. The form must include a space for the challenger's printed name, signature, telephone number, and address.

An election judge shall administer to the challenged individual the following oath:

"Do you solemnly swear (or affirm) that you will fully and truly answer all questions put to you concerning your eligibility to vote at this election?"

The election judge shall then ask the challenged individual sufficient questions to test that individual's residence and right to vote.

Sec. 36. Minnesota Statutes 2008, section 204C.13, subdivision 2, is amended to read:

Subd. 2. **Voting booths.** One of the election judges shall explain to the voter the proper method of marking and folding the ballots and, during a primary election, the effect of attempting to vote in more than one party's primary. Except as otherwise provided in section 204C.15, the voter shall retire alone to an unoccupied voting booth ~~and~~ or, at the voter's discretion, the voter may choose to use another writing surface. The voter shall mark the ballots without undue delay. The voter may take sample ballots into the booth to assist in voting. The election judges may adopt and enforce reasonable rules governing the amount of time a voter may spend in the voting booth marking ballots.

Sec. 37. Minnesota Statutes 2008, section 204C.24, subdivision 1, is amended to read:

Subdivision 1. **Information requirements.** Precinct summary statements shall be submitted by the election judges in every precinct. For all elections, the election judges shall complete three or more copies of the summary statements, and each copy shall contain the following information for each kind of ballot:

(a) the number of ballots delivered to the precinct as adjusted by the actual count made by the election judges, the number of unofficial ballots made, and the number of absentee ballots delivered to the precinct;

(b) the number of votes each candidate received or the number of yes and no votes on each question, the number of undervotes or partially blank ballots, and the number of overvotes or partially, and the number of defective ballots with respect to each office or question;

~~(b) the number of totally blank ballots, the number of totally defective ballots,~~ (c) the number of spoiled ballots, the number of duplicate ballots made, the number of absentee ballots rejected, and the number of unused ballots, presuming that the total count provided on each package of unopened prepackaged ballots is correct;

~~(d)~~ (d) the number of individuals who voted at the election in the precinct which must equal the total number of ballots cast in the precinct, as required by sections 204C.20 and 206.86, subdivision 1;

~~(e)~~ (e) the number of voters registering on election day in that precinct; and

~~(f)~~ (f) the signatures of the election judges who counted the ballots certifying that all of the ballots cast were properly piled, checked, and counted; and that the numbers entered by the election judges on the summary statements correctly show the number of votes cast for each candidate and for and against each question.

At least two copies of the summary statement must be prepared for elections not held on the same day as the state elections.

Sec. 38. Minnesota Statutes 2008, section 204C.28, subdivision 1, is amended to read:

Subdivision 1. **County auditor.** Every county auditor shall remain at the auditor's office to receive delivery of the returns, to permit public inspection of the summary statements, and to tabulate the votes until all have been tabulated and the results made known, or until 24 hours have elapsed since the end of the hours for voting, whichever occurs first. Every county auditor shall, in the presence of the municipal clerk or the election judges who deliver the returns, make a record of all materials delivered, the time of delivery, and the names of the municipal clerk or election judges who made delivery. The record must include the number of ballots delivered to the precinct, as certified by section 204B.28, and the total number of ballots returned, as certified by the election judges under section 204C.24. A discrepancy between the number of ballots delivered to the precinct and the number of total ballots returned by election judges that cannot be reconciled by taking into account the adjustments made by the election judge counts and any unofficial ballots must be noted, but does not disqualify the votes from that precinct or invalidate the election. The county auditor shall file the record and all envelopes containing ballots in a safe and secure place with envelope seals unbroken. Access to the record and ballots shall be strictly controlled. Accountability and a record of access shall be maintained by the county auditor during the period for contesting elections or, if a contest is filed, until the contest has been finally determined. Thereafter, the record shall be retained in the auditor's office for the same period as the ballots as provided in section 204B.40.

The county auditor shall file all envelopes containing ballots in a safe place with seals unbroken. If the envelopes were previously opened by proper authority for examination or recount, the county auditor shall have the envelopes sealed again and signed by the individuals who made the inspection or recount. The envelopes may be opened by the county canvassing board if necessary to procure election returns that the election judges inadvertently may have sealed in the envelopes with the ballots. In that case, the envelopes shall be sealed again and signed in the same manner as otherwise provided in this subdivision.

Sec. 39. Minnesota Statutes 2008, section 204C.28, subdivision 2, is amended to read:

Subd. 2. **Clerks.** The clerk of every first, second, and third class city shall remain at the clerk's office to receive delivery of returns, or until 24 hours have elapsed since the end of the hours for voting, whichever occurs first. The clerk of every first class city shall keep a book in which, in the presence of the election judges or other individuals who deliver the returns, the clerk shall make a record of all materials delivered, the time of delivery, and the names of the election judges or other individuals who made delivery. The record must include the number of ballots delivered to the precinct, as certified by section 204B.28, and the total number of ballots returned, as certified by the election judges under section 204C.24. A discrepancy between the number of ballots delivered to the precinct and the number of total ballots returned by election judges that cannot be reconciled by taking into account the adjustments made by the election judge counts and any unofficial ballots must be noted, but does not disqualify the votes from that precinct or invalidate the election. The book shall be retained in the clerk's office for the same period as the ballots as provided in section 204B.40.

Sec. 40. Minnesota Statutes 2008, section 204C.33, subdivision 1, is amended to read:

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

- (a) the number of individuals voting at the election in the county and in each precinct;
- (b) the number of individuals registering to vote on election day and the number of individuals registered before election day in each precinct;
- (c) the names of the candidates for each office and the number of votes received by each candidate in the county and in each precinct, ~~including write-in candidates for state and federal office who have requested under section 204B.09 that votes for those candidates be tallied;~~
- (d) the number of votes counted for and against a proposed change of county lines or county seat; and
- (e) the number of votes counted for and against a constitutional amendment or other question in the county and in each precinct.

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

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

Sec. 41. Minnesota Statutes 2008, section 204C.35, subdivision 2, is amended to read:

Subd. 2. **Discretionary candidate recount.** (a) A losing candidate whose name was on the ballot for nomination or election to a statewide federal office, state constitutional office, statewide judicial office, congressional office, state legislative office, or district judicial office may request a recount in a manner provided in this section at the candidate's own expense when the vote difference is greater than the difference required by this section. The votes shall be manually recounted as provided in this section if the candidate files a request during the time for filing notice of contest of the primary or election for which a recount is sought.

(b) The requesting candidate shall file with the filing officer a bond, cash, or surety in an amount set by the filing officer for the payment of the recount expenses. The requesting candidate is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; ~~the costs of computer operation, preparation of ballot counting equipment,~~ necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

(c) The requesting candidate may provide the filing officer with a list of up to three precincts that are to be recounted first and may waive the balance of the recount after these precincts have been counted. If the candidate provides a list, the recount official must determine the expenses for those precincts in the manner provided by paragraph (b).

(d) If the winner of the race is changed by the optional recount, the cost of the recount must be paid by the jurisdiction conducting the recount.

(e) If a result of the vote counting in the manual recount is different from the result of the vote counting reported on election day by a margin greater than the standard for acceptable performance of voting systems provided in section 206.89, subdivision 4, the cost of the recount must be paid by the jurisdiction conducting the recount.

Sec. 42. Minnesota Statutes 2008, section 204C.35, subdivision 3, is amended to read:

Subd. 3. **Scope of recount.** A recount conducted as provided in this section is limited in scope to the determination of the number of votes validly cast for the office to be recounted. Only the ballots cast in the election and the summary statements certified by the election judges may be considered in the recount process. Original ballots that have been duplicated under section 206.86, subdivision 5, are not within the scope of a recount and must not be examined except as provided by a court in an election contest under chapter 209.

Sec. 43. Minnesota Statutes 2008, section 204C.36, subdivision 3, is amended to read:

Subd. 3. **Discretionary ballot question recounts.** A recount may be conducted for a ballot question when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1. A recount may be requested by any person eligible to vote on the ballot question. A written request for a recount must be filed with the filing officer of the county, municipality, or school district placing the question on the ballot and must be accompanied by a petition containing the signatures of 25 voters eligible to vote on the question. Upon receipt of a written request when the difference between the votes for and the votes against the question is less than or equal to the difference provided in subdivision 1, the county auditor shall recount the votes for a county question at the expense of the county, the governing body of the municipality shall recount the votes for a municipal question at the expense of the municipality, and the school board of the school district shall recount the votes for a school district question at the expense of the school district. If the difference between the votes for and the votes against the question is greater than the difference provided in subdivision 1, the person requesting the recount shall also file with the filing officer of the county, municipality, or school district a bond, cash, or surety in

an amount set by the appropriate governing body for the payment of recount expenses. The written request, petition, and any bond, cash, or surety required must be filed during the time for notice of contest for the election for which the recount is requested.

Sec. 44. Minnesota Statutes 2008, section 204C.36, subdivision 4, is amended to read:

Subd. 4. **Expenses.** In the case of a question, a person, or a candidate requesting a discretionary recount, is responsible for the following expenses: the compensation of the secretary of state, or designees, and any election judge, municipal clerk, county auditor, administrator, or other personnel who participate in the recount; ~~the costs of computer operation, preparation of ballot counting equipment,~~ necessary supplies and travel related to the recount; the compensation of the appropriate canvassing board and costs of preparing for the canvass of recount results; and any attorney fees incurred in connection with the recount by the governing body responsible for the recount.

Sec. 45. Minnesota Statutes 2008, section 204C.37, is amended to read:

204C.37 COUNTY CANVASS; RETURN OF REPORTS TO SECRETARY OF STATE.

~~Two copies~~ A copy of the ~~reports report~~ required by sections 204C.32, subdivision 1, and 204C.33, subdivision 1, shall be certified under the official seal of the county auditor. ~~Each~~ The copy shall be enclosed in an envelope addressed to the secretary of state, with the county auditor's name and official address and the words "Election Returns" endorsed on the envelope. The copy of the canvassing board report ~~not sent by express mail~~ and the precinct summary statements must be ~~mailed~~ sent by express mail or delivered to the secretary of state. If ~~neither the copy is not~~ received by the secretary of state within ten days following the applicable election, the secretary of state shall immediately notify the county auditor, who shall deliver another copy to the secretary of state by special messenger.

Sec. 46. Minnesota Statutes 2008, section 204D.04, subdivision 2, is amended to read:

Subd. 2. **Instructions to printer; printer's bond.** (a) The official charged with the preparation and distribution of the ballots shall prepare instructions to the printer for rotation of the names of candidates and for layout of the ballot.

(b) Except as provided in paragraph (c), the instructions shall be approved by the legal advisor of the official before delivery to the printer.

(c) The legal advisor of a town official is not required to approve instructions regarding the rotation of the names of candidates on the ballot or the layout of the ballot.

(d) Before a contract exceeding \$1,000 is awarded for printing ballots, the printer shall furnish, if requested by the official, a sufficient bond, letter of credit, or certified check, acceptable to the official responsible for printing the ballots, conditioned on printing the ballots in conformity with the Minnesota Election Law and the instructions delivered. The official responsible for printing the ballots shall set the amount of the bond, letter of credit, or certified check in an amount equal to the value of the purchase.

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

Sec. 47. Minnesota Statutes 2008, section 204D.09, subdivision 2, is amended to read:

Subd. 2. **Sample ballot.** At least two weeks before the state primary the county auditor shall prepare a sample state partisan primary ballot and a sample state and county nonpartisan primary ballot for public inspection. The names of all of the candidates to be voted for in the county shall be placed on the sample ballots, with the names of

the candidates for each office arranged ~~alphabetically according to the surname~~ in the base rotation as determined by section 206.61, subdivision 5. Only one sample state partisan primary ballot and one sample state and county nonpartisan ballot shall be prepared for any county. The county auditor shall post the sample ballots in a conspicuous place in the auditor's office and shall cause them to be published at least one week before the state primary in at least one newspaper of general circulation in the county.

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

Sec. 48. Minnesota Statutes 2008, section 204D.10, subdivision 1, is amended to read:

Subdivision 1. **Partisan offices; nominees.** The candidate for nomination of a major political party for a partisan office on the state partisan primary ballot who receives the highest number of votes shall be the nominee of that political party for that office, ~~except as otherwise provided in subdivision 2.~~

Sec. 49. Minnesota Statutes 2008, section 204D.17, is amended to read:

~~204D.17 REPRESENTATIVE IN CONGRESS; STATE SENATOR; STATE REPRESENTATIVE; VACANCY IN OFFICE; SPECIAL ELECTION.~~

Subdivision 1. **Special elections; exceptions.** A vacancy in the office of ~~representative in Congress~~ or state senator or state representative shall be filled for the unexpired term by special election upon the writ of the governor as provided in sections 204D.17 to 204D.27; except that if ~~Congress~~ or the legislature will not be in session before the expiration of the vacant term no special election is required.

Subd. 2. **Two or more vacancies.** Two or more vacancies may be filled at the same special election and the candidates may be nominated at the same special primary. Any special primary or special election held pursuant to sections 204D.17 to 204D.27 may be held on the same day as any other election.

Sec. 50. Minnesota Statutes 2008, section 204D.19, is amended to read:

204D.19 SPECIAL ELECTIONS; WHEN HELD.

Subdivision 1. **Vacancy filled at general election.** When a vacancy occurs more than 150 days before the next state general election, and the ~~Congress~~ or the legislature will not be in session before the final canvass of the state general election returns, the vacancy shall be filled at the next state general election.

Subd. 2. **Special election when ~~Congress~~ or legislature will be in session.** Except for vacancies in the legislature which occur at any time between the last day of session in an odd-numbered year and the 40th day prior to the opening day of session in the succeeding even-numbered year, when a vacancy occurs and the ~~Congress~~ or legislature will be in session so that the individual elected as provided by this section could take office and exercise the duties of the office immediately upon election, the governor shall issue within five days after the vacancy occurs a writ calling for a special election. The special election shall be held as soon as possible, consistent with the notice requirements of section 204D.22, subdivision 3, but in no event more than 35 days after the issuance of the writ.

Subd. 3. **Special election at other times.** When a vacancy occurs at a time other than those described in subdivisions 1 and 2 the governor shall issue a writ, calling for a special election to be held so that the individual elected may take office at the opening of the next session of ~~the Congress~~ or of the legislature, or at the reconvening of a session of the ~~Congress~~ or of the legislature.

Subd. 4. **Writ when vacancy results from election contest.** If a vacancy results from a successful election contest, the governor shall issue 22 days after the first day of the legislative session a writ calling for a special election unless the house in which the contest may be tried has passed a resolution which states that it will or will not review the court's determination of the contest. If the resolution states that the house will not review the court's determination, the writ shall be issued within five days of the passage of the resolution.

