

STATE OF MINNESOTA

EIGHTY-SIXTH SESSION — 2009

 TWENTY-SIXTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 26, 2009

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

Prayer was offered by the Reverend Tom Lundeen, Riverside Alliance Church, Big Lake, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Lanning and Torkelson were excused.

Mariani was excused until 11:05 a.m.

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

REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 19, A bill for an act relating to real property; mortgages; providing for postponement of sale; amending Minnesota Statutes 2008, section 580.07.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 580.07, is amended to read:

580.07 POSTPONEMENT.

Subdivision 1. **Postponement by mortgagee.** The sale may be postponed, from time to time, by the party conducting the foreclosure, by inserting a notice of the postponement, as soon as practicable, in the newspaper in which the original advertisement was published, at the expense of the party requesting the postponement. The notice shall be published only once.

Subd. 2. **Postponement by mortgagor or owner.** (a) If all or a part of the property to be sold is classified as homestead under section 273.124 and contains one to four dwelling units, the mortgagor or owner may postpone the sale to the first date that is not a Saturday, Sunday, or legal holiday and is five months after the originally scheduled date of sale in the manner provided in this subdivision. To postpone a foreclosure sale pursuant to this subdivision, at any time after the first publication of the notice of mortgage foreclosure sale under section 580.03 but at least 15 days prior to the scheduled sale date specified in that notice, the mortgagor shall: (1) execute a sworn affidavit in the form set forth in subdivision 3, (2) record the affidavit in the office of each county recorder and registrar of titles where the mortgage was recorded, and (3) file with the sheriff conducting the sale and deliver to the attorney foreclosing the mortgage, a copy of the recorded affidavit, showing the date and office in which the affidavit was recorded. Recording of the affidavit and postponement of the foreclosure sale pursuant to this subdivision shall automatically reduce the mortgagor's redemption period under section 580.23 to five weeks. The postponement of a foreclosure sale pursuant to this subdivision does not require any change in the published or served notice of mortgage foreclosure sale under sections 580.03 and 580.04, but the sheriff's certificate of sale shall indicate the actual date of the foreclosure sale and the actual length of the mortgagor's redemption period. No notice of postponement need be published. An affidavit complying with subdivision 3 shall be prima facie evidence of the facts stated therein, and shall be entitled to be recorded. The right to postpone a foreclosure sale pursuant to this subdivision may be exercised only once, regardless whether the mortgagor reinstates the mortgage prior to the postponed mortgage foreclosure sale.

(b) If the automatic stay under United States Code, title 11, section 362, applies to the mortgage foreclosure after a mortgagor or owner requests postponement of the sheriff's sale under this section, then when the automatic stay is no longer applicable, the mortgagor's or owner's election to shorten the redemption period to five weeks under this section remains applicable to the mortgage foreclosure.

Subd. 3. **Affidavit form.** The affidavit referred to in subdivision 2 shall be in substantially the following form and shall contain all of the following information.

STATE OF _____

COUNTY OF _____

_____ (whether one or more, "Owner"), being first duly sworn on oath, states as follows:

1. (He is) (She is) (They are) the owner(s) or mortgagor(s) of the real property (the "Property") situated in (Name of) County, Minnesota, legally described in the attached published Notice of Mortgage Foreclosure Sale (the "Notice"), and make this affidavit for the purpose of postponing the foreclosure sale of the Property pursuant to Minnesota Statutes, section 580.07, subdivision 2, for five months from the date scheduled in the attached Notice.

2. The Property is classified as homestead under Minnesota Statutes, section 273.124, is occupied by Owner as a homestead, and is improved with not more than four dwelling units.

3. Owner has elected to shorten Owner's redemption period from any foreclosure sale of the Property to five weeks in exchange for the postponement of the foreclosure sale for five months.

(signature(s) of owner)

Signed and sworn to (or affirmed) before me on (date) by (name(s) of person(s) making statement).

(signature of notary public)

Notary Public

EFFECTIVE DATE. This section is effective one month after the date of final enactment, and applies to foreclosure sales scheduled to occur on or after said effective date."

Delete the title and insert:

"A bill for an act relating to real property; mortgages; providing for postponement of sale; amending Minnesota Statutes 2008, section 580.07."

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

The report was adopted.

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

H. F. No. 120, A bill for an act relating to health; establishing oversight for health care cooperative arrangements; increasing access to health care services in rural areas; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 62R.

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

The report was adopted.

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

H. F. No. 265, A bill for an act relating to disposition of items on death; clarifying certain references; providing for collection of certain property by affidavit; amending the Darlene Luther Revised Uniform Anatomical Gifts Act and other statutes to clarify and conform inconsistent provisions authorizing agents to make medical decisions, control final disposition of remains, and make anatomical gifts; correcting an erroneous reference and making other corrections and clarifications; amending Minnesota Statutes 2008, sections 149A.80, subdivision 2; 524.1-304; 524.3-413; 524.3-1201; 524.3-1203, subdivision 5; 525A.03; 525A.09; 525A.14; 525A.19.

Reported the same back with the following amendments:

Page 1, delete lines 11 and 12

Pages 5 to 9, delete article 2

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 everything before "correcting"

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. 286, A bill for an act relating to insurance; providing equal access to acupuncture and a memorial to Edith R. Davis, Minnesota's pioneer acupuncturist; requiring equal access to acupuncture services by certain group policies and subscriber contracts; requiring claim determinations regarding acupuncture services to be made or reviewed by acupuncture practitioners; requiring reporting on referrals to acupuncture practitioners and reimbursement rates; amending Minnesota Statutes 2008, section 62A.15, subdivision 4, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

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

The report was adopted.

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

H. F. No. 292, A bill for an act relating to health; providing for the medical use of marijuana; providing civil and criminal penalties; appropriating money; amending Minnesota Statutes 2008, section 13.3806, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 152.

Reported the same back with the following amendments:

Page 1, line 18, delete "12" and insert "six"

Page 2, line 1, delete "12" and insert "six"

Page 2, line 6, delete "12" and insert "six"

Page 2, line 33, delete "18" and insert "21"

Page 6, line 27, delete "five" and insert "30"

Page 15, after line 5, insert:

"Sec. 10. [152.32] SUNSET.

Sections 152.22 to 152.32 and 13.3806, subdivision 21, expire October 1, 2011.

Sec. 11. IMPLEMENTATION.

The commissioner of health must begin issuing registry identification cards and registered organization licenses under Minnesota Statutes, sections 152.22 to 152.32, by October 1, 2009."

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "providing an expiration date for medical use of marijuana provisions;"

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 357, A bill for an act relating to energy; modifying provisions relating to tariffs and contracts for community-based energy development projects; amending Minnesota Statutes 2008, section 216B.1612, subdivisions 1, 3, 5, 7; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reported the same back with the following amendments:

Page 1, line 15, delete everything after "generation"

Page 1, line 16, delete everything before the period

Page 2, line 3, after "value" insert "rate"

Page 2, line 4, after "(MISO)" insert "Minnesota Hub"

Page 2, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 2008, section 216B.1612, subdivision 5, is amended to read:

Subd. 5. **Priority for C-BED projects.** (a) A utility subject to section 216B.1691, ~~except a municipal utility or a cooperative association,~~ that needs to construct new generation, or purchase the output from new generation, as part of its plan to satisfy its good faith objective and standard under that section must take reasonable steps to determine if one or more C-BED projects are available ~~that meet the utility's cost and reliability requirements, applying standard reliability criteria,~~ to fulfill some or all of the identified need at minimal impact to customer rates.

~~Nothing in this section shall be construed to obligate a utility to enter into a power purchase agreement under a C-BED tariff developed under this section.~~

~~(b) Between the effective date of this section and December 31, 2010, utilities, as defined in section 216B.169, subdivision 1, paragraph (a), but not including a municipal utility or cooperative electric association, must purchase or contract to purchase energy from a sufficient number of renewable energy projects with a nameplate capacity of five megawatts or less so as to total at least 200 megawatts in the aggregate. Such projects must meet the eligibility requirements for a renewable energy incentive under the American Recovery and Reinvestment Act of 2009, the federal Rural Energy for America Program, or other renewable energy incentive program. During that period, public utilities must undertake such projects in approximate proportion to their share of the electrical energy generated within this state. This requirement shall not prevent a public utility from developing or acquiring electrical energy from other sources either within or outside the state regardless of whether such sources use renewable energy.~~

~~(c)~~ (c) Each utility shall include in its resource plan submitted under section 216B.2422 a description of its efforts to purchase energy from C-BED projects, including a list of the projects under contract and the amount of C-BED energy purchased.

~~(d)~~ (d) The commission shall consider the efforts and activities of a utility to purchase energy from C-BED projects when evaluating its good faith effort towards meeting the renewable energy objective under section 216B.1691.

~~(e)~~ (e) A municipal power agency or generation and transmission cooperative shall, when issuing a request for proposals for C-BED projects to satisfy its standard obligation under section 216B.1691, provide notice to its member distribution utilities that they may propose, in partnership with other qualifying owners, a C-BED project for the consideration of the municipal power agency or generation and transmission cooperative.

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

Page 4, delete section 5 and insert:

"Sec. 5. **[216B.1613] STANDARDIZED C-BED CONTRACT.**

Within 60 days of the effective date of this section, each utility, as defined in section 216B.169, subdivision 1, paragraph (a), but not including a municipal utility or cooperative electric association, shall file with the commission a standardized contract form for the purchase of electricity from C-BED projects of five megawatts and less. That standardized contract form shall be similar in all material respects to the standard contract form previously filed with the commission under section 216B.2423, subdivision 3, including any revisions to that contract on file with the

commission as of the effective date of this section. After consultation with wind developers and producers, a utility governed by this section may modify the standardized contract currently on file prior to the utility submitting its standard contract form to the commission, if the modifications are reasonably necessary to account for circumstances that are unique to that particular utility.

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

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

The report was adopted.

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

H. F. No. 388, A bill for an act relating to mental illness; prohibiting participation in clinical drug trials; amending Minnesota Statutes 2008, section 253B.095, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 22, insert:

"(e) If a stay of commitment is continued as provided in subdivision 3, the court may allow the patient to give consent to participate in a specific psychiatric clinical drug trial if the treating psychiatrist submits an affidavit that the patient may benefit from participating in the trial because treatment options offered have been ineffective. The treating psychiatrist must not be the psychiatrist conducting the psychiatric clinical drug trial."

Page 1, line 23, strike "(e)" and insert "(f)"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 424, A bill for an act relating to natural resources; modifying the Critical Areas Act of 1973; requiring rulemaking; amending Minnesota Statutes 2008, sections 116G.03, by adding subdivisions; 116G.15.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 116G.15, is amended to read:

116G.15 MISSISSIPPI RIVER CORRIDOR CRITICAL AREA.

Subdivision 1. Establishment; purpose. (a) The federal Mississippi National River and Recreation Area established pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of critical concern in accordance with this chapter. ~~The governor shall review the existing Mississippi River critical area plan and specify~~

~~any additional standards and guidelines to affected communities in accordance with section 116G.06, subdivision 2, paragraph (b), clauses (3) and (4), needed to insure preservation of the area pending the completion of the federal plan. The purpose of the designation is to:~~

(1) protect and preserve the Mississippi River and adjacent lands that the legislature finds to be unique and valuable state and regional resources for the benefit of the health, safety, and welfare of the citizens of the state, region, and nation;

(2) prevent and mitigate irreversible damages to the natural resources listed under clause (1);

(3) preserve and enhance the natural, aesthetic, cultural, and historical values of the Mississippi River and adjacent lands for public use and benefit;

(4) protect and preserve the Mississippi River as an essential element in the national, state, and regional transportation, sewer and water, and recreational systems; and

(5) protect and preserve the biological and ecological functions of the Mississippi River and its corridor.

~~The results of an environmental impact statement prepared under chapter 116D begun before and completed after July 1, 1994, for a proposed project that is located in the Mississippi River critical area north of the United States Army Corps of Engineers Lock and Dam Number One must be submitted in a report to the chairs of the environment and natural resources policy and finance committees of the house of representatives and the senate prior to the issuance of any state or local permits and the authorization for an issuance of any bonds for the project. A report made under this paragraph shall be submitted by the responsible governmental unit that prepared the environmental impact statement, and must list alternatives to the project that are determined by the environmental impact statement to be economically less expensive and environmentally superior to the proposed project and identify any legislative actions that may assist in the implementation of environmentally superior alternatives. This paragraph does not apply to a proposed project to be carried out by the Metropolitan Council or a metropolitan agency as defined in section 473.121.~~

~~(b) If the results of an environmental impact statement required to be submitted by paragraph (a) indicate that there is an economically less expensive and environmentally superior alternative, then no member agency of the Environmental Quality Board shall issue a permit for the facility that is the subject of the environmental impact statement, other than an economically less expensive and environmentally superior alternative, nor shall any government bonds be issued for the facility, other than an economically less expensive and environmentally superior alternative, until after the legislature has adjourned its regular session sine die in 1996.~~

Subd. 2. **Administration; duties.** (a) The commissioner of natural resources shall administer the Mississippi River corridor critical area program. The commissioner shall work in consultation with the United States Army Corps of Engineers, the National Park Service, the Metropolitan Council, other agencies, and local units of government to ensure that the Mississippi River corridor critical area is managed in a way that:

(1) conserves the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor;

(2) maintains the river channel for transportation by providing and maintaining barging and fleeting areas in appropriate locations consistent with the character of the Mississippi River and riverfront;

(3) provides for the continuation and development of a variety of urban uses, including industrial and commercial uses, and residential uses, where appropriate, within the Mississippi River and its corridor;

(4) utilizes certain reaches of the river as a source of water supply and as a receiving water for properly treated sewage, storm water, and industrial waste effluents; and

(5) protects and preserves the biological and ecological functions of the corridor.

(b) The Metropolitan Council shall incorporate the standards developed under this section into its planning and shall work with local units of government and the commissioner to ensure the standards are being adopted and implemented appropriately.

Subd. 3. **Districts.** The commissioner shall establish districts within the Mississippi River corridor critical area. The commissioner must seek to minimize the number of districts within any one municipality. The commissioner shall consider the following when establishing the districts:

(1) the protection of resources that existed as of March 12, 1979;

(2) the protection of improvements such as parks, trails, natural areas, and interpretive centers;

(3) the protection of resources identified in the Mississippi National River and Recreation Area Comprehensive Management Plan;

(4) the protection of resources identified in comprehensive plans developed by counties, cities, and towns within the Mississippi River corridor critical area;

(5) the intent of the Mississippi River corridor critical area land use districts from the governor's executive order number 79-19, published in the State Register on March 12, 1979; and

(6) identified scenic, geologic, and ecological resources.

Subd. 4. **Standards.** (a) The commissioner shall establish minimum guidelines and standards for the districts established in subdivision 3. The guidelines and standards for each district shall include the intent of each district, key resources and features to be protected or enhanced based upon paragraph (b), permitted uses, and dimensional and performance standards for development. The commissioner may provide certain exceptions and criteria for standards, including, but not limited to, exceptions for river access facilities, water supply facilities, storm water facilities, and wastewater treatment facilities.

(b) The guidelines and standards must protect or enhance the following key resources and features:

(1) floodplains;

(2) wetlands;

(3) gorges;

(4) areas of confluence with key tributaries;

(5) natural drainage routes;

(6) shorelines and riverbanks;

(7) bluffs;

- (8) steep slopes and very steep slopes;
- (9) unstable soils and bedrock;
- (10) significant existing vegetative stands, tree canopies, and native plant communities;
- (11) scenic views and vistas;
- (12) publicly owned parks, trails, and open spaces;
- (13) cultural and historic sites and structures; and
- (14) water quality.

(c) The commissioner shall establish a map to define bluffs and bluff-related features within the Mississippi River corridor critical area. At the outset of the rulemaking process, the commissioner shall create a preliminary map of all the bluffs and bluff lines within the Mississippi River corridor critical area, based on the guidelines in paragraph (d). The rulemaking process shall provide an opportunity to refine the preliminary bluff map. The commissioner may add to or remove areas of demonstrably unique or atypical conditions that warrant special protection or exemption. At the end of the rulemaking process, the commissioner shall adopt a final bluff map that contains associated features, including bluff lines, bases of bluffs, steep slopes, and very steep slopes.

(d) The following guidelines shall be used by the commissioner to create a preliminary bluff map as part of the rulemaking process:

(1) "bluff face" or "bluff" means the area between the bluff line and the bluff base. A high, steep, natural topographic feature such as a broad hill, cliff, or embankment with a slope of 18 percent or greater and a vertical rise of at least ten feet between the bluff base and the bluff line;

(2) "bluff line" means a line delineating the top of a slope connecting the points at which the slope becomes less than 18 percent. More than one bluff line may be encountered proceeding upslope from the river valley;

(3) "base of the bluff" means a line delineating the bottom of a slope connecting the points at which the slope becomes 18 percent or greater. More than one bluff base may be encountered proceeding landward from the water;

(4) "steep slopes" means 12 percent to 18 percent slopes. Steep slopes are natural topographic features with an average slope of 12 to 18 percent measured over a horizontal distance of 50 feet or more; and

(5) "very steep slopes" means slopes 18 percent or greater. Very steep slopes are natural topographic features with an average slope of 18 percent or greater, measured over a horizontal distance of 50 feet or more.