Sec. 51. Minnesota Statutes 2008, section 204D.20, subdivision 1, is amended to read:

Subdivision 1. **Special primary.** Except as provided in subdivision 2, the candidates of the major political parties to fill a vacancy shall be nominated at a special primary. The candidate of each party who receives the highest number of votes at the special primary shall be nominated ~~without reference to the ten percent requirement of section 204D.10, subdivision 2.~~

Sec. 52. **[204D.29] REPRESENTATIVE IN CONGRESS VACANCY.**

Subdivision 1. **Scope; definition.** (a) A vacancy in the office of representative in Congress must be filled as specified in this section.

(b) "Vacancy," as used in this section, means a vacancy in the office of representative in Congress.

Subd. 2. **Vacancy 27 weeks or more before state primary.** (a) If a vacancy occurs 27 weeks or more before the state primary, the governor must issue a writ within three days of the vacancy for a special election for that office to be held between 20 and 24 weeks of the vacancy, but not fewer than 47 days before a state primary. A special primary must be held 11 weeks before the special election or on the second Tuesday in August if the general election is held on the first Tuesday after the first Monday in November if any major party has more than one candidate after the time for withdrawal has expired.

(b) The filing period for a special election under this subdivision must end on or before the 131st day before the special election. Minor party and independent candidates must submit their petitions by the last day for filing and signatures on the petitions must be dated from the date of the vacancy through the last day for filing. There must be a one-day period for withdrawal of candidates after the last day for filing.

Subd. 3. **Vacancy more than 22 weeks but fewer than 27 weeks before state primary.** (a) If a vacancy occurs more than 22 weeks but fewer than 27 weeks before the state primary, the governor must issue a writ within three days of the vacancy for a special election for that office to be held on the day of the state primary with a special primary held 11 weeks before the state primary, if any major party has more than one candidate after the time for withdrawal has expired. The regularly scheduled election to fill the next full term shall proceed pursuant to law.

(b) The filing period for a special election under this subdivision must end on or before the 147th day before the state primary. Minor party and independent candidates must submit their petitions by the last day for filing and signatures on the petitions must be dated from the date of the vacancy through the last day for filing. There must be a one-day period for withdrawal of candidates after the last day for filing. Candidates for a special election under this subdivision are not subject to the prohibition in section 204B.06 against having more than one affidavit of candidacy on file for the same election.

(c) The winner of a special election on the day of the state primary under this subdivision shall serve the remainder of the vacant term and is eligible to be seated in Congress upon issuance of the certificate of election. The winner of the regularly scheduled term for that office at the general election shall take office on the day new members of Congress take office.

Subd. 4. **Vacancy 22 or fewer weeks before state primary but before general election day.** (a) If a vacancy occurs from 22 weeks before the state primary to the day before the general election, no special election will be held. The winner of the general election for the next full term for that office will serve the remainder of the unexpired term and is eligible to be seated in Congress immediately upon issuance of a certificate of election.

(b) If the incumbent filed an affidavit of candidacy for reelection as the candidate of a major political party and was nominated for the general election ballot by that party and a vacancy occurs from the day of the state primary until the date of the general election, there is a vacancy in nomination to be resolved pursuant to section 204B.13.

Subd. 5. **Vacancy on or after election day and before the day new members of Congress take office.** (a) If a vacancy occurs between the day of the general election and the day new members of Congress take office and the incumbent was not the winner of the general election, the winner of the general election for the next full term for that office is eligible to be seated in Congress immediately upon issuance of a certificate of election or the vacancy, whichever occurs last.

(b) If a vacancy occurs on or after election day but before the day new members of Congress take office and the incumbent was the winner of the general election, the vacancy must be filled pursuant to subdivision 2.

Sec. 53. Minnesota Statutes 2008, section 205.065, subdivision 1, as amended by Laws 2010, chapter 184, section 26, is amended to read:

Subdivision 1. **Establishing primary.** A municipal primary for the purpose of nominating elective officers may be held in any city on the second Tuesday in August of any year in which a municipal general election is to be held for the purpose of electing officers. The date of a municipal primary held in an odd-numbered year may be postponed for inclement weather as provided in section 205.105.

Sec. 54. Minnesota Statutes 2008, section 205.07, subdivision 1, is amended to read:

Subdivision 1. **Date of election.** The municipal general election in each city shall be held on the first Tuesday after the first Monday in November in every even-numbered year. Notwithstanding any provision of law to the contrary and subject to the provisions of this section, the governing body of a city may, by ordinance passed at a regular meeting held before June 1 of any year, elect to hold the election on the first Tuesday after the first Monday in November in each odd-numbered year. A city may hold elections in either the even-numbered year or the odd-numbered year, but not both. When a city changes its elections from one year to another, and does not provide for the expiration of terms by ordinance, the term of an incumbent expiring at a time when no municipal election is held in the months immediately prior to expiration is extended until the date for taking office following the next scheduled municipal election. If the change results in having three council members to be elected at a succeeding election, the two individuals receiving the highest vote shall serve for terms of four years and the individual receiving the third highest number of votes shall serve for a term of two years. To provide an orderly transition to the odd or even year election plan, the governing body of the city may adopt supplementary ordinances regulating initial elections and officers to be chosen at the elections and shortening or lengthening the terms of incumbents and those elected at the initial election. The term of office for the mayor may be either two or four years. The term of office of council members is four years. Whenever the time of the municipal election is changed, the city clerk immediately shall notify in writing the county auditor and secretary of state of the change of date. Thereafter the municipal general election shall be held on the first Tuesday after the first Monday in November in each odd-numbered or even-numbered year until the ordinance is revoked and notification of the change is made. A municipal general election scheduled to be held in an odd-numbered year may be postponed for inclement weather as provided in section 205.105.

Sec. 55. Minnesota Statutes 2008, section 205.07, is amended by adding a subdivision to read:

Subd. 1a. **City council members; expiration of terms.** The terms of all city council members of charter cities expire on the first Monday in January of the year in which they expire.

Sec. 56. **[205.105] POSTPONEMENT OF ELECTION; INCLEMENT WEATHER.**

Subdivision 1. **Applicability.** This section applies to a primary, special, or general election held in a city that is not held in conjunction with a state or federal election, and to town elections when postponement of the town election is not subject to section 365.51.

Subd. 2. **Postponement of election.** (a) In the event of severe or inclement weather, the municipal clerk may postpone an election when the National Weather Service or a law enforcement agency has issued storm warnings or travel advisories indicating that the weather conditions would make travel to a polling place difficult or hazardous for voters and election judges. When one or more jurisdictions are holding elections in conjunction with one another, the jurisdiction that covers the largest geographic area has the authority, after consulting with the other auditors and clerks, to make the decision to postpone all of the elections. A decision to postpone an election must apply to every precinct in the jurisdiction.

(b) A decision to postpone an election must be made no later than 6:00 p.m. on the day before the election. The clerk must contact the election judges and notify local media outlets of the postponement. The clerk must also post a notice on the jurisdiction's Web site, if practicable.

(c) A postponed election must be rescheduled for the next following Tuesday after the election was originally scheduled. The date on which the postponed election will be held shall be considered the date of the election for purposes of absentee voting under chapter 203B. An election that is postponed due to weather may be postponed again if necessary under this section.

Sec. 57. Minnesota Statutes 2008, section 205.13, subdivision 1, is amended to read:

Subdivision 1. **Affidavit of candidacy.** An individual who is eligible and desires to become a candidate for an office to be voted for at the municipal general election shall file an affidavit of candidacy with the municipal clerk. Candidates for a special election to fill a vacancy held as provided in section 412.02, subdivision 2a, must file an affidavit of candidacy for the specific office to fill the unexpired portion of the term. Subject to the approval of the county auditor, the town clerk may authorize candidates for township offices to file affidavits of candidacy with the county auditor. The affidavit shall be in substantially the same form as that in section 204B.06, subdivision 1. The municipal clerk shall also accept an application signed by not less than five voters and filed on behalf of an eligible voter in the municipality whom they desire to be a candidate, if service of a copy of the application has been made on the candidate and proof of service is endorsed on the application being filed. Upon receipt of the proper filing fee, the clerk shall place the name of the candidate on the official ballot without partisan designation.

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

Sec. 58. Minnesota Statutes 2008, section 205.13, subdivision 2, is amended to read:

Subd. 2. **Notice of filing dates.** At least two weeks before the first day to file affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the clerk's office and the closing time for filing on the last day for filing. The clerk shall post a similar notice at least ten days before the first day to file affidavits of candidacy. The notice must separately list any office for which affidavits of candidacy may be filed to fill the unexpired portion of a term when a special election is being held to fill a vacancy as provided in section 412.02, subdivision 2a.

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

Sec. 59. Minnesota Statutes 2008, section 205.16, subdivision 2, is amended to read:

Subd. 2. **Sample ballot, publication.** For every municipal election, the municipal clerk shall, at least ~~one week~~ two weeks before the election, publish a sample ballot in the official newspaper of the municipality, except that the governing body of a fourth class city or a town not located within a metropolitan county as defined in section 473.121 may dispense with publication.

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

Sec. 60. Minnesota Statutes 2008, section 205.16, subdivision 3, is amended to read:

Subd. 3. **Sample ballot, posting.** For every municipal election, the municipal clerk shall at least ~~four days~~ two weeks before the election ~~post~~ prepare a sample ballot for the municipality, make them available for public inspection in the clerk's office ~~for public inspection~~, and post a sample ballot in each polling place on election day.

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

Sec. 61. Minnesota Statutes 2008, section 205A.03, subdivision 2, as amended by Laws 2010, chapter 184, section 32, is amended to read:

Subd. 2. **Date.** The school district primary must be held on the second Tuesday in August in the year when the school district general election is held. The clerk shall give notice of the primary in the manner provided in section 205A.07. The date of a school district primary held in an odd-numbered year may be postponed for inclement weather as provided in section 205A.055.

Sec. 62. Minnesota Statutes 2008, section 205A.04, subdivision 1, is amended to read:

Subdivision 1. **School district general election.** The general election in each school district must be held on the first Tuesday after the first Monday in November of either the odd-numbered or the even-numbered year. A general election held in an odd-numbered year may be postponed for inclement weather as provided in section 205A.055.

Sec. 63. **[205A.046] SCHOOL BOARD MEMBER TERM EXPIRATION.**

The terms of all school board members expire on the first Monday in January of the year in which they expire.

Sec. 64. Minnesota Statutes 2008, section 205A.05, subdivision 1, is amended to read:

Subdivision 1. **Questions.** Special elections must be held for a school district on a question on which the voters are authorized by law to pass judgment. The school board may on its own motion call a special election to vote on any matter requiring approval of the voters of a district. Upon petition filed with the school board of 50 or more voters of the school district or five percent of the number of voters voting at the preceding school district general election, whichever is greater, the school board shall by resolution call a special election to vote on any matter requiring approval of the voters of a district. A question is carried only with the majority in its favor required by law. The election officials for a special election are the same as for the most recent school district general election unless changed according to law. Otherwise, special elections must be conducted and the returns made in the manner provided for the school district general election. A special election may not be held during the 30 days before and the 30 days after the state primary, during the 30 days before and the 40 days after the state general election. In addition, a special election may not be held during the 20 days before and the 20 days after any regularly scheduled election of a municipality wholly or partially within the school district. Notwithstanding any other law to the contrary, the time period in which a special election must be conducted under any other law may be extended by the school board to conform with the requirements of this subdivision.

Sec. 65. **[205A.055] POSTPONEMENT OF ELECTION; INCLEMENT WEATHER.**

Subdivision 1. **Applicability.** This section applies to a primary, special, or general election held in a school district that is not held in conjunction with a state or federal election.

Subd. 2. **Postponement of election.** (a) In the event of severe or inclement weather, the school district clerk may postpone an election when the National Weather Service or a law enforcement agency has issued storm warnings or travel advisories indicating that the weather conditions would make travel to a polling place difficult or hazardous for voters and election judges. When one or more jurisdictions are holding elections in conjunction with one another, the jurisdiction that covers the largest geographic area has the authority, after consulting with the other auditors and clerks, to make the decision to postpone all of the elections. A decision to postpone an election must apply to every precinct in the jurisdiction.

(b) A decision to postpone an election must be made no later than 6:00 p.m. on the day before the election. The clerk must contact the election judges and notify local media outlets of the postponement. The clerk must also post a notice on the jurisdiction's Web site, if practicable.

(c) A postponed election must be rescheduled for the next following Tuesday after the election was originally scheduled. The date on which the postponed election will be held shall be considered the date of the election for purposes of absentee voting under chapter 203B. An election that is postponed due to weather may be postponed again if necessary under this section.

Sec. 66. Minnesota Statutes 2008, section 205A.11, subdivision 3, is amended to read:

Subd. 3. **Procedure.** The designation of a polling place pursuant to this section remains effective until a different polling place is designated. No designation of a new or different polling place becomes effective less than 90 days prior to an election, except that a new polling place may be designated to replace a polling place that has become unavailable for use. The school board must notify the county auditor within 30 days after the establishment of a polling place as provided in this section. The notice must include a list of the precincts that will be voting at each polling place. The school board must send the notice required by section 204B.16, subdivision 1a, after a polling place is established as provided in this section, but no additional notices of this kind are required for any subsequent similar elections until the location of the polling place or the combination of precincts voting at the polling place is changed. The secretary of state shall provide a single polling place roster for use in any polling place established as provided in this section. A single set of election judges must be appointed to serve in the polling place. The number of election judges required must be based on the total number of persons voting at the last similar election in all the precincts to be voting at the single polling place. A single ballot box may be provided for all the ballots.

Sec. 67. Minnesota Statutes 2008, section 206.57, subdivision 6, is amended to read:

Subd. 6. **Required certification.** In addition to the requirements in subdivision 1, a voting system must be certified by an independent testing authority ~~approved~~ accredited by the ~~secretary of state and conform to current standards for voting equipment~~ Election Assistance Commission at the time of submission of the application required by subdivision 1 to be in conformity with voluntary voting system guidelines issued by the ~~Federal Election Commission or its successor, the Election Assistance Commission.~~ The application must be accompanied by the certification report of the voting systems test laboratory. A certification under this section from an independent testing authority accredited by the Election Assistance Commission meets the requirement of Minnesota Rules, part 8220.0350, item L. A vendor must provide a copy of the source code for the voting system to the secretary of state. A chair of a major political party or the secretary of state may select, in consultation with the vendor, an independent third-party evaluator to examine the source code to ensure that it functions as represented by the vendor and that the code is free from defects. A major political party that elects to have the source code examined must pay for the

examination. Except as provided by this subdivision, a source code that is trade secret information must be treated as nonpublic information, according to section 13.37. A third-party evaluator must not disclose the source code to anyone else.

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

Sec. 68. Minnesota Statutes 2008, section 208.03, is amended to read:

208.03 NOMINATION OF PRESIDENTIAL ELECTORS.

Presidential electors for the major political parties of this state shall be nominated by delegate conventions called and held under the supervision of the respective state central committees of the parties of this state. On or before primary election day the chair of the major political party shall certify to the secretary of state the names of the persons nominated as presidential electors, the names of eight alternate presidential electors, and the names of the party candidates for president and vice president. The chair shall also certify that the party candidates for president and vice president have no affidavit on file as a candidate for any office in this state at the ensuing general election.

Sec. 69. Minnesota Statutes 2008, section 365.51, subdivision 1, is amended to read:

Subdivision 1. **When; postponement for bad weather.** (a) A town's annual town meeting must be held on the second Tuesday of March at the place named by the last annual town meeting. If no place was named then, the meeting must be held at the place named by the town board. The place may be outside the town if the place is within five miles of a town boundary. ~~If there is bad weather,~~ on the day of the meeting and election in March, ~~the town board shall set the National Weather Service or a law enforcement agency has issued storm warnings or travel advisories such that the clerk determines travel to a polling place would be difficult or hazardous for voters and election judges,~~ the clerk may postpone the election and meeting. If the meeting and election are postponed, the meeting and election ~~for~~ shall be held on the third Tuesday in March. ~~If there is bad weather on the third Tuesday in March,~~ Prior to providing notice of the election and meeting, the town board shall by resolution set another date for the meeting and election within 30 days of the third Tuesday in March on which the meeting and election shall be held if bad weather forces postponement of the meeting and election on the third Tuesday in March. The decision to postpone the meeting and election must be made no later than three hours before the opening of the polling place or the convening of the meeting, whichever comes first. The clerk shall notify the election judges and local media offices of the decision to postpone the meeting and election. If the meeting and election are postponed, the notice requirements in subdivision 2 shall apply to the postponed meeting and election.

The balloting of the town election must be concluded on the same day the election is commenced.

(b) If any other political subdivision is conducting an election in conjunction with the township election, postponement of the election shall be subject to section 205.105, 205A.055, or 373.50. If an election is postponed under section 205.105, 205A.055, or 373.50, the town meeting shall also be postponed as if postponed under this section.

Sec. 70. **[373.50] POSTPONEMENT OF ELECTION; INCLEMENT WEATHER.**

Subdivision 1. **Applicability.** This section applies to a primary, special, or general election held in a county that is not held in conjunction with a state or federal election.

Subd. 2. **Postponement of election.** (a) In the event of severe or inclement weather, the county auditor may postpone an election when the National Weather Service or a law enforcement agency has issued storm warnings or travel advisories indicating that the weather conditions would make travel to a polling place difficult or hazardous for voters and election judges. When one or more jurisdictions are holding elections in conjunction with one

another, the jurisdiction that covers the largest geographic area has the authority, after consulting with the other auditors and clerks, to make the decision to postpone all of the elections. A decision to postpone an election must apply to every precinct in the jurisdiction.

(b) A decision to postpone an election must be made no later than 6:00 p.m. on the day before the election. The auditor must contact the election judges and notify local media outlets of the postponement. The auditor must also post a notice on the jurisdiction's Web site, if practicable.

(c) A postponed election must be rescheduled for the next following Tuesday after the election was originally scheduled. The date on which the postponed election will be held shall be considered the date of the election for purposes of absentee voting under chapter 203B. An election that is postponed due to weather may be postponed again if necessary under this section.

Sec. 71. Minnesota Statutes 2008, section 375.101, subdivision 1, is amended to read:

Subdivision 1. **Option for filling vacancies; special election in 30 to 90 days.** Except as provided in subdivision 3, a vacancy in the office of county commissioner may be filled as provided in this subdivision ~~and subdivision 2,~~ or as provided in subdivision 4. If the vacancy is to be filled under this subdivision ~~and subdivision 2,~~ it must be filled at a special election ~~not less than 30 nor more than 90 days after the vacancy occurs. The special primary or special election may be held on the same day as a regular primary or regular election but the special election shall be held not less than 14 days after the special primary.~~ The county board may by resolution call for the special election to be held as soon as practicable following the declaration of vacancy, but not less than 12 weeks before the next regularly scheduled primary election; at an election held concurrently with the next regularly scheduled primary and general elections; or at an election held no sooner than 120 days following the next regularly scheduled general election. The person elected at the special election shall take office immediately after receipt of the certificate of election and upon filing the bond and taking the oath of office and shall serve the remainder of the unexpired term. If the county has been reapportioned since the commencement of the term of the vacant office, the election shall be based on the district as reapportioned.

Sec. 72. Minnesota Statutes 2008, section 375.101, subdivision 4, is amended to read:

Subd. 4. **Vacancies ~~of less than one year; appointment option.~~** Except as provided in subdivision 3, and as an alternative to the procedure provided in ~~subdivisions subdivision 1 and 2, any other,~~ a vacancy in the office of county commissioner may be filled by board appointment at a regular or special meeting. The appointment shall be evidenced by a resolution entered in the minutes and shall continue until an election is held ~~under this subdivision.~~ All elections to fill vacancies shall be for the unexpired term. If one year or more remains in the unexpired term, a special election must be held under subdivision 1. ~~If less than one year remains~~ Regardless of the time remaining in the unexpired term, the county board may appoint a person to fill the a vacancy for the remainder of the unexpired term, unless the vacancy occurs within 90 days of the next county general election, in which case an appointment shall not be made and the vacancy must be filled at the general election until a successor is elected and qualified. The person elected ~~to fill a vacancy~~ at the general election takes office immediately in the same manner as for a special election under subdivision 1, and serves the remainder of the unexpired term and the new term for which the election was otherwise held.

Sec. 73. **REPEALER.**

Minnesota Statutes 2008, sections 3.22; 204B.22, subdivision 3; 204D.10, subdivision 2; 206.57, subdivision 7; 206.805, subdivision 2; 206.91; and 375.101, subdivision 2, are repealed."

Delete the title and insert:

"A bill for an act relating to elections; changing and clarifying certain provisions; amending Minnesota Statutes 2008, sections 201.016, subdivision 1a; 201.061, subdivision 1; 201.11; 201.12; 201.121, subdivision 3; 201.13; 201.14; 201.15, subdivisions 1, 2; 201.155; 201.171; 203B.02, subdivision 3; 203B.04, subdivision 1; 203B.06, subdivision 5; 203B.16, subdivision 2; 203B.19; 204B.04, subdivision 2; 204B.135, subdivision 4; 204B.14, by adding a subdivision; 204B.18, subdivision 1; 204B.22, subdivisions 1, 2; 204B.24; 204B.27, subdivisions 2, 3; 204B.28, by adding a subdivision; 204B.38; 204C.02; 204C.04, subdivision 1; 204C.06, subdivision 1; 204C.08; 204C.09, subdivision 1; 204C.12, subdivision 2; 204C.13, subdivision 2; 204C.24, subdivision 1; 204C.28, subdivisions 1, 2; 204C.33, subdivision 1; 204C.35, subdivisions 2, 3; 204C.36, subdivisions 3, 4; 204C.37; 204D.04, subdivision 2; 204D.09, subdivision 2; 204D.10, subdivision 1; 204D.17; 204D.19; 204D.20, subdivision 1; 205.065, subdivision 1, as amended; 205.07, subdivision 1, by adding a subdivision; 205.13, subdivisions 1, 2; 205.16, subdivisions 2, 3; 205A.03, subdivision 2, as amended; 205A.04, subdivision 1; 205A.05, subdivision 1; 205A.11, subdivision 3; 206.57, subdivision 6; 208.03; 365.51, subdivision 1; 375.101, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapters 201; 204D; 205; 205A; 373; repealing Minnesota Statutes 2008, sections 3.22; 204B.22, subdivision 3; 204D.10, subdivision 2; 206.57, subdivision 7; 206.805, subdivision 2; 206.91; 375.101, subdivision 2."

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. 3109, A bill for an act relating to energy; authorizing green energy revenue bonds; permitting local assessments for energy improvements by cities and counties; amending Minnesota Statutes 2008, sections 429.011, by adding subdivisions; 429.021, subdivision 1; 429.031, subdivision 3; Minnesota Statutes 2009 Supplement, sections 429.011, subdivision 2a; 469.153, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 469.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[216C.435] DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of this section and section 216C.436, the terms defined in this section have the meanings given them.

Subd. 2. **City.** "City" means a home rule charter or statutory city.

Subd. 3. **Local government.** "Local government" means a city, county, or town.

Subd. 4. **Energy audit.** "Energy audit" means a formal evaluation of the energy consumption of a building by a certified energy auditor, whose certification is approved by the commissioner, for the purpose of identifying appropriate energy improvements that could be made to the building and including an estimate of the length of time a specific energy improvement will take to repay its purchase and installation costs, based on the amount of energy saved and estimated future energy prices.

Subd. 5. **Energy improvement.** "Energy improvement" means:

(1) any renovation or retrofitting of a building to improve energy efficiency that is permanently affixed to the property and that results in a net reduction in energy consumption without altering the principal source of energy;

(2) installation of new or upgraded electrical circuits to enable electrical vehicle charging; or

(3) a renewable energy system attached to, installed within, or proximate to a building that generates electrical or thermal energy from a renewable energy source.

Subd. 6. **Qualifying real property.** "Qualifying real property" means a single-family or multifamily residential dwelling, or a commercial or industrial building, that the city has determined, after review of an energy audit or renewable energy system feasibility study, can be benefited by installation of energy improvements.

Subd. 7. **Renewable energy.** "Renewable energy" means energy produced by means of solar thermal, solar photovoltaic, wind, or geothermal resources.

Subd. 8. **Renewable energy system feasibility study.** "Renewable energy system feasibility study" means a written study, conducted by a contractor trained to perform that analysis, for the purpose of determining the feasibility of installing a renewable energy system in a building, including an estimate of the length of time a specific renewable energy system will take to repay its purchase and installation costs, based on the amount of energy saved and estimated future energy prices. For a geothermal energy improvement, the feasibility study must calculate net savings in terms of nongeothermal energy and costs.

Subd. 9. **Solar thermal.** "Solar thermal" has the meaning given to "qualifying solar thermal project" in section 216B.2411, subdivision 2, paragraph (e).

Subd. 10. **Solar photovoltaic.** "Solar photovoltaic" has the meaning given in section 216C.06, subdivision 16, and must meet the requirements of section 216C.25.

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

Sec. 2. [216C.436] VOLUNTARY ENERGY IMPROVEMENTS FINANCING PROGRAM FOR LOCAL GOVERNMENTS.

Subdivision 1. **Program authority.** A local government may establish a program to finance energy improvements to enable owners of qualifying real property to pay for cost-effective energy improvements to the qualifying real property with the net proceeds and interest earnings of revenue bonds authorized in this section.

Subd. 2. **Program requirements.** A financing program must:

(1) impose requirements and conditions on financing arrangements to ensure timely repayment;

(2) require an energy audit or renewable energy system feasibility study to be conducted on the qualifying real property and reviewed by the local government prior to approval of the financing;

(3) inspect the installation and verify the performance of energy improvements financed by the program;

(4) require that all cost-effective energy efficiency improvements be made to a qualifying real property prior to, or in conjunction with, an applicant receiving financing for a renewable energy system for that property;

(5) have work financed by the program done by licensed contractors as required by chapter 326B or other law or ordinance;

(6) require disclosures to borrowers by the local government of the risks involved in borrowing, including the risk of foreclosure if a tax delinquency results from a default;

(7) provide financing only to those who demonstrate an ability to repay;

(8) not provide financing for a qualifying real property in which the owner has a negative equity or is not current on mortgage or real property tax payments;

(9) require a petition by all owners of the qualifying real property requesting collections of repayments as a special assessment under section 429.101;

(10) provide that payments and assessments are not accelerated due to a default and that a tax delinquency exists only for assessments not paid when due; and

(11) that liability for special assessments related to the financing runs with the qualifying real property.

Subd. 3. **Financing terms.** Financing provided under this section must have:

(1) a term not to exceed the weighted average of the useful life of the energy improvements installed, as determined by the local government, but in no event may a term exceed 20 years;

(2) a principal amount not to exceed the lesser of ten percent of the appraised value of the real property on which the improvements are to be installed or the actual cost of installing the energy improvements, including the costs of necessary equipment, materials, and labor, the costs of each related energy audit or renewable energy system feasibility study, and the cost of verification of installation; and

(3) an interest rate sufficient to pay the financing costs of the program, including the issuance of bonds and any financing delinquencies.

Subd. 4. **Coordination with other programs.** A financing program must include cooperation and coordination with the conservation improvement activities of the utility serving the qualifying real property and other public and private energy improvement programs.

Subd. 5. **Certificate of participation.** Upon completion of a project, a local government shall provide a borrower with a certificate stating participation in the program and what energy improvements have been made with financing program proceeds.

Subd. 6. **Repayment.** A local government financing an energy improvement under this section must:

(1) secure payment with a lien against the benefited qualifying real property; and

(2) collect repayments as a special assessment as provided for in section 429.101 or by charter.

Subd. 7. **Bond issuance; repayment.** (a) A local government may issue revenue bonds as provided in chapter 475 for the purposes of this section.

(b) The bonds must be payable as to both principal and interest solely from the revenues from the assessments established in subdivision 4.

(c) No holder of bonds issued under this subdivision may compel any exercise of the taxing power of the local government that issued the bonds to pay principal or interest on the bonds. Bonds issued under this subdivision are not a debt or obligation of the local government that issued them, nor is the payment of the bonds enforceable out of any money other than the revenue pledged to the payment of the bonds.

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

Sec. 3. Minnesota Statutes 2008, section 429.101, subdivision 1, is amended to read:

Subdivision 1. **Ordinances.** (a) In addition to any other method authorized by law or charter, the governing body of any municipality may provide for the collection of unpaid special charges as a special assessment against the property benefited for all or any part of the cost of:

- (1) snow, ice, or rubbish removal from sidewalks;
- (2) weed elimination from streets or private property;
- (3) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of sections 463.15 to 463.26;
- (4) installation or repair of water service lines, street sprinkling or other dust treatment of streets;
- (5) the trimming and care of trees and the removal of unsound trees from any street;
- (6) the treatment and removal of insect infested or diseased trees on private property, the repair of sidewalks and alleys;
- (7) the operation of a street lighting system;
- (8) the operation and maintenance of a fire protection or a pedestrian skyway system;
- (9) inspections relating to a municipal housing maintenance code violation;
- (10) the recovery of any disbursements under section 504B.445, subdivision 4, clause (5), including disbursements for payment of utility bills and other services, even if provided by a third party, necessary to remedy violations as described in section 504B.445, subdivision 4, clause (2); or
- (11) [Repealed, 2004 c 275 s 5]
- (12) the recovery of delinquent vacant building registration fees under a municipal program designed to identify and register vacant buildings.