Subd. 5. **Application.** The standards established under this section shall be used:

- (1) by local units of government when preparing or updating plans or modifying regulations;
- (2) by state and regional agencies for permit regulation and in developing plans within their jurisdiction;
- (3) by the Metropolitan Council for reviewing plans, regulations, and development permit applications; and
- (4) by the commissioner when approving plans, regulations, and development permit applications.

Subd. 6. **Notification; fees.** (a) A local unit of government or a regional or state agency shall notify the commissioner of natural resources of all developments in the corridor that require discretionary actions under their rules at least ten days before taking final action on the application. A local unit of government or agency failing to notify the commissioner at least ten days before taking final action shall submit a late fee of \$500 to the commissioner. The commissioner may establish exemptions from the notification requirement for certain types of applications within the rules established under paragraph (b). For purposes of this section, a discretionary action includes all actions that require a public hearing, including variances, conditional use permits, and zoning amendments.

(b) The commissioner shall establish by rule fees to be paid by local units of government and agencies to the commissioner to recover costs of reviewing information submitted under paragraph (a). The fees shall be based upon the cost of receiving and reviewing the information. The fees must be set by rule. Section 16A.1283 does not apply to the fees, but the rule must not take effect until 45 days after the proposed rule has been submitted to the chairs and ranking minority members of the legislative committees with jurisdiction over environment and local government policy and finance. A local unit of government may pass on the costs of the fee to applicants.

Subd. 7. **Rules.** The commissioner shall adopt rules to ensure compliance with this section. By January 15, 2010, the commissioner shall begin the rulemaking required by this section under chapter 14. Until the rules required under this section take effect, the commissioner shall administer the Mississippi River corridor critical area program in accordance with the governor's executive order number 79-19, published in the State Register on March 12, 1979.

Sec. 2. **APPROPRIATION.**

\$..... in fiscal year 2010 is appropriated from the clean water fund to the commissioner of natural resources to develop and adopt rules for the Mississippi River corridor critical area under Minnesota Statutes, chapter 116G.15, in order to achieve the required outcomes."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying the Critical Areas Act of 1973; requiring rulemaking; appropriating money; amending Minnesota Statutes 2008, section 116G.15."

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

The report was adopted.

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

H. F. No. 551, A bill for an act relating to public safety; increasing penalties for certain repeat offenders; requiring training materials regarding predatory offenders for those who care for children and vulnerable adults; amending Minnesota Statutes 2008, section 609.3451, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 244.

Reported the same back with the following amendments:

Page 1, after line 9, insert:

"Sec. 2. Minnesota Statutes 2008, section 244.052, subdivision 1, is amended to read:

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

- (1) "confinement" means confinement in a state correctional facility or a state treatment facility;
- (2) "immediate household" means any and all individuals who live in the same household as the offender;
- (3) "law enforcement agency" means the law enforcement agency having primary jurisdiction over the location where the offender expects to reside upon release;
- (4) "residential facility" means a regional treatment center operated by the commissioner of human services or a facility that is licensed as a residential program, as defined in section 245A.02, subdivision 14, by the commissioner of human services under chapter 245A, or the commissioner of corrections under section 241.021, whose staff are trained in the supervision of sex offenders; and
- (5) "predatory offender" and "offender" mean a person who is required to register as a predatory offender under section 243.166. However, the terms do not include persons required to register based solely on a delinquency adjudication."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the first semicolon, insert "including regional treatment center in definition of residential facility where predatory offenders are confined;"

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.

Hornstein from the Transportation and Transit Policy and Oversight Division to which was referred:

H. F. No. 572, A bill for an act relating to drivers' licenses; providing for designation of veteran status on drivers' licenses and Minnesota identification cards; amending Minnesota Statutes 2008, sections 171.06, subdivision 3; 171.07, by adding a subdivision.

Reported the same back with the following amendments:

Page 3, delete lines 3 to 6

With the recommendation that when so amended the bill pass and be re-referred to the Transportation Finance and Policy Division.

The report was adopted.

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

H. F. No. 608, A bill for an act relating to agriculture; providing for the development and regulation of an industrial hemp industry; authorizing rulemaking; providing a defense for possession and cultivation of industrial hemp; modifying the definition of marijuana; amending Minnesota Statutes 2008, sections 18J.01; 18J.02; 18J.03; 18J.04, subdivisions 1, 2, 3, 4; 18J.05, subdivisions 1, 2, 6; 18J.06; 18J.07, subdivisions 3, 4, 5; 18J.09; 18J.11, subdivision 1, by adding a subdivision; 152.01, subdivision 9; 375.30, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 18K.

Reported the same back with the following amendments:

Page 8, after line 33, insert:

"Sec. 29. **EFFECTIVE DATE.**

Sections 1 to 23 and 25 to 28 are effective the day following final enactment. Section 24 is effective the day after the United States Department of Justice, Drug Enforcement Administration, authorizes a person to commercially grow industrial hemp in the United States."

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

The report was adopted.

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

H. F. No. 632, A bill for an act relating to probate; enacting the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; proposing coding for new law in Minnesota Statutes, chapter 524.

Reported the same back with the following amendments:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2008, section 524.5-107, is amended to read:

524.5-107 TRANSFER OF JURISDICTION.

(a) Following the appointment of a guardian or conservator or entry of another protective order, the court making the appointment or entering the order may transfer the proceeding to a court ~~in~~ or another county in this state or in the case of a minor to another state if the court is satisfied that a transfer will serve the best interest of the ward or protected person.

(b) A guardian of a minor, conservator of a minor, or like fiduciary for a minor appointed in another state may petition the court for appointment as a guardian or conservator in this state if the state has jurisdiction. The appointment may be made upon proof of appointment in the other state and presentation of a certified copy of the portion of the court record in the other state specified by the court in this state. Notice of hearing on the petition, together with a copy of the petition, must be given to the ward or protected person, if the ward or protected person has attained 14 years of age, and to the persons who would be entitled to notice if the regular procedures for appointment of a guardian or conservator under this article were applicable. The court shall make the appointment

in this state unless it concludes that the appointment would not be in the best interest of the ward or protected person. Upon the filing of an acceptance of office and any required bond, the court shall issue appropriate letters of guardianship or conservatorship. Within 14 days after an appointment, the guardian or conservator shall send or deliver a copy of the order of appointment to the ward or protected person, if the ward or protected person has attained 14 years of age, and to all persons given notice of the hearing on the petition."

Page 10, line 28, delete "20" and insert "21"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing certain jurisdiction transfer provisions;"

Correct the title numbers accordingly

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

Reported the same back with the following amendments:

Page 1, line 11, delete the new language

Page 3, lines 15 and 16, delete the new language

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. 818, A bill for an act relating to vulnerable adults; authorizing disclosure of financial records in connection with financial exploitation investigations; modifying procedures and duties for reporting and investigating maltreatment; specifying duties of financial institutions in cases alleging financial exploitation; modifying the crime of financial exploitation; imposing criminal and civil penalties; amending Minnesota Statutes 2008, sections 13A.02, subdivisions 1, 2; 13A.04, subdivision 1; 256B.0595, subdivision 4b; 299A.61, subdivision 1; 388.23, subdivision 1; 609.2335; 609.52, subdivision 3; 611A.033; 626.557, subdivisions 4, 5, 9, 9b, 9e, by adding subdivisions; 626.5572, subdivisions 5, 21; 628.26.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health Care and Human Services Policy and Oversight.

The report was adopted.

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

H. F. No. 854, A bill for an act relating to consumer protection; limiting customer liability for unauthorized use of lost or stolen cellular phones; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[325F.696] LIABILITY FOR UNAUTHORIZED USE OF CELLULAR PHONES.**

Subdivision 1. Liability limited. A customer is not liable for cellular phone charges imposed by a wireless service provider that result from the unauthorized use of the customer's cellular phone. There is a rebuttable presumption that any use of a cellular phone after the wireless service provider has been notified that the phone is lost or stolen is unauthorized, provided that the customer agreed to suspend use of the wireless device.

Subd. 2. Unauthorized use defined. For purposes of subdivision 1, "unauthorized use" means use by a person other than the customer who does not have actual, implied, or apparent authority for the use."

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. 884, A bill for an act relating to health; creating a medical supplies and equipment purchasing alliance; proposing coding for new law in Minnesota Statutes, chapter 16B.

Reported the same back with the following amendments:

Page 1, line 9, delete "finance" and insert "administration"

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. 903, A bill for an act relating to mortgages; modifying provisions relating to foreclosure consultants; amending Minnesota Statutes 2008, section 325N.01.

Reported the same back with the following amendments:

Page 2, line 34, after "organization" insert "that has tax-exempt status under section 501(c)(3) of the Internal Revenue Code"

Page 4, after line 12, insert:

EFFECTIVE DATE. This section is effective 30 days after the date of enactment.

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

The report was adopted.

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

H. F. No. 914, A bill for an act relating to financial institutions; regulating payday lending; providing penalties and remedies; amending Minnesota Statutes 2008, section 47.60, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 47.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 47.60, subdivision 4, is amended to read:

Subd. 4. **Books of account; annual report; schedule of charges; disclosures.** (a) A lender filing under subdivision 3 shall keep and use in the business books, accounts, and records as will enable the commissioner to determine whether the filer is complying with this section.

(b) A lender filing under subdivision 3 shall annually on or before March 15 file a report to the commissioner giving the information the commissioner reasonably requires concerning the business and operations during the preceding calendar year, including the information required to be reported under section 47.601, subdivision 5.

(c) A lender filing under subdivision 3 shall display prominently in each place of business a full and accurate schedule, to be approved by the commissioner, of the charges to be made and the method of computing those charges. A lender shall furnish a copy of the contract of loan to a person obligated on it or who may become obligated on it at any time upon the request of that person. This is in addition to any disclosures required by the federal Truth in Lending Act, United States Code, title 15.

(d) A lender filing under subdivision 3 shall, upon repayment of the loan in full, mark indelibly every obligation signed by the borrower with the word "Paid" or "Canceled" within 20 days after repayment.

(e) A lender filing under subdivision 3 shall display prominently, in each licensed place of business, a full and accurate statement of the charges to be made for loans made under this section. The statement of charges must be displayed in a notice, on plastic or other durable material measuring at least 12 inches by 18 inches, headed "CONSUMER NOTICE REQUIRED BY THE STATE OF MINNESOTA." The notice shall include, immediately above the statement of charges, the following sentence, or a substantially similar sentence approved by the commissioner: "These loan charges are higher than otherwise permitted under Minnesota law. Minnesota law permits these higher charges only because short-term small loans might otherwise not be available to consumers. If you have another source of a loan, you may be able to benefit from a lower interest rate and other loan charges." The notice must not contain any other statement or information, unless the commissioner has determined that the additional statement or information is necessary to prevent confusion or inaccuracy. The notice must be designed with a type size that is large enough to be readily noticeable and legible. The form of the notice must be approved by the commissioner prior to its use.

EFFECTIVE DATE. This section is effective for reports made for the 2010 calendar year.

Sec. 2. Minnesota Statutes 2008, section 47.60, subdivision 6, is amended to read:

Subd. 6. **Penalties for violation.** ~~A person~~ An individual or entity or the ~~person's entity's~~ members, officers, directors, agents, and employees who violate or participate in the violation of any of the provisions of this section ~~may be is~~ liable in the same manner as in section ~~56.19~~ 47.601. A violation of any provision of this section is considered to be a violation of section 325F.69 and all remedies of section 8.31 are available for such a violation.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to loans made on or after that date.

Sec. 3. **[47.601] CONSUMER SHORT-TERM LOANS.**

Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Borrower" means an individual who obtains a consumer short-term loan primarily for personal, family, or household purposes.

(c) "Commissioner" means the commissioner of commerce.

(d) "Consumer short-term loan" means a loan to a borrower which has a principal amount, or an advance on a credit limit, of \$1,000 or less and requires a minimum payment within 60 days of loan origination or credit advance of more than 25 percent of the principal balance or credit advance. For the purposes of this section, each new advance of money to a borrower under a consumer short-term loan agreement constitutes a new consumer short-term loan.

(e) "Consumer short-term lender" means an individual or entity engaged in the business of making or arranging consumer short-term loans, other than a state or federally chartered bank, savings bank, or credit union.

Subd. 2. **Consumer short-term loan contract.** (a) No contract or agreement between a consumer short-term loan lender and a borrower residing in Minnesota may contain the following:

(1) a provision selecting a law other than Minnesota law under which the contract is construed or enforced;

(2) a provision choosing a forum for dispute resolution other than the Minnesota courts; or

(3) a provision limiting class actions.

(b) Any provision prohibited by paragraph (a) is void and unenforceable.

(c) A consumer short-term loan lender must furnish a copy of the written loan contract to each borrower. The contract and disclosures must be written in the language in which the loan was negotiated with the borrower and must contain:

(1) the name; address, which may not be a post office box; and telephone number of the lender making the consumer short-term loan;

(2) the name and title of the individual employee or representative who signs the contract on behalf of the lender;

(3) an itemization of the fees and interest charges to be paid by the borrower;

(4) in bold, 24-point type, the annual percentage rate as computed under United States Code, chapter 15, section 1606; and

(5) a description of the borrower's payment obligations under the loan.

(d) The holder or assignee of a check or other instrument evidencing an obligation of a borrower in connection with a consumer short-term loan takes the instrument subject to all claims by and defenses of the borrower against the consumer short-term lender.

Subd. 3. **Debt collection.** A consumer short-term lender collecting or attempting to collect on an indebtedness in connection with a consumer short-term loan must not engage in the prohibited debt collection practices referenced in section 332.37.

Subd. 4. **Criminal prosecution.** A borrower may not be prosecuted under section 609.535 for issuance of a dishonored check.

Subd. 5. **Record keeping; annual reports; notifications.** In addition to any other information required to be filed under chapters 45 through 56, a consumer short-term lender must annually file a report with the commissioner that contains the following information for each calendar year:

(1) the total dollar amount, over and above principal, collected on consumer short-term loans;

(2) the average annual percentage rate and range of annual percentage rates for consumer short-term loans;

(3) the number of individual borrowers who obtained one or more consumer short-term loans;

(4) a breakdown of the number of individual borrowers identified in clause (3) by the number of individual borrowers who obtained:

(i) six or more loans;

(ii) ten or more loans;

(iii) 12 or more loans;

(iv) 15 or more loans; and

(v) 20 or more loans; and

(5) the total number and dollar amount of loans charged off or written off.

Subd. 6. **Jurisdiction.** For the purposes of this section, a consumer short-term loan transaction is deemed to take place in the state of Minnesota if the borrower is a Minnesota resident and the borrower completes the transaction, either personally or electronically, while physically located in the state of Minnesota.

Subd. 7. **Penalties for violation; private right of action.** (a) An individual or entity who violates subdivision 2, 3, or 4 is liable to the borrower for:

(1) all money collected or received in connection with the loan;

(2) actual, incidental, and consequential damages;

(3) statutory damages of up to \$1,000 per violation;

(4) costs, disbursements, and reasonable attorney fees; and

(5) injunctive relief.

(b) In addition to the remedies in paragraph (a), a loan made in violation of any provision of this section is void, and the borrower is not obligated to pay any amounts owing.

Subd. 8. **Attorney general enforcement.** The attorney general shall enforce this section under section 8.31.

Subd. 9. **Remedies cumulative.** The remedies provided in this section are cumulative and do not restrict any remedy that is otherwise available. The provisions of this section are not exclusive and are in addition to any other requirements, rights, remedies, and penalties provided by law.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to loans made on or after that date.

Sec. 4. Minnesota Statutes 2008, section 53.09, subdivision 2, is amended to read:

Subd. 2. **Annual report.** (1) Each industrial loan and thrift company shall annually on or before the first day of March file a report with the commissioner stating in detail, under appropriate heads, its assets and liabilities at the close of business on the last day of the preceding calendar year and, if applicable, information required under section 47.601, subdivision 5. This report shall be made under oath in the form prescribed by the commissioner.

(2) Each industrial loan and thrift company which holds authority to accept accounts pursuant to section 53.04, subdivision 5, shall in place of the requirement in clause (1) submit the reports required of state banks pursuant to section 48.48.

(3) Within 30 days following a change in controlling ownership of the capital stock of an industrial loan and thrift company, it shall file a written report with the commissioner stating in detail the nature of such change in ownership.

EFFECTIVE DATE. This section is effective for reports made for the 2010 calendar year."

Delete the title and insert:

"A bill for an act relating to financial institutions; regulating payday lending; providing penalties and remedies; amending Minnesota Statutes 2008, sections 47.60, subdivisions 4, 6; 53.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 47."

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

The report was adopted.

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

H. F. No. 936, A bill for an act relating to human services; specifying criteria for communities for a lifetime; requiring the Minnesota Board on Aging and the commissioner of employment and economic development to develop recommendations on the designation of communities for a lifetime; requiring a report; amending Minnesota Statutes 2008, section 256.975, 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 256.975, is amended by adding a subdivision to read:

Subd. 10. **Communities for a lifetime.** (a) It is the policy of the state of Minnesota to respect and value the past, current, and future contributions to society by our senior residents. Further, the state of Minnesota recognizes the ongoing importance of seniors to the state's economic development. In anticipation of the extensive growth in the number of senior residents who will reside in Minnesota and in anticipation of their increasing life expectancies, it is the policy of the state of Minnesota to develop communities for a lifetime with the capacity to offer a welcoming environment to these senior residents, recognizing them as assets to our state.

(b) For purposes of this subdivision, "communities for a lifetime" means partnerships of small cities, counties, municipalities, statutory or home rule charter cities, or towns whose citizens seek to affirmatively extend to persons 65 years of age and older the opportunities, supports, and services which will enable them to continue to be contributing, civically engaged residents.

(c) The opportunities extended within a reasonable distance to senior residents by communities for a lifetime must include, but not be limited to:

(1) the opportunity to contribute time and talents through volunteer community service;

(2) the opportunity to participate in the paid workforce, with flexibility of hours and scheduling;

(3) the opportunity for socializing, recreation, and wellness activities, including both physical exercise and mental stimulation;

(4) the opportunity to "age in place" and choose among a variety of affordable, accessible housing options, including single-family housing, independent congregate senior housing, and senior housing with services;

(5) the opportunity to access quality long-term care in the setting of the senior's own choice; and

(6) the opportunity for community-wide mobility and to access public transportation, including door-to-door assistance and weekend and evening access.

(d) Communities for a lifetime must demonstrate the availability of supports and services for senior residents that include, but are not limited to:

(1) an array of home and community-based services to support seniors' options to remain in an independent living setting as they age and become more frail;

(2) access to contemporary remote medical technology for cost-effective home-based monitoring of medical conditions;

(3) access to nutrition programs, including congregate meal and home-delivered meal opportunities;

(4) access to a comprehensive caregiver support system for family members and volunteer caregivers, including:

(i) technological support for caregivers remaining in the paid workforce to manage caregiver responsibilities effectively; and

(ii) respite care that offers temporary substitute care and supervision for frail seniors;

(5) personal assistance in accessing services and supports, and in seeking financing for these services and supports;

(6) high-quality assisted living facilities within a senior's geographic setting of choice;

(7) high-quality nursing care facilities within a senior's geographic setting of choice; and

(8) the protection offered to vulnerable seniors by a publicly operated adult protective service.

(e) Communities for a lifetime must also:

(1) establish an ongoing local commission to advise the community for a lifetime on its provision of the opportunities, services, and supports identified in paragraphs (c) and (d);

(2) offer training and learning opportunities for businesses, civic groups, fire and police personnel, and others frequently interacting with seniors on appropriate methods of interacting with seniors; and

(3) incorporate into its local plan, developed in accordance with sections 366.10, 394.232, and 462.353, elements that address the impact of the forecast change in population age structure on land use, housing, public facilities, transportation, capital improvement, and other areas addressed by local plans; provisions addressing the availability of the opportunities, supports, and services identified in paragraphs (c) and (d); and strategies to develop physical infrastructure responsive to the needs of the projected population.

(f) In implementing this subdivision, the Minnesota Board on Aging shall:

(1) consult with, and when appropriate work through, the area agencies on aging;

(2) consult with the commissioners of human services, health, and employment and economic development, and the League of Minnesota Cities and other organizations representing local units of government; and

(3) review models of senior-friendly community initiatives of other states and organizations.

The board shall report recommendations for a process for communities to request and receive the designation of community for a lifetime, along with comments and resources necessary to implement communities for a lifetime, to the legislature by February 28, 2010."

Delete the title and insert:

"A bill for an act relating to human services; specifying criteria for communities for a lifetime; requiring the Minnesota Board on Aging to study and report on communities for a lifetime; amending Minnesota Statutes 2008, section 256.975, by adding a subdivision."

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. 940, A bill for an act relating to Hennepin County; modifying personnel rules and procedures; amending Minnesota Statutes 2008, sections 383B.27, subdivision 16; 383B.29, subdivision 2; 383B.31.

Reported the same back with the following amendments:

Page 1, line 16, after the period, insert "Following demotion,"

Page 1, line 19, before the period, insert "for the position to which the employee was demoted"

Page 3, line 16, before the period, insert ", except appeals relating to layoffs shall be heard by the board"

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. 986, A bill for an act relating to human services; amending county maintenance of effort provisions for mental health provisions; amending Minnesota Statutes 2008, section 245.4835.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

COUNTY SERVICES

Section 1. Minnesota Statutes 2008, section 245.4835, is amended to read:

245.4835 COUNTY MAINTENANCE OF EFFORT.

Subdivision 1. **Required expenditures.** (a) Counties must maintain a level of expenditures for mental health services under sections 245.461 to 245.484 and 245.487 to 245.4889 so that each year's county expenditures are at least equal to that county's average expenditures for those services for calendar years 2004 and 2005. The commissioner will adjust each county's base level for minimum expenditures in each year by the amount of any increase or decrease in that county's state grants or other noncounty revenues for mental health services under sections 245.461 to 245.484 and 245.487 to 245.4889.

(b) In order to simplify administration and improve budgeting predictability, the commissioner shall:

(1) use each county's actual prior year revenues to adjust the county's minimum required expenditures for the coming year;

(2) allocate each county's revenues proportionally across applicable expenditures; and

(3) adjust each county's base to allow for major decreases in state or federal block grants or other revenues that can be used for mental health services, but are not dedicated to mental health; in this case, the commissioner shall calculate the mental health share of total county expenditures which were eligible to be funded from that revenue source in the base year and then use that mental health share to allocate the change in those revenues to mental health. This clause applies to changes in revenues that are beyond the county's control and expires December 31, 2011.

(c) In order to simplify administration and improve budgeting predictability, the commissioner may:

(1) use more current information regarding major changes in revenues if the change is known early enough to allow counties time to adjust their budgets; and

(2) adjust a county's base if the county's population is declining and the county's per capita mental health expenditures are higher than the state average.

Subd. 2. **Failure to maintain expenditures.** (a) If a county does not comply with subdivision 1, the commissioner shall require the county to develop a corrective action plan according to a format and timeline established by the commissioner. If the commissioner determines that a county has not developed an acceptable corrective action plan within the required timeline, or that the county is not in compliance with an approved corrective action plan, the protections provided to that county under section 245.485 do not apply.

(b) The commissioner shall consider the following factors to determine whether to approve a county's corrective action plan:

(1) the degree to which a county is maximizing revenues for mental health services from noncounty sources;

(2) the degree to which a county is expanding use of alternative services which meet mental health needs but do not count as mental health services within existing reporting systems. If approved by the commissioner, the alternative services must be included in the county's base as well as subsequent years. The commissioner's approval for alternative services must be based on the following criteria:

(i) the services must be provided to children with emotional disturbance or adults with mental illness;

(ii) the services must be based on an individual treatment plan or individual family community support plan, as defined in section 425.4871;

(iii) the services must be supervised by a mental health professional and provided by staff who meet the staff qualifications defined in sections 256B.0943, subdivision 7, and 256B.0622, subdivision 5; and

(iv) additional county expenditures to make up for the prior year's underspending may be spread out over a two-year period.

Subd. 3. **Performance measurement.** The commissioner shall develop an interim report by January 15, 2010, followed by a final report by January 15, 2011, to the chairs of the house of representatives and senate committees with jurisdiction over mental health, regarding county performance measures for mental health. The report must include recommendations as to whether, and which, any measures may substitute for all or part of the fiscal maintenance of effort requirements in subdivision 1. The commissioner shall consult with county and mental health advocacy representatives in developing the reports and recommendations.

Sec. 2. Minnesota Statutes 2008, section 245.4932, subdivision 1, is amended to read:

Subdivision 1. **Collaborative responsibilities.** The children's mental health collaborative shall have the following authority and responsibilities regarding federal revenue enhancement:

- (1) the collaborative must establish an integrated fund;
- (2) the collaborative shall designate a lead county or other qualified entity as the fiscal agency for reporting, claiming, and receiving payments;
- (3) the collaborative or lead county may enter into subcontracts with other counties, school districts, special education cooperatives, municipalities, and other public and nonprofit entities for purposes of identifying and claiming eligible expenditures to enhance federal reimbursement;
- (4) the collaborative shall use any enhanced revenue attributable to the activities of the collaborative, including administrative and service revenue, solely to provide mental health services or to expand the operational target population. The lead county or other qualified entity may not use enhanced federal revenue for any other purpose;
- ~~(5) the members of the collaborative must continue the base level of expenditures, as defined in section 245.492, subdivision 2, for services for children with emotional or behavioral disturbances and their families from any state, county, federal, or other public or private funding source which, in the absence of the new federal reimbursement earned under sections 245.491 to 245.495, would have been available for those services. The base year for purposes of this subdivision shall be the accounting period closest to state fiscal year 1993;~~
- ~~(6)~~ (5) the collaborative or lead county must develop and maintain an accounting and financial management system adequate to support all claims for federal reimbursement, including a clear audit trail and any provisions specified in the contract with the commissioner of human services;
- ~~(7)~~ (6) the collaborative or its members may elect to pay the nonfederal share of the medical assistance costs for services designated by the collaborative; and
- ~~(8)~~ (7) the lead county or other qualified entity may not use federal funds or local funds designated as matching for other federal funds to provide the nonfederal share of medical assistance.

Sec. 3. Minnesota Statutes 2008, section 256F.13, subdivision 1, is amended to read:

Subdivision 1. **Federal revenue enhancement.** (a) The commissioner of human services may enter into an agreement with one or more family services collaboratives to enhance federal reimbursement under title IV-E of the Social Security Act and federal administrative reimbursement under title XIX of the Social Security Act. The commissioner may contract with the Department of Education for purposes of transferring the federal reimbursement to the commissioner of education to be distributed to the collaboratives according to clause (2). The commissioner shall have the following authority and responsibilities regarding family services collaboratives:

- (1) the commissioner shall submit amendments to state plans and seek waivers as necessary to implement the provisions of this section;
- (2) the commissioner shall pay the federal reimbursement earned under this subdivision to each collaborative based on their earnings. Payments to collaboratives for expenditures under this subdivision will only be made of federal earnings from services provided by the collaborative;

~~(3) the commissioner shall review expenditures of family services collaboratives using reports specified in the agreement with the collaborative to ensure that the base level of expenditures is continued and new federal reimbursement is used to expand education, social, health, or health related services to young children and their families;~~

~~(4) the commissioner may reduce, suspend, or eliminate a family services collaborative's obligations to continue the base level of expenditures or expansion of services if the commissioner determines that one or more of the following conditions apply:~~

~~(i) imposition of levy limits that significantly reduce available funds for social, health, or health related services to families and children;~~

~~(ii) reduction in the net tax capacity of the taxable property eligible to be taxed by the lead county or subcontractor that significantly reduces available funds for education, social, health, or health related services to families and children;~~

~~(iii) reduction in the number of children under age 19 in the county, collaborative service delivery area, subcontractor's district, or catchment area when compared to the number in the base year using the most recent data provided by the State Demographer's Office; or~~

~~(iv) termination of the federal revenue earned under the family services collaborative agreement;~~

~~(5) (3) the commissioner shall not use the federal reimbursement earned under this subdivision in determining the allocation or distribution of other funds to counties or collaboratives;~~

~~(6) (4) the commissioner may suspend, reduce, or terminate the federal reimbursement to a provider that does not meet the reporting or other requirements of this subdivision;~~

~~(7) (5) the commissioner shall recover from the family services collaborative any federal fiscal disallowances or sanctions for audit exceptions directly attributable to the family services collaborative's actions in the integrated fund, or the proportional share if federal fiscal disallowances or sanctions are based on a statewide random sample; and~~

~~(8) (6) the commissioner shall establish criteria for the family services collaborative for the accounting and financial management system that will support claims for federal reimbursement.~~

(b) The family services collaborative shall have the following authority and responsibilities regarding federal revenue enhancement:

(1) the family services collaborative shall be the party with which the commissioner contracts. A lead county shall be designated as the fiscal agency for reporting, claiming, and receiving payments;

(2) the family services collaboratives may enter into subcontracts with other counties, school districts, special education cooperatives, municipalities, and other public and nonprofit entities for purposes of identifying and claiming eligible expenditures to enhance federal reimbursement, or to expand education, social, health, or health-related services to families and children;

~~(3) the family services collaborative must continue the base level of expenditures for education, social, health, or health related services to families and children from any state, county, federal, or other public or private funding source which, in the absence of the new federal reimbursement earned under this subdivision, would have been available for those services, except as provided in paragraph (a), clause (4). The base year for purposes of this subdivision shall be the four quarter calendar year ending at least two calendar quarters before the first calendar quarter in which the new federal reimbursement is earned;~~

~~(4) the family services collaborative must use all new federal reimbursement resulting from federal revenue enhancement to expand expenditures for education, social, health, or health-related services to families and children beyond the base level, except as provided in paragraph (a), clause (4);~~

~~(5) (3) the family services collaborative must ensure that expenditures submitted for federal reimbursement are not made from federal funds or funds used to match other federal funds. Notwithstanding section 256B.19, subdivision 1, for the purposes of family services collaborative expenditures under agreement with the department, the nonfederal share of costs shall be provided by the family services collaborative from sources other than federal funds or funds used to match other federal funds;~~

~~(6) (4) the family services collaborative must develop and maintain an accounting and financial management system adequate to support all claims for federal reimbursement, including a clear audit trail and any provisions specified in the agreement; and~~

~~(7) (5) the family services collaborative shall submit an annual report to the commissioner as specified in the agreement.~~

Sec. 4. Minnesota Statutes 2008, section 256F.13, subdivision 2, is amended to read:

Subd. 2. **Agreements with family services collaboratives.** At a minimum, the agreement between the commissioner and the family services collaborative shall include the following provisions:

(1) specific documentation of the expenditures eligible for federal reimbursement;

(2) the process for developing and submitting claims to the commissioner;

(3) specific identification of the education, social, health, or health-related services to families and children which are to be expanded with the federal reimbursement;

~~(4) reporting and review procedures ensuring that the family services collaborative must continue the base level of expenditures for the education, social, health, or health-related services for families and children as specified in clause (3);~~

~~(5) reporting and review procedures to ensure that federal revenue earned under this section is spent specifically to expand education, social, health, or health-related services for families and children as specified in clause (4);~~

~~(6) (4) the period of time, not to exceed three years, governing the terms of the agreement and provisions for amendments to, and renewal of the agreement; and~~

~~(7) (5) an annual report prepared by the family services collaborative.~~

Sec. 5. **REPEALER.**

Minnesota Statutes 2008, sections 245.492, subdivision 2; and 256F.10, subdivision 7, are repealed.

ARTICLE 2

COUNTY GOVERNANCE REFORM

Section 1. **[402A.01] CITATION.**

Sections 402A.01 to 402A.50 may be cited as the "State-County Results, Accountability, and Service Delivery Redesign Act."

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

Sec. 2. **[402A.10] DEFINITIONS.**

Subdivision 1. **Terms defined.** For the purposes of this chapter, the terms defined in this subdivision have the meanings given.

Subd. 2. **Council.** "Council" means the Council on State-County Results, Accountability, and Service Delivery Redesign established in section 402A.30.

Subd. 3. **Redesign.** "Redesign" means the State-County Results, Accountability, and Service Delivery Redesign under this chapter.

Subd. 4. **Service delivery authority.** "Service delivery authority" means a single county, or group of counties operating by execution of a joint powers agreement under section 471.59 or other contractual agreement, that has voluntarily chosen by resolution of the county board of commissioners to participate in the redesign under this chapter.

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

Sec. 3. **[402A.20] ESTABLISHMENT; PURPOSE; OPT-IN.**

(a) The State-County Results, Accountability, and Service Delivery redesign is established to authorize implementation of methods and procedures for administering assistance and services to recipients or potential recipients of public welfare and other services delivered by counties which encourage greater transparency, more effective governance, and innovation through the use of flexibility and performance management.

(b) Beginning January 1, 2010, and annually thereafter, each county board in Minnesota shall vote to determine whether the county intends to participate in the redesign under this chapter.

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

Sec. 4. **[402A.30] OVERSIGHT COUNCIL.**

Subdivision 1. **Oversight Council.** (a) There is created a State-County Results, Accountability, and Service Delivery Redesign Council. The council is responsible for oversight of the redesign and must be convened by the commissioner of human services by January 1, 2010. Designated council members must be appointed by their respective agencies, associations, or governmental units by December 15, 2009. Decisions of the council must be approved by a majority of the council members. The provisions of section 15.059 do not apply to this council, and this council does not expire.