(b) The council may by ordinance adopt regulations consistent with this section to make this authority effective, including, at the option of the council, provisions for placing primary responsibility upon the property owner or occupant to do the work personally (except in the case of street sprinkling or other dust treatment, alley repair, tree trimming, care, and removal, or the operation of a street lighting system) upon notice before the work is undertaken, and for collection from the property owner or other person served of the charges when due before unpaid charges are made a special assessment.

(c) A home rule charter city, statutory city, county, or town operating an energy improvements financing program under section 216C.436 has the authority granted to a municipality under paragraph (a) with respect to energy improvements financed under that section.

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

Delete the title and insert:

"A bill for an act relating to local government; authorizing local governments to finance energy improvements for property owners to install energy efficient or renewable energy improvements; providing for repayment as a special assessment; authorizing issuance of revenue bonds; amending Minnesota Statutes 2008, section 429.101, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 216C."

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

The report was adopted.

Hilty from the Energy Finance and Policy Division to which was referred:

H. F. No. 3125, A bill for an act relating to utilities; regulating the granting of route permits for high-voltage transmission lines; amending Minnesota Statutes 2008, section 216E.03, 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 216E.03, is amended by adding a subdivision to read:

Subd. 7a. **Preferred route for high-voltage transmission lines.** In issuing a route permit for a high-voltage transmission line, the commission shall, consistent with applicable laws, with the provisions of subdivision 7, with the safe and efficient operation of transportation systems, and with a policy of prudent avoidance that minimizes the proximity of overhead high-voltage transmission lines to residences, schools, child care facilities, day camps, and hospitals, where avoidance is costless or can be achieved at low cost, give priority consideration to utilizing existing utility, highway, and publicly owned railway corridors. The term corridor means land in or in reasonable proximity to an existing utility, publicly owned railway or highway easement or right-of-way. The commission shall also give consideration to placing high-voltage transmission lines underground.

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

Sec. 2. **TRANSMISSION LINE ROUTING; DEPARTMENT OF TRANSPORTATION ROLE.**

(a) The Public Utilities Commission and the Department of Transportation must cooperate to develop and implement procedures and policies to efficiently carry out the policy established in new Minnesota Statutes, section 216E.03, subdivision 7a. The policies and procedures must allow for the Department of Transportation's participation in the transmission planning and route permitting process in order to coordinate transmission routing with any applicable Department of Transportation permitting processes.

(b) The Public Utilities Commission must report any statutory amendments required by the policies and procedures developed under paragraph (a) to the members of the senate and house of representatives committees with primary jurisdiction over energy policy and transportation policy by January 15, 2011.

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

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. 3139, A bill for an act relating to privacy; reinstating authority for release of financial records in response to a subpoena; amending Minnesota Statutes 2009 Supplement, section 13A.02, subdivision 1.

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

The report was adopted.

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

H. F. No. 3157, A bill for an act relating to children; modifying parent notification of child maltreatment in a school facility; requiring a mental health assessment of teachers disciplined for child maltreatment; revoking the teaching license of repeat child maltreatment offenders; requiring a district policy for educating employees about mandatory child maltreatment reporting; amending Minnesota Statutes 2008, sections 122A.20, subdivision 1; 122A.40, by adding a subdivision; 122A.41, by adding a subdivision; 626.556, subdivisions 7, 10d; proposing coding for new law in Minnesota Statutes, chapter 123B.

Reported the same back with the following amendments:

Pages 1 to 3, delete sections 1 to 4

Page 3, line 18, before "An" insert "(a)"

Page 3, line 29, reinstate the stricken language

Page 3, line 30, delete the new language

Page 4, after line 5, insert:

"(b) Notwithstanding paragraph (a), the commissioner of education must inform the parent, guardian, or legal custodian of the child who is the subject of a report of alleged maltreatment in a school facility within ten days of receiving the report, either orally or in writing, whether the commissioner is assessing or investigating the report of alleged maltreatment."

Page 4, line 6, before "A" insert "(c)"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, delete lines 4 and 5

Page 1, line 6, delete "child maltreatment reporting;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health Care and Human Services Policy and Oversight.

The report was adopted.

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

H. F. No. 3162, A resolution memorializing Congress to effect change in U.S. Coast Guard law relating to fishing guides.

Reported the same back with the following amendments:

Page 1, line 13, delete "20" and insert "23"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3174, A bill for an act relating to public safety; amending the predatory offender registration law to address registrants living in homeless shelters and to clarify that the registration requirement for offenders who move out of state are suspended not terminated; amending Minnesota Statutes 2008, section 243.166, subdivisions 1a, 3.

Reported the same back with the following amendments:

Page 3, line 1, after the period, insert "The written notice required by this paragraph must be provided in person."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3178, A bill for an act relating to human services; requiring medical assistance providers to use oral language interpreters who are listed in the interpreter registry or roster; amending Minnesota Statutes 2008, section 256B.0625, subdivision 18a.

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. 3191, A bill for an act relating to human services; including sexual contact in secure treatment facilities as criminal sexual conduct in the fourth degree; amending Minnesota Statutes 2008, section 609.345, subdivision 1.

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

The report was adopted.

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

H. F. No. 3245, A bill for an act relating to insurance; creating interstate health insurance choice; authorizing rulemaking; proposing coding for new law as Minnesota Statutes, chapter 62V.

Reported the same back with the recommendation that 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. 3246, A bill for an act relating to human services; chemical dependency treatment; pilot projects; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 254B; repealing Laws 2009, chapter 79, article 7, section 26, subdivision 3.

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

The report was adopted.

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

H. F. No. 3269, A bill for an act relating to human services; modifying medical assistance dental coverage; modifying eligibility criteria for the critical access dental program; setting criteria for designating and terminating critical access dental providers; amending Minnesota Statutes 2008, section 256B.76, subdivision 4, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 256B.0625, subdivision 9.

Reported the same back with the following amendments:

Page 1, lines 12 to 13, delete the new language

Page 2, line 9, before the semicolon, insert "limited to one per year"

Page 3, lines 12 to 13, reinstate the stricken language and delete the new language

Page 3, line 14, delete "these programs" and strike "; and" and insert "The commissioner shall pay critical access dental provider payments to a dentist or dental clinic that meets any one of the following criteria:"

Page 3, after line 14, insert:

"(i) at least 40 percent of patient encounters are with patients who are uninsured or covered by medical assistance, general assistance medical care, or MinnesotaCare;

(ii) the dental clinic or dental group is owned and operated by a nonprofit operation under chapter 317A with more than 10,000 patient encounters per year with patients who are uninsured or covered by medical assistance, general assistance medical care, or MinnesotaCare; or

(iii) the dental clinic is associated with an oral health or dental education program operated by the University of Minnesota or an institution within the Minnesota State Colleges and Universities system; and"

Page 3, line 31, delete everything after "Dentistry" and insert "related to fraud, a pattern of three or more infractions within the past two years that have not been resolved within a time period as prescribed by the commissioner, or egregious practice as determined by the commissioner."

Page 3, line 32, delete "action by the board."

Page 4, delete lines 22 to 25

Page 4, line 26, delete "(4)" and insert "(3)"

Page 4, line 29, delete "(5)" and insert "(4)"

Page 5, after line 8, insert:

"Sec. 4. **APPROPRIATION.**

\$3,000,000 is appropriated from the general fund for the fiscal year beginning July 1, 2010, to the commissioner of human services for medical assistance payments to critical access dental providers."

Amend the title as follows:

Page 1, line 3, delete everything before "setting" and insert "modifying covered services under the critical access dental program;"

Page 1, line 4, after the semicolon, insert "appropriating money;"

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

The report was adopted.

Rukavina from the Higher Education and Workforce Development Finance and Policy Division to which was referred:

H. F. No. 3274, A bill for an act relating to employment; modifying benefit account requirements for unemployment benefits; amending Minnesota Statutes 2009 Supplement, section 268.07, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **NEW BENEFIT ACCOUNTS.**

If an applicant establishes a new benefit account under Minnesota Statutes, section 268.07, subdivision 3, within 39 weeks of the expiration of the benefit year on a prior benefit account, notwithstanding Minnesota Statutes, section 268.07, subdivision 2, paragraph (b), the weekly benefit amount on the new benefit account will not be less than 80 percent of the weekly benefit amount on the prior benefit account.

EFFECTIVE DATE. This section applies to benefit accounts effective on or after the first Sunday following enactment and expires June 30, 2011."

Delete the title and insert:

"A bill for an act relating to unemployment insurance; modifying certain second benefit account benefits."

With the recommendation that when so amended 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. 3276, A bill for an act relating to public safety; making the crime of criminal abuse of a vulnerable adult a registrable offense under the predatory offender registration law; amending Minnesota Statutes 2009 Supplement, section 243.166, subdivision 1b.

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

The report was adopted.

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

H. F. No. 3279, A bill for an act relating to health; amending provisions for electronic health record technology; providing for administrative penalties; appropriating money; amending Minnesota Statutes 2009 Supplement, section 62J.495, subdivisions 1a, 3; proposing coding for new law in Minnesota Statutes, chapter 62J.

Reported the same back with the following amendments:

Page 7, line 25, delete "transaction"

Page 7, line 26, delete "necessary to support" and insert "for the transmission of"

Page 14, line 28, delete "organizations" and insert "exchange service providers"

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

The report was adopted.

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

S. F. No. 133, A resolution memorializing Congress to oppose federal legislation that interferes with a state's ability to direct the transport or processing of horses.

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

The report was adopted.

Sertich from the Committee on Rules and Legislative Administration to which was referred:

House Concurrent Resolution No. 3, A House concurrent resolution adopting deadlines for the 2010 regular session.

Reported the same back with the recommendation that the house concurrent resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1182, 1847, 2879, 3009, 3108, 3125, 3139, 3162 and 3174 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 133 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Hilty introduced:

H. F. No. 3414, A bill for an act relating to utilities; authorizing supplemental funding for Public Utilities Commission; appropriating money.

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

Kalin introduced:

H. F. No. 3415, A bill for an act relating to energy; requiring Public Utility Commission's decisions to further goals of state energy efficiency and renewable energy; modifying showings required in certificate of need process; requiring a study; amending Minnesota Statutes 2008, sections 216B.03; 216B.16, subdivision 3; 216B.243, subdivisions 3, 3a, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Bigham introduced:

H. F. No. 3416, A bill for an act relating to public safety; changing the definition of legend drug; amending Minnesota Statutes 2008, section 151.01, subdivision 17.

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

Smith, by request, introduced:

H. F. No. 3417, A bill for an act relating to drivers' licenses; requiring certain persons operating vehicle under instruction permit to display "student driver" sticker or magnet; amending Minnesota Statutes 2008, section 171.06, subdivision 2; Minnesota Statutes 2009 Supplement, section 171.05, subdivision 2b.

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

Mack, Hoppe and Sanders introduced:

H. F. No. 3418, A bill for an act relating to Minnesota's business climate; permitting sales in this state of health insurance permitted in another state under certain conditions; authorizing electronic environmental assessment worksheets; modifying the definition of a small employer under the Small Employer Health Benefits Act; reducing the corporate franchise tax rate; amending Minnesota Statutes 2008, section 290.06, subdivision 1; Minnesota Statutes 2009 Supplement, section 62L.02, subdivision 26; proposing coding for new law in Minnesota Statutes, chapters 16E; 62Q.

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

Mack and Sanders introduced:

H. F. No. 3419, A bill for an act relating to taxation; providing a tax credit for increasing employment; amending Minnesota Statutes 2008, section 290.06, by adding a subdivision.

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

Holberg introduced:

H. F. No. 3420, A bill for an act relating to public safety; conforming medical examination requirements for commercial driver's license to federal law; amending Minnesota Statutes 2008, sections 171.01, by adding subdivisions; 171.04, by adding a subdivision; 171.09, subdivision 1; 171.12, subdivisions 2a, 3; 171.162.

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

Mariani introduced:

H. F. No. 3421, A bill for an act relating to education; establishing high school assessments to determine college and career readiness; amending Minnesota Statutes 2009 Supplement, section 120B.30, subdivision 1, by adding a subdivision.

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

Bunn and Ruud introduced:

H. F. No. 3422, A bill for an act relating to human services; providing county mandate relief; repealing diversionary work program and family stabilization services; making technical and conforming changes; modifying the Children and Community Services Act plan; amending Minnesota Statutes 2008, sections 119B.011, subdivision 20; 119B.03, subdivisions 3, 4; 256J.08, subdivision 65; 256J.626, subdivisions 2, 3; 256J.751, subdivision 2; 256M.01; 256M.30, subdivisions 1, 5; 256M.80, subdivision 2; 393.07, subdivision 10a; Minnesota Statutes 2009 Supplement, section 256J.621; repealing Minnesota Statutes 2008, sections 119B.011, subdivision 10a; 256J.08, subdivision 24b; 256J.575, subdivisions 1, 2, 5, 8; 256J.95, subdivisions 1, 2, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19; Minnesota Statutes 2009 Supplement, sections 256J.575, subdivisions 3, 4, 6, 7; 256J.95, subdivisions 3, 11, 12, 13.

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

Peterson introduced:

H. F. No. 3423, A bill for an act relating to public safety; increasing the criminal penalty for possessing dangerous weapons on school property; amending Minnesota Statutes 2008, section 609.66, subdivision 1d.

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

Dittrich introduced:

H. F. No. 3424, A bill for an act relating to education; providing for online learning; statewide assessment supervision; limiting advertising; requiring a report; amending Minnesota Statutes 2009 Supplement, section 124D.095, subdivisions 4, 10.

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

Hackbarth introduced:

H. F. No. 3425, A bill for an act relating to taxation; property; requiring certain property be valued as residential homestead; amending Minnesota Statutes 2008, section 273.11, by adding a subdivision.

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

Thissen; Murphy, E.; Fritz; Liebling and Abeler introduced:

H. F. No. 3426, A bill for an act relating to state government; requesting a report regarding the effectiveness of state programs serving people with disabilities.