(b) The council must consist of the following members:

(1) one representative from the governor's office;

(2) the chair of the house of representatives Health Care and Human Services Policy and Oversight Committee, or designee;

(3) the chair of the senate Health, Housing, and Family Security Committee, or designee;

(4) the commissioner of human services;

(5) the chief information officer of the Office of Enterprise Technology;

(6) two representatives of the Association of Minnesota Counties;

(7) two representatives of the Minnesota Association of County Administrators;

(8) one representative of the Minnesota County Attorneys Association; and

(9) two representatives of the Minnesota Association of County Social Service Administrators.

(c) Administrative support to the council may be provided by the Association of Minnesota Counties and affiliates.

(d) Legislative research support must be provided by state legislative staff as requested by the council.

(e) Member agencies and associations are responsible for initial and subsequent appointments to the council.

Subd. 2. Council duties. (a) The council shall:

(1) provide oversight of the administration of the redesign;

(2) recommend the approval of waivers from statutory requirements, administrative rules, and standards necessary to achieve the requirements of the agreements under section 402A.40, subdivision 7, paragraph (b), to the commissioner of human services or other appropriate entity, for counties certified as service delivery authorities under section 402A.40;

(3) recommend approval of the agreements in section 402A.40, subdivision 7, paragraph (b), to the commissioner of human services;

(4) recommend certification of a county or consortium of counties as a service delivery authority to the commissioner of human services;

(5) recommend approval of shared services arrangements under section 402A.40, subdivision 5;

(6) form work groups as necessary to carry out the duties of the council under the redesign; and

(7) establish procedures that allow for a due process of decisions made by the commissioner of human services under the provisions of the redesign and establish a process for the mediation of conflicts between participating counties.

(b) In order to carry out the provisions of the redesign, and to effectuate the agreements established under section 402A.40, subdivision 7, paragraph (b), the commissioner of human services shall exercise authority under section 256.01, subdivision 2, paragraph (1), including seeking all necessary waivers. The commissioner of human services has authority to approve shared service arrangements as defined in section 402A.40, subdivision 5.

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

Sec. 5. [402A.40] DESIGNATION OF SERVICE DELIVERY AUTHORITY.

Subdivision 1. Establishment. A county or consortium of counties may establish a service delivery authority under the redesign to engage in the delivery of human services, or other services as appropriate.

Subd. 2. **Duties.** (a) The service delivery authority shall:

(1) carry out the responsibilities required of local agencies under chapter 393 and human service boards under chapter 402;

(2) manage the public resources devoted to human services and other public services delivered or purchased by the counties that are subsidized or regulated by the Department of Human Services under chapter 245 or 267;

(3) employ staff to assist in carrying out the redesign;

(4) develop and maintain a continuity of operations plan to ensure the continued operation or resumption of essential human services functions in the event of any business interruption according to local, state, and federal emergency planning requirements;

(5) receive and expend funds received for the redesign;

(6) rent, purchase, sell, and otherwise dispose of real and personal property as necessary to carry out the redesign; and

(7) carry out any other service designated as a responsibility of a county.

(b) Each service delivery authority certified under subdivision 3 shall designate a single administrative structure that has the powers and duties assigned to the service delivery authority effective January 1, 2013, and annually thereafter.

Subd. 3. **Certification of service delivery authority.** The council shall recommend certification of a county or consortium of counties as a service delivery authority to the commissioner of human services if:

(1) the conditions in subdivision 6, paragraph (a), clauses (1) to (3), are met; and

(2) the county or consortium of counties are:

(i) a single county with a population of 55,000 or more;

(ii) a consortium of counties with a total combined population of 55,000 or more and the counties comprising the consortium are in reasonable geographic proximity; or

(iii) a single county or consortium of counties meeting the criteria for exemption from minimum population standards in this subdivision and subdivision 4.

Subd. 4. **Multicounty service delivery authority.** Two or more counties meeting the criteria in subdivision 3 may, by resolution of their county boards of commissioners, establish a service delivery authority having the composition, powers, and duties agreed upon. These counties may, by agreement entered into through action of their bodies, jointly or cooperatively exercise any power common to the contracting parties in carrying out their duties under current law, including, but not limited to, chapters 245 to 267 and 393 and 402. Participating county boards shall establish acceptable ways of apportioning the cost of the services. A county board may withdraw from a service delivery authority under section 402.01. The council may recommend that the commissioner of human services exempt a multicounty service delivery authority from the minimum population standard in subdivision 3 if that multicounty service delivery authority can demonstrate that it can otherwise meet the requirements of the redesign.

Subd. 5. **Single county service delivery authority.** For counties with populations over 55,000, the board of county commissioners may be the service delivery authority and retain existing authority under law. Counties with populations over 55,000 that serve as their own service delivery authority may enter into shared services arrangements with other service delivery authorities or smaller counties. These shared services arrangements may include, but are not limited to, human services, corrections, public health, veterans planning, human resources, program development and operations, training, technical systems, joint purchasing, and consultative services or direct services to transient, special needs, or low-incidence populations. The council may recommend that the commissioner of human services exempt a single county service delivery authority from the minimum population standard in this subdivision if that service delivery authority can demonstrate that it can otherwise meet the requirements of the redesign.

Subd. 6. **Duties applicable to all counties.** (a) A county shall:

(1) by January 1, 2010, and annually thereafter, indicate to the council, through a board resolution, the county's intent to form or join a service delivery authority;

(2) by June 1, 2011, and annually thereafter, submit for approval to the council, a board resolution forming the service delivery authority, including the names of other counties anticipated to be members of the service delivery authority, if any;

(3) by June 1, 2012, and annually thereafter, submit for approval to the council, a plan that includes a contractual agreement for the service delivery authority including what shared services are to be provided to other service delivery authorities or counties, if applicable; and

(4) by January 1, 2013, and annually thereafter, meet measurable goals as defined in the performance agreement under subdivision 7, paragraph (b).

(b) After June 1, 2013, the commissioner of human services may submit to the council a recommendation of remedies for performance improvement for any service delivery authority not meeting the measurable goals agreed upon in performance agreements under subdivision 7, paragraph (b). This provision does not preclude other powers of the commissioner of human services to remedy county performance issues in a county or counties not certified as a service delivery authority.

Subd. 7. **New state-county governance framework.** (a) Nothing in this chapter precludes local governments from utilizing sections 465.81 to 465.82 to establish procedures for local governments to merge, with the consent of the voters. Any agreement under subdivision 4 or 5 must be governed by this chapter. The county boards of commissioners shall approve the agreement and shall determine the proportional financial responsibility of each county to support the programs and services of the service delivery authority. Nothing in this chapter limits the authority of a county board to enter into contractual agreements for services not covered by the provisions of the redesign with other agencies or with other units of government.

(b) The state-county governance framework for service delivery authorities must include the following binding agreements:

(1) a governance agreement which defines the respective authority, powers, roles and responsibilities of the state and service delivery authorities under the redesign. As part of the governance agreement, the service delivery authority shall be held accountable for achieving measurable goals as defined in the performance agreement under clause (2). The service delivery authorities must be granted waivers, as necessary, to ensure greater local control and flexibility to determine the most cost-effective means of achieving specified measurable goals;

(2) a performance agreement which defines measurable goals in key operational areas that the service delivery authority is expected to achieve. This agreement must identify dependencies and other requirements necessary for the service delivery authority to achieve the measurable goals as defined in the performance agreement. The dependencies and requirements may include, but are not limited to:

(i) specific resource commitments of the state and the service delivery authority; and

(ii) funding or expenditure flexibility, which may include, but are not limited to, exemptions to the requirements in section 245.4835 and 245.714; and

(3) a service level agreement which specifies the expectations and responsibilities of the state and the service delivery authority regarding administrative and information technology support necessary to achieve the measurable goals specified in the performance agreement under clause (2).

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

Sec. 6. **[402A.50] AID AND INCENTIVES TO COUNTIES.**

Subdivision 1. **Levy limits.** Notwithstanding any other law to the contrary, expenditures and activities carried out under the redesign are exempt from levy limits.

Subd. 2. **Private sector funding.** The council may support stakeholder agencies, if not otherwise prohibited by law, to separately or jointly seek and receive funds to provide expert technical assistance to the council, the council's workgroup, and any sub-workgroups for executing the provisions of the redesign.

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

Sec. 7. **APPROPRIATION.**

\$2,000,000 is appropriated for the biennium beginning July 1, 2009, from the general fund, to the Council on State-County Results, Accountability, and Service Delivery Redesign, for the purposes of the State-County Results, Accountability, and Service Delivery Redesign under Minnesota Statutes, sections 402A.01 to 402A.50. The council shall establish a methodology for distributing funds to certified service delivery authorities for the purposes of carrying out the requirements of the redesign."

Delete the title and insert:

"A bill for an act relating to human services; amending county maintenance of effort provisions for mental health services; changing family services collaboratives; establishing the State-County Results, Accountability, and Service Delivery Redesign Act; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 245.4835; 245.4932, subdivision 1; 256F.13, subdivisions 1, 2; proposing coding for new law as Minnesota Statutes, chapter 402A; repealing Minnesota Statutes 2008, sections 245.492, subdivision 2; 256F.10, subdivision 7."

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. 988, A bill for an act relating to drivers' licenses; prohibiting commissioner of public safety from complying with Real ID Act.

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

The report was adopted.

Hornstein from the Transportation and Transit Policy and Oversight Division to which was referred:

H. F. No. 1192, A bill for an act relating to transportation; requiring closure of Trunk Highway 19 in New Prague for the Dozinky Festival.

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

The report was adopted.

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

H. F. No. 1202, A bill for an act relating to creditors remedies; regulating exemptions; modifying certain dollar amounts; amending Minnesota Statutes 2008, section 550.37, subdivisions 10, 23.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 550.37, subdivision 10, is amended to read:

Subd. 10. **Insurance proceeds.** All money received by, or payable to, a surviving spouse or child from insurance payable at the death of a spouse, or parent, not exceeding ~~\$20,000~~ \$43,000. The ~~\$20,000~~ \$43,000 exemption provided by this subdivision shall be increased by ~~\$5,000~~ \$10,500 for each dependent of the surviving spouse or child.

Sec. 2. Minnesota Statutes 2008, section 550.37, subdivision 23, is amended to read:

Subd. 23. **Life insurance ~~aggregate interest cash value~~.** ~~The debtor's aggregate interest not to exceed in value \$4,000~~ An amount sufficient to fall within the cash value corridor of a life insurance contract, as specified in United States Code, title 26, section 7702, subsection (d), in any accrued dividend or interest under or loan value of any unmatured life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent."

Delete the title and insert:

"A bill for an act relating to creditors remedies; exempting certain life insurance proceeds and the cash surrender value of certain life insurance contracts from attachment, garnishment, or sale; amending Minnesota Statutes 2008, section 550.37, subdivisions 10, 23."

With the recommendation that when so amended the bill pass.

The report was adopted.

Hornstein from the Transportation and Transit Policy and Oversight Division to which was referred:

H. F. No. 1204, A bill for an act relating to transportation; restricting weight limits on the Stillwater Lift Bridge.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **PROHIBITION OF TRUCKS ON STILLWATER LIFT BRIDGE.**

(a) The commissioner of transportation shall prohibit the operation of (1) trucks with gross vehicle weight in excess of 26,000 pounds, and (2) all commercial vehicle combinations on the Stillwater Lift Bridge, located on marked Trunk Highway 36 over the St. Croix River in Stillwater. The commissioner shall erect signs on the Minnesota side of the bridge giving notice of this prohibition, and shall request that the state of Wisconsin post similar signs on the Wisconsin side of the bridge.

(b) The prohibition in paragraph (a) does not apply to emergency vehicles and motor vehicles while engaged in work on the bridge, including snow and ice removal and flood control.

EFFECTIVE DATE. This section is effective the day the commissioner erects signs giving notice of the prohibition established in this section."

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.

Hornstein from the Transportation and Transit Policy and Oversight Division to which was referred:

H. F. No. 1209, A bill for an act relating to motor vehicles; removing expiration date relating to corporate deputy registrars; amending Minnesota Statutes 2008, section 168.33, subdivision 2.

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

The report was adopted.

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

H. F. No. 1250, A bill for an act relating to transportation; regulating electric vehicle infrastructure; amending Minnesota Statutes 2008, sections 116D.04, by adding a subdivision; 169.011, by adding subdivisions; 216B.02, subdivision 4; 326B.106, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 5, line 15, delete everything before the semicolon and insert "of ten percent of all parking spaces in a building"

Renumber the sections in sequence

Correct the title numbers accordingly

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. 1394, A bill for an act relating to real property; specifying notice requirements; modifying provisions governing the reduced redemption period for abandoned property; establishing a duty to protect vacant foreclosed property under certain circumstances; providing for the imposition of fines for failure to maintain property; altering the posting requirement for trespassing on construction sites; modifying provisions governing public nuisances; imposing civil and criminal penalties; amending Minnesota Statutes 2008, sections 463.251, subdivision 2; 580.04; 582.031; 582.032, subdivision 2, by adding a subdivision; 609.605, subdivision 1; 617.80, subdivision 7, by adding a subdivision; 617.81, subdivisions 2, 4.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2008, section 463.251, subdivision 2, is amended to read:

Subd. 2. **Order; notice.** (a) If in any city a building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the governing body may order the building secured and shall cause notice of the order to be served upon the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for that parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice, by delivering or mailing a copy to the owner or agent, the identified taxpayer, the holder of the mortgage or sheriff's certificate, and the neighborhood association, at the last known address. Service by mail is complete upon mailing.

(b) The notice under this subdivision must include a statement that:

(1) informs the owner and the holder of any sheriff's certificate of the requirements of subdivision 3 and that costs may be assessed against the property if the person does not secure the building;

(2) informs the owner and the holder of any sheriff's certificate that the person may request a hearing before the governing body challenging the governing body's determination that the property is vacant or unoccupied and hazardous; and

(3) notifies the holder of any sheriff's certificate of the holder's duty under section 582.031, subdivision 1, paragraph (b), to enter the premises to protect the premises from waste and trespass if the order is not challenged or set aside.

Sec. 2. Minnesota Statutes 2008, section 463.251, subdivision 3, is amended to read:

Subd. 3. **Securing building by city; lien.** If the owner of the building or the holder of the sheriff's certificate of sale fails to either comply or provide to the governing body a reasonable plan and schedule to comply with an order issued under subdivision 2 or to request a hearing on the order within ~~six~~ 14 days after the order is served, the governing body shall cause the building to be properly secured and the cost of securing the building may be charged against the real estate as provided in section 463.21. In the metropolitan area, as defined in section 473.121, subdivision 2, the governing body may work with neighborhood associations to develop and implement plans to secure vacant buildings in a timely and cost-effective fashion. The city may use rehabilitation and revitalization funds in implementing this section.

Sec. 3. Minnesota Statutes 2008, section 504B.151, subdivision 1, is amended to read:

Subdivision 1. **Limitation on lease and notice to tenant.** (a) Once a landlord has received notice of a contract for deed cancellation under section 559.21 or notice of a mortgage foreclosure sale under chapter 580, 581, or 582, the landlord may only enter into (i) a periodic residential lease agreement with a term of not more than two months or the time remaining in the contract cancellation period or the mortgagor's redemption period, whichever is less or (ii) a fixed term residential tenancy not extending beyond the cancellation period or the landlord's period of redemption until:

- (1) the contract for deed has been reinstated or paid in full;
- (2) the mortgage default has been cured and the mortgage reinstated;
- (3) the mortgage has been satisfied;
- (4) the property has been redeemed from a foreclosure sale; or
- (5) a receiver has been appointed.

(b) Before entering into a lease under this section and accepting any rent or security deposit from a tenant, the landlord must notify the prospective tenant in writing that the landlord has received notice of a contract for deed cancellation or notice of a mortgage foreclosure sale as appropriate, and the date on which the contract cancellation period or the mortgagor's redemption period ends.

(c) This section does not apply to a manufactured home park as defined in section 327C.01, subdivision 5.

EFFECTIVE DATE. This section is effective June 1, 2009, and applies to leases entered into on or after that date.

Sec. 4. Minnesota Statutes 2008, section 504B.178, subdivision 8, is amended to read:

Subd. 8. **Withholding rent.** No tenant may withhold payment of all or any portion of rent for the last payment period of a residential rental agreement, except an oral or written month to month residential rental agreement concerning which neither the tenant nor landlord has served a notice to quit, or for the last month of a contract for deed cancellation period under section 559.21 or a mortgage foreclosure redemption period under chapter 580, 581, or 582, on the grounds that the deposit should serve as payment for the rent. Withholding all or any portion of rent for the last payment period of the residential rental agreement creates a rebuttable presumption that the tenant withheld the last payment on the grounds that the deposit should serve as payment for the rent. Any tenant who remains in violation of this subdivision after written demand and notice of this subdivision shall be liable to the landlord for the following:

(1) a penalty in an amount equal to the portion of the deposit which the landlord is entitled to withhold under subdivision 3 other than to remedy the tenant's default in the payment of rent; and

(2) interest on the whole deposit as provided in subdivision 2, in addition to the amount of rent withheld by the tenant in violation of this subdivision.

EFFECTIVE DATE. This section is effective June 1, 2009, and applies to cancellations of contracts for deed or mortgage foreclosures commenced on or after that date.

Sec. 5. Minnesota Statutes 2008, section 580.021, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** This section applies to foreclosure of mortgages under this chapter and chapter 581 on property consisting of one to four family dwelling units, one of which the owner occupies as the owner's principal place of residency on the date of service of the notice of sale of the owner.

EFFECTIVE DATE. This section is effective June 1, 2009, and applies to a foreclosure in which the notice under section 47.20, subdivision 8, is sent on or after that date.

Page 2, line 15, before "the" insert "for mortgaged premises described in section 582.032, subdivision 1,"

Page 2, after line 24, insert:

"Sec. 7. Minnesota Statutes 2008, section 580.041, subdivision 1a, is amended to read:

Subd. 1a. **Applicability.** This section applies to foreclosure of mortgages under this chapter and chapter 581 on property consisting of one to four family dwelling units, one of which the owner occupies as the owner's principal place of residency on the date of service of the notice of sale on the owner.

EFFECTIVE DATE. This section is effective June 1, 2009, and applies to a foreclosure in which the notice under Minnesota Statutes, section 47.20, subdivision 8, is sent on or after that date.

Sec. 8. Minnesota Statutes 2008, section 580.042, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** This section applies to foreclosure of mortgages under this chapter and chapter 581.

EFFECTIVE DATE. This section is effective June 1, 2009, and applies to a foreclosure in which the notice under Minnesota Statutes, section 47.20, subdivision 8, is sent on or after that date.

Page 2, line 30, strike ", but is under no obligation to,"

Page 3, delete lines 7 to 11 and insert:

"(b)(1) If the holder of the mortgage or sheriff's certificate knows that there is prima facie evidence of abandonment of the property, as described in section 582.032, subdivision 7, clauses (1) to (6), the holder:

(i) shall enter the premises and make reasonable periodic inspections, and install or change the locks on all doors and windows; and

(ii) may, to protect the premises from waste, trespass, or falling below minimum community standards for public safety and sanitation, enter the premises and board windows, doors, and other openings, install and operate an alarm system, and otherwise prevent or minimize damage to the premises from the elements, vandalism, trespass, or other illegal activity.

(2) Upon an installation or change of locks as required by this section, the holder of the mortgage or sheriff's certificate must deliver a key to the premises to the mortgagor or any person lawfully claiming through the mortgagor, upon request.

This paragraph only applies where the holder of a mortgage or sheriff's certificate otherwise holds five or more properties."

Page 4, delete section 5 and insert:

"Sec. 11. Minnesota Statutes 2008, section 582.032, subdivision 4, is amended to read:

Subd. 4. **Summons and complaint.** In a foreclosure by advertisement, the party foreclosing a mortgage or holding the sheriff's certificate of sale or the political subdivision in which the mortgaged premises are located may initiate a proceeding in district court to reduce the mortgagor's redemption period under this section. The proceeding must be initiated by the filing of a complaint, naming the mortgagor, or the mortgagor's personal representatives or assigns of record, as defendant, in district court for the county in which the mortgaged premises are located. If the proceeding is initiated by a political subdivision, the party foreclosing the mortgage or holding the sheriff's certificate of sale must also be named as a defendant. If the proceeding is commenced after the foreclosure sale, the holders of junior liens and interests entitled to notice under subdivision 3 must also be named as defendants. The complaint must identify the mortgaged premises by legal description and must identify the mortgage by the names of the mortgagor and mortgagee, and any assignee of the mortgagee; the date of its making; and pertinent recording information. The complaint must allege that the mortgaged premises are:

(1) ten acres or less in size;

(2) improved with a residential dwelling consisting of less than five units, which is not a model home or a dwelling under construction;

(3) not property used in agricultural production; and

(4) abandoned.

The complaint must request an order reducing the mortgagor's redemption period to five weeks. When the complaint has been filed, the court shall issue a summons commanding the person or persons named in the complaint to appear before the court on a day and at a place stated in the summons. The appearance date shall be not less than 15 nor more than 25 days from the date of the issuing of the summons. A copy of the filed complaint must be attached to the summons.

Sec. 12. Minnesota Statutes 2008, section 582.032, subdivision 5, is amended to read:

Subd. 5. **Order to show cause.** In a foreclosure by action, the plaintiff or the holder of the sheriff's certificate may make a motion to reduce the mortgagor's redemption period under this section. The political subdivision in which the mortgaged premises are located may intervene in the action and make a motion to reduce the redemption period. The motion must conform generally to the pleading requirements provided in subdivision 4. For purposes of the motion, the court has continuing jurisdiction over the parties and the mortgaged premises through the expiration of the redemption period. When the motion has been filed, the court shall issue an order to show cause commanding the parties it considers appropriate to appear before the court on a day and at a place stated in the order. The appearance date may not be less than 15 nor more than 25 days after the date of the order to show cause. A copy of the motion must be attached to the order to show cause."

Page 7, line 5, delete "Possessor" and insert "Occupant" and delete ""Possessor"" and insert ""Occupant""

Page 7, line 26, delete "possessor" and insert "occupant"

Page 8, lines 1, 2, 4, and 5, delete "possessor" and insert "occupant"

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 Public Safety Policy and Oversight.

The report was adopted.

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

H. F. No. 1405, A bill for an act relating to taxation; disclosure of tax data to law enforcement authorities; amending Minnesota Statutes 2008, section 270B.14, subdivision 16.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2008, section 270B.14, subdivision 16, is amended to read:

Subd. 16. **Disclosure to law enforcement authorities.** Under circumstances involving threat of death or physical injury to any individual, or harassment of a Department of Revenue employee, the commissioner may disclose return information to the extent necessary to apprise appropriate federal, state, or local law enforcement authorities of such circumstances. For purposes of this subdivision, "harassment" is purposeful conduct directed at an individual and causing an individual to feel frightened, threatened, oppressed, persecuted, or intimidated. For purposes of harassment, the return information that initially can be disclosed is limited to the name, address, and phone number of the harassing individual, the name of the employee being harassed, and the nature and circumstances of the harassment. Data disclosed under this subdivision are classified under section 13.82 once they are received by the law enforcement authority.

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

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

The report was adopted.

Hornstein from the Transportation and Transit Policy and Oversight Division to which was referred:

H. F. No. 1435, A bill for an act relating to transportation; modifying requirements for noise abatement on highway construction projects; amending Minnesota Statutes 2008, section 161.125, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be re-referred to the Transportation Finance and Policy Division.

The report was adopted.

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

H. F. No. 1461, A bill for an act relating to public safety; providing training and public awareness initiatives on human trafficking; amending Minnesota Statutes 2008, section 299A.79, subdivisions 2, 3, 4.

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. 1493, A bill for an act relating to natural resources; appropriating money for state parks and trails; requiring planning and a report.

Reported the same back with the following amendments:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2008, section 85.53, is amended to read:

85.53 PARKS AND TRAILS FUND.

Subdivision 1. Establishment. The parks and trails fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the parks and trails fund must be credited to the fund.

Subd. 2. State park and trail legacy account. A state park and trail legacy account is established in the parks and trails fund."

Page 1, line 7, delete "parks and trails fund" and insert "park and trail legacy account"

Page 2, line 20, delete "111" and insert "300"

Page 3, line 33, after the comma, insert "the Amateur Riders Motorcycle Association District Number 23, the Minnesota Nordic Ski Association,"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the first semicolon, insert "creating an account;"

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.

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

H. F. No. 1498, A bill for an act relating to public safety; requiring Department of Corrections to annually report on felony DWI offenders; proposing coding for new law in Minnesota Statutes, chapter 244.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[244.085] FELONY DWI REPORT.**

By January 15 of each year, the commissioner shall report to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over criminal justice policy and funding on the implementation and effects of the felony-level driving while impaired offense. The report must include the following information on felony-level driving while impaired offenses involving offenders committed to the commissioner's custody:

- (1) the number of persons committed;
- (2) the county of conviction;
- (3) the offenders' ages and gender;
- (4) the offenders' prior impaired driving histories and prior criminal histories;
- (5) the number of offenders:
 - (i) given an executed prison sentence upon conviction and the length of the sentence;
 - (ii) given an executed prison sentence upon revocation of probation, the reasons for revocation, and the length of sentence;
 - (iii) who successfully complete treatment in prison;
 - (iv) placed on intensive supervision following release from incarceration;
 - (v) placed in the challenge incarceration program, the number of offenders released from prison under this program, and the number of these offenders who violate their release conditions and the consequences imposed; and
 - (vi) who violate supervised release and the consequences imposed;
- (6) per diem costs, including treatment costs, for offenders incarcerated under the felony sentence provisions; and
- (7) any other information the commissioner deems relevant to estimating future costs."

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. 1505, A bill for an act relating to public safety; increasing criminal penalties for certain sex trafficking offenses; adding sex trafficking to the definition of crime of violence; amending Minnesota Statutes 2008, sections 609.281, subdivision 5; 609.321, subdivision 7a; 609.322; 611A.036, subdivision 7; 624.712, subdivision 5.

Reported the same back with the following amendments:

Page 1, line 15, delete everything after "(2)" and insert "receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1)."

Page 1, delete line 16

Page 1, line 21, delete everything after "(2)" and insert "receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1)."

Page 1, delete line 22

Page 2, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 2008, section 609.321, is amended by adding a subdivision to read:

Subd. 13. **Prior qualified human trafficking-related offense.** A "prior qualified human trafficking-related offense" means a conviction or delinquency adjudication within the ten years from the discharge from probation or parole immediately preceding the current offense for a violation of or an attempt to violate section 609.322, subdivision 1 (prostitution; sex trafficking in the first degree); 609.322, subdivision 1a (prostitution; sex trafficking in the second degree); 609.282 (labor trafficking); or 609.283 (unlawful conduct with respect to documents in furtherance of labor or sex trafficking).

Sec. 4. Minnesota Statutes 2008, section 609.322, is amended to read:

609.322 SOLICITATION, INDUCEMENT, AND PROMOTION OF PROSTITUTION; SEX TRAFFICKING.

Subdivision 1. ~~Individuals under age 18~~ **Solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree.** (a) Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than ~~\$40,000~~ \$50,000, or both:

- (1) solicits or induces an individual under the age of 18 years to practice prostitution;
- (2) promotes the prostitution of an individual under the age of 18 years; or
- (3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 18 years; or
- (4) engages in the sex trafficking of an individual under the age of 18 years.

(b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$60,000, or both, if one or more of the following aggravating factors are present:

(1) the offender has committed a prior qualified human trafficking-related offense;

(2) the offense involved a sex trafficking victim who suffered bodily harm during the commission of the offense;

(3) the time period that a sex trafficking victim was held in debt bondage or forced labor or services exceeded 180 days; or

(4) the offense involved more than one sex trafficking victim.

Subd. 1a. ~~Other offenses~~ **Solicitation, inducement, and promotion of prostitution; sex trafficking in the second degree.** Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than ~~\$30,000~~ \$40,000, or both:

(1) solicits or induces an individual to practice prostitution; ~~or~~

(2) promotes the prostitution of an individual; ~~or~~

(3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual; or

(4) engages in the sex trafficking of an individual.

Subd. 1b. **Exceptions.** Subdivisions 1, clause (3), and 1a, clause (3), do not apply to:

(1) a minor who is dependent on an individual acting as a prostitute and who may have benefited from or been supported by the individual's earnings derived from prostitution; or

(2) a parent over the age of 55 who is dependent on an individual acting as a prostitute, who may have benefited from or been supported by the individual's earnings derived from prostitution, and who did not know that the earnings were derived from prostitution; or

(3) the sale of goods or services to a prostitute in the ordinary course of a lawful business.

Subd. 1c. **Aggregation of cases.** Acts by the defendant in violation of any one or more of the provisions in this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision."

Page 4, line 7, delete everything after "609.322" and insert "(solicitation, inducement, and promotion of prostitution; sex trafficking):"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for first- and second-degree sex trafficking;"

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.

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

H. F. No. 1518, A bill for an act relating to public safety; authorizing commissioner of public safety to gather, compile, and publish data on human trafficking every three years; amending Minnesota Statutes 2008, section 299A.785, subdivision 2.

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

The report was adopted.

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

H. F. No. 1537, A bill for an act relating to eminent domain; modifying definition of public use; amending Minnesota Statutes 2008, section 117.025, subdivision 11.

Reported the same back with the following amendments:

Page 1, line 17, delete everything after the period and insert "For purposes of this clause, "abandoned property" means property that has not been maintained, and either (i) has been substantially unoccupied or unused for any commercial or residential purpose for at least six months by a person with a legal or equitable right to occupy the property; or (ii) is property for which taxes have not been paid for at least one previous year."

Page 1, delete lines 18 to 20

Page 1, line 21, delete everything before "This"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1544, A bill for an act relating to natural resources; approving the consumptive use of water for snowmaking in St. Louis County.

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. 1561, A bill for an act relating to human services; establishing a special transportation services pilot project in Hennepin County; establishing an advisory committee; requiring a report.

Reported the same back with the recommendation that the bill pass and be re-referred to the Transportation and Transit Policy and Oversight Division.

The report was adopted.

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

H. F. No. 1627, A bill for an act relating to child protection; modifying cost of care requirements when a child is in a trial home visit; amending Minnesota Statutes 2008, section 260C.331, subdivision 1.

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

The report was adopted.

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

H. F. No. 1636, A bill for an act relating to public safety; providing housing and support services for victims of human trafficking; appropriating money; amending Minnesota Statutes 2008, section 299A.795; proposing coding for new law in Minnesota Statutes, chapter 299A.

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. 1639, A bill for an act relating to human services; modifying provisions relating to the Minnesota sex offender program; creating additional oversight to the Minnesota sex offender program; creating a client grievance process; allowing access to the statewide supervision system; making changes to the vocational work program; amending Minnesota Statutes 2008, sections 16C.10, subdivision 5; 168.012, subdivision 1; 246B.01, by adding subdivisions; 246B.02; 246B.03; 246B.05; 246B.06; 609.485, subdivisions 2, 4.

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

The report was adopted.

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

H. F. No. 1646, A bill for an act relating to human services; requiring prior authorization before certain prescription drugs are eligible for medical assistance payment; amending Minnesota Statutes 2008, section 256B.0625, subdivision 13f.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 256B.0625, subdivision 13, is amended to read:

Subd. 13. **Drugs.** (a) Medical assistance covers drugs, except for fertility drugs when specifically used to enhance fertility, if prescribed by a licensed practitioner and dispensed by a licensed pharmacist, by a physician enrolled in the medical assistance program as a dispensing physician, or by a physician or a nurse practitioner employed by or under contract with a community health board as defined in section 145A.02, subdivision 5, for the purposes of communicable disease control.

(b) The dispensed quantity of a prescription drug must not exceed a 34-day supply, unless authorized by the commissioner.

(c) Medical assistance covers the following over-the-counter drugs when prescribed by a licensed practitioner or by a licensed pharmacist who meets standards established by the commissioner, in consultation with the board of pharmacy: antacids, acetaminophen, family planning products, aspirin, insulin, products for the treatment of lice, vitamins for adults with documented vitamin deficiencies, vitamins for children under the age of seven and pregnant or nursing women, and any other over-the-counter drug identified by the commissioner, in consultation with the formulary committee, as necessary, appropriate, and cost-effective for the treatment of certain specified chronic diseases, conditions, or disorders, and this determination shall not be subject to the requirements of chapter 14. A pharmacist may prescribe over-the-counter medications as provided under this paragraph for purposes of receiving reimbursement under Medicaid. When prescribing over-the-counter drugs under this paragraph, licensed pharmacists must consult with the recipient to determine necessity, provide drug counseling, review drug therapy for potential adverse interactions, and make referrals as needed to other health care professionals.

(d) Effective January 1, 2006, medical assistance shall not cover drugs that are coverable under Medicare Part D as defined in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108-173, section 1860D-2(e), for individuals eligible for drug coverage as defined in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108-173, section 1860D-1(a)(3)(A). For these individuals, medical assistance may cover drugs from the drug classes listed in United States Code, title 42, section 1396r-8(d)(2), subject to this subdivision and subdivisions 13a to 13g, except that drugs listed in United States Code, title 42, section 1396r-8(d)(2)(E), shall not be covered.

(e) Effective January 1, 2010, prescription drug coverage shall be covered on a fee-for-service basis according to subdivisions 13 to 13h.