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

Winkler introduced:

H. F. No. 3427, A bill for an act relating to public safety; enacting Minnesota Homeland Security and Emergency Management Act of 2010; making administrative, programmatic, technical, and clarifying changes; amending Minnesota Statutes 2008, sections 12.01; 12.02; 12.03, subdivisions 1a, 2a, 4, 10, by adding a subdivision; 12.04; 12.09; 12.13; 12.14; 12.21; 12.22, subdivision 1; 12.221; 12.24, subdivision 2; 12.25, subdivision 5; 12.27; 12.28; 12.29; 12.301; 12.31; 12.331; 12.34, subdivision 3; 12.35, subdivision 4; 12.38; 12.43.

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

Cornish introduced:

H. F. No. 3428, A bill for an act relating to public safety; authorizing certain retired peace officers to carry a pistol without a permit; requiring law enforcement agencies to issue identification to former officers who qualify to carry without a permit; amending Minnesota Statutes 2008, section 624.714, subdivision 13.

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

Welti, Poppe, Brown and Demmer introduced:

H. F. No. 3429, A bill for an act relating to energy; providing for large solar energy electric generation demonstration conservation improvement project; amending Minnesota Statutes 2008, section 216B.241, by adding a subdivision.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Buesgens; Gunther; Anderson, P.; Torkelson; Zellers and Anderson, S., introduced:

H. F. No. 3430, A bill for an act relating to education; reducing mandates; allowing temporary mandate suspensions; amending Laws 2008, chapter 363, article 2, section 46, subdivision 1, as amended; repealing Minnesota Statutes 2008, section 123B.05; Minnesota Statutes 2009 Supplement, section 120A.40.

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

Dettmer introduced:

H. F. No. 3431, A bill for an act relating to taxation; providing an income tax subtraction for purchasing an energy management system; amending Minnesota Statutes 2009 Supplement, section 290.01, subdivisions 19b, 19d.

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

Downey, Mack, Hamilton, Nornes and Buesgens introduced:

H. F. No. 3432, A bill for an act relating to early childhood education; modifying the quality rating and improvement system; amending Minnesota Statutes 2009 Supplement, section 124D.142.

The bill was read for the first time and referred to the Early Childhood Finance and Policy Division.

Juhnke introduced:

H. F. No. 3433, A bill for an act relating to environment; modifying subsurface sewage treatment systems provisions; amending Minnesota Statutes 2009 Supplement, sections 115.55, subdivision 1; 115.56, subdivision 2.

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

Scott, Kohls, Emmer, Swails and Dean introduced:

H. F. No. 3434, A bill for an act relating to civil law; establishing a special duty of care for municipal building inspectors and local subsurface sewage treatment system inspectors; amending Minnesota Statutes 2008, sections 115.55, by adding a subdivision; 326B.133, by adding a subdivision.

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

Scott, Eastlund, Peppin, Draskowski and Davids introduced:

H. F. No. 3435, A bill for an act relating to family law; providing for termination of spousal maintenance based on cohabitation; amending Minnesota Statutes 2008, section 518A.39, subdivision 3.

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

Loon; Buesgens; Brod; Downey; Scott; Severson; Draskowski; Gunther; Anderson, S.; Sanders; Peppin; McFarlane; Kohls; Emmer; Holberg; Hamilton; Seifert; Gottwalt; Kiffmeyer and Zellers introduced:

H. F. No. 3436, A bill for an act relating to state government; providing for zero-based budgeting; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

Loon, Persell, Knuth, Simon and McNamara introduced:

H. F. No. 3437, A bill for an act relating to plumbing code requirements; allowing the installation of waterless urinals; amending Minnesota Statutes 2008, section 326B.43, by adding a subdivision.

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

Juhnke introduced:

H. F. No. 3438, A bill for an act relating to veterans homes; removing designation of certain appropriations for specific purposes; amending Laws 2009, chapter 94, article 3, section 2, subdivision 3.

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

Juhnke introduced:

H. F. No. 3439, A bill for an act relating to veterans; clarifying authority of commissioner of veterans affairs to spend certain funds; amending Minnesota Statutes 2009 Supplement, section 198.003, subdivision 4a.

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

Dittrich and Lanning introduced:

H. F. No. 3440, A bill for an act relating to taxation; property; modifying method of payment of property taxes and delinquent property taxes; amending Minnesota Statutes 2008, sections 276.02; 279.025.

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

Zellers and Peppin introduced:

H. F. No. 3441, A bill for an act relating to transportation; appropriating money for reconstruction of a bridge in the city of Maple Grove; authorizing sale of state bonds.

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

Hosch and Huntley introduced:

H. F. No. 3442, A bill for an act relating to human services; modifying personal care assistance requirements; modifying nursing assistant requirements; modifying housing with services registration fees and certain other license fees; requiring long-term care transitional assistance; modifying customized living services; modifying housing with services; changing the rate a nursing facility may charge a private-pay resident; amending Minnesota Statutes 2008, sections 144A.4605, subdivision 5; 144A.61, by adding a subdivision; 144D.03, subdivisions 1, 2, by adding a subdivision; 144D.04, subdivision 2; 144G.06; 256B.0915, by adding a subdivision; 256B.441, subdivision 48, by adding subdivisions; 256B.48, subdivision 1; Minnesota Statutes 2009 Supplement, sections 256.975, subdivision 7; 256B.0625, subdivision 19a; 256B.0659, subdivision 11; 256B.0911, subdivision 3c; 256B.441, subdivision 55; proposing coding for new law in Minnesota Statutes, chapter 144D.

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

Hausman introduced:

H. F. No. 3443, A bill for an act relating to public safety; authorizing courts to recognize a medical necessity defense for certain criminal, administrative, and civil cases involving marijuana; proposing coding for new law in Minnesota Statutes, chapter 152.

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

Scalze introduced:

H. F. No. 3444, A bill for an act relating to water; requiring certain public water suppliers to establish enterprise accounts in order to be eligible for grants administered by the Public Facilities Authority; amending Minnesota Statutes 2008, section 446A.051, by adding a subdivision.

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

Scalze introduced:

H. F. No. 3445, A bill for an act relating to water; requiring wastewater treatment facilities to recover the costs of providing services; modifying eligibility for loans and grants administered by the Public Facilities Authority; amending Minnesota Statutes 2008, sections 444.075, subdivision 3; 446A.051, by adding a subdivision.

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

Doepke, Mariani, Demmer and Dittrich introduced:

H. F. No. 3446, A bill for an act relating to education; authorizing the Board of Teaching to amend its licensure rules to permit a tiered teacher licensure structure, revised institutional and program approval requirements, and revised special education licensure requirements; amending Minnesota Statutes 2009 Supplement, section 122A.09, subdivision 4.

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

Bigham, Smith, Olin, Holberg, Cornish and Hilstrom introduced:

H. F. No. 3447, A bill for an act relating to public safety; authorizing the collection of DNA from offenders; amending Minnesota Statutes 2008, section 609.117, by adding a subdivision.

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

Rukavina, Atkins, Clark and Mahoney introduced:

H. F. No. 3448, A bill for an act relating to higher education; establishing a pilot project for the local deposit of certain reserves.

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

Kahn introduced:

H. F. No. 3449, A bill for an act relating to state government; appropriating money or making reductions to certain state government programs or activities; changing provisions for expenses of governor-elect, income earned by the permanent school fund, lease-purchase agreements, general services, resource recovery, payment of aids and credits to school districts, tax return preparers, and implied consent; imposing fees; amending Minnesota Statutes 2008, sections 4.51; 11A.16, subdivision 5; 16B.04, subdivision 2; 16B.48, subdivision 2; 79.34, subdivision 1; 115A.15, subdivision 6; 127A.46; 169A.52, subdivision 6; 169A.53; 169A.60, subdivision 10; Minnesota Statutes 2009 Supplement, sections 16A.82; 270C.145; 289A.08, subdivision 16; Laws 2009, chapter 101, article 1, section 31; proposing coding for new law in Minnesota Statutes, chapter 357.

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

Holberg and Rosenthal introduced:

H. F. No. 3450, A bill for an act relating to transportation; modifying certain requirements governing priced highway lanes; amending Minnesota Statutes 2008, section 160.93, by adding subdivisions.

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

Peppin introduced:

H. F. No. 3451, A bill for an act relating to state government; designating the process for disposal of old state-owned buildings; amending Minnesota Statutes 2008, section 16B.24, 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.

Lieder introduced:

H. F. No. 3452, A bill for an act relating to transportation; providing for date of authorization of certain trunk highway bonds; amending Laws 2008, chapter 152, article 2, section 3, subdivision 2.

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

Eken introduced:

H. F. No. 3453, A bill for an act relating to building code requirements; modifying electrical requirements for agricultural buildings; amending Minnesota Statutes 2008, section 326B.106, subdivision 4.

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

Winkler introduced:

H. F. No. 3454, A bill for an act relating to elections; repealing ban on independent expenditures by corporations; repealing Minnesota Statutes 2008, section 211B.15, 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.

Shimanski introduced:

H. F. No. 3455, A bill for an act relating to energy; authorizing temporary use of conservation investment program spending for emergency bill payment assistance.

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

Scalze introduced:

H. F. No. 3456, A bill for an act relating to the environment; prohibiting the use and sale of certain coal tar products; providing civil penalties; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 2009 Supplement, section 116.201.

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

Hilstrom and Smith introduced:

H. F. No. 3457, A bill for an act relating to public safety; expanding indeterminate sentencing for sex offenders with prior convictions for certain predatory offenses; amending Minnesota Statutes 2008, section 609.3455, subdivision 4.

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

Shimanski introduced:

H. F. No. 3458, A bill for an act relating to transportation; requiring consultation by Minnesota Department of Transportation on roundabout design; amending Minnesota Statutes 2008, section 161.162, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 161.

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

Sailer and Eken introduced:

H. F. No. 3459, A bill for an act relating to environment; delaying local ordinance adoption requirements regarding subsurface sewage treatment systems and modifying certain advisory committee requirements; amending Minnesota Statutes 2009 Supplement, section 115.55, subdivisions 3, 12.

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

Hornstein introduced:

H. F. No. 3460, A bill for an act relating to motor vehicles; changing definition to conform to International Registration Plan for commercial motor vehicles; amending Minnesota Statutes 2008, section 168.187, subdivision 5.

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

Hornstein introduced:

H. F. No. 3461, A bill for an act relating to transportation; establishing skyway access requirements for stations on the Central Corridor light rail transit line.

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

Rosenthal introduced:

H. F. No. 3462, A bill for an act relating to drivers' licenses; providing for driver's license cancellation for failure to pay final installment of driver's license reinstatement fee and surcharges; amending Minnesota Statutes 2008, section 171.14; Minnesota Statutes 2009 Supplement, section 171.29, subdivision 2.

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

Bly introduced:

H. F. No. 3463, A bill for an act relating to transit; modifying restrictions on Dan Patch commuter rail line to allow study and planning; amending Laws 2002, chapter 393, section 85.

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

Kohls introduced:

H. F. No. 3464, A bill for an act relating to state government; modifying laws regarding state reports and documents; repealing requirements for criminal justice agencies; amending Minnesota Statutes 2009 Supplement, section 3.195, subdivision 1; repealing Minnesota Statutes 2009 Supplement, section 3.195, 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.

Kohls introduced:

H. F. No. 3465, A bill for an act relating to education; allowing a special education director to be assigned direct instructional duties; amending Minnesota Statutes 2009 Supplement, section 125A.08.

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

Atkins introduced:

H. F. No. 3466, A bill for an act relating to commerce; regulating fraternal benefit society risk-based capital; making adjustments to dollar amounts as required by state law; providing a method to periodically update Minnesota Statutes to reflect the current dollar amounts as adjusted; amending Minnesota Statutes 2008, sections 47.59, subdivisions 3, 6; 56.12; 56.125, subdivision 2; 56.131, subdivisions 2, 6; 64B.19, by adding a subdivision; 325G.22, subdivision 1; 510.02, subdivision 1; 550.37, subdivisions 4, 4a, 6, 10, 12a, 23, 24; proposing coding for new law in Minnesota Statutes, chapter 64B.

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

Davnie; Murphy, E.; Loon; Brod and Huntley introduced:

H. F. No. 3467, A bill for an act relating to tobacco; tobacco control and preventing tobacco use; modernizing definitions of cigarette, tobacco, tobacco products, and tobacco-related devices; modifying promotional and self-service distribution rules; subjecting sale of tobacco related devices to municipal licensing; proposing a study; appropriating money; amending Minnesota Statutes 2008, sections 297F.01, subdivisions 3, 19; 299F.850, subdivision 3; 325D.32, subdivision 2; 325F.77, subdivision 4; 461.12, subdivisions 1, 2, 3, 4, 5, 6; 609.685, subdivision 1.

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

Poppe and Pelowski introduced:

H. F. No. 3468, A bill for an act relating to local government; providing for town meeting minutes; amending Minnesota Statutes 2008, section 365.55.

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

Mullery and Nelson introduced:

H. F. No. 3469, A bill for an act relating to civil actions; providing time limit for appealing decisions of a governing body or board of adjustment to district court; permitting the posting of a bond for an appeal to Court of Appeals in certain cases; amending Minnesota Statutes 2008, section 462.361, subdivision 1, by adding a subdivision.

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

Slawik introduced:

H. F. No. 3470, A bill for an act relating to early childhood education; modifying the membership and duties of the State Advisory Council on Early Childhood Education and Care; amending Minnesota Statutes 2008, section 124D.141, subdivisions 1, 2.

The bill was read for the first time and referred to the Early Childhood Finance and Policy Division.

Nornes and Slawik introduced:

H. F. No. 3471, A bill for an act relating to early childhood education; modifying the duties of the State Advisory Council on Early Childhood Education and Care; amending Minnesota Statutes 2008, section 124D.141, subdivision 2.

The bill was read for the first time and referred to the Early Childhood Finance and Policy Division.

Nornes introduced:

H. F. No. 3472, A bill for an act relating to higher education; raising the cap for revenue bonds authorized for the Minnesota State Colleges and Universities System; amending Minnesota Statutes 2009 Supplement, section 136F.98, subdivision 1.

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

Sailer introduced:

H. F. No. 3473, A bill for an act relating to energy; expanding small city energy efficiency grant program to include commercial buildings; amending Laws 2009, chapter 138, article 2, section 4.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Urdahl introduced:

H. F. No. 3474, A bill for an act relating to commerce; authorizing use and sale of incandescent light bulbs manufactured in Minnesota; 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.

Dittrich; Rukavina; Ward; Gunther; Lenczewski; Murphy, M., and Swails introduced:

H. F. No. 3475, A bill for an act relating to education; creating an independent agency to oversee the management of Minnesota's permanent school fund lands; amending Minnesota Statutes 2008, sections 16A.125, subdivision 5; 84.027, subdivision 18; 84.085, subdivision 1; 92.12, subdivision 1; 92.121; 92.13; 93.2236; 94.342, subdivision 5; Minnesota Statutes 2009 Supplement, section 16A.06, subdivision 11; proposing coding for new law as Minnesota Statutes, chapter 128E.

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

Laine, Howes and Sailer introduced:

H. F. No. 3476, A bill for an act relating to health; modifying definitions for lodging establishments; amending Minnesota Statutes 2008, section 157.15, subdivision 8; repealing Minnesota Statutes 2008, section 157.15, subdivisions 7, 11.

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

Rukavina, Clark and Poppe introduced:

H. F. No. 3477, A bill for an act relating to higher education; requiring notice of changes to administration of financial aid programs; modifying transfer authority for grant programs; amending Laws 2009, chapter 95, article 1, section 3, subdivision 21; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Benson introduced:

H. F. No. 3478, A bill for an act relating to education finance; reducing school district mandates; allowing additional flexibility; authorizing certain fund transfers; amending Minnesota Statutes 2008, sections 120A.41; 123A.15, subdivision 5; 123A.32, subdivision 5; 123B.12; 123B.29; 123B.38; 123B.51, subdivision 5; 123B.52, subdivisions 1, 1a; 123B.79, by adding a subdivision; 123B.80, subdivision 3; 126C.54; 205A.07; 645.13; Minnesota Statutes 2009 Supplement, section 123B.71, subdivision 12; Laws 2009, chapter 96, article 2, section 64.

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

Rosenthal introduced:

H. F. No. 3479, A bill for an act relating to public safety; authorizing the Office of Administrative Hearings to review driver's license revocation or disqualification and motor vehicle plate impoundment resulting from implied consent violations; amending Minnesota Statutes 2008, sections 169A.52, subdivision 6; 169A.53; 169A.60, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 357.

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

Gottwalt and Anderson, P., introduced:

H. F. No. 3480, A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 2008, sections 2.021; 2.031, subdivision 1.

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

Hoppe introduced:

H. F. No. 3481, A bill for an act relating to alcohol; allowing malt liquor or spirits tastings; amending Minnesota Statutes 2008, section 340A.419, as amended.

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

Persell and Howes introduced:

H. F. No. 3482, A bill for an act relating to natural resources; providing for designation of an aquatic management area.

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

Hoppe introduced:

H. F. No. 3483, A bill for an act relating to game and fish; providing restitution values for trophy deer; amending Minnesota Statutes 2008, section 97A.345.

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

Masin introduced:

H. F. No. 3484, A bill for an act relating to civil commitment; modifying certain emergency hold provisions; amending Minnesota Statutes 2008, sections 253B.02, by adding a subdivision; 253B.05, subdivisions 1, 2b, 3.

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

Juhnke introduced:

H. F. No. 3485, A bill for an act relating to commerce; modifying the experience requirement for real estate appraisers; amending Minnesota Statutes 2008, section 82B.14.

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

Morrow introduced:

H. F. No. 3486, A bill for an act relating to transportation; making various clarifying and technical changes related to financial assistance for public transit; establishing requirements governing federal aid; modifying requirements governing local share of transit provider operating costs; amending reporting requirements; amending Minnesota Statutes 2008, sections 174.22, by adding a subdivision; 174.23, subdivision 1; 174.24, subdivisions 2, 3, 3b, by adding a subdivision; 174.247; Minnesota Statutes 2009 Supplement, section 174.24, subdivision 5.

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

Newton introduced:

H. F. No. 3487, A bill for an act relating to education; clarifying requirements for a conciliation conference; directing the Minnesota Department of Education to amend two special education rules; amending Minnesota Statutes 2009 Supplement, section 125A.091, subdivision 7.

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

Severson introduced:

H. F. No. 3488, A bill for an act relating to the city of Sauk Rapids; extending duration of a tax increment financing district; authorizing certain expenditures.

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

Otremba and Marquart introduced:

H. F. No. 3489, A bill for an act relating to education; establishing a Family and Consumer Sciences Leadership Council; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 120B.

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

Holberg introduced:

H. F. No. 3490, A bill for an act relating to transportation; establishing requirements governing capital requests and legislative reporting for projects to establish fixed guideway transit and rail lines; amending Minnesota Statutes 2008, section 16A.11, subdivision 3a; Minnesota Statutes 2009 Supplement, section 16A.86, subdivision 3a; 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.

Otremba and Marquart introduced:

H. F. No. 3491, A bill for an act relating to education; making one credit of family and consumer science a requirement for high school graduation; amending Minnesota Statutes 2008, sections 120B.021, subdivision 1; 120B.024.

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

Hausman introduced:

H. F. No. 3492, A bill for an act relating to capital investment; appropriating money for higher education asset preservation and replacement; authorizing the sale and issuance of state bonds.

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

Hilty introduced:

H. F. No. 3493, A bill for an act relating to utilities; regulating rates charged to low-income customers; providing for inverted block rates; amending Minnesota Statutes 2008, sections 216B.03; 216B.16, subdivisions 14, 15.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Eken introduced:

H. F. No. 3494, A bill for an act relating to natural resources; modifying provisions for wetland value replacement plans; amending Minnesota Statutes 2008, section 103G.2242, subdivisions 2a, 9, by adding a subdivision.

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

McFarlane introduced:

H. F. No. 3495, A bill for an act relating to higher education; authorizing data matching; modifying institution eligibility; establishing award procedures; establishing scholarship priorities; establishing powers and duties; providing for refunds; defining terms; making technical corrections; amending Minnesota Statutes 2008, sections 136A.101, subdivision 10; 136A.126, subdivision 1, by adding a subdivision; 136A.127, subdivision 6, by adding subdivisions; 136A.15, subdivision 6; 136A.16, subdivision 14; 136A.62, subdivision 3; 136A.645; 136A.646; 136A.65, by adding a subdivision; 141.25, subdivisions 7, 13, by adding a subdivision; 141.251, subdivision 2; 141.28, subdivision 2; Minnesota Statutes 2009 Supplement, sections 136A.01, subdivision 2; 136A.101, subdivision 4; 136A.127, subdivisions 2, 4, 9; 299A.45, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 136A.

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

Hilstrom introduced:

H. F. No. 3496, A bill for an act relating to crime; requiring registration for persons convicted or adjudicated in another country for offenses requiring registration in Minnesota; clarifying that registration time period of predatory offender restarts after conviction of new crime; including attempt, aiding and abetting, and conspiracy to commit crimes against persons for purposes of registration for predatory offender registration law; amending Minnesota Statutes 2008, sections 243.166, subdivisions 3a, 4, 5; 243.167, subdivision 1; Minnesota Statutes 2009 Supplement, section 243.166, subdivisions 1b, 6.

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

Hansen introduced:

H. F. No. 3497, A bill for an act relating to agriculture; requiring tree care and tree trimming company registration; regulating certain sale and distribution of firewood; amending Minnesota Statutes 2008, sections 18G.07; 239.092; 239.093.

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

Knuth introduced:

H. F. No. 3498, A bill for an act relating to energy; directing Department of Commerce to adopt conservation improvement program standards pertaining to appliance efficiency jurisdictions; authorizing commissioner of commerce to allow appliances meeting certain efficiency standards to be eligible for participation in utility conservation improvement programs; amending Minnesota Statutes 2008, section 216B.241, by adding a subdivision.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Johnson and Davnie introduced:

H. F. No. 3499, A bill for an act relating to metropolitan government; authorizing the cities of Minneapolis and St. Paul to expand certain residential energy conservation programs to include commercial and industrial property; amending Laws 1981, chapter 222, sections 1; 2; 3; 4, subdivision 2; repealing Laws 1981, chapter 222, section 7.

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

Ward, Doty, Sailer, Persell, Eken and Howes introduced:

H. F. No. 3500, A bill for an act relating to motor fuels; exempting number 1 diesel fuel from biodiesel requirement during cold weather months; amending Minnesota Statutes 2008, section 239.77, subdivision 2.

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

Knuth, Wagenius, Winkler, Hortman, Hornstein, Kahn and Johnson introduced:

H. F. No. 3501, A bill for an act relating to greenhouse gas emissions; directing the Pollution Control Agency to draft a proposed rule enabling Minnesota to participate in a regional cap-and-trade system to reduce greenhouse gas emissions.

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

Wagenius introduced:

H. F. No. 3502, A bill for an act relating to water; establishing a metropolitan area groundwater monitoring account and fee; appropriating money; amending Minnesota Statutes 2009 Supplement, section 103G.271, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 103G.

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

Newton; Murphy, M., and Greiling introduced:

H. F. No. 3503, A bill for an act relating to education; authorizing school districts to levy to pay costs attributable to increases in employer contribution rates for pension plans; amending Minnesota Statutes 2008, section 126C.41, by adding a subdivision.

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

Falk introduced:

H. F. No. 3504, A bill for an act relating to natural resources; providing for beaver control by road authorities; amending Minnesota Statutes 2008, section 97B.667.

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

Westrom introduced:

H. F. No. 3505, A bill for an act relating to motor vehicles; authorizing special Bronze Star veteran's license plate; amending Minnesota Statutes 2008, section 168.123, subdivision 2.

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

Swails, McNamara and Slawik introduced:

H. F. No. 3506, A bill for an act relating to traffic regulations; allocating portion of fines and civil penalties imposed for excessive weight violations in Washington County to Washington County; amending Minnesota Statutes 2008, section 169.871, subdivision 5.

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

Severson introduced:

H. F. No. 3507, A bill for an act relating to veterans; extending period of eligibility for the surviving spouse of an eligible disabled veteran under the homestead market value exemption program; amending Minnesota Statutes 2008, section 273.13, subdivision 34.

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

Juhnke introduced:

H. F. No. 3508, A bill for an act relating to veterans; clarifying and amending certain Veterans Preference Act provisions; amending Minnesota Statutes 2008, section 197.481, subdivisions 1, 2, 4.

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

Juhnke introduced:

H. F. No. 3509, A bill for an act relating to veterans; repealing a requirement that the Department of Veterans Affairs report on the status of a construction project priority listing; repealing Laws 2009, chapter 94, article 3, section 23.

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

Peterson, Slawik, Laine and Ward introduced:

H. F. No. 3510, A bill for an act relating to early childhood education; creating a Department of Early Childhood Care and Education; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 4.

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

Hilty and Morrow introduced:

H. F. No. 3511, A bill for an act relating to human services; modifying definitions in sex offender program; amending Minnesota Statutes 2008, section 246B.01, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 246B.01, subdivisions 1a, 1b, 2a, 2d; 246B.02; 246B.03, subdivisions 2, 3; 246B.04, subdivision 3; 246B.05, subdivision 1; 246B.06, subdivisions 1, 6, 7, 8; 246B.07, subdivisions 1, 2; 246B.08; 246B.09; 246B.10.

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

Hansen; Clark; Atkins; Hornstein; Wagenius; Lillie; McNamara; Knuth; Haws; Lieder; Murphy, E.; Johnson; Fritz; Bly; Kalin; Ruud; Mariani; Thao and Bigham introduced:

H. F. No. 3512, A bill for an act relating to indoor air quality; requiring indoor ice arenas to have electronic air monitoring devices; requiring that grants to construct and renovate indoor ice arenas require an electronic air monitoring device in the facility; requiring reports; amending Minnesota Statutes 2008, sections 144.1222, by adding a subdivision; 240A.09.

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

Anderson, S.; Scott; Westrom and Doepke introduced:

H. F. No. 3513, A bill for an act relating to plumbing fees; eliminating accelerated reviews and fees; amending Minnesota Statutes 2008, section 326B.49, subdivision 2.

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

Mack, Kohls and Sanders introduced:

H. F. No. 3514, A bill for an act relating to occupations licensed by the state; providing a deferral of payment of fees under certain conditions; amending Minnesota Statutes 2008, section 326.105; proposing coding for new law in Minnesota Statutes, chapter 326B.

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

Winkler, Peppin, Kalin, Downey, Simon, Sanders, Kiffmeyer, Bigham, Koenen, Solberg, Kath, Poppe, Masin, Carlson and Holberg introduced:

H. F. No. 3515, A bill for an act relating to state government; specifying the name of the state accounting and procurement system; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

Westrom introduced:

H. F. No. 3516, A bill for an act relating to licenses, certificates, and registrations.

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

Clark, Rukavina and Gunther introduced:

H. F. No. 3517, A bill for an act relating to occupations and professions; modifying cosmetology licensing provisions; imposing fees; appropriating money; requiring rulemaking; amending Minnesota Statutes 2009 Supplement, section 155A.25.

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

Seifert, Hamilton, Juhnke and Pelowski introduced:

H. F. No. 3518, A bill for an act relating to liquor; amending license fees for manufacturers; amending Minnesota Statutes 2008, section 340A.301, subdivision 6.

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

Clark and Wagenius introduced:

H. F. No. 3519, A bill for an act relating to public health; establishing a work group to design a plan to monitor air and groundwater emissions from the Prairie Island nuclear plant; contracting for design of a monitoring network to measure thermal discharges from the Prairie Island nuclear plant; requiring reports; appropriating money.

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

Fritz and Mariani introduced:

H. F. No. 3520, A bill for an act relating to human services; requiring the commissioner of human services to seek federal match for specified grant expenditures; requiring a report.

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

Scalze introduced:

H. F. No. 3521, A bill for an act relating to public health; reducing human exposure to arsenic; prohibiting sale and purchase of certain products containing arsenic; proposing coding for new law in Minnesota Statutes, chapter 25.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2340 and 2596.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2340, A bill for an act relating to veterans; authorizing issuance of the combat wounded vehicle license plate to a recipient of the purple heart medal who is continuing to serve in the military; expanding eligibility for Gold Star license plates; amending Minnesota Statutes 2008, section 168.123, subdivision 2; Minnesota Statutes 2009 Supplement, section 168.1253, subdivision 1.

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

S. F. No. 2596, A bill for an act relating to health occupations; modifying a mental health substance abuse review provision; modifying licensure requirements for psychologists; amending Minnesota Statutes 2008, sections 148.90, subdivision 1; 148.909; 148.915; 148.916, subdivision 1, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 62M.09, subdivision 3a.

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

The Speaker called Pelowski to the Chair.

CONSENT CALENDAR

S. F. No. 2253, A bill for an act relating to capital improvements; repealing moratorium on demolition or removal of the Rock Island Bridge; repealing Laws 2009, chapter 93, article 1, section 45.