Sec. 2. Minnesota Statutes 2008, section 256B.69, subdivision 6, is amended to read:

Subd. 6. **Service delivery.** (a) Except as provided in paragraph (c), each demonstration provider shall be responsible for the health care coordination for eligible individuals. Demonstration providers:

(1) shall authorize and arrange for the provision of all needed health services including but not limited to the full range of services listed in sections 256B.02, subdivision 8, and 256B.0625 in order to ensure appropriate health care is delivered to enrollees. Notwithstanding section 256B.0621, demonstration providers that provide nursing home and community-based services under this section shall provide relocation service coordination to enrolled persons age 65 and over;

(2) shall accept the prospective, per capita payment from the commissioner in return for the provision of comprehensive and coordinated health care services for eligible individuals enrolled in the program;

(3) may contract with other health care and social service practitioners to provide services to enrollees; and

(4) shall institute recipient grievance procedures according to the method established by the project, utilizing applicable requirements of chapter 62D. Disputes not resolved through this process shall be appealable to the commissioner as provided in subdivision 11.

(b) Demonstration providers must comply with the standards for claims settlement under section 72A.201, subdivisions 4, 5, 7, and 8, when contracting with other health care and social service practitioners to provide services to enrollees. A demonstration provider must pay a clean claim, as defined in Code of Federal Regulations, title 42, section 447.45(b), within 30 business days of the date of acceptance of the claim.

(c) Effective January 1, 2010, a demonstration provider shall not authorize or arrange prescription drug coverage described under section 256B.0625; 256D.03, subdivision 4; or 256L.03 as part of the comprehensive health care services that are required to be provided by the demonstration provider under this section. Prescription drug coverage shall be provided on a fee-for-service basis according to section 256B.0625."

Delete the title and insert:

"A bill for an act relating to human services; requiring prescription drug coverage on a fee-for-service basis; amending Minnesota Statutes 2008, sections 256B.0625, subdivision 13; 256B.69, subdivision 6."

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. 1648, A bill for an act relating to solid waste; amending reporting requirements for manufacturers and retailers of video display devices; limiting the amount of recycled electronics products that can be applied to future recycling obligations; amending Minnesota Statutes 2008, sections 115A.1314, subdivision 1; 115A.1316, subdivision 1; 115A.1318, subdivision 3.

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

The report was adopted.

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

H. F. No. 1671, A bill for an act relating to public employment; modifying provisions relating to labor or employee organizations; amending Minnesota Statutes 2008, sections 16A.133, subdivision 1; 179A.03, subdivision 14; 179A.06, subdivisions 3, 6.

Reported the same back with the following amendments:

Page 4, line 7, delete "an" and insert "one or more" and strike "representative" and insert "representatives"

Page 4, line 9, delete "an" and strike "organization" and insert "one or more organizations"

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. 1697, A bill for an act relating to real property; clarifying tenant rights with respect to property subject to a mortgage foreclosure; amending Minnesota Statutes 2008, sections 504B.151, subdivision 1; 504B.178, subdivision 8.

Reported the same back with the following amendments:

Page 2, line 3, delete "June" and insert "August"

Page 2, delete lines 22 to 24 and insert:

"EFFECTIVE DATE. This section is effective August 1, 2009, and applies to cancellations of contracts for deed in which the notice of cancellation is first served or published on or after August 1, 2009, and mortgage foreclosures under Minnesota Statutes, chapter 581, in which the lis pendens is recorded on or after August 1, 2009."

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. 1717, A bill for an act relating to commerce; regulating motor vehicle sales and distribution; amending Minnesota Statutes 2008, sections 80E.03, by adding a subdivision; 80E.09, subdivisions 1, 3; 80E.12; 80E.135; 80E.14, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 22, reinstate the stricken language and delete the new language

Page 2, lines 18 to 24, reinstate the stricken language and delete the new language

Page 2, line 32, delete everything after "line-make"

Page 2, line 33, delete "that value determined" and delete ": (1)"

Page 2, line 34, delete everything after "nonrenewal"

Page 2, line 35, delete everything before the period

Page 4, line 20, after "manufacturer" insert "and that the acquisition or addition is not unreasonable in light of all existing circumstances"

Page 5, line 25, delete "honor"

Page 5, line 26, delete everything before "offer"

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. 1719, A bill for an act relating to insurance; regulating viatical settlements; enacting and modifying the Viatical Settlements Model Act of the National Association of Insurance Commissions; providing criminal penalties; amending Minnesota Statutes 2008, sections 13.716, subdivision 7; 60A.964, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 60A; repealing Minnesota Statutes 2008, sections 60A.961; 60A.962; 60A.963; 60A.965; 60A.966; 60A.967; 60A.968; 60A.969; 60A.970; 60A.971; 60A.972; 60A.973; 60A.974.

Reported the same back with the following amendments:

Page 2, line 23, delete the second "or" and insert "and"

Page 5, line 6, delete everything after "provider"

Page 5, line 7, delete everything before "establishing"

Page 9, line 5, delete "provider" and insert "producer"

Page 12, line 27, delete "60A.6577" and insert "60A.9577"

Page 14, line 1, delete "the" and insert "a"

Page 15, delete lines 9 to 11

Page 15, line 12, delete "(10)" and insert "(9)"

Page 15, line 21, delete "(11)" and insert "(10)"

Page 15, after line 29, insert:

"Disclosure to a viator under this subdivision includes distribution of a brochure describing the process of viatical settlements. The National Association of Insurance Commissioners' form for the brochure shall be used unless another form is developed or approved by the commissioner."

Page 16, line 4, delete "purchaser" and insert "broker"

Page 18, line 21, delete "an investor" and insert "a viatical settlement purchaser"

Page 19, delete section 8

Page 21, line 11, delete "60" and insert "30"

Page 21, line 12, delete "30" and insert "15"

Page 21, line 32, delete "4 and 5" and insert "5 and 6"

Page 23, line 3, after "broker" insert "unless this relationship is disclosed to the viator"

Page 23, line 10, after "contract" insert "unless this relationship is disclosed to the viator"

Renumber the sections in sequence

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

The report was adopted.

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

H. F. No. 1767, A bill for an act relating to construction; requiring registration of unlicensed contractors and subcontractors; imposing a fee; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 326B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[326B.881] REGISTRATION OF UNLICENSED PERSONS.**

Subdivision 1. **Registration required.** (a) An unlicensed person who performs public or private sector commercial or residential building construction or improvement services must register with the commissioner every two years. A licensed person includes a plumbing contractor who has in their employ a licensed master plumber or restricted master plumber under section 326B.42 or a mechanical contractor as defined under section 326B.802. The registration must be submitted on a form and in a manner prescribed by the commissioner and must include the information specified in paragraphs (b) to (d).

(b) For individuals, the registration must include:

(1) the person's full name, residence address, and telephone number;

(2) the person's business address, e-mail address, and telephone number;

(3) the name under which the person conducts business if other than the person's full name;

(4) the services provided;

(5) Social Security number or federal employer identification number; and

(6) a certificate of insurance showing workers' compensation coverage if applicable.

(c) For limited liability companies and corporations, the registration must include the following information for any individual who is a member, governor, officer, director, or owner of more than ten percent of the business entity:

(1) full name;

(2) title within the business entity;

(3) share of ownership of the business entity; and

(4) Social Security number or federal employer identification number.

(d) Limited liability companies, corporations, partnerships, and other business entities must provide the following information:

(1) the legal name under which the business entity intends to offer services;

(2) the address at which the business entity is physically located;

(3) the business telephone number and e-mail address;

(4) the services provided by the business entity;

(5) a federal employer identification number;

(6) the approximate number of employees; and

(7) a certificate of insurance showing workers' compensation coverage if applicable.

Subd. 2. **Exclusions.** For purposes of this section, building construction and improvement services do not include the manufacture, supply, or sale of products, materials, or merchandise.

Subd. 3. **Application of requirements.** The registration requirements under this section do not apply to persons with a valid independent contractor exemption certificate under section 181.723.

Subd. 4. **Fees.** A \$100 registration fee shall be paid to the commissioner upon registration.

Subd. 5. **Prohibited activities.** A person violating the requirements of this section shall not perform public or private sector commercial or residential building construction or improvement services in this state. Proof of registration must be maintained for at least two years from the date of registration. Proof of registration must be provided by a person before entering into a contract for public or private sector commercial or residential building construction or improvement services on or after the effective date of this section. Violations of this subdivision are subject to a \$500 fine payable to the commissioner for deposit into the assigned risk safety account under chapter 79.

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

Delete the title and insert:

"A bill for an act relating to construction; requiring registration of unlicensed contractors and subcontractors; imposing a fee; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 326B."

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. 1768, A bill for an act relating to public safety; increasing criminal penalties for certain sex trafficking offenses; providing housing and support services for victims of human trafficking, and technical training for judges, prosecutors, and law enforcement on human trafficking; increasing public awareness on human trafficking; addressing Minnesota family investment program eligibility and waivers for human trafficking victims; appropriating money; amending Minnesota Statutes 2008, sections 256J.08, subdivision 90; 256J.32, subdivisions 4, 8; 256J.42, subdivision 4; 256J.425, subdivision 3; 256J.521, by adding a subdivision; 256J.575, subdivision 3; 299A.79, subdivisions 2, 3, 4; 299A.795; 609.281, subdivision 5; 609.321, subdivision 7a; 609.322; 611A.036, subdivision 7; 624.712, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 256J; 299A.

Reported the same back with the following amendments:

Page 1, line 25, delete everything after "(2)" and insert "receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1)."

Page 1, delete line 26

Page 2, line 5, delete everything after "(2)" and insert "receiving profit or anything of value, knowing or having reason to know it is derived from an act described in clause (1)."

Page 2, delete line 6

Page 2, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 2008, section 609.321, is amended by adding a subdivision to read:

Subd. 13. **Prior qualified human trafficking-related offense.** A "prior qualified human trafficking-related offense" means a conviction or delinquency adjudication within the ten years from the discharge from probation or parole immediately preceding the current offense for a violation of or an attempt to violate section 609.322, subdivision 1 (prostitution; sex trafficking in the first degree); 609.322, subdivision 1a (prostitution; sex trafficking in the second degree); 609.282 (labor trafficking); or 609.283 (unlawful conduct with respect to documents in furtherance of labor or sex trafficking).

Sec. 4. Minnesota Statutes 2008, section 609.322, is amended to read:

609.322 SOLICITATION, INDUCEMENT, AND PROMOTION OF PROSTITUTION; SEX TRAFFICKING.

Subdivision 1. ~~Individuals under age 18~~ **Solicitation, inducement, and promotion of prostitution; sex trafficking in the first degree.** (a) Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than ~~\$40,000~~ \$50,000, or both:

(1) solicits or induces an individual under the age of 18 years to practice prostitution;

(2) promotes the prostitution of an individual under the age of 18 years; or

(3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 18 years; or

(4) engages in the sex trafficking of an individual under the age of 18 years.

(b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$60,000, or both, if one or more of the following aggravating factors are present:

(1) the offender has committed a prior qualified human trafficking-related offense;

(2) the offense involved a sex trafficking victim who suffered bodily harm during the commission of the offense;

(3) the time period that a sex trafficking victim was held in debt bondage or forced labor or services exceeded 180 days; or

(4) the offense involved more than one sex trafficking victim.

Subd. 1a. ~~Other offenses~~ **Solicitation, inducement, and promotion of prostitution; sex trafficking in the second degree.** Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than ~~\$30,000~~ \$40,000, or both:

(1) solicits or induces an individual to practice prostitution; ~~or~~

(2) promotes the prostitution of an individual; ~~or~~

(3) receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual; or

(4) engages in the sex trafficking of an individual.

Subd. 1b. **Exceptions.** Subdivisions 1, clause (3), and 1a, clause (3), do not apply to:

(1) a minor who is dependent on an individual acting as a prostitute and who may have benefited from or been supported by the individual's earnings derived from prostitution; or

(2) a parent over the age of 55 who is dependent on an individual acting as a prostitute, who may have benefited from or been supported by the individual's earnings derived from prostitution, and who did not know that the earnings were derived from prostitution; or

(3) the sale of goods or services to a prostitute in the ordinary course of a lawful business.

Subd. 1c. **Aggregation of cases.** Acts by the defendant in violation of any one or more of the provisions in this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision."

Page 4, line 13, delete everything after "609.322" and insert "(solicitation, inducement, and promotion of prostitution; sex trafficking);"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert "providing for first- and second-degree sex trafficking"

Page 1, line 3, delete "offenses"

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 1770, A bill for an act relating to local government; providing for audits of household hazardous waste joint powers boards every five years; amending Minnesota Statutes 2008, section 6.756, subdivision 2.

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

The report was adopted.

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

H. F. No. 1789, A bill for an act relating to insurance; authorizing the Nonprofit Insurance Trust to self-insure against certain liabilities; amending Minnesota Statutes 2008, sections 471.98, subdivision 2; 471.982, subdivision 3.

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

The report was adopted.

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

H. F. No. 1805, A bill for an act relating to occupations and professions; creating licensing standards for full-time firefighters; establishing fees; proposing coding for new law in Minnesota Statutes, chapter 299F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 299N.02, subdivision 3, is amended to read:

Subd. 3. **Powers and duties.** (a) The board shall:

(1) review fire service training needs and make recommendations on training to Minnesota fire service organizations;

(2) establish standards for educational programs for the fire service and develop procedures for continuing oversight of the programs; ~~and~~

(3) establish qualifications for fire service training instructors in programs established under clause (2); and

(4) license full-time firefighters and volunteer firefighters under this chapter.

(b) The board may:

(1) hire or contract for technical or professional services according to section 15.061;

(2) pay expenses necessary to carry out its duties;

(3) apply for, receive, and accept grants, gifts, devises, and endowments that any entity may make to the board for the purposes of this chapter and may use any money given to it consistent with the terms and conditions under which the money was received and for the purposes stated;

(4) make recommendations to the legislature to improve the quality of firefighter training;

(5) collect and provide data, subject to section 13.03;

(6) conduct studies and surveys and make reports; and

(7) conduct other activities necessary to carry out its duties.

Sec. 2. **[299N.03] DEFINITIONS.**

Subdivision 1. **Scope.** The terms used in sections 299N.04 and 299N.05 have the meanings given them in this section.

Subd. 2. **Board.** "Board" means the Board of Firefighter Training and Education established under section 299N.02.

Subd. 3. **Chief firefighting officer.** "Chief firefighting officer" means the highest ranking employee or appointed official of a fire department.

Subd. 4. **Fire department.** "Fire department" has the meaning given it in section 299F.092, subdivision 6. For purposes of sections 299N.04 and 299N.05, fire department also includes a division of a state agency, regularly charged with the responsibility of providing fire protection to the state or a local government, to include a private, nonprofit fire department directly serving a local government, but does not include an industrial fire brigade.

Subd. 5. **Licensed firefighter.** "Licensed firefighter" means a full-time firefighter, to include a fire department employee, member, supervisor, or appointed official, who is licensed by the board and who is charged with the prevention or suppression of fires within the boundaries of the state. Licensed firefighter may also include a volunteer firefighter.

Subd. 6. **Full-time firefighter.** A "full-time firefighter" is a person who is employed and charged with the prevention or suppression of fires within the boundaries of the state on a full-time, salaried basis. Full-time firefighter does not include a volunteer, part-time or paid, on-call firefighter.

Subd. 7. **Volunteer firefighter.** A "volunteer firefighter" is a person who is charged with the prevention or suppression of fires within the boundaries of the state on a volunteer, part-time, or paid, on-call basis. Volunteer firefighter does not include a full-time firefighter.

Sec. 3. [299N.04] FIREFIGHTER CERTIFICATION.

Subdivision 1. **Certification examination; requirements.** (a) The board must appoint an organization that is accredited by the International Fire Service Accreditation Congress to prepare and administer firefighter certification examinations. Firefighter certification examinations shall be designed to ensure competency in at least the following areas:

(1) fire prevention;

(2) fire suppression; and

(3) hazardous materials operations.

(b) To receive a certificate, an individual must demonstrate competency in fire prevention and fire suppression.

(c) Nothing in this section shall be construed to prohibit any requirement imposed by a local fire department for more comprehensive training.

Subd. 2. **Eligibility for certification examination.** Except as provided in subdivision 3, any person may take the firefighter certification examination who has successfully completed the following:

(1)(i) a firefighter course from a postsecondary educational institution, an accredited institution of higher learning, or such other entity that teaches a course that has been approved by the board; or (ii) an apprenticeship or cadet program maintained by a fire department employing the person that has been approved by the board; and

(2) a skills-oriented basic training course.

Subd. 3. **Certain baccalaureate or associate degree holders eligible to take certification examination.** A person with a baccalaureate degree, or with an associate degree in applied fire science technology, from an accredited college or university who has successfully completed the skills-oriented basic training course under subdivision 2, clause (2), is eligible to take the firefighter certification examination notwithstanding the requirements of subdivision 2, clause (1).

Sec. 4. [299N.05] LICENSE REQUIRED.

Subdivision 1. **Licensure requirement.** Notwithstanding any general or local law or charter to the contrary, a full-time firefighter employed on or after July 1, 2011, by a fire department is not eligible for permanent employment without being licensed as a firefighter by the board.

Subd. 2. **Optional licensing.** A volunteer firefighter may receive or apply for licensure under this section and section 299N.04 under the same terms as full-time firefighters.

Subd. 3. **Prior appointment.** A full-time firefighter or a volunteer firefighter who has received a permanent appointment with a fire department prior to July 1, 2011, shall be licensed by the board at the request of the firefighter upon providing the board with a statement signed by the chief firefighting officer of the fire department that employs the full-time or volunteer firefighter.

Subd. 4. **Newly employed firefighters.** Any full-time firefighter employed by a fire department on or after July 1, 2011, must obtain a license from the board. To obtain a license, an individual not covered by subdivision 3 must provide the board with a statement signed by the chief firefighting officer of the fire department that employs the full-time firefighter that the individual has met the certification requirements of section 299N.04.

Subd. 5. **Issuance of license.** The board shall license any individual who meets the requirements of subdivision 3 or 4. A license is valid for three years from the date of issuance, and the fee for the license is \$75.

Subd. 6. **License renewal.** A license shall be renewed so long as the firefighter and the chief firefighting officer provide evidence to the board that the licensed firefighter has had at least 72 hours of firefighting training in the previous three-year period. The fee for renewing a firefighter license is \$75, and the license is valid for an additional three years.

Subd. 7. **Duties of chief firefighting officer.** It shall be the duty of every chief firefighting officer to ensure that all full-time firefighters have a license from the board beginning July 1, 2011. Each full-time firefighter, volunteer firefighter, and chief firefighting officer may apply for licensure after January 1, 2011.

Subd. 8. **Revocation; suspension; denial.** The board may revoke, suspend, or deny a license issued or applied for under this section to a firefighter or applicant if the firefighter or applicant has been convicted of a felony recognized by the board as a crime that would disqualify the licensee from participating in the profession of firefighting.

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective July 1, 2009."

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. 1811, A bill for an act relating to insurance; creating an Autism Spectrum Disorder Task Force; providing appointments; requiring a report.

Reported the same back with the following amendments:

Page 1, line 5, after "DISORDER" insert "JOINT LEGISLATIVE"

Page 1, line 6, after "Disorder" insert "Joint Legislative"

Page 1, line 23, delete "behavioral" and insert "behavior"

Page 2, line 1, delete "behavior" and insert "behavioral"

Page 2, line 5, delete "autistic" and insert "autism"

Page 2, line 8, delete "Autism Agency" and insert "American Autism Foundation"

Page 2, line 9, delete everything after "representing"

Page 2, delete line 10 and insert "ARC of Minnesota:"

Page 2, line 22, delete "in" and insert "within" and after "purview" insert "of"

Page 2, delete lines 26 and 27

Page 2, line 28, delete "(e)" and insert "(d)"

Page 2, line 29, delete "(f)" and insert "(e)"

Page 3, line 7, delete "(g)" and insert "(f)" and delete "a" and insert "an annual"

Page 3, after line 8, insert:

"(g) This section expires June 30, 2011."

Amend the title as follows:

Page 1, line 2, delete "insurance" and insert "health" and after "Disorder" insert "Joint Legislative"

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

The report was adopted.

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

H. F. No. 1832, A bill for an act relating to human services; modifying the state medical review team process; requiring an annual report; appropriating money; amending Minnesota Statutes 2008, sections 256.01, by adding a subdivision; 256B.055, subdivision 7; 256B.057, subdivision 9.

Reported the same back with the following amendments:

Page 4, after line 29, insert:

"Sec. 4. Minnesota Statutes 2008, section 256B.0751, subdivision 7, is amended to read:

Subd. 7. **Outreach.** Beginning July 1, 2009, the commissioner shall ~~encourage~~ require state health care program enrollees who have a complex or chronic condition to select a primary care clinic with clinicians who have been certified as health care homes, if there are two or more primary care clinics with clinicians who have been certified as health care homes available to the enrollee.

Sec. 5. Minnesota Statutes 2008, section 256L.05, subdivision 4, is amended to read:

Subd. 4. **Application processing.** (a) The commissioner of human services shall determine an applicant's eligibility for MinnesotaCare no more than 30 days from the date that the application is received by the Department of Human Services. Beginning January 1, 2000, this requirement also applies to local county human services agencies that determine eligibility for MinnesotaCare.

(b) Upon receiving an application, the commissioner or local county human services agency shall assign one individual as the coordinator of the application. The coordinator shall be responsible for all communications with the applicant throughout the application process and upon renewal.

Sec. 6. **FEDERAL APPROVAL.**

The commissioner of human services shall seek federal approval, if necessary, to implement Minnesota Statutes, section 256B.0751, subdivision 7."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before "requiring" insert "requiring selection of health care homes for certain program enrollees; requiring a MinnesotaCare application coordinator;"

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.

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

H. F. No. 1857, A bill for an act relating to rulemaking; authorizing notice by electronic mail; amending Minnesota Statutes 2008, sections 14.07, subdivision 6; 14.14, subdivision 1a; 14.22, subdivision 1; 14.389, subdivision 2; 14.3895, subdivision 3.

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

The report was adopted.

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

H. F. No. 1960, A bill for an act relating to powers of attorney; creating an alternative statutory short form for military members who are in active service; amending Minnesota Statutes 2008, sections 523.02; 523.131; 523.16; 523.20; 523.21; 523.23, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 523.

Reported the same back with the following amendments:

Page 6, line 8, delete "(N)" and insert "(G)"

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. 1981, A bill for an act relating to state government; creating the Minnesota Geospatial Information Office; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 2008, section 4A.05.

Reported the same back with the following amendments:

Page 1, line 6, delete "[16A.99]" and insert "[16B.99]"

Page 2, line 32, after the period, insert "The fees must be approved by the commissioner of finance. Fees are not subject to rulemaking under chapter 14 and section 14.386 does not apply."

Page 4, line 28, after the period, insert "Members serve at the pleasure of the commissioner. Members shall be reimbursed for expenses in the manner specified in section 15.059, but do not receive per diem under that section. The advisory councils expire June 30, 2013."

Page 5, line 14, delete everything after "effective" and insert "July 1, 2009."

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.

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

H. F. No. 2082, A bill for an act relating to property; enacting the Uniform Disclaimer of Property Interests Act; proposing coding for new law in Minnesota Statutes, chapter 524; repealing Minnesota Statutes 2008, sections 501B.86; 525.532.

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:

Senate Concurrent Resolution No. 6, A Senate concurrent resolution adopting Permanent Joint Rules of the Senate and House of Representatives.

Reported the same back with the following amendments:

Page 4, line 27, strike "648.36" and insert "645.49"

Page 5, line 17, after "Means," insert "Finance,"

Page 6, line 4, delete "introduced" and insert "made available for introduction"

Page 6, line 32, after "possible" insert ", with the intent to provide a 24-hour notice,"

Page 9, line 27, delete everything after the period and insert "The joint committee must make recommendations for vacancies on the Board of Regents."

Page 9, delete line 28

With the recommendation that when so amended the senate concurrent resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 265, 286, 388, 632, 695, 936, 1192, 1202, 1209, 1250, 1518, 1537, 1544, 1627, 1648, 1697, 1717, 1770, 1789, 1857, 1960 and 2082 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Smith introduced:

H. F. No. 2173, A bill for an act relating to waters; modifying requirement for conservation rate structure; amending Minnesota Statutes 2008, section 103G.291, subdivisions 3, 4.

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

Hackbarth introduced:

H. F. No. 2174, A bill for an act relating to transportation; establishing a prorated registration tax credit for vehicles scrapped or declared a total loss; amending Minnesota Statutes 2008, section 168.013, by adding a subdivision.

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

Hortman introduced:

H. F. No. 2175, A bill for an act relating to environment; establishing a grant program for idling reduction technology purchases; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Obermueller introduced:

H. F. No. 2176, A bill for an act relating to real property; requiring disclosure of nuisance property to potential buyers; proposing coding for new law in Minnesota Statutes, chapter 513.

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

Ward introduced:

H. F. No. 2177, A bill for an act relating to education; establishing a literacy collaborative program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 122A.

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

Peterson introduced:

H. F. No. 2178, A bill for an act relating to education finance; appropriating money; amending Laws 2007, chapter 147, article 2, section 62, subdivision 2; article 19, section 3, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapter 124D.

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

Jackson introduced:

H. F. No. 2179, A bill for an act relating to taxation; sales and use; exempting construction materials and equipment used to construct the Mille Lacs County courts facility; removing an obsolete provision; amending Minnesota Statutes 2008, sections 297A.71, by adding a subdivision; 297A.75, subdivision 1.

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

Doty and Marquart introduced:

H. F. No. 2180, A bill for an act relating to taxation; property; providing a property tax exemption for certain nursing homes; amending Minnesota Statutes 2008, section 272.02, by adding a subdivision.

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

Hausman introduced:

H. F. No. 2181, A bill for an act relating to film production; authorizing film production investment grants; requiring reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116U.

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

Gardner and Kalin introduced:

H. F. No. 2182, A bill for an act relating to capital investment; requiring rating criteria for capital project funding requests; 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.

Swails and Bunn introduced:

H. F. No. 2183, A bill for an act relating to education; appropriating money to provide a grant to the Center for the Arts in South Washington County.

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

Swails and Bunn introduced:

H. F. No. 2184, A bill for an act relating to education; appropriating money to provide a grant to the Center for the Arts in South Washington County.

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

Wagenius and Dill introduced:

H. F. No. 2185, A bill for an act relating to environment finance; requiring the Pollution Control Agency to recover costs for permits and certifications; requiring a project proposer to pay for costs of preparing environmental assessment worksheet; amending Minnesota Statutes 2008, sections 115.77, subdivision 1; 116.07, subdivision 4d; 116.41, subdivision 2; 116C.834, subdivision 1; 116D.045.

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

Nelson and Hilstrom introduced:

H. F. No. 2186, A bill for an act relating to taxation; tax increment financing; allowing use of increment to offset state aid reductions; amending Minnesota Statutes 2008, section 469.176, by adding a subdivision.

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

Peppin introduced:

H. F. No. 2187, A bill for an act relating to public safety; permitting certain offenses to be charged in either the county of the offense or the home county of the arresting law enforcement agency; amending Minnesota Statutes 2008, section 436.05, by adding a subdivision.

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

Anzelc introduced:

H. F. No. 2188, A bill for an act relating to education finance; transferring charter school transportation obligations from school districts to charter schools; amending Minnesota Statutes 2008, sections 124D.10, subdivision 16; 124D.11, subdivisions 1, 2.

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

Nornes introduced:

H. F. No. 2189, A bill for an act relating to higher education; amending textbook information; defining terms; allowing appeal of resident status; providing additional award grant for online courses; requiring a report; amending Minnesota Statutes 2008, sections 135A.25, subdivision 4; 136A.08, subdivision 1, by adding a subdivision; 136A.127, by adding a subdivision.

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

Hackbarth introduced:

H. F. No. 2190, A bill for an act relating to traffic regulation; requiring vehicle towing under certain conditions; amending Minnesota Statutes 2008, section 169.041, subdivision 3, by adding a subdivision.

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

Davnie; Solberg; Carlson; Zellers; Hilstrom; Norton; Brod; Nornes; Severson; Kelly; Obermueller; Simon; Kahn; Haws; Murphy, E.; Gunther; Huntley; Koenen; Anzelc; Slocum; Winkler; Hornstein; Tillberry; Gardner; Lieder; Howes; Juhnke; McNamara; Emmer; Garofalo; Olin; Hansen; Lesch; Loeffler and Ruud introduced:

H. F. No. 2191, A bill for an act relating to taxation; tobacco; moist snuff; amending Minnesota Statutes 2008, sections 297F.01, subdivision 19, by adding a subdivision; 297F.05, subdivisions 3, 4.

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

Sternier; Murphy, E.; Mahoney and Mullery introduced:

H. F. No. 2192, A bill for an act relating to cultural heritage; appropriating money for the Minnesota Irish Cultural Center.

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

Shimanski and Juhnke introduced:

H. F. No. 2193, A bill for an act relating to agriculture; requiring a Minnesota processed foods labeling report.

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

Murphy, E., introduced:

H. F. No. 2194, A bill for an act relating to health; establishing Minnesota Colorectal Cancer Prevention Act and women's heart health program; increasing tobacco-related taxes and designating funds for public health programs; appropriating money; amending Minnesota Statutes 2008, sections 297F.01, subdivision 19; 297F.05, subdivisions 1, 3, 4, by adding a subdivision; 297F.10; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Clark introduced:

H. F. No. 2195, A bill for an act relating to health; modifying grantee requirements for lead reduction; amending Minnesota Statutes 2008, section 144.9512, subdivision 2.

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

Sertich introduced:

H. F. No. 2196, A bill for an act relating to state government; authorizing issuance of state appropriation bonds; 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.

McNamara introduced:

H. F. No. 2197, A bill for an act relating to natural resources; appropriating money for comprehensive water monitoring and phosphorus reduction in Lake St. Croix.

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

Mack; Zellers; Scott; Sanders; Anderson, S., and Dean introduced:

H. F. No. 2198, A bill for an act relating to human services; directing the commissioner to apply for a supplemental nutrition assistance program waiver.

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

Ward introduced:

H. F. No. 2199, A bill for an act relating to capital improvements; appropriating money for the Cuyuna Country State Recreation Area and Cuyuna Lakes State Trail; authorizing the sale and issuance of state bonds.

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

Juhnke introduced:

H. F. No. 2200, A bill for an act relating to veterans; extending the County Veterans Services Working Group; amending Laws 2008, chapter 297, article 2, section 26, subdivision 3.

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

McFarlane introduced:

H. F. No. 2201, A bill for an act relating to energy improvements; appropriating money for solar-generated energy power equipment.

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

Bly, Slawik, Rosenthal, Peterson and Mariani introduced:

H. F. No. 2202, A bill for an act relating to early childhood education; appropriating money.

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Thursday, March 26, 2009:

S. F. Nos. 1142, 236 and 757; and H. F. Nos. 819 and 865.

CALENDAR FOR THE DAY

H. F. No. 865 was reported to the House.

Welti moved to amend H. F. No. 865 as follows:

Page 1, after line 10, insert:

"EFFECTIVE DATE. This section is effective retroactively from June 2, 2006."

The motion prevailed and the amendment was adopted.

H. F. No. 865, A bill for an act relating to natural resources; establishing a state trail; amending Minnesota Statutes 2008, section 85.015, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 1142 was reported to the House.

Kalin moved to amend S. F. No. 1142 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1400, the first engrossment:

"Section 1. **HONORING ALL VIETNAM ERA VETERANS DAY.**

June 13, 2009, is Honoring All Vietnam Era Veterans Day in Minnesota."

Delete the title and insert:

"A bill for an act relating to veterans; declaring June 13, 2009, Honoring All Vietnam Era Veterans Day."

The motion prevailed and the amendment was adopted.

S. F. No. 1142, A bill for an act relating to veterans; declaring June 13, 2009, Welcome Home Vietnam Veterans Day.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

S. F. No. 236, A bill for an act relating to state government; designating March 25 as Medal of Honor Day; proposing coding for new law in Minnesota Statutes, chapter 10.

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

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Benson	Bunn	Dean	Downey	Fritz
Anderson, B.	Bigham	Carlson	Demmer	Drazkowski	Gardner
Anderson, P.	Bly	Champion	Dettmer	Eastlund	Garofalo
Anderson, S.	Brod	Clark	Dill	Eken	Gottwalt
Anzelc	Brown	Cornish	Dittrich	Emmer	Greiling
Atkins	Brynaert	Davids	Doepke	Falk	Gunther
Beard	Buesgens	Davnie	Doty	Faust	Hackbarth

Hamilton	Johnson	Lillie	Murphy, E.	Reinert	Smith
Hansen	Juhnke	Loeffler	Murphy, M.	Rosenthal	Solberg
Hausman	Kahn	Loon	Nelson	Rukavina	Sterner
Haws	Kalin	Mack	Newton	Ruud	Swails
Hayden	Kath	Magnus	Nornes	Sailer	Thao
Hilstrom	Kelly	Mahoney	Norton	Sanders	Thissen
Hilty	Kiffmeyer	Mariani	Obermueller	Scalze	Tillberry
Holberg	Knuth	Marquart	Olin	Scott	Urdahl
Hoppe	Koenen	Masin	Otremba	Seifert	Wagenius
Hornstein	Kohls	McFarlane	Paymar	Sertich	Ward
Hortman	Laine	McNamara	Pelowski	Severson	Wolti
Hosch	Lenczewski	Morgan	Peppin	Shimanski	Westrom
Howes	Lesch	Morrow	Persell	Simon	Winkler
Huntley	Liebling	Mullery	Peterson	Slawik	Zellers
Jackson	Lieder	Murdock	Poppe	Slocum	Spk. Kelliher

The bill was passed and its title agreed to.

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

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 1797.