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

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

Those who voted in the affirmative were:

Abeler	Anderson, S.	Beard	Bly	Brynaert	Carlson
Anderson, B.	Anzelc	Benson	Brod	Buesgens	Champion
Anderson, P.	Atkins	Bigham	Brown	Bunn	Clark

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

Those who voted in the negative were:

Kahn

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bill to be placed on the Calendar for the Day for Monday, March 8, 2010:

H. F. No. 3111.

CALENDAR FOR THE DAY

H. F. No. 2918 was reported to the House.

Buesgens moved to amend H. F. No. 2918 as follows:

Page 1, line 13, after the period, insert "In processing any application for a permit pursuant to these rules, the commissioner of agriculture must evaluate any significant health concerns about the product to be manufactured, mixed, compounded, bottled, or packaged under the requested permit."

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 50 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Garofalo	Kiffmeyer	Nornes	Smith
Anderson, P.	Demmer	Gottwalt	Kohls	Otremba	Sterner
Anderson, S.	Dettmer	Gunther	Lanning	Peppin	Torkelson
Beard	Doepke	Hackbarth	Lenczewski	Rosenthal	Urdahl
Brod	Doty	Hamilton	Loon	Sanders	Zellers
Buesgens	Downey	Holberg	Mack	Scott	
Bunn	Drazkowski	Hoppe	Magnus	Seifert	
Cornish	Eastlund	Jackson	McNamara	Severson	
Davids	Emmer	Kelly	Murdock	Shimanski	

Those who voted in the negative were:

Abeler	Eken	Hosch	Lillie	Norton	Simon
Anzelc	Falk	Howes	Loeffler	Obermueller	Slawik
Atkins	Faust	Huntley	Mahoney	Olin	Slocum
Benson	Fritz	Johnson	Mariani	Paymar	Solberg
Bigham	Gardner	Juhnke	Marquart	Pelowski	Swails
Bly	Greiling	Kahn	Masin	Persell	Thao
Brown	Hansen	Kalin	McFarlane	Peterson	Thissen
Brynaert	Hausman	Kath	Morgan	Poppe	Tillberry
Carlson	Haws	Knuth	Morrow	Reinert	Wagenius
Champion	Hayden	Koenen	Mullery	Rukavina	Ward
Clark	Hilstrom	Laine	Murphy, E.	Ruud	Welti
Davnie	Hilty	Lesch	Murphy, M.	Sailer	Winkler
Dill	Hornstein	Liebling	Nelson	Scalze	Spk. Kelliher
Dittrich	Hortman	Lieder	Newton	Sertich	

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

Buesgens moved to amend H. F. No. 2918 as follows:

Page 1, delete section 3 and insert:

"Sec. 3. **EFFECTIVE DATE.**

This act is effective 60 days after the commissioner of management and budget certifies that legislation has been enacted providing that probable general fund receipts for the biennium ending June 30, 2011, will be equal to or greater than probable general fund expenditures for that biennium."

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 50 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Buesgens	Dean	Doepke	Eastlund
Anderson, B.	Beard	Cornish	Demmer	Downey	Emmer
Anderson, P.	Brod	Davids	Dettmer	Drazkowski	Garofalo

Gottwalt	Howes	Lenczewski	Murdock	Scott	Urdahl
Gunther	Kath	Loon	Nornes	Seifert	Zellers
Hackbarth	Kelly	Mack	Obermueller	Severson	
Hamilton	Kiffmeyer	Magnus	Peppin	Shimanski	
Holberg	Kohls	McFarlane	Rosenthal	Smith	
Hoppe	Lanning	McNamara	Sanders	Torkelson	

Those who voted in the negative were:

Anzelc	Doty	Hortman	Lillie	Olin	Slawik
Atkins	Eken	Hosch	Loeffler	Otremba	Slocum
Benson	Falk	Huntley	Mahoney	Paymar	Solberg
Bigham	Faust	Jackson	Mariani	Pelowski	Sterner
Bly	Fritz	Johnson	Marquart	Persell	Swails
Brown	Gardner	Juhnke	Masin	Peterson	Thao
Brynaert	Greiling	Kahn	Morgan	Poppe	Thissen
Bunn	Hansen	Kalin	Morrow	Reinert	Tillberry
Carlson	Hausman	Knuth	Mullery	Rukavina	Wagenius
Champion	Haws	Koenen	Murphy, E.	Ruud	Ward
Clark	Hayden	Laine	Murphy, M.	Sailer	Welti
Davnie	Hilstrom	Lesch	Nelson	Scalze	Winkler
Dill	Hilty	Liebling	Newton	Sertich	Spk. Kelliher
Dittrich	Hornstein	Lieder	Norton	Simon	

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

H. F. No. 2918, A bill for an act relating to food safety; authorizing certain beverage production in basements; directing the commissioner of agriculture to amend Minnesota Rules.

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

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

Those who voted in the affirmative were:

Abeler	Clark	Faust	Hornstein	Lanning	Morrow
Anderson, B.	Cornish	Fritz	Hortman	Lenczewski	Mullery
Anderson, P.	Davids	Gardner	Hosch	Lesch	Murdock
Anderson, S.	Davnie	Garofalo	Howes	Liebling	Murphy, E.
Anzelc	Dean	Gottwalt	Huntley	Lieder	Murphy, M.
Atkins	Demmer	Greiling	Jackson	Lillie	Nelson
Beard	Dettmer	Gunther	Johnson	Loeffler	Newton
Benson	Dill	Hackbarth	Juhnke	Loon	Nornes
Bigham	Dittrich	Hamilton	Kahn	Mack	Norton
Bly	Doepke	Hansen	Kalin	Magnus	Obermueller
Brod	Doty	Hausman	Kath	Mahoney	Olin
Brown	Downey	Haws	Kelly	Mariani	Otremba
Brynaert	Draskowski	Hayden	Kiffmeyer	Marquart	Paymar
Buesgens	Eastlund	Hilstrom	Knuth	Masin	Pelowski
Bunn	Eken	Hilty	Koenen	McFarlane	Peppin
Carlson	Emmer	Holberg	Kohls	McNamara	Persell
Champion	Falk	Hoppe	Laine	Morgan	Peterson

Poppe	Sanders	Shimanski	Sterner	Urdahl	Spk. Kelliher
Reinert	Scalze	Simon	Swails	Wagenius	
Rosenthal	Scott	Slawik	Thao	Ward	
Rukavina	Seifert	Slocum	Thissen	Welti	
Ruud	Sertich	Smith	Tillberry	Winkler	
Sailer	Severson	Solberg	Torkelson	Zellers	

The bill was passed and its title agreed to.

H. F. No. 3111 was reported to the House.

Emmer, Sanders, Holberg, Zellers, Draskowski, Dettmer and Shimanski moved to amend H. F. No. 3111, the first engrossment, as follows:

Page 1, after line 14, insert:

"Section 1. **[201.017] VOTER IDENTIFICATION CARDS.**

Subdivision 1. Access; eligibility. The county auditor must provide at least one location in the county at which it will accept applications for and issue voter identification cards to registered Minnesota voters. A voter identification card is valid only for purposes of voter identification under section 204C.10, and is available only to registered Minnesota voters. No fee may be charged or collected for the application for or issuance of a voter identification card. A voter is not eligible for a voter identification card if the voter has a Minnesota driver's license or identification card issued by the Department of Public Safety that is currently valid and will not expire prior to election day.

Subd. 2. Validity. A voter identification card is valid as long as the voter resides at the address indicated on the card and remains qualified to vote. A voter who moves to a different residence within the state must surrender the card to the appropriate county auditor of the new residence. After surrender of an invalid card, a voter may apply for and receive a new card if the voter is otherwise eligible. A person who moves to a residence outside the state of Minnesota or who ceases to be qualified to vote must surrender the voter identification card to the county auditor from which it was issued.

Subd. 3. Documentation required of applicant. (a) An applicant for a voter identification card must submit the following before the county auditor may issue an identification card:

(1) proof of the applicant's current registration to vote in the state of Minnesota;

(2) documentation approved by the secretary of state sufficient to prove residence in Minnesota for purposes of election day voter registration; and

(3) official documentation that contains the applicant's name, current address of residence, and date of birth.

The secretary of state may adopt rules to further describe and define the types of documentation sufficient to meet the requirements of this subdivision.

(b) The application for a voter identification card shall elicit the information required to be printed under subdivision 4. The application must be signed and sworn to by the applicant. An applicant who knowingly submits an application containing false information is guilty of a felony.

(c) Data contained in an application for a voter identification card is private data, as defined in section 13.02, subdivision 12.

Subd. 4. **Format of card.** The voter identification card shall be captioned "MINNESOTA VOTER IDENTIFICATION CARD," and contain a prominent statement that under Minnesota law, the card is valid only as identification for voting purposes. The voter identification card must be laminated, contain a digital color photograph of the voter, and include the following information about the voter:

(1) full legal name;

(2) address of residence;

(3) birth date;

(4) date identification card was issued;

(5) sex;

(6) height;

(7) weight;

(8) eye color;

(9) county where identification card was issued; and

(10) any other information prescribed by the secretary of state.

Subd. 5. **Duties of secretary of state.** The secretary of state shall provide each county auditor with the necessary equipment, forms, supplies, and training for the production of the Minnesota voter identification cards and is responsible for maintaining the equipment.

The secretary of state may adopt any rules necessary to facilitate administration of this section."

Page 13, after line 32, insert:

"Sec. 18. Minnesota Statutes 2008, section 204C.10, is amended to read:

204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.

Subdivision 1. **Polling place roster.** (a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

(b) ~~A judge may~~, Before the applicant signs the roster, a judge: (1) may confirm the applicant's name, address, and date of birth; and (2) except when a voter has a religious objection to being photographed, must require the voter to provide photo identification, as described in subdivision 2.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest.

Subd. 2. Photo identification. (a) To satisfy the photo identification requirement in subdivision 1, a voter must present one of the following:

(1) a valid Minnesota driver's license or identification card, issued by the Department of Public Safety;

(2) a valid United States passport;

(3) a valid Minnesota voter identification card issued under section 201.017;

(4) any other valid identification card issued by a branch, department, agency, entity, or subdivision of the state of Minnesota or the federal government, provided that the identification card contains a photograph of the voter; or

(5) a valid tribal identification card containing a photograph of the voter.

(b) If a voter is unable to produce any of the items of identification listed in paragraph (a), the voter shall be allowed to vote a provisional ballot upon swearing or affirming that the voter is the person identified on the polling place roster. Falsely swearing or affirming the oath shall be punishable as a felony. A provisional ballot may be cast in the manner provided in section 204C.135.

Sec. 19. **[204C.135] PROVISIONAL BALLOTS.**

Subdivision 1. Casting of provisional ballots. (a) A voter who appears at a polling place for the purpose of casting a ballot in a primary or general election but is unable to provide proper photo identification as required by section 204C.10 is entitled, upon swearing or affirming the voter's identity, to cast a provisional ballot as provided by this section.

(b) A voter seeking to vote a provisional ballot must complete a provisional ballot voting certificate. The certificate must include information about the place, manner, and approximate date on which the voter previously registered to vote. The voter must also swear or affirm in writing that the voter previously registered to vote, is eligible to vote, has not voted previously in that election, and meets the criteria for registering to vote in Minnesota. The form of the provisional ballot voting certificate shall be prescribed by the secretary of state.

(c) Once the voter has completed the provisional ballot voting certificate as required by this subdivision, the voter must be allowed to cast a provisional ballot. The provisional ballot must be the same as that utilized by the county or municipality for mail-in absentee ballots. A completed provisional ballot shall be sealed in the manner required for absentee ballots pursuant to section 203B.07, and deposited by the voter in a secure, sealed ballot box.

Subd. 2. Counting provisional ballots. (a) The head election judge in a precinct where a provisional vote was cast must notify the county auditor or municipal clerk of the number of provisional ballots cast as soon as practicable following the closing of the polls. Provisional ballots and related documentation shall be delivered to and securely maintained by the county auditor or municipal clerk.

(b) A voter who, because of an inability to produce photo identification on election day, cast a provisional ballot in the polling place may personally appear before the county auditor or municipal clerk no later than five business days following the election to determine whether the provisional ballot will be counted. The county auditor or municipal clerk must count a provisional ballot in the final certified results from the precinct if the voter either: (1) presents a form of photo identification permissible under section 204C.10, subdivision 2, or the documentation necessary to secure a Minnesota voter identification card under section 201.017, subdivision 3; or (2) executes an affidavit before the county auditor or municipal clerk, in a form prescribed by the secretary of state, affirming under penalty of perjury that the voter is the same person who appeared in the polling place on election day and cast a provisional ballot and is unable to obtain a sufficient form of photo identification without the payment of a fee and was not able to secure a Minnesota voter identification card prior to election day.

(c) If a voter does not appear before the county auditor or municipal clerk within five business days following the election, or otherwise does not satisfy the requirements of paragraph (b), the voter's provisional ballot must not be counted.

(d) The county auditor or municipal clerk must notify, in writing, any voter who does not appear within five business days of the election that their provisional ballot was not cast because of the voter's failure to provide photo identification at the polling place and the voter's failure to appear within five business days following the election to determine whether the provisional ballot should be counted."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Emmer et al amendment and the roll was called. There were 59 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Emmer	Kelly	McNamara	Seifert
Anderson, B.	Dean	Garofalo	Kiffmeyer	Murdock	Severson
Anderson, P.	Demmer	Gottwalt	Koenen	Nornes	Shimanski
Anderson, S.	Dettmer	Gunther	Kohls	Obermueller	Smith
Beard	Dittrich	Hackbarth	Lanning	Olin	Sterner
Brod	Doepke	Hamilton	Lenczewski	Otremba	Swails
Brown	Downey	Holberg	Loon	Peppin	Torkelson
Buesgens	Drazkowski	Hoppe	Mack	Sanders	Urdahl
Bunn	Eastlund	Howes	Magnus	Scalze	Zellers
Cornish	Eken	Kath	McFarlane	Scott	

Those who voted in the negative were:

Anzelc	Carlson	Falk	Hausman	Hortman	Kahn
Atkins	Champion	Faust	Haws	Hosch	Kalin
Benson	Clark	Fritz	Hayden	Huntley	Knuth
Bigham	Davnie	Gardner	Hilstrom	Jackson	Laine
Bly	Dill	Greiling	Hilty	Johnson	Lesch
Brynaert	Doty	Hansen	Hornstein	Juhnke	Liebling

Lieder	Morgan	Norton	Rosenthal	Slocum	Welti
Lillie	Morrow	Paymar	Rukavina	Solberg	Winkler
Loeffler	Mullery	Pelowski	Ruud	Thao	Spk. Kelliher
Mahoney	Murphy, E.	Persell	Sailer	Thissen	
Mariani	Murphy, M.	Peterson	Sertich	Tillberry	
Marquart	Nelson	Poppe	Simon	Wagenius	
Masin	Newton	Reinert	Slawik	Ward	

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

Buesgens moved to amend H. F. No. 3111, the first engrossment, as follows:

Page 6, line 30, delete "or, if it is after the" and insert ", or by submitting an absentee ballot that has already been accepted by the ballot board."

Page 6, delete line 31

Page 7, line 26, delete "After the"

Page 7, line 27, delete "close of business on the fourth day before the election."

Page 8, delete lines 2 to 4

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 47 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Emmer	Howes	McFarlane	Severson
Anderson, B.	Dean	Garofalo	Kelly	McNamara	Shimanski
Anderson, P.	Demmer	Gottwalt	Kiffmeyer	Murdock	Smith
Anderson, S.	Dettmer	Gunther	Kohls	Nornes	Sterner
Beard	Doepke	Hackbarth	Lanning	Peppin	Torkelson
Brod	Downey	Hamilton	Loon	Sanders	Urdahl
Buesgens	Drazkowski	Holberg	Mack	Scott	Zellers
Cornish	Eastlund	Hoppe	Magnus	Seifert	

Those who voted in the negative were:

Anzenc	Champion	Fritz	Hornstein	Kath	Loeffler
Atkins	Clark	Gardner	Hortman	Knuth	Mahoney
Benson	Davnie	Greiling	Hosch	Koenen	Mariani
Bigham	Dill	Hansen	Huntley	Laine	Marquart
Bly	Dittrich	Hausman	Jackson	Lenczewski	Masin
Brown	Doty	Haws	Johnson	Lesch	Morgan
Brynaert	Eken	Hayden	Juhnke	Liebling	Morrow
Bunn	Falk	Hilstrom	Kahn	Lieder	Mullery
Carlson	Faust	Hilty	Kalin	Lillie	Murphy, E.

Murphy, M.	Otremba	Reinert	Sertich	Thao	Winkler
Nelson	Paymar	Rosenthal	Simon	Thissen	Spk. Kelliher
Newton	Pelowski	Rukavina	Slawik	Tillberry	
Norton	Persell	Ruud	Slocum	Wagenius	
Obermueller	Peterson	Sailer	Solberg	Ward	
Olin	Poppe	Scalze	Swails	Welti	

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

Brod moved to amend H. F. No. 3111, the first engrossment, as follows:

Page 11, line 1, delete the new language

Page 11, delete line 2

A roll call was requested and properly seconded.

The question was taken on the Brod amendment and the roll was called. There were 47 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Emmer	Howes	McFarlane	Seifert
Anderson, B.	Dean	Garofalo	Kelly	McNamara	Severson
Anderson, P.	Demmer	Gottwalt	Kiffmeyer	Murdock	Shimanski
Anderson, S.	Dettmer	Gunther	Kohls	Nornes	Smith
Beard	Doepke	Hackbarth	Lanning	Otremba	Torkelson
Brod	Downey	Hamilton	Loon	Peppin	Urdahl
Buesgens	Drazkowski	Holberg	Mack	Sanders	Zellers
Cornish	Eastlund	Hoppe	Magnus	Scott	

Those who voted in the negative were:

Anzelc	Eken	Huntley	Loeffler	Paymar	Solberg
Atkins	Falk	Jackson	Mahoney	Pelowski	Sterner
Benson	Faust	Johnson	Mariani	Persell	Swails
Bigham	Fritz	Juhnke	Marquart	Peterson	Thao
Bly	Gardner	Kahn	Masin	Poppe	Thissen
Brown	Greiling	Kalin	Morgan	Reinert	Tillberry
Brynaert	Hansen	Kath	Morrow	Rosenthal	Wagenius
Bunn	Hausman	Knuth	Mullery	Rukavina	Ward
Carlson	Haws	Koenen	Murphy, E.	Ruud	Welti
Champion	Hayden	Laine	Murphy, M.	Sailer	Winkler
Clark	Hilstrom	Lenczewski	Nelson	Scalze	Spk. Kelliher
Davnie	Hilty	Lesch	Newton	Sertich	
Dill	Hornstein	Liebling	Norton	Simon	
Dittrich	Hortman	Lieder	Obermueller	Slawik	
Doty	Hosch	Lillie	Olin	Slocum	

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

Drazkowski moved to amend H. F. No. 3111, the first engrossment, as follows:

Page 6, line 13, delete the comma and insert a period

Page 6, delete lines 14 and 15

Page 12, line 11, delete "unless they are exempt"

Page 12, line 12, delete everything before the period

Page 13, line 16, delete everything after "parties"

Page 13, line 17, delete everything before the period

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

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

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Gottwalt	Jackson	Loeffler	Nornes
Anderson, B.	Davnie	Greiling	Johnson	Loon	Norton
Anderson, P.	Dean	Gunther	Juhnke	Mack	Obermueller
Anderson, S.	Demmer	Hackbarth	Kahn	Magnus	Olin
Anzelc	Dettmer	Hamilton	Kalin	Mahoney	Otremba
Atkins	Dill	Hansen	Kath	Mariani	Paymar
Beard	Dittrich	Hausman	Kelly	Marquart	Pelowski
Benson	Doepke	Haws	Kiffmeyer	Masin	Peppin
Bigham	Doty	Hayden	Knuth	McFarlane	Persell
Bly	Downey	Hilstrom	Koenen	McNamara	Peterson
Brod	Drazkowski	Hilty	Kohls	Morgan	Poppe
Brown	Eastlund	Holberg	Laine	Morrow	Reinert
Brynaert	Eken	Hoppe	Lanning	Mullery	Rosenthal
Bunn	Falk	Hornstein	Lenczewski	Murdock	Rukavina
Carlson	Faust	Hortman	Lesch	Murphy, E.	Ruud
Champion	Fritz	Hosch	Liebling	Murphy, M.	Sailer
Clark	Gardner	Howes	Lieder	Nelson	Sanders
Cornish	Garofalo	Huntley	Lillie	Newton	Scalze

Scott	Shimanski	Smith	Thao	Urdahl	Winkler
Seifert	Simon	Solberg	Thissen	Wagenius	Zellers
Sertich	Slawik	Sterner	Tillberry	Ward	Spk. Kelliher
Severson	Slocum	Swails	Torkelson	Welti	

Those who voted in the negative were:

Buesgens Emmer

The bill was passed and its title agreed to.

MOTIONS AND RESOLUTIONS

Simon moved that the name of Rosenthal be added as an author on H. F. No. 224. The motion prevailed.

Fritz moved that the names of Lillie, Atkins, Mahoney, Thao and Simon be added as authors on H. F. No. 1847. The motion prevailed.

Johnson moved that the name of Lenczewski be added as an author on H. F. No. 2639. The motion prevailed.

Juhnke moved that the name of Drazkowski be added as an author on H. F. No. 2659. The motion prevailed.

Benson moved that the name of Brod be added as an author on H. F. No. 2702. The motion prevailed.

Atkins moved that the name of Sterner be added as an author on H. F. No. 2706. The motion prevailed.

Peterson moved that the name of Sterner be added as an author on H. F. No. 2713. The motion prevailed.

Davnie moved that the name of Ward be added as an author on H. F. No. 2750. The motion prevailed.

Nelson moved that his name be stricken as an author on H. F. No. 2804. The motion prevailed.

Atkins moved that the name of Sterner be added as an author on H. F. No. 2856. The motion prevailed.

Greiling moved that the name of Sterner be added as an author on H. F. No. 2918. The motion prevailed.

Anzalc moved that the name of Loeffler be added as an author on H. F. No. 2941. The motion prevailed.

Peterson moved that the name of Reinert be added as an author on H. F. No. 2968. The motion prevailed.

Hornstein moved that the name of Kahn be added as an author on H. F. No. 2986. The motion prevailed.

Hortman moved that the names of Sterner and Ward be added as authors on H. F. No. 3079. The motion prevailed.

Thissen moved that the name of Murphy, E., be added as an author on H. F. No. 3086. The motion prevailed.

Winkler moved that the names of Laine and Hansen be added as authors on H. F. No. 3111. The motion prevailed.

Loeffler moved that the name of Murphy, E., be added as an author on H. F. No. 3133. The motion prevailed.

Hornstein moved that the name of Murphy, E., be added as an author on H. F. No. 3134. The motion prevailed.

Simon moved that the name of Murphy, E., be added as an author on H. F. No. 3135. The motion prevailed.

Jackson moved that the name of Haws be added as an author on H. F. No. 3138. The motion prevailed.

Jackson moved that the name of Sterner be added as an author on H. F. No. 3147. The motion prevailed.

Lieder moved that the name of Newton be added as an author on H. F. No. 3148. The motion prevailed.

Bunn moved that the name of McNamara be added as an author on H. F. No. 3152. The motion prevailed.

Mahoney moved that the name of Swails be added as an author on H. F. No. 3157. The motion prevailed.

Hornstein moved that his name be stricken as an author on H. F. No. 3183. The motion prevailed.

Mahoney moved that the name of Ward be added as an author on H. F. No. 3205. The motion prevailed.

Rukavina moved that the name of Slocum be added as an author on H. F. No. 3228. The motion prevailed.

Abeler moved that the name of Slocum be added as an author on H. F. No. 3229. The motion prevailed.

Newton moved that the name of Slocum be added as an author on H. F. No. 3267. The motion prevailed.

Rosenthal moved that the name of Ward be added as an author on H. F. No. 3271. The motion prevailed.

Simon moved that the name of Smith be added as an author on H. F. No. 3277. The motion prevailed.

Thissen moved that the name of Eken be added as an author on H. F. No. 3290. The motion prevailed.

Holberg moved that the name of Lenczewski be added as an author on H. F. No. 3307. The motion prevailed.

Greiling moved that the name of Kohls be added as an author on H. F. No. 3312. The motion prevailed.

Atkins moved that the name of Knuth be added as an author on H. F. No. 3313. The motion prevailed.

Greiling moved that the name of Scalze be added as an author on H. F. No. 3337. The motion prevailed.

Hansen moved that the name of Kahn be added as an author on H. F. No. 3343. The motion prevailed.

Bigham moved that the name of Knuth be added as an author on H. F. No. 3355. The motion prevailed.

Demmer moved that the name of Morgan be added as an author on H. F. No. 3366. The motion prevailed.

Winkler moved that the names of Paymar and Kahn be added as authors on H. F. No. 3368. The motion prevailed.

Reinert moved that the name of Davids be added as an author on H. F. No. 3370. The motion prevailed.

Eastlund moved that the names of McNamara and Dettmer be added as authors on H. F. No. 3373. The motion prevailed.

Eastlund moved that the name of Dettmer be added as an author on H. F. No. 3374. The motion prevailed.

Lesch moved that the name of Kahn be added as an author on H. F. No. 3382. The motion prevailed.

Mullery moved that the name of Sterner be added as an author on H. F. No. 3385. The motion prevailed.

Swails moved that the name of Welti be added as an author on H. F. No. 3386. The motion prevailed.

Urdahl moved that the names of Morrow, Olin and Doty be added as authors on H. F. No. 3387. The motion prevailed.

Juhnke moved that the name of Otremba be added as an author on H. F. No. 3399. The motion prevailed.

Eken moved that the names of Sailer and Otremba be added as authors on H. F. No. 3405. The motion prevailed.

Scalze moved that the name of Kahn be added as an author on H. F. No. 3406. The motion prevailed.

Kahn moved that H. F. No. 2509 be recalled from the Committee on State and Local Government Operations Reform, Technology and Elections and be re-referred to the Committee on Finance. The motion prevailed.

Morrow moved that H. F. No. 2567 be recalled from the Committee on Finance and be re-referred to the Committee on Agriculture, Rural Economies and Veterans Affairs. The motion prevailed.

Mullery moved that H. F. No. 2600 be recalled from the Committee on Commerce and Labor and be re-referred to the Committee on Civil Justice. The motion prevailed.

Mullery moved that H. F. No. 2619 be recalled from the Committee on Public Safety Policy and Oversight and be re-referred to the Committee on Civil Justice. The motion prevailed.

Mullery moved that H. F. No. 2707 be recalled from the Committee on Public Safety Policy and Oversight and be re-referred to the Committee on Civil Justice. The motion prevailed.

Eken moved that H. F. No. 3094 be recalled from the Committee on State and Local Government Operations Reform, Technology and Elections and be re-referred to the Committee on Finance. The motion prevailed.

Lesch moved that H. F. No. 3321 be recalled from the Committee on Finance and be re-referred to the Committee on Public Safety Policy and Oversight. The motion prevailed.

Benson moved that H. F. No. 3478 be recalled from the Committee on Finance and be re-referred to the Committee on K-12 Education Policy and Oversight. The motion prevailed.

Beard moved that H. F. No. 2947 be returned to its author. The motion prevailed.

House Concurrent Resolution No. 3 was reported to the House.

HOUSE CONCURRENT RESOLUTION NO. 3

A House concurrent resolution adopting deadlines for the 2010 regular session.

Be It Resolved, by the House of Representatives of the State of Minnesota, the Senate concurring:

In accordance with Joint Rule 2.03, as modified by this resolution, the deadlines in this resolution apply to the 2010 regular session.

(1) The first deadline, Friday, March 12, 2010, at 11:59 p.m., is for committees to act favorably on bills in the house of origin.

(2) The second deadline, Friday, March 19, 2010, at 11:59 p.m., is for committees to act favorably on bills, or companions of bills, that met the first deadline in the other house.

(3) The third deadline, Monday, March 29, 2010, at 5:00 p.m., is for divisions of the House of Representatives and Senate Committees on Finance to act favorably on omnibus appropriation bills.

When a committee in either house acts favorably on a bill after a deadline established in this resolution, the bill must be referred in the House of Representatives to the Committee on Rules and Legislative Administration or in the Senate to the Committee on Rules and Administration for disposition. Either rules committee, when reporting a bill referred to the committee in accordance with Joint Rule 2.03 and this resolution, may waive the application of the rule and resolution to subsequent actions on that bill by other committees.

Sertich moved that House Concurrent Resolution No. 3 be now adopted. The motion prevailed and House Concurrent Resolution No. 3 was adopted.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:30 p.m., Tuesday, March 9, 2010. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and Speaker pro tempore Pelowski declared the House stands adjourned until 12:30 p.m., Tuesday, March 9, 2010.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