H. F. No. 1797 was reported to the House.

Emmer moved to amend H. F. No. 1797, the first engrossment, as follows:

Page 1, line 18, after the period, insert "Prior to seeking funds for a transit project, the commissioner shall (1) perform a cost-benefit analysis of the project, and (2) evaluate the results of the analysis to determine that the project yields a benefit to the state of Minnesota."

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 45 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Emmer	Kelly	Murdock	Smith
Anderson, B.	Davids	Gottwalt	Kiffmeyer	Nornes	Sterner
Anderson, P.	Dean	Gunther	Kohls	Peppin	Urdahl
Anderson, S.	Demmer	Hackbarth	Loon	Sanders	Westrom
Beard	Dettmer	Hamilton	Mack	Scott	Zellers
Brod	Downey	Holberg	Magnus	Seifert	
Buesgens	Drazkowski	Hoppe	McFarlane	Severson	
Bunn	Eastlund	Howes	McNamara	Shimanski	

Those who voted in the negative were:

Anzelc	Eken	Hosch	Lillie	Olin	Slawik
Atkins	Falk	Huntley	Loeffler	Otremba	Slocum
Benson	Faust	Jackson	Mahoney	Paymar	Solberg
Bigham	Fritz	Johnson	Mariani	Pelowski	Swails
Bly	Gardner	Juhnke	Marquart	Persell	Thao
Brown	Garofalo	Kahn	Masin	Peterson	Thissen
Brynaert	Greiling	Kalin	Morgan	Poppe	Tillberry
Carlson	Hansen	Kath	Morrow	Reinert	Wagenius
Champion	Hausman	Knuth	Mullery	Rosenthal	Ward
Clark	Haws	Koenen	Murphy, E.	Rukavina	Welti
Davnie	Hayden	Laine	Murphy, M.	Ruud	Winkler
Dill	Hilstrom	Lenczewski	Nelson	Sailer	Spk. Kelliher
Dittrich	Hilty	Lesch	Newton	Scalze	
Doepke	Hornstein	Liebling	Norton	Sertich	
Doty	Hortman	Lieder	Obermueller	Simon	

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

Buesgens moved to amend H. F. No. 1797, the first engrossment, as follows:

Page 2, after line 9, insert:

"(f) By February 15, 2012, the commissioner shall arrange for an economic impact study and submit a report on the study results to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over transportation policy and finance. The economic impact study must, at a minimum:

(1) be produced by a private organization or company with expertise in economics and economic evaluation;

(2) utilize commonly accepted modeling and evaluation techniques;

(3) calculate the short-term and projected long-term economic impacts of fund expenditures in Minnesota under this subdivision; and

(4) evaluate the overall effectiveness of fund expenditures."

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 46 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Emmer	Howes	McNamara	Shimanski
Anderson, B.	Dean	Garofalo	Kelly	Murdock	Smith
Anderson, P.	Demmer	Gottwalt	Kiffmeyer	Nornes	Sterner
Anderson, S.	Dettmer	Gunther	Kohls	Peppin	Urdahl
Beard	Doepke	Hackbarth	Loon	Sanders	Westrom
Brod	Downey	Hamilton	Mack	Scott	Zellers
Buesgens	Drazkowski	Holberg	Magnus	Seifert	
Cornish	Eastlund	Hoppe	McFarlane	Severson	

Those who voted in the negative were:

Anzelc	Eken	Huntley	Loeffler	Otremba	Slocum
Atkins	Falk	Jackson	Mahoney	Paymar	Solberg
Benson	Faust	Johnson	Mariani	Pelowski	Swails
Bigham	Fritz	Juhnke	Marquart	Persell	Thao
Bly	Gardner	Kahn	Masin	Peterson	Thissen
Brown	Greiling	Kalin	Morgan	Poppe	Tillberry
Brynaert	Hansen	Kath	Morrow	Reinert	Wagenius
Bunn	Hausman	Knuth	Mullery	Rosenthal	Ward
Carlson	Haws	Koenen	Murphy, E.	Rukavina	Welti
Champion	Hayden	Laine	Murphy, M.	Ruud	Winkler
Clark	Hilstrom	Lenczewski	Nelson	Sailer	Spk. Kelliher
Davnie	Hilty	Lesch	Newton	Scalze	
Dill	Hornstein	Liebling	Norton	Sertich	
Dittrich	Hortman	Lieder	Obermueller	Simon	
Doty	Hosch	Lillie	Olin	Slawik	

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

Severson moved to amend H. F. No. 1797, the first engrossment, as follows:

Page 1, line 8, after "(a)" insert "Subject to paragraph (c)."

Page 1, line 17, after "(b)" insert "Subject to paragraph (c)."

Page 1, after line 18, insert:

"(c) Prior to expending funds under this subdivision for a transit project, the commissioner shall:

(1) identify and evaluate the ongoing costs for that project, including all projected costs of (i) infrastructure maintenance, (ii) service operation, and (iii) any additional capital required in a separate phase or component of the overall project; and

(2) verify that existing department resources and anticipated budget contains sufficient funds to cover the ongoing costs under clause (1) without requiring a corresponding reduction in expenditures from other parts of the department's budget."

Page 1, line 19, delete "(c)" and insert "(d)"

Page 1, line 22, delete "(d)" and insert "(e)"

Page 2, line 1, delete "(e)" and insert "(f)"

A roll call was requested and properly seconded.

The question was taken on the Severson amendment and the roll was called. There were 45 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Emmer	Kelly	Murdock	Smith
Anderson, B.	Dean	Gottwalt	Kiffmeyer	Nornes	Sterner
Anderson, P.	Demmer	Gunther	Kohls	Peppin	Urdahl
Anderson, S.	Dettmer	Hackbarth	Loon	Sanders	Westrom
Beard	Doepke	Hamilton	Mack	Scott	Zellers
Brod	Downey	Holberg	Magnus	Seifert	
Buesgens	Drazkowski	Hoppe	McFarlane	Severson	
Cornish	Eastlund	Howes	McNamara	Shimanski	

Those who voted in the negative were:

Anzelc	Eken	Hosch	Lillie	Olin	Slawik
Atkins	Falk	Huntley	Loeffler	Otremba	Slocum
Benson	Faust	Jackson	Mahoney	Paymar	Solberg
Bigham	Fritz	Johnson	Mariani	Pelowski	Swails
Bly	Gardner	Juhnke	Marquart	Persell	Thao
Brown	Garofalo	Kahn	Masin	Peterson	Thissen
Brynaert	Greiling	Kalin	Morgan	Poppe	Tillberry
Bunn	Hansen	Kath	Morrow	Reinert	Wagenius
Carlson	Hausman	Knuth	Mullery	Rosenthal	Ward
Champion	Haws	Koenen	Murphy, E.	Rukavina	Welti
Clark	Hayden	Laine	Murphy, M.	Ruud	Winkler
Davnie	Hilstrom	Lenczewski	Nelson	Sailer	Spk. Kelliher
Dill	Hilty	Lesch	Newton	Scalze	
Dittrich	Hornstein	Liebling	Norton	Sertich	
Doty	Hortman	Lieder	Obermueller	Simon	

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

Seifert moved to amend H. F. No. 1797, the first engrossment, as follows:

Page 1, after line 23, insert:

"(e) The commissioner may not expend any funds appropriated under this subdivision for the direct or indirect benefit of the Association of Community Organizations for Reform Now (ACORN)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Seifert amendment and the roll was called. There were 54 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Emmer	Kath	Morgan	Scott
Anderson, B.	Dean	Garofalo	Kelly	Murdock	Seifert
Anderson, P.	Demmer	Gottwalt	Kiffmeyer	Nornes	Severson
Anderson, S.	Dettmer	Gunther	Kohls	Norton	Shimanski
Beard	Dill	Hackbarth	Loon	Peppin	Smith
Brod	Doepke	Hamilton	Mack	Peterson	Sterner
Buesgens	Downey	Holberg	Magnus	Rosenthal	Urdahl
Bunn	Drazkowski	Hoppe	McFarlane	Sanders	Westrom
Cornish	Eastlund	Howes	McNamara	Scalze	Zellers

Those who voted in the negative were:

Anzelc	Eken	Hortman	Liebling	Obermueller	Slawik
Atkins	Falk	Hosch	Lillie	Olin	Slocum
Benson	Faust	Huntley	Loeffler	Otremba	Solberg
Bigham	Fritz	Jackson	Mahoney	Paymar	Swails
Bly	Gardner	Johnson	Mariani	Pelowski	Thao
Brown	Greiling	Juhnke	Marquart	Persell	Thissen
Brynaert	Hansen	Kahn	Masin	Poppe	Tillberry
Carlson	Hausman	Kalin	Morrow	Reinert	Wagenius
Champion	Haws	Knuth	Mullery	Rukavina	Ward
Clark	Hayden	Koenen	Murphy, E.	Ruud	Weldt
Davnie	Hilstrom	Laine	Murphy, M.	Sailer	Winkler
Dittrich	Hilty	Lenczewski	Nelson	Sertich	Spk. Kelliher
Doty	Hornstein	Lesch	Newton	Simon	

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

Emmer moved to amend H. F. No. 1797, the first engrossment, as follows:

Page 1, line 18, after the period, insert "The commissioner may not expend any funds under this subdivision without first securing the approval of the legislative committees with jurisdiction over transportation finance."

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 40 yeas and 91 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Gottwalt	Kelly	Nornes	Severson
Anderson, P.	Downey	Gunther	Kiffmeyer	Norton	Shimanski
Brod	Drazkowski	Hackbarth	Kohls	Peppin	Sterner
Buesgens	Eastlund	Hamilton	Loon	Rosenthal	Westrom
Cornish	Emmer	Holberg	Mack	Sanders	Zellers
Davids	Faust	Hoppe	Magnus	Scalze	
Dean	Garofalo	Howes	Murdock	Scott	

Those who voted in the negative were:

Abeler	Dittrich	Hosch	Loeffler	Otremba	Solberg
Anderson, S.	Doepke	Huntley	Mahoney	Paymar	Swails
Anzelc	Doty	Jackson	Mariani	Pelowski	Thao
Atkins	Eken	Johnson	Marquart	Persell	Thissen
Beard	Falk	Juhnke	Masin	Peterson	Tillberry
Benson	Fritz	Kahn	McFarlane	Poppe	Urdahl
Bigham	Gardner	Kalin	McNamara	Reinert	Wagenius
Bly	Greiling	Kath	Morgan	Rukavina	Ward
Brown	Hansen	Knuth	Morrow	Ruud	Welti
Brynaert	Hausman	Koenen	Mullery	Sailer	Winkler
Bunn	Haws	Laine	Murphy, E.	Seifert	Spk. Kelliher
Carlson	Hayden	Lenczewski	Murphy, M.	Sertich	
Champion	Hilstrom	Lesch	Nelson	Simon	
Clark	Hilty	Liebling	Newton	Slawik	
Davnie	Hornstein	Lieder	Obermueller	Slocum	
Dill	Hortman	Lillie	Olin	Smith	

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

Downey moved to amend H. F. No. 1797, the first engrossment, as follows:

Page 1, line 17, delete "all"

A roll call was requested and properly seconded.

The question was taken on the Downey amendment and the roll was called. There were 47 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Emmer	Howes	McNamara	Severson
Anderson, B.	Dean	Garofalo	Kelly	Murdock	Shimanski
Anderson, P.	Demmer	Gottwalt	Kiffmeyer	Nornes	Smith
Anderson, S.	Dettmer	Gunther	Kohls	Peppin	Sterner
Beard	Doepke	Hackbarth	Loon	Rosenthal	Urdahl
Brod	Downey	Hamilton	Mack	Sanders	Westrom
Buesgens	Drazkowski	Holberg	Magnus	Scott	Zellers
Cornish	Eastlund	Hoppe	McFarlane	Seifert	

Those who voted in the negative were:

Anzelc	Carlson	Falk	Hayden	Johnson	Lenczewski
Atkins	Champion	Faust	Hilstrom	Juhnke	Lesch
Benson	Clark	Fritz	Hilty	Kahn	Liebling
Bigham	Davnie	Gardner	Hornstein	Kalin	Lieder
Bly	Dill	Greiling	Hortman	Kath	Lillie
Brown	Dittrich	Hansen	Hosch	Knuth	Loeffler
Brynaert	Doty	Hausman	Huntley	Koenen	Mahoney
Bunn	Eken	Haws	Jackson	Laine	Mariani

Marquart	Nelson	Pelowski	Sailer	Swails	Winkler
Masin	Newton	Persell	Scalze	Thao	Spk. Kelliher
Morgan	Norton	Peterson	Sertich	Thissen	
Morrow	Obermueller	Poppe	Simon	Tillberry	
Mullery	Olin	Reinert	Slawik	Wagenius	
Murphy, E.	Otremba	Rukavina	Slocum	Ward	
Murphy, M.	Paymar	Ruud	Solberg	Welti	

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

The Speaker called Juhnke to the chair.

H. F. No. 1797, A bill for an act relating to transportation; providing for receipt and appropriation of federal economic recovery funds; amending Minnesota Statutes 2008, section 161.36, by adding a subdivision.

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 113 yeas and 19 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dean	Eastlund	Hoppe	Severson
Brod	Dettmer	Emmer	Kiffmeyer	Shimanski
Buesgens	Downey	Hackbarth	Kohls	Smith
Davids	Drazkowski	Holberg	Seifert	

The bill was passed and its title agreed to.

MOTIONS AND RESOLUTIONS

Thissen moved that the name of Sterner be added as an author on H. F. No. 254. The motion prevailed.

Lillie moved that the name of Sterner be added as an author on H. F. No. 303. The motion prevailed.

Lanning moved that his name be stricken as an author on H. F. No. 328. The motion prevailed.

Hilstrom moved that the name of Hortman be added as an author on H. F. No. 354. The motion prevailed.

Obermueller moved that the name of Sertich be added as an author on H. F. No. 433. The motion prevailed.

Simon moved that his name be stricken as an author on H. F. No. 545. The motion prevailed.

Newton moved that his name be stricken as an author on H. F. No. 612. The motion prevailed.

Benson moved that the name of Newton be added as an author on H. F. No. 751. The motion prevailed.

Mahoney moved that the name of Bunn be added as an author on H. F. No. 1091. The motion prevailed.

Thissen moved that the name of Newton be added as an author on H. F. No. 1100. The motion prevailed.

Demmer moved that the name of Welti be added as an author on H. F. No. 1209. The motion prevailed.

Seifert moved that the name of Bigham be added as an author on H. F. No. 1242. The motion prevailed.

Kalin moved that the name of Sterner be added as an author on H. F. No. 1400. The motion prevailed.

Dill moved that the name of Olin be added as an author on H. F. No. 1406. The motion prevailed.

Paymar moved that the name of Olin be added as an author on H. F. No. 1474. The motion prevailed.

Kahn moved that the name of Slocum be added as an author on H. F. No. 1479. The motion prevailed.

Davids moved that the name of Welti be added as an author on H. F. No. 1594. The motion prevailed.

Solberg moved that the name of Gottwalt be added as an author on H. F. No. 1659. The motion prevailed.

Pelowski moved that the name of Sterner be added as an author on H. F. No. 1857. The motion prevailed.

Gottwalt moved that the name of Sterner be added as an author on H. F. No. 1865. The motion prevailed.

Haws moved that the name of Jackson be added as an author on H. F. No. 1967. The motion prevailed.

Bunn moved that her name be stricken as an author on H. F. No. 1969. The motion prevailed.

Marquart moved that the name of Reinert be added as an author on H. F. No. 1974. The motion prevailed.

Kahn moved that the name of Sterner be added as an author on H. F. No. 1981. The motion prevailed.

Simon moved that the name of Kelliher be added as an author on H. F. No. 2052. The motion prevailed.

Wagenius moved that the name of Slocum be added as an author on H. F. No. 2123. The motion prevailed.

Loon moved that the name of Beard be added as an author on H. F. No. 2126. The motion prevailed.

Eken moved that the name of Urdahl be added as an author on H. F. No. 2128. The motion prevailed.

Slocum moved that the name of Champion be added as an author on H. F. No. 2141. The motion prevailed.

Westrom moved that the names of Sanders and Kelly be added as authors on H. F. No. 2143. The motion prevailed.

Clark moved that the name of Slocum be added as an author on H. F. No. 2165. The motion prevailed.

Abeler moved that the name of Slocum be added as an author on H. F. No. 2171. The motion prevailed.

Eken moved that H. F. No. 1237, now on the General Register, be re-referred to the Committee on Finance. The motion prevailed.

Gardner moved that H. F. No. 1373 be recalled from the Committee on Finance and be re-referred to the Committee on State and Local Government Operations Reform, Technology and Elections. The motion prevailed.

Abeler moved that H. F. No. 1515 be recalled from the Committee on Health Care and Human Services Policy and Oversight and be re-referred to the Committee on Finance. The motion prevailed.

Pelowski moved that H. F. No. 1654 be returned to its author. The motion prevailed.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, March 30, 2009. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and Speaker pro tempore Juhnke declared the House stands adjourned until 1:00 p.m., Monday, March 30, 2009.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives