

## STATE OF MINNESOTA

## EIGHTY-SIXTH SESSION — 2009

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 TWENTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 30, 2009

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

Prayer was offered by Father Tony Wroblewski, Brainerd Area Catholic Churches, Brainerd, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Holberg was excused until 1:55 p.m.

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

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

March 23, 2009

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

Dear Speaker Kelliher:

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

H. F. No. 56, relating to capital investment; correcting the grantee for a parks appropriation.

Sincerely,

TIM PAWLENTY  
Governor

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

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2009 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2009</i>	<i>Date Filed 2009</i>
	56	7	6:11 p.m. March 23	March 23

Sincerely,

MARK RITCHIE  
Secretary of State

**REPORTS OF STANDING COMMITTEES AND DIVISIONS**

Mullery from the Committee on Civil Justice 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 recommendation that the bill pass.

The report was adopted.

Mullery from the Committee on Civil Justice 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 Finance.

The report was adopted.

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

H. F. No. 326, A bill for an act relating to public health; protecting the health of children; prohibiting bisphenol A in products for young children; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

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

Subdivision 1. **Scope.** For the purposes of this section and section 325F.173, the following terms have the meanings given them.

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

Subd. 3. **Children's product.** "Children's product" means an empty bottle or cup to be filled with food or liquid that is designed or intended by a manufacturer to be used by a child.

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

Sec. 2. **[325F.173] BISPENOL-A IN CERTAIN CHILDREN'S PRODUCTS.**

(a) By January 1, 2010, no manufacturer may sell or offer for sale in this state a children's product that contains bisphenol-A.

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

(c) By January 1, 2011, no retailer may sell or offer for sale in this state a children's product that contains bisphenol-A.

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

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 448, A bill for an act relating to public safety; allowing emergency 911 systems to include referral to mental health crisis teams; amending Minnesota Statutes 2008, section 403.03.

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. 454, A bill for an act relating to health; modifying provisions for disposition of a deceased person; amending Minnesota Statutes 2008, section 149A.80, subdivision 2.

Reported the same back with the following amendments:

Page 2, delete line 13

Page 2, line 14, delete "(2)" and insert "(1)"

Page 2, line 15, delete "(3)" and insert "(2)"

Page 2, line 17, delete "(4)" and insert "(3)"

Page 2, line 19, delete "(5)" and insert "(4)"

Page 2, line 22, delete "(6)" and insert "(5)"

Page 2, line 24, delete "(7)" and insert "(6)"

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. 458, A bill for an act relating to the environment; creating an advisory council on development and regulation of consumer products; establishing a comprehensive framework for consumer products that protect, support, and enhance human health, the environment, and economic development; providing appointments; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

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

(a) For the purposes of sections 325F.172 to 325F.173, the following terms have the meanings given them.

(b) "Alternative" means a substitute process, product, material, chemical, strategy, or combination of these that serves a functionally equivalent purpose to a chemical in a children's product.

(c) "Chemical" means a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation, or metabolism.

(d) "Child" means a person under 12 years of age.

(e) "Children's product" means a children's product primarily intended for use by a child, such as baby products, toys, car seats, personal care products, and clothing. Children's product does not mean medication, drug, or food products, or the packaging of these products.

(f) "Commissioner" means commissioner of the Pollution Control Agency.

(g) "Department" means the Pollution Control Agency.

(h) "Green chemistry" means chemistry and chemical engineering that promotes products and processes that appropriately manage, reduce, or eliminate the use or generation of priority chemicals of high concern.

Sec. 2. **[325F.1721] CHEMICALS IN CHILDREN'S PRODUCTS.**

(a) The department shall monitor on an ongoing basis current state and federal regulatory and nonregulatory mechanisms, and all proposals for new regulations originating in Minnesota or in other states, designed to mitigate risk or prevent exposure to chemicals in children's products. The department shall compile a report starting September 1, 2010, and each September 1 thereafter about all regulations and proposals adopted or issued within the prior 12 months.

(b) The department is authorized to participate in an interstate clearinghouse to promote safer chemicals in consumer products in cooperation with other states and governmental entities. The department may cooperate with the interstate clearinghouse to classify existing chemicals in commerce into categories of concern. The department may also cooperate with the interstate clearinghouse in order to organize and manage available data on chemicals, including information on uses, hazards, and environmental concerns; to produce and inventory information on safer alternatives to specific uses of chemicals of concern and on model policies and programs; to provide technical assistance to businesses and consumers related to safer chemicals; and to undertake other activities in support of state programs to promote safer chemicals.

(c) By December 15, 2010, and each December 15 thereafter, the department shall share the report issued under paragraph (a) with an external scientific peer review panel convened by the department. By January 15, 2011, and each January 15 thereafter, the department shall make recommendations to the legislature:

(1) to adopt regulations or proposals (i) identified under paragraph (a), including any modifications of the regulations or proposals or (ii) any regulations or proposals initiated by the department itself, by another state agency, or by legislation; and

(2) to reject regulations or proposals identified in paragraph (a).

The department's external scientific peer review panel shall consider in making its recommendations whether the regulation or proposal is supported by peer-reviewed scientific evidence that the chemical in the children's product is known to (i) harm the normal development of a fetus or child or cause other developmental toxicity, (ii) cause cancer, genetic damage, or reproductive harm, (iii) disrupt the endocrine or hormone system, (iv) damage the nervous system, immune system, or organs, or cause other systemic toxicity, or (v) be persistent, bioaccumulative, and toxic.

(d) The department shall report on the regulations and proposals for which no recommendation was made by the external scientific peer review panel."

Delete the title and insert:

"A bill for an act relating to the environment; requiring the Pollution Control Agency to annually report on regulating and nonregulating mechanisms and regulations to mitigate risk or prevent exposure to chemicals in children's products; requiring the agency to make annual recommendations to the legislature; proposing coding for new law in Minnesota Statutes, chapter 325F."

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. 519, A bill for an act relating to local government; regulating nonconforming lots in shoreland areas; amending Minnesota Statutes 2008, sections 394.36, subdivision 4, by adding a subdivision; 462.357, subdivision 1e.

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

The report was adopted.

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

H. F. No. 525, A bill for an act relating to public safety; expanding the current DWI ignition interlock device pilot program by two years and applying it statewide; amending Minnesota Statutes 2008, section 171.306, subdivisions 1, 3.

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. 535, A bill for an act relating to occupations; modifying health-related licensing board provisions; amending Minnesota Statutes 2008, section 214.103, subdivision 9.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

##### HEALTH-RELATED LICENSING BOARD

Section 1. Minnesota Statutes 2008, section 214.103, subdivision 9, is amended to read:

Subd. 9. **Information to complainant.** A board shall furnish to a person who made a complaint a written description of the board's complaint process, and actions of the board relating to the complaint. ~~The written notice from the board must advise the complainant of the right to appeal the board's decision to the attorney general within 30 days of receipt of the notice.~~

#### ARTICLE 2

##### CHIROPRACTORS

Section 1. Minnesota Statutes 2008, section 148.06, subdivision 1, is amended to read:

Subdivision 1. **License required; qualifications.** No person shall practice chiropractic in this state without first being licensed by the state Board of Chiropractic Examiners. The applicant shall have earned at least one-half of all academic credits required for awarding of a baccalaureate degree from the University of Minnesota, or other university, college, or community college of equal standing, in subject matter determined by the board, and taken a four-year resident course of at least eight months each in a school or college of chiropractic or in a chiropractic program that is accredited by the Council on Chiropractic Education, ~~holds a recognition agreement with the Council on Chiropractic Education,~~ or is accredited by an agency approved by the United States Office of Education or their successors as of January 1, 1988, or is approved by a Council on Chiropractic Education member organization of the Council on Chiropractic International. The board may issue licenses to practice chiropractic without compliance with prechiropractic or academic requirements listed above if in the opinion of the board the applicant has the qualifications equivalent to those required of other applicants, the applicant satisfactorily passes written and practical examinations as required by the Board of Chiropractic Examiners, and the applicant is a graduate of a college of chiropractic ~~with a recognition agreement with the Council on Chiropractic Education approved by a Council on Chiropractic Education member organization of the Council on Chiropractic International.~~ The board may recommend a two-year prechiropractic course of instruction to any university, college, or community college which in its judgment would satisfy the academic prerequisite for licensure as established by this section.

An examination for a license shall be in writing and shall include testing in:

(a) The basic sciences including but not limited to anatomy, physiology, bacteriology, pathology, hygiene, and chemistry as related to the human body or mind;

(b) The clinical sciences including but not limited to the science and art of chiropractic, chiropractic physiotherapy, diagnosis, roentgenology, and nutrition; and

(c) Professional ethics and any other subjects that the board may deem advisable.

The board may consider a valid certificate of examination from the National Board of Chiropractic Examiners as evidence of compliance with the examination requirements of this subdivision. The applicant shall be required to give practical demonstration in vertebral palpation, neurology, adjusting and any other subject that the board may deem advisable. A license, countersigned by the members of the board and authenticated by the seal thereof, shall be granted to each applicant who correctly answers 75 percent of the questions propounded in each of the subjects required by this subdivision and meets the standards of practical demonstration established by the board. Each application shall be accompanied by a fee set by the board. The fee shall not be returned but the applicant may, within one year, apply for examination without the payment of an additional fee. The board may grant a license to an applicant who holds a valid license to practice chiropractic issued by the appropriate licensing board of another state, provided the applicant meets the other requirements of this section and satisfactorily passes a practical examination approved by the board. The burden of proof is on the applicant to demonstrate these qualifications or satisfaction of these requirements.

### ARTICLE 3

#### PHARMACISTS

Section 1. Minnesota Statutes 2008, section 151.37, subdivision 2, is amended to read:

Subd. 2. **Prescribing and filing.** (a) A licensed practitioner in the course of professional practice only, may prescribe, administer, and dispense a legend drug, and may cause the same to be administered by a nurse, a physician assistant, or medical student or resident under the practitioner's direction and supervision, and may cause a person who is an appropriately certified, registered, or licensed health care professional to prescribe, dispense, and administer the same within the expressed legal scope of the person's practice as defined in Minnesota Statutes. A licensed practitioner may prescribe a legend drug, without reference to a specific patient, by directing a nurse, pursuant to section 148.235, subdivisions 8 and 9, physician assistant, ~~or~~ medical student or resident, or pharmacist according to section 151.01, subdivision 27, to adhere to a particular practice guideline or protocol when treating patients whose condition falls within such guideline or protocol, and when such guideline or protocol specifies the circumstances under which the legend drug is to be prescribed and administered. An individual who verbally, electronically, or otherwise transmits a written, oral, or electronic order, as an agent of a prescriber, shall not be deemed to have prescribed the legend drug. This paragraph applies to a physician assistant only if the physician assistant meets the requirements of section 147A.18.

(b) A licensed practitioner that dispenses for profit a legend drug that is to be administered orally, is ordinarily dispensed by a pharmacist, and is not a vaccine, must file with the practitioner's licensing board a statement indicating that the practitioner dispenses legend drugs for profit, the general circumstances under which the practitioner dispenses for profit, and the types of legend drugs generally dispensed. It is unlawful to dispense legend drugs for profit after July 31, 1990, unless the statement has been filed with the appropriate licensing board. For purposes of this paragraph, "profit" means (1) any amount received by the practitioner in excess of the acquisition cost of a legend drug for legend drugs that are purchased in prepackaged form, or (2) any amount received by the practitioner in excess of the acquisition cost of a legend drug plus the cost of making the drug available if the legend drug requires compounding, packaging, or other treatment. The statement filed under this paragraph is public data under section 13.03. This paragraph does not apply to a licensed doctor of veterinary medicine or a registered pharmacist. Any person other than a licensed practitioner with the authority to prescribe, dispense, and administer a legend drug under paragraph (a) shall not dispense for profit. To dispense for profit does not include dispensing by a community health clinic when the profit from dispensing is used to meet operating expenses.

(c) A prescription or drug order for the following drugs is not valid, unless it can be established that the prescription or order was based on a documented patient evaluation, including an examination, adequate to establish a diagnosis and identify underlying conditions and contraindications to treatment:



- (1) controlled substance drugs listed in section 152.02, subdivisions 3 to 5;
  - (2) drugs defined by the Board of Pharmacy as controlled substances under section 152.02, subdivisions 7, 8, and 12;
  - (3) muscle relaxants;
  - (4) centrally acting analgesics with opioid activity;
  - (5) drugs containing butalbital; or
  - (6) phosphodiesterase type 5 inhibitors when used to treat erectile dysfunction.
- (d) For the purposes of paragraph (c), the requirement for an examination shall be met if an in-person examination has been completed in any of the following circumstances:
- (1) the prescribing practitioner examines the patient at the time the prescription or drug order is issued;
  - (2) the prescribing practitioner has performed a prior examination of the patient;
  - (3) another prescribing practitioner practicing within the same group or clinic as the prescribing practitioner has examined the patient;
  - (4) a consulting practitioner to whom the prescribing practitioner has referred the patient has examined the patient; or
  - (5) the referring practitioner has performed an examination in the case of a consultant practitioner issuing a prescription or drug order when providing services by means of telemedicine.
- (e) Nothing in paragraph (c) or (d) prohibits a licensed practitioner from prescribing a drug through the use of a guideline or protocol pursuant to paragraph (a).
- (f) Nothing in this chapter prohibits a licensed practitioner from issuing a prescription or dispensing a legend drug in accordance with the Expedited Partner Therapy in the Management of Sexually Transmitted Diseases guidance document issued by the United States Centers for Disease Control.
- (g) Nothing in paragraph (c) or (d) limits prescription, administration, or dispensing of legend drugs through a public health clinic or other distribution mechanism approved by the commissioner of health or a board of health in order to prevent, mitigate, or treat a pandemic illness, infectious disease outbreak, or intentional or accidental release of a biological, chemical, or radiological agent.
- (h) No pharmacist employed by, under contract to, or working for a pharmacy licensed under section 151.19, subdivision 1, may dispense a legend drug based on a prescription that the pharmacist knows, or would reasonably be expected to know, is not valid under paragraph (c).
- (i) No pharmacist employed by, under contract to, or working for a pharmacy licensed under section 151.19, subdivision 2, may dispense a legend drug to a resident of this state based on a prescription that the pharmacist knows, or would reasonably be expected to know, is not valid under paragraph (c).

## ARTICLE 4

## RESPIRATORY THERAPY

Section 1. Minnesota Statutes 2008, section 147C.01, is amended to read:

**147C.01 DEFINITIONS.**

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

Subd. 2. **Advisory council.** "Advisory council" means the Respiratory Care ~~Practitioner~~ Advisory Council established under section 147C.35.

Subd. 3. **Approved education program.** "Approved education program" means a university, college, or other postsecondary education program leading to eligibility for registry or certification in respiratory care, that, at the time the student completes the program, is accredited by a national accrediting organization approved by the board.

Subd. 4. **Board.** "Board" means the Board of Medical Practice or its designee.

Subd. 5. **Contact hour.** "Contact hour" means an instructional session of 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Subd. 6. **Credential.** "Credential" means a license, ~~permit, certification, registration,~~ or other evidence of qualification or authorization to engage in respiratory care practice in this state or any other state.

Subd. 7. **Credentialing examination.** "Credentialing examination" means an examination administered by the National Board for Respiratory Care ~~or other national testing organization approved by the board, its successor organization, or the Canadian Society for Respiratory Care~~ for credentialing as a ~~certified respiratory therapy technician, registered respiratory therapist,~~ or other title indicating an entry or advanced level respiratory care practitioner.

Subd. 7a. **Equipment maintenance.** "Equipment maintenance" includes, but is not limited to, downloading and subsequent reporting of stored compliance and physiological data, and adjustments to respiratory equipment based on compliance downloads, protocols, and provider orders specific to noninvasive CPAP/Bilevel devices.

Subd. 8. **Health care facility.** "Health care facility" means a hospital as defined in section 144.50, subdivision 2, a medical facility as defined in section 144.561, subdivision 1, paragraph (b), or a nursing home as defined in section 144A.01, subdivision 5, a long-term acute care facility, a subacute care facility, an outpatient clinic, a physician's office, a rehabilitation facility, or a hospice.

Subd. 9. **Qualified medical direction.** "Qualified medical direction" means direction from a licensed physician who is on the staff or is a consultant of a health care facility or home care agency or home medical equipment provider and who has a special interest in and knowledge of the diagnosis and treatment of deficiencies, abnormalities, and diseases of the cardiopulmonary system.

Subd. 9a. **Patient instruction.** "Patient instruction" includes, but is not limited to, patient education on the care, use, and maintenance of respiratory equipment, and patient interface fittings and adjustments.

Subd. 10. **Respiratory care.** "Respiratory care" means the provision of services described under section 147C.05 for the assessment, treatment, education, management, evaluation, and care of patients with deficiencies, abnormalities, and diseases of the cardiopulmonary system, under the ~~guidance of qualified medical direction~~

supervision of a physician and pursuant to a referral, or verbal, written, or telecommunicated order from a physician who has medical responsibility for the patient, nurse practitioner, or physician assistant. ~~It~~ Respiratory care includes, but is not limited to, education pertaining to health promotion ~~and,~~ disease prevention and management, patient care, and treatment.

Sec. 2. Minnesota Statutes 2008, section 147C.05, is amended to read:

**147C.05 SCOPE OF PRACTICE.**

(a) The practice of respiratory care by a ~~registered~~ licensed respiratory care ~~practitioner~~ therapist includes, but is not limited to, the following services:

(1) providing and monitoring therapeutic administration of medical gases, aerosols, humidification, and pharmacological agents related to respiratory care procedures, but not including administration of general anesthesia;

(2) carrying out therapeutic application and monitoring of mechanical ventilatory support;

(3) providing cardiopulmonary resuscitation and maintenance of natural airways and insertion and maintenance of artificial airways;

(4) assessing and monitoring signs, symptoms, and general behavior relating to, and general physical response to, respiratory care treatment or evaluation for treatment and diagnostic testing, including determination of whether the signs, symptoms, reactions, behavior, or general response exhibit abnormal characteristics;

(5) obtaining physiological specimens and interpreting physiological data including:

(i) analyzing arterial and venous blood gases;

(ii) assessing respiratory secretions;

(iii) measuring ventilatory volumes, pressures, and flows;

(iv) testing pulmonary function;

(v) testing and studying the cardiopulmonary system; and

(vi) diagnostic and therapeutic testing of breathing patterns related to sleep disorders;

(6) assisting hemodynamic monitoring and support of the cardiopulmonary system;

(7) assessing and making suggestions for modifications in the treatment regimen based on abnormalities, protocols, or changes in patient response to respiratory care treatment;

(8) providing cardiopulmonary rehabilitation including respiratory-care related educational components, postural drainage, chest physiotherapy, breathing exercises, aerosolized administration of medications, and equipment use and maintenance;

(9) instructing patients and their families in techniques for the prevention, alleviation, and rehabilitation of deficiencies, abnormalities, and diseases of the cardiopulmonary system; and

(10) transcribing and implementing verbal, written, or telecommunicated orders from a physician orders, nurse practitioner, or physician assistant for respiratory care services.

(b) ~~Patient service by a practitioner must be limited to:~~

~~(1) services within the training and experience of the practitioner; and~~

~~(2) services within the parameters of the laws, rules, and standards of the facilities in which the respiratory care practitioner practices.~~

~~(c) Respiratory care services provided by a registered respiratory care practitioner, whether delivered in a health care facility or the patient's residence, must not be provided except upon referral from a physician.~~

(b) This section does not prohibit a respiratory therapist from performing advances in the art and techniques of respiratory care learned through formal or specialized training as approved by the Respiratory Care Advisory Council.

~~(c) This section does not prohibit an individual licensed or registered credentialed as a respiratory therapist in another state or country from providing respiratory care in an emergency in this state, providing respiratory care as a member of an organ harvesting team, or from providing respiratory care on board an ambulance as part of an ambulance treatment team.~~

Sec. 3. Minnesota Statutes 2008, section 147C.10, is amended to read:

**147C.10 UNLICENSED PRACTICE PROHIBITED; PROTECTED TITLES AND RESTRICTIONS ON USE.**

Subdivision 1. **Protected titles.** ~~No individual may~~ A person who does not hold a license or temporary permit under this chapter as a respiratory therapist or whose license or permit has lapsed, been suspended, or revoked may not use the title "Minnesota registered licensed respiratory care practitioner therapist," "registered licensed respiratory care practitioner therapist," "respiratory care practitioner," "respiratory therapist," "respiratory therapy (or care) technician," "inhalation therapist," or "inhalation therapy technician," or use, in connection with the individual's name, the letters "RCP," "RT" or "LRT" or any other titles, words, letters, abbreviations, or insignia indicating or implying that the individual is eligible for registration licensure by the state as a respiratory care practitioner therapist unless the individual has been registered licensed as a respiratory care practitioner therapist according to this chapter.

Subd. 1a. **Unlicensed practice prohibited.** No person shall practice respiratory care unless the person is licensed as a respiratory therapist under this chapter except as otherwise provided under this chapter.

Subd. 2. **Other health care practitioners.** (a) Nonphysician individuals practicing in a health care occupation or profession are not restricted in the provision of services included in section 147C.05, as long as they do not hold themselves out as respiratory care practitioners by or through the use of the titles provided in subdivision 1 in association with provision of these services. Nothing in this chapter shall prohibit the practice of any profession or occupation licensed or registered by the state by any person duly licensed or registered to practice the profession or occupation or to perform any act that falls within the scope of practice of the profession or occupation.

~~(b) Physician practitioners are exempt from this chapter.~~

(e) Nothing in this chapter shall be construed to require ~~registration of a respiratory care license for:~~

(1) a ~~respiratory care practitioner~~ student enrolled in a respiratory therapy or polysomnography technology education program accredited by the Commission on Accreditation of Allied Health Education Programs, its successor organization, or another nationally recognized accrediting organization ~~approved by the board; and~~

(2) a respiratory ~~care practitioner employed in the service of the federal government~~ therapist as a member of the United States armed forces while performing duties incident to that ~~employment; duty;~~

(3) an individual employed by a durable medical equipment provider or home medical equipment provider who delivers, sets up, instructs the patient on the use of, or maintains respiratory care equipment, but does not perform assessment, education, or evaluation of the patient;

(4) self-care by a patient or gratuitous care by a friend or relative who does not purport to be a licensed respiratory therapist; or

(5) an individual employed in a sleep lab or center as a polysomnographic technologist under the supervision of a licensed physician.

Subd. 3. **Penalty.** A person who violates ~~subdivision 1~~ this section is guilty of a gross misdemeanor.

Subd. 4. **Identification of ~~registered licensed~~ practitioners.** Respiratory ~~care practitioners registered therapists licensed~~ in Minnesota shall wear name tags that identify them as respiratory ~~care practitioners~~ therapists while in a professional setting. If not written in full, this must be designated as ~~RCP, "RT" or "LRT."~~ A student attending ~~a~~ an accredited respiratory therapy ~~training education program or a tutorial intern program~~ must be identified as a student respiratory ~~care practitioner~~ therapist. This abbreviated designation is Student ~~RCP RT~~. Unregulated individuals who work in an assisting respiratory role under the supervision of respiratory ~~care practitioners~~ therapists must be identified as respiratory ~~care~~ therapy assistants or aides.

Sec. 4. Minnesota Statutes 2008, section 147C.15, is amended to read:

#### **147C.15 ~~REGISTRATION LICENSURE~~ REQUIREMENTS.**

Subdivision 1. **General requirements for ~~registration licensure~~.** To be eligible for ~~registration a license~~, an applicant, with the exception of those seeking ~~registration licensure~~ by reciprocity under subdivision 2, must:

(1) submit a completed application on forms provided by the board along with all fees required under section 147C.40 that includes:

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

(ii) the name and location of the respiratory ~~care~~ therapy education program the applicant completed;

(iii) a list of degrees received from educational institutions;

(iv) a description of the applicant's professional training beyond the first degree received;

(v) the applicant's work history for the five years preceding the application, including the average number of hours worked per week;

- (vi) a list of registrations, certifications, and licenses held in other jurisdictions;
- (vii) a description of any other jurisdiction's refusal to credential the applicant;
- (viii) a description of all professional disciplinary actions initiated against the applicant in any jurisdiction; and
- (ix) any history of drug or alcohol abuse, and any misdemeanor or felony conviction;

(2) submit a certificate of completion from an approved education program;

(3) achieve a qualifying score on a credentialing examination within five years prior to application for registration;

(4) submit a verified copy of a valid and current credential, issued by the National Board for Respiratory Care or other board-approved national organization, as a certified respiratory ~~therapy technician~~ therapist, registered respiratory therapist, or other entry or advanced level respiratory ~~care practitioner~~ therapist designation;

(5) submit additional information as requested by the board, including providing any additional information necessary to ensure that the applicant is able to practice with reasonable skill and safety to the public;

(6) sign a statement that the information in the application is true and correct to the best of the applicant's knowledge and belief; and

(7) sign a waiver authorizing the board to obtain access to the applicant's records in this or any other state in which the applicant has completed an approved education program or engaged in the practice of respiratory ~~care~~ therapy.

Subd. 2. **Registration Licensure by reciprocity.** To be eligible for ~~registration~~ licensure by reciprocity, the applicant must be credentialed by the National Board for Respiratory Care or other board-approved organization and have worked at least eight weeks of the previous five years as a respiratory ~~care practitioner~~ therapist and must:

(1) submit the application materials and fees as required by subdivision 1, clauses (1), (4), (5), (6), and (7);

(2) provide a verified copy from the appropriate government body of a current and unrestricted credential or license for the practice of respiratory ~~care~~ therapy in another jurisdiction that has initial credentialing requirements equivalent to or higher than the requirements in subdivision 1; and

(3) provide letters of verification from the appropriate government body in each jurisdiction in which the applicant holds a credential or license. Each letter must state the applicant's name, date of birth, credential number, date of issuance, a statement regarding disciplinary actions, if any, taken against the applicant, and the terms under which the credential was issued.

Subd. 3. **Temporary permit.** The board may issue a temporary permit to practice as a respiratory ~~care practitioner~~ therapist to an applicant eligible for ~~registration~~ licensure under this section if the application for ~~registration~~ licensure is complete, all applicable requirements in this section have been met, and a nonrefundable fee set by the board has been paid. The permit remains valid only until the meeting of the board at which a decision is made on the respiratory ~~care practitioner's~~ therapist's application for ~~registration~~ licensure.

Subd. 4. **Temporary registration.** ~~The board may issue temporary registration as a respiratory care practitioner for a period of one year to an applicant for registration under this section if the application for registration is complete, all applicable requirements have been met with exception of completion of a credentialing examination,~~

~~and a nonrefundable fee set by the board has been paid. A respiratory care practitioner with temporary registration may qualify for full registration status upon submission of verified documentation that the respiratory care practitioner has achieved a qualifying score on a credentialing examination within one year after receiving temporary registration status. Temporary registration may not be renewed.~~

~~Subd. 5. **Practice limitations with temporary registration.** A respiratory care practitioner with temporary registration is limited to working under the direct supervision of a registered respiratory care practitioner or physician able to provide qualified medical direction. The respiratory care practitioner or physician must be present in the health care facility or readily available by telecommunication at the time the respiratory care services are being provided. A registered respiratory care practitioner may supervise no more than two respiratory care practitioners with temporary registration status.~~

Subd. 6. **Registration License expiration.** Registrations Licenses issued under this chapter expire annually.

Subd. 7. **Renewal.** (a) To be eligible for ~~registration license~~ renewal a ~~registrant licensee~~ must:

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

(2) submit the renewal fee;

(3) provide evidence every two years of a total of 24 hours of continuing education approved by the board as described in section 147C.25; and

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

(b) Applicants for renewal who have not practiced the equivalent of eight full weeks during the past five years must achieve a passing score on retaking the credentialing examination, ~~or complete no less than eight weeks of advisory council approved supervised clinical experience having a broad base of treatment modalities and patient care.~~

Subd. 8. **Change of address.** A ~~registrant licensee~~ who changes addresses must inform the board within 30 days, in writing, of the change of address. All notices or other correspondence mailed to or served on a ~~registrant licensee~~ by the board at the ~~registrant's licensee's~~ address on file with the board shall be considered as having been received by the ~~registrant licensee~~.

Subd. 9. **Registration License renewal notice.** At least 30 days before the ~~registration license~~ renewal date, the board shall send out a renewal notice to the last known address of the ~~registrant licensee~~ on file. The notice must include a renewal application and a notice of fees required for renewal. It must also inform the ~~registrant licensee~~ that ~~registration the license~~ will expire without further action by the board if an application for ~~registration license~~ renewal is not received before the deadline for renewal. The ~~registrant's licensee's~~ failure to receive this notice shall not relieve the ~~registrant licensee~~ of the obligation to meet the deadline and other requirements for ~~registration license~~ renewal. Failure to receive this notice is not grounds for challenging expiration of ~~registered licensure~~ status.

Subd. 10. **Renewal deadline.** The renewal application and fee must be postmarked on or before July 1 of the year of renewal or as determined by the board. If the postmark is illegible, the application shall be considered timely if received by the third working day after the deadline.

~~Subd. 11. **Inactive status and return to active status.** (a) A registration may be placed in inactive status upon application to the board by the registrant and upon payment of an inactive status fee.~~

~~(b) Registrants seeking restoration to active from inactive status must pay the current renewal fees and all unpaid back inactive fees. They must meet the criteria for renewal specified in subdivision 7, including continuing education hours equivalent to one hour for each month of inactive status, prior to submitting an application to regain registered status. If the inactive status extends beyond five years, a qualifying score on a credentialing examination, or completion of an advisory council approved eight week supervised clinical training experience is required. If the registrant intends to regain active registration by means of eight weeks of advisory council approved clinical training experience, the registrant shall be granted temporary registration for a period of no longer than six months.~~

Subd. 12. **Registration Licensure following lapse of registration licensed status for two years or less.** For any individual whose ~~registration status~~ license has lapsed for two years or less, to regain ~~registration status~~ a license, the individual must:

- (1) apply for ~~registration~~ license renewal according to subdivision 7;
- (2) document compliance with the continuing education requirements of section 147C.25 since the ~~registrant's~~ licensee's initial ~~registration~~ licensure or last renewal; and
- (3) submit the fees required under section 147C.40 for the period not ~~registered~~ licensed, including the fee for late renewal.

Subd. 13. **Cancellation due to nonrenewal.** The board shall not renew, reissue, reinstate, or restore a ~~registration~~ license that has lapsed and has not been renewed within two annual ~~registration~~ renewal cycles ~~starting July 1997~~. A ~~registrant~~ licensee whose ~~registration~~ license is canceled for nonrenewal must obtain a new ~~registration~~ license by applying for ~~registration~~ licensure and fulfilling all requirements then in existence for initial ~~registration~~ licensure as a respiratory care ~~practitioner~~ therapist.

Subd. 14. **Cancellation of registration license in good standing.** (a) A ~~registrant~~ licensee holding an active ~~registration~~ license as a respiratory care ~~practitioner~~ therapist in the state may, upon approval of the board, be granted ~~registration~~ license cancellation if the board is not investigating the person as a result of a complaint or information received or if the board has not begun disciplinary proceedings against the ~~registrant~~ licensee. Such action by the board shall be reported as a cancellation of ~~registration~~ a license in good standing.

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

(c) To obtain ~~registration~~ a license after cancellation, a ~~registrant~~ licensee must obtain a new ~~registration~~ license by applying for ~~registration~~ licensure and fulfilling the requirements then in existence for obtaining initial ~~registration~~ licensure as a respiratory care ~~practitioner~~ therapist.

Sec. 5. Minnesota Statutes 2008, section 147C.20, is amended to read:

**147C.20 BOARD ACTION ON APPLICATIONS FOR REGISTRATION LICENSURE.**

- (a) The board shall act on each application for ~~registration~~ licensure according to paragraphs (b) to (d).
- (b) The board shall determine if the applicant meets the requirements for ~~registration~~ licensure under section 147C.15. The board or advisory council may investigate information provided by an applicant to determine whether the information is accurate and complete.



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

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

Sec. 6. Minnesota Statutes 2008, section 147C.25, is amended to read:

#### **147C.25 CONTINUING EDUCATION REQUIREMENTS.**

Subdivision 1. **Number of required contact hours.** Two years after the date of initial registration licensure, and every two years thereafter, a registrant licensee applying for registration license renewal must complete a minimum of 24 contact hours of board-approved continuing education in the two years preceding registration license renewal and attest to completion of continuing education requirements by reporting to the board.

Subd. 2. **Approved programs.** The board shall approve continuing education programs that have been approved for continuing education credit by the American Association of Respiratory Care or the Minnesota Society for Respiratory Care or their successor organizations. The board shall also approve programs substantially related to respiratory care therapy that are sponsored by an accredited university or college, medical school, state or national medical association, national medical specialty society, or that are approved for continuing education credit by the Minnesota Board of Nursing.

Subd. 3. **Approval of continuing education programs.** The board shall also approve continuing education programs that do not meet the requirements of subdivision 2 but that meet the following criteria:

- (1) the program content directly relates to the practice of respiratory care therapy;
- (2) each member of the program faculty is knowledgeable in the subject matter as demonstrated by a degree from an accredited education program, verifiable experience in the field of respiratory care therapy, special training in the subject matter, or experience teaching in the subject area;
- (3) the program lasts at least one contact hour;
- (4) there are specific, measurable, written objectives, consistent with the program, describing the expected outcomes for the participants; and
- (5) the program sponsor has a mechanism to verify participation and maintains attendance records for three years.

Subd. 4. **Hospital, health care facility, or medical company in-services.** Hospital, health care facility, or medical company in-service programs may qualify for continuing education credits provided they meet the requirements of this section.

Subd. 5. **Accumulation of contact hours.** A registrant licensee may not apply contact hours acquired in one two-year reporting period to a future continuing education reporting period.

Subd. 6. **Verification of continuing education credits.** The board shall periodically select a random sample of ~~registrants~~ licensees and require those ~~registrants~~ licensees to supply the board with evidence of having completed the continuing education to which they attested. Documentation may come directly from the ~~registrant~~ licensee or from state or national organizations that maintain continuing education records.

Subd. 7. **Restriction on continuing education topics.** A ~~registrant~~ licensee may apply no more than a combined total of eight hours of continuing education in the areas of management, risk management, personal growth, and educational techniques to a two-year reporting period.

Subd. 8. **Credit for credentialing examination.** A ~~registrant~~ licensee may fulfill the continuing education requirements for a two-year reporting period by achieving a qualifying score on one of the credentialing examinations or a specialty credentialing examination of the National Board for Respiratory Care or another board-approved testing organization. A ~~registrant~~ licensee may achieve 12 hours of continuing education credit by completing a National Board for Respiratory Care or other board-approved testing organization's specialty examination.

Sec. 7. Minnesota Statutes 2008, section 147C.30, is amended to read:

#### **147C.30 DISCIPLINE; REPORTING.**

For purposes of this chapter, ~~registered licensed respiratory care practitioners~~ therapists and applicants are subject to the provisions of sections 147.091 to 147.162.

Sec. 8. Minnesota Statutes 2008, section 147C.35, is amended to read:

#### **147C.35 RESPIRATORY CARE PRACTITIONER ADVISORY COUNCIL.**

Subdivision 1. **Membership.** The board shall appoint a seven-member Respiratory Care ~~Practitioner~~ Advisory Council consisting of two public members as defined in section 214.02, three ~~registered licensed respiratory care practitioners~~ therapists, and two licensed physicians with expertise in respiratory care.

Subd. 2. **Organization.** The advisory council shall be organized and administered under section 15.059.

Subd. 3. **Duties.** The advisory council shall:

- (1) advise the board regarding standards for respiratory ~~care practitioners~~ therapists;
- (2) provide for distribution of information regarding respiratory ~~care practitioner~~ therapy standards;
- (3) advise the board on enforcement of sections 147.091 to 147.162;
- (4) review applications and recommend granting or denying ~~registration licensure~~ or ~~registration~~ license renewal;
- (5) advise the board on issues related to receiving and investigating complaints, conducting hearings, and imposing disciplinary action in relation to complaints against respiratory ~~care practitioners~~ therapists;
- (6) advise the board regarding approval of continuing education programs using the criteria in section 147C.25, subdivision 3; and
- (7) perform other duties authorized for advisory councils by chapter 214, as directed by the board.

Sec. 9. Minnesota Statutes 2008, section 147C.40, is amended to read:

**147C.40 FEES.**

Subdivision 1. **Fees.** The board shall adopt rules setting:

- (1) ~~registration licensure~~ fees;
- (2) renewal fees;
- (3) late fees;
- (4) inactive status fees; and
- (5) fees for temporary permits; ~~and~~
- ~~(6) fees for temporary registration.~~

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

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

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

ARTICLE 5

PHYSICIAN ASSISTANTS

Section 1. Minnesota Statutes 2008, section 144.1501, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For purposes of this section, the following definitions apply.

(b) "Dentist" means an individual who is licensed to practice dentistry.

(c) "Designated rural area" means:

(1) an area in Minnesota outside the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, excluding the cities of Duluth, Mankato, Moorhead, Rochester, and St. Cloud; or

(2) a municipal corporation, as defined under section 471.634, that is physically located, in whole or in part, in an area defined as a designated rural area under clause (1).

(d) "Emergency circumstances" means those conditions that make it impossible for the participant to fulfill the service commitment, including death, total and permanent disability, or temporary disability lasting more than two years.

(e) "Medical resident" means an individual participating in a medical residency in family practice, internal medicine, obstetrics and gynecology, pediatrics, or psychiatry.

(f) "Midlevel practitioner" means a nurse practitioner, nurse-midwife, nurse anesthetist, advanced clinical nurse specialist, or physician assistant.

(g) "Nurse" means an individual who has completed training and received all licensing or certification necessary to perform duties as a licensed practical nurse or registered nurse.

(h) "Nurse-midwife" means a registered nurse who has graduated from a program of study designed to prepare registered nurses for advanced practice as nurse-midwives.

(i) "Nurse practitioner" means a registered nurse who has graduated from a program of study designed to prepare registered nurses for advanced practice as nurse practitioners.

(j) "Pharmacist" means an individual with a valid license issued under chapter 151.

(k) "Physician" means an individual who is licensed to practice medicine in the areas of family practice, internal medicine, obstetrics and gynecology, pediatrics, or psychiatry.

(l) "Physician assistant" means a person ~~registered~~ licensed under chapter 147A.

(m) "Qualified educational loan" means a government, commercial, or foundation loan for actual costs paid for tuition, reasonable education expenses, and reasonable living expenses related to the graduate or undergraduate education of a health care professional.

(n) "Underserved urban community" means a Minnesota urban area or population included in the list of designated primary medical care health professional shortage areas (HPSAs), medically underserved areas (MUAs), or medically underserved populations (MUPs) maintained and updated by the United States Department of Health and Human Services.

Sec. 2. Minnesota Statutes 2008, section 144E.001, subdivision 3a, is amended to read:

Subd. 3a. **Ambulance service personnel.** "Ambulance service personnel" means individuals who are authorized by a licensed ambulance service to provide emergency care for the ambulance service and are:

(1) EMTs, EMT-Is, or EMT-Ps;

(2) Minnesota registered nurses who are: (i) EMTs, are currently practicing nursing, and have passed a paramedic practical skills test, as approved by the board and administered by a training program approved by the board; (ii) on the roster of an ambulance service on or before January 1, 2000; or (iii) after petitioning the board, deemed by the board to have training and skills equivalent to an EMT, as determined on a case-by-case basis; or

(3) Minnesota ~~registered~~ licensed physician assistants who are: (i) EMTs, are currently practicing as physician assistants, and have passed a paramedic practical skills test, as approved by the board and administered by a training program approved by the board; (ii) on the roster of an ambulance service on or before January 1, 2000; or (iii) after petitioning the board, deemed by the board to have training and skills equivalent to an EMT, as determined on a case-by-case basis.

Sec. 3. Minnesota Statutes 2008, section 144E.001, subdivision 9c, is amended to read:

Subd. 9c. **Physician assistant.** "Physician assistant" means a person ~~registered~~ licensed to practice as a physician assistant under chapter 147A.

Sec. 4. Minnesota Statutes 2008, section 147.09, is amended to read:

**147.09 EXEMPTIONS.**

Section 147.081 does not apply to, control, prevent or restrict the practice, service, or activities of:

(1) A person who is a commissioned medical officer of, a member of, or employed by, the armed forces of the United States, the United States Public Health Service, the Veterans Administration, any federal institution or any federal agency while engaged in the performance of official duties within this state, if the person is licensed elsewhere.

(2) A licensed physician from a state or country who is in actual consultation here.

(3) A licensed or registered physician who treats the physician's home state patients or other participating patients while the physicians and those patients are participating together in outdoor recreation in this state as defined by section 86A.03, subdivision 3. A physician shall first register with the board on a form developed by the board for that purpose. The board shall not be required to promulgate the contents of that form by rule. No fee shall be charged for this registration.

(4) A student practicing under the direct supervision of a preceptor while the student is enrolled in and regularly attending a recognized medical school.

(5) A student who is in continuing training and performing the duties of an intern or resident or engaged in postgraduate work considered by the board to be the equivalent of an internship or residency in any hospital or institution approved for training by the board, provided the student has a residency permit issued by the board under section 147.0391.

(6) A person employed in a scientific, sanitary, or teaching capacity by the state university, the Department of Education, a public or private school, college, or other bona fide educational institution, a nonprofit organization, which has tax-exempt status in accordance with the Internal Revenue Code, section 501(c)(3), and is organized and operated primarily for the purpose of conducting scientific research directed towards discovering the causes of and cures for human diseases, or the state Department of Health, whose duties are entirely of a research, public health, or educational character, while engaged in such duties; provided that if the research includes the study of humans, such research shall be conducted under the supervision of one or more physicians licensed under this chapter.

(7) ~~Physician's~~ Physician assistants ~~registered~~ licensed in this state.

(8) A doctor of osteopathy duly licensed by the state Board of Osteopathy under Minnesota Statutes 1961, sections 148.11 to 148.16, prior to May 1, 1963, who has not been granted a license to practice medicine in accordance with this chapter provided that the doctor confines activities within the scope of the license.

(9) Any person licensed by a health-related licensing board, as defined in section 214.01, subdivision 2, or registered by the commissioner of health pursuant to section 214.13, including psychological practitioners with respect to the use of hypnosis; provided that the person confines activities within the scope of the license.

(10) A person who practices ritual circumcision pursuant to the requirements or tenets of any established religion.

(11) A Christian Scientist or other person who endeavors to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer.

(12) A physician licensed to practice medicine in another state who is in this state for the sole purpose of providing medical services at a competitive athletic event. The physician may practice medicine only on participants in the athletic event. A physician shall first register with the board on a form developed by the board for that purpose. The board shall not be required to adopt the contents of the form by rule. The physician shall provide evidence satisfactory to the board of a current unrestricted license in another state. The board shall charge a fee of \$50 for the registration.

(13) A psychologist licensed under section 148.907 or a social worker licensed under chapter 148D who uses or supervises the use of a penile or vaginal plethysmograph in assessing and treating individuals suspected of engaging in aberrant sexual behavior and sex offenders.

(14) Any person issued a training course certificate or credentialed by the Emergency Medical Services Regulatory Board established in chapter 144E, provided the person confines activities within the scope of training at the certified or credentialed level.

(15) An unlicensed complementary and alternative health care practitioner practicing according to chapter 146A.

Sec. 5. Minnesota Statutes 2008, section 147A.01, is amended to read:

#### **147A.01 DEFINITIONS.**

Subdivision 1. **Scope.** For the purpose of this chapter the terms defined in this section have the meanings given them.

~~Subd. 2. **Active status.** "Active status" means the status of a person who has met all the qualifications of a physician assistant, has a physician-physician assistant agreement in force, and is registered.~~

Subd. 3. **Administer.** "Administer" means the delivery by a physician assistant authorized to prescribe legend drugs, a single dose of a legend drug, including controlled substances, to a patient by injection, inhalation, ingestion, or by any other immediate means, and the delivery by a physician assistant ordered by a physician a single dose of a legend drug by injection, inhalation, ingestion, or by any other immediate means.

Subd. 4. **Agreement.** "Agreement" means the document described in section 147A.20.

Subd. 5. **Alternate supervising physician.** "Alternate supervising physician" means a Minnesota licensed physician listed in the physician-physician assistant delegation agreement, or supplemental listing, who is responsible for supervising the physician assistant when the ~~main~~ primary supervising physician is unavailable. The alternate supervising physician shall accept full medical responsibility for the performance, practice, and activities of the physician assistant while under the supervision of the alternate supervising physician.

Subd. 6. **Board.** "Board" means the Board of Medical Practice or its designee.

Subd. 7. **Controlled substances.** "Controlled substances" has the meaning given it in section 152.01, subdivision 4.

~~Subd. 8. **Delegation form.** "Delegation form" means the form used to indicate the categories of drugs for which the authority to prescribe, administer, and dispense has been delegated to the physician assistant and signed by the supervising physician, any alternate supervising physicians, and the physician assistant. This form is part of the agreement described in section 147A.20, and shall be maintained by the supervising physician and physician assistant at the address of record. Copies shall be provided to the board upon request. "Addendum to the delegation form" means a separate listing of the schedules and categories of controlled substances, if any, for which the physician assistant has been delegated the authority to prescribe, administer, and dispense. The addendum shall be maintained as a separate document as described above.~~

Subd. 9. **Diagnostic order.** "Diagnostic order" means a directive to perform a procedure or test, the purpose of which is to determine the cause and nature of a pathological condition or disease.

Subd. 10. **Drug.** "Drug" has the meaning given it in section 151.01, subdivision 5, including controlled substances as defined in section 152.01, subdivision 4.

Subd. 11. **Drug category.** "Drug category" means one of the categories listed on the physician-physician assistant delegation form agreement.

Subd. 12. **Inactive status.** "Inactive status" means ~~the status of a person who has met all the qualifications of a physician assistant, and is registered, but does not have a physician-physician assistant agreement in force~~ a licensed physician assistant whose license has been placed on inactive status under section 147A.05.

Subd. 13. **Internal protocol.** "Internal protocol" means ~~a document written by the supervising physician and the physician assistant which specifies the policies and procedures which will apply to the physician assistant's prescribing, administering, and dispensing of legend drugs and medical devices, including controlled substances as defined in section 152.01, subdivision 4, and lists the specific categories of drugs and medical devices, with any exceptions or conditions, that the physician assistant is authorized to prescribe, administer, and dispense. The supervising physician and physician assistant shall maintain the protocol at the address of record. Copies shall be provided to the board upon request.~~

Subd. 14. **Legend drug.** "Legend drug" has the meaning given it in section 151.01, subdivision 17.

Subd. 14a. **Licensed.** "Licensed" means meeting the qualifications in section 147A.02 and being issued a license by the board.

Subd. 14b. **Licensure.** "Licensure" means the process by which the board determines that an applicant has met the standards and qualifications in this chapter.

Subd. 15. **Locum tenens permit.** "~~Locum tenens permit~~" means ~~time specific temporary permission for a physician assistant to practice as a physician assistant in a setting other than the practice setting established in the physician-physician assistant agreement.~~

Subd. 16. **Medical device.** "Medical device" means durable medical equipment and assistive or rehabilitative appliances, objects, or products that are required to implement the overall plan of care for the patient and that are restricted by federal law to use upon prescription by a licensed practitioner.

Subd. 16a. **Notice of intent to practice.** "Notice of intent to practice" means a document sent to the board by a licensed physician assistant that documents the adoption of a physician-physician assistant delegation agreement and provides the names, addresses, and information required by section 147A.20.

Subd. 17. **Physician.** "Physician" means a person currently licensed in good standing as a physician or osteopath under chapter 147.

Subd. 17a. **Physician-physician assistant delegation agreement.** "Physician-physician assistant delegation agreement" means the document prepared and signed by the physician and physician assistant affirming the supervisory relationship and defining the physician assistant scope of practice. Alternate supervising physicians must be identified on the delegation agreement or a supplemental listing with signed attestation that each shall accept full medical responsibility for the performance, practice, and activities of the physician assistant while under the supervision of the alternate supervising physician. The physician-physician assistant delegation agreement outlines the role of the physician assistant in the practice, describes the means of supervision, and specifies the

categories of drugs, controlled substances, and medical devices that the supervising physician delegates to the physician assistant to prescribe. The physician-physician assistant delegation agreement must comply with the requirements of section 147A.20, be kept on file at the address of record, and be made available to the board or its representative upon request. A physician-physician assistant delegation agreement may not authorize a physician assistant to perform a chiropractic procedure.

Subd. 18. **Physician assistant or registered licensed physician assistant.** "Physician assistant" or "registered licensed physician assistant" means a person registered licensed pursuant to this chapter who ~~is qualified by academic or practical training or both to provide patient services as specified in this chapter, under the supervision of a supervising physician~~ meets the qualifications in section 147A.02.

Subd. 19. **Practice setting description.** "Practice setting description" means a signed record submitted to the board on forms provided by the board, on which:

(1) ~~the supervising physician assumes full medical responsibility for the medical care rendered by a physician assistant;~~

(2) ~~is recorded the address and phone number of record of each supervising physician and alternate, and the physicians' medical license numbers and DEA number;~~

(3) ~~is recorded the address and phone number of record of the physician assistant and the physician assistant's registration number and DEA number;~~

(4) ~~is recorded whether the physician assistant has been delegated prescribing, administering, and dispensing authority;~~

(5) ~~is recorded the practice setting, address or addresses and phone number or numbers of the physician assistant; and~~

(6) ~~is recorded a statement of the type, amount, and frequency of supervision.~~

Subd. 20. **Prescribe.** "Prescribe" means to direct, order, or designate by means of a prescription the preparation, use of, or manner of using a drug or medical device.

Subd. 21. **Prescription.** "Prescription" means a signed written order, ~~or~~ an oral order reduced to writing, or an electronic order meeting current and prevailing standards given by a physician assistant authorized to prescribe drugs for patients in the course of the physician assistant's practice, issued for an individual patient and containing the information required in the physician-physician assistant delegation form agreement.

Subd. 22. **Registration.** "Registration" ~~is the process by which the board determines that an applicant has been found to meet the standards and qualifications found in this chapter.~~

Subd. 23. **Supervising physician.** "Supervising physician" means a Minnesota licensed physician who accepts full medical responsibility for the performance, practice, and activities of a physician assistant under an agreement as described in section 147A.20. The supervising physician who completes and signs the delegation agreement may be referred to as the primary supervising physician. A supervising physician shall not supervise more than ~~two~~ five full-time equivalent physician assistants simultaneously. With the approval of the board, or in a disaster or emergency situation pursuant to section 147A.23, a supervising physician may supervise more than five full-time equivalent physician assistants simultaneously.



Subd. 24. **Supervision.** "Supervision" means overseeing the activities of, and accepting responsibility for, the medical services rendered by a physician assistant. The constant physical presence of the supervising physician is not required so long as the supervising physician and physician assistant are or can be easily in contact with one another by radio, telephone, or other telecommunication device. The scope and nature of the supervision shall be defined by the individual physician-physician assistant delegation agreement.

Subd. 25. **Temporary ~~registration~~ license.** "~~Temporary registration" means the status of a person who has satisfied the education requirement specified in this chapter; is enrolled in the next examination required in this chapter; or is awaiting examination results; has a physician physician assistant agreement in force as required by this chapter, and has submitted a practice setting description to the board. Such provisional registration shall expire 90 days after completion of the next examination sequence, or after one year, whichever is sooner, for those enrolled in the next examination; and upon receipt of the examination results for those awaiting examination results. The registration shall be granted by the board or its designee.~~ "Temporary license" means a license granted to a physician assistant who meets all of the qualifications for licensure but has not yet been approved for licensure at a meeting of the board.

Subd. 26. **Therapeutic order.** "Therapeutic order" means an order given to another for the purpose of treating or curing a patient in the course of a physician assistant's practice. Therapeutic orders may be written or verbal, but do not include the prescribing of legend drugs or medical devices unless prescribing authority has been delegated within the physician-physician assistant delegation agreement.

Subd. 27. **Verbal order.** "Verbal order" means an oral order given to another for the purpose of treating or curing a patient in the course of a physician assistant's practice. Verbal orders do not include the prescribing of legend drugs unless prescribing authority has been delegated within the physician-physician assistant delegation agreement.

Sec. 6. Minnesota Statutes 2008, section 147A.02, is amended to read:

#### **147A.02 QUALIFICATIONS FOR ~~REGISTRATION~~ LICENSURE.**

Except as otherwise provided in this chapter, an individual shall be ~~registered~~ licensed by the board before the individual may practice as a physician assistant.

The board may grant ~~registration~~ a license as a physician assistant to an applicant who:

- (1) submits an application on forms approved by the board;
- (2) pays the appropriate fee as determined by the board;
- (3) has current certification from the National Commission on Certification of Physician Assistants, or its successor agency as approved by the board;
- (4) certifies that the applicant is mentally and physically able to engage safely in practice as a physician assistant;
- (5) has no licensure, certification, or registration as a physician assistant under current discipline, revocation, suspension, or probation for cause resulting from the applicant's practice as a physician assistant, unless the board considers the condition and agrees to licensure;
- (6) submits any other information the board deems necessary to evaluate the applicant's qualifications; and
- (7) has been approved by the board.

All persons registered as physician assistants as of June 30, 1995, are eligible for continuing ~~registration license~~ renewal. All persons applying for ~~registration licensure~~ after that date shall be ~~registered licensed~~ according to this chapter.

Sec. 7. Minnesota Statutes 2008, section 147A.03, is amended to read:

#### **147A.03 PROTECTED TITLES AND RESTRICTIONS ON USE.**

Subdivision 1. **Protected titles.** No individual may use the titles "Minnesota ~~Registered Licensed~~ Physician Assistant," "~~Registered Licensed~~ Physician Assistant," "Physician Assistant," or "PA" in connection with the individual's name, or any other words, letters, abbreviations, or insignia indicating or implying that the individual is ~~registered with licensed by~~ the state unless they have been ~~registered licensed~~ according to this chapter.

Subd. 2. **Health care practitioners.** Individuals practicing in a health care occupation are not restricted in the provision of services included in this chapter as long as they do not hold themselves out as physician assistants by or through the titles provided in subdivision 1 in association with provision of these services.

~~Subd. 3. **Identification of registered practitioners.** Physician assistants in Minnesota shall wear name tags which identify them as physician assistants.~~

Subd. 4. **Sanctions.** Individuals who hold themselves out as physician assistants by or through any of the titles provided in subdivision 1 without prior ~~registration licensure~~ shall be subject to sanctions or actions against continuing the activity according to section 214.11, or other authority.

Sec. 8. Minnesota Statutes 2008, section 147A.04, is amended to read:

#### **147A.04 TEMPORARY ~~PERMIT~~ LICENSE.**

The board may issue a temporary ~~permit license~~ to practice to a physician assistant eligible for ~~registration licensure~~ under this chapter only if the application for ~~registration licensure~~ is complete, all requirements have been met, and a nonrefundable fee set by the board has been paid. The ~~permit temporary license~~ remains valid only until the next meeting of the board at which a decision is made on the application for ~~registration licensure~~.

Sec. 9. Minnesota Statutes 2008, section 147A.05, is amended to read:

#### **147A.05 INACTIVE ~~REGISTRATION~~ LICENSE.**

Physician assistants who notify the board in writing ~~on forms prescribed by the board~~ may elect to place their ~~registrations license~~ on an inactive status. Physician assistants with an inactive ~~registration license~~ shall be excused from payment of renewal fees and shall not practice as physician assistants. Persons who engage in practice while their ~~registrations are license is~~ lapsed or on inactive status shall be considered to be practicing without ~~registration a license~~, which shall be grounds for discipline under section 147A.13. Physician assistants who provide care under the provisions of section 147A.23 shall not be considered practicing without a license or subject to disciplinary action. Physician assistants ~~requesting restoration from inactive status who notify the board of their intent to resume active practice~~ shall be required to pay the current renewal fees and all unpaid back fees and shall be required to meet the criteria for renewal specified in section 147A.07.

Sec. 10. Minnesota Statutes 2008, section 147A.06, is amended to read:

**147A.06 CANCELLATION OF ~~REGISTRATION~~ LICENSE FOR NONRENEWAL.**

The board shall not renew, reissue, reinstate, or restore a ~~registration license~~ that has lapsed on or after July 1, 1996, and has not been renewed within two annual renewal cycles starting July 1, 1997. A ~~registrant licensee~~ whose ~~registration license~~ is canceled for nonrenewal must obtain a new ~~registration license~~ by applying for ~~registration licensure~~ and fulfilling all requirements then in existence for an initial ~~registration license~~ to practice as a physician assistant.

Sec. 11. Minnesota Statutes 2008, section 147A.07, is amended to read:

**147A.07 RENEWAL.**

A person who holds a ~~registration license~~ as a physician assistant shall annually, upon notification from the board, renew the ~~registration license~~ by:

- (1) submitting the appropriate fee as determined by the board;
- (2) completing the appropriate forms; and
- (3) meeting any other requirements of the board;
- ~~(4) submitting a revised and updated practice setting description showing evidence of annual review of the physician-physician assistant supervisory agreement.~~

Sec. 12. Minnesota Statutes 2008, section 147A.08, is amended to read:

**147A.08 EXEMPTIONS.**

(a) This chapter does not apply to, control, prevent, or restrict the practice, service, or activities of persons listed in section 147.09, clauses (1) to (6) and (8) to (13), persons regulated under section 214.01, subdivision 2, or persons defined in section 144.1501, subdivision 1, paragraphs (f), (h), and (i).

(b) Nothing in this chapter shall be construed to require ~~registration licensure~~ of:

(1) a physician assistant student enrolled in a physician assistant ~~or surgeon assistant~~ educational program accredited by the ~~Committee on Allied Health Education and Accreditation~~ Review Commission on Education for the Physician Assistant or by its successor agency approved by the board;

(2) a physician assistant employed in the service of the federal government while performing duties incident to that employment; or

(3) technicians, other assistants, or employees of physicians who perform delegated tasks in the office of a physician but who do not identify themselves as a physician assistant.

Sec. 13. Minnesota Statutes 2008, section 147A.09, is amended to read:

**147A.09 SCOPE OF PRACTICE, DELEGATION.**

Subdivision 1. **Scope of practice.** (a) Physician assistants shall practice medicine only with physician supervision. Physician assistants may perform those duties and responsibilities as delegated in the physician-physician assistant delegation agreement and delegation forms maintained at the address of record by the supervising physician and physician assistant, including the prescribing, administering, and dispensing of drugs, controlled substances, and medical devices ~~and drugs~~, excluding anesthetics, other than local anesthetics, injected in connection with an operating room procedure, inhaled anesthesia and spinal anesthesia.

Patient service must be limited to:

- (1) services within the training and experience of the physician assistant;
- (2) services customary to the practice of the supervising physician or alternate supervising physician;
- (3) services delegated by the supervising physician or alternate supervising physician under the physician-physician assistant delegation agreement; and
- (4) services within the parameters of the laws, rules, and standards of the facilities in which the physician assistant practices.

(b) Nothing in this chapter authorizes physician assistants to perform duties regulated by the boards listed in section 214.01, subdivision 2, other than the Board of Medical Practice, and except as provided in this section.

(c) Physician assistants may not engage in the practice of chiropractic.

Subd. 2. **Delegation.** Patient services may include, but are not limited to, the following, as delegated by the supervising physician and authorized in the delegation agreement:

- (1) taking patient histories and developing medical status reports;
- (2) performing physical examinations;
- (3) interpreting and evaluating patient data;
- (4) ordering or performing diagnostic procedures, including ~~radiography~~ the use of radiographic imaging systems in compliance with Minnesota Rules, chapter 4732;
- (5) ordering or performing therapeutic procedures including the use of ionizing radiation in compliance with Minnesota Rules, chapter 4732;
- (6) providing instructions regarding patient care, disease prevention, and health promotion;
- (7) assisting the supervising physician in patient care in the home and in health care facilities;
- (8) creating and maintaining appropriate patient records;
- (9) transmitting or executing specific orders at the direction of the supervising physician;

(10) prescribing, administering, and dispensing ~~legend~~ drugs, controlled substances, and medical devices if this function has been delegated by the supervising physician pursuant to and subject to the limitations of section 147A.18 and chapter 151. For physician assistants who have been delegated the authority to prescribe controlled substances shall maintain a separate addendum to the delegation form which lists all schedules and categories such delegation shall be included in the physician-physician assistant delegation agreement, and all schedules of controlled substances which the physician assistant has the authority to prescribe.—This addendum shall be maintained with the physician-physician assistant agreement, and the delegation form at the address of record shall be specified;

(11) for physician assistants not delegated prescribing authority, administering legend drugs and medical devices following prospective review for each patient by and upon direction of the supervising physician;

(12) functioning as an emergency medical technician with permission of the ambulance service and in compliance with section 144E.127, and ambulance service rules adopted by the commissioner of health;

(13) initiating evaluation and treatment procedures essential to providing an appropriate response to emergency situations; ~~and~~

(14) certifying a ~~physical disability~~ patient's eligibility for a disability parking certificate under section 169.345, subdivision ~~2a~~ 2;

(15) assisting at surgery; and

(16) providing medical authorization for admission for emergency care and treatment of a patient under section 253B.05, subdivision 2.

Orders of physician assistants shall be considered the orders of their supervising physicians in all practice-related activities, including, but not limited to, the ordering of diagnostic, therapeutic, and other medical services.

Sec. 14. Minnesota Statutes 2008, section 147A.11, is amended to read:

#### **147A.11 EXCLUSIONS OF LIMITATIONS ON EMPLOYMENT.**

Nothing in this chapter shall be construed to limit the employment arrangement of a physician assistant ~~registered~~ licensed under this chapter.

Sec. 15. Minnesota Statutes 2008, section 147A.13, is amended to read:

#### **147A.13 GROUNDS FOR DISCIPLINARY ACTION.**

Subdivision 1. **Grounds listed.** The board may refuse to grant ~~registration~~ licensure or may impose disciplinary action as described in this subdivision against any physician assistant. The following conduct is prohibited and is grounds for disciplinary action:

(1) failure to demonstrate the qualifications or satisfy the requirements for ~~registration~~ licensure contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate such qualifications or satisfaction of such requirements;

(2) obtaining ~~registration~~ a license by fraud or cheating, or attempting to subvert the examination process. Conduct which subverts or attempts to subvert the examination process includes, but is not limited to:

(i) conduct which violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination;

(ii) conduct which violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; and

(iii) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf;

(3) conviction, during the previous five years, of a felony reasonably related to the practice of physician assistant. Conviction as used in this subdivision includes a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered;

(4) revocation, suspension, restriction, limitation, or other disciplinary action against the person's physician assistant credentials in another state or jurisdiction, failure to report to the board that charges regarding the person's credentials have been brought in another state or jurisdiction, or having been refused ~~registration~~ licensure by any other state or jurisdiction;

(5) advertising which is false or misleading, violates any rule of the board, or claims without substantiation the positive cure of any disease or professional superiority to or greater skill than that possessed by another physician assistant;

(6) violating a rule adopted by the board or an order of the board, a state, or federal law which relates to the practice of a physician assistant, or in part regulates the practice of a physician assistant, including without limitation sections 148A.02, 609.344, and 609.345, or a state or federal narcotics or controlled substance law;

(7) engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient; or practice which is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of actual injury need not be established;

(8) failure to adhere to the provisions of the physician-physician assistant delegation agreement;

(9) engaging in the practice of medicine beyond that allowed by the physician-physician assistant delegation agreement, ~~including the delegation form or the addendum to the delegation form~~, or aiding or abetting an unlicensed person in the practice of medicine;

(10) adjudication as mentally incompetent, mentally ill or developmentally disabled, or as a chemically dependent person, a person dangerous to the public, a sexually dangerous person, or a person who has a sexual psychopathic personality by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a ~~registration~~ license for its duration unless the board orders otherwise;

(11) engaging in unprofessional conduct. Unprofessional conduct includes any departure from or the failure to conform to the minimal standards of acceptable and prevailing practice in which proceeding actual injury to a patient need not be established;

(12) inability to practice with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills;

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

(14) any ~~use of~~ identification of a physician assistant by the title "Physician," "Doctor," or "Dr." in a patient care setting or in a communication directed to the general public;

(15) improper management of medical records, including failure to maintain adequate medical records, to comply with a patient's request made pursuant to sections 144.291 to 144.298, or to furnish a medical record or report required by law;

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

(17) becoming addicted or habituated to a drug or intoxicant;

(18) prescribing a drug or device for other than medically accepted therapeutic, experimental, or investigative purposes authorized by a state or federal agency or referring a patient to any health care provider as defined in sections 144.291 to 144.298 for services or tests not medically indicated at the time of referral;

(19) engaging in conduct with a patient which is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior which is seductive or sexually demeaning to a patient;

(20) failure to make reports as required by section 147A.14 or to cooperate with an investigation of the board as required by section 147A.15, subdivision 3;

(21) knowingly providing false or misleading information that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo;

(22) aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2; or

(23) failure to maintain annually reviewed and updated physician-physician assistant delegation agreements, ~~internal protocols, or prescribing delegation forms~~ for each physician-physician assistant practice relationship, or failure to provide copies of such documents upon request by the board.

Subd. 2. **Effective dates, automatic suspension.** A suspension, revocation, condition, limitation, qualification, or restriction of a ~~registration~~ license shall be in effect pending determination of an appeal unless the court, upon petition and for good cause shown, orders otherwise.

A physician assistant registration license is automatically suspended if:

(1) a guardian of a registrant licensee is appointed by order of a court pursuant to sections 524.5-101 to 524.5-502, for reasons other than the minority of the registrant licensee; or

(2) the registrant licensee is committed by order of a court pursuant to chapter 253B. The registration license remains suspended until the registrant licensee is restored to capacity by a court and, upon petition by the registrant licensee, the suspension is terminated by the board after a hearing.

Subd. 3. **Conditions on reissued registration license.** In its discretion, the board may restore and reissue a physician assistant registration license, but may impose as a condition any disciplinary or corrective measure which it might originally have imposed.

Subd. 4. **Temporary suspension of registration license.** In addition to any other remedy provided by law, the board may, without a hearing, temporarily suspend the registration license of a physician assistant if the board finds that the physician assistant has violated a statute or rule which the board is empowered to enforce and continued practice by the physician assistant would create a serious risk of harm to the public. The suspension shall take effect upon written notice to the physician assistant, specifying the statute or rule violated. The suspension shall remain in effect until the board issues a final order in the matter after a hearing. At the time it issues the suspension notice, the board shall schedule a disciplinary hearing to be held pursuant to the Administrative Procedure Act.

The physician assistant shall be provided with at least 20 days' notice of any hearing held pursuant to this subdivision. The hearing shall be scheduled to begin no later than 30 days after the issuance of the suspension order.

Subd. 5. **Evidence.** In disciplinary actions alleging a violation of subdivision 1, clause (3) or (4), a copy of the judgment or proceeding under the seal of the court administrator or of the administrative agency which entered it shall be admissible into evidence without further authentication and shall constitute prima facie evidence of the contents thereof.

Subd. 6. **Mental examination; access to medical data.** (a) If the board has probable cause to believe that a physician assistant comes under subdivision 1, clause (1), it may direct the physician assistant to submit to a mental or physical examination. For the purpose of this subdivision, every physician assistant registered licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physicians' testimony or examination reports on the ground that the same constitute a privileged communication. Failure of a physician assistant to submit to an examination when directed constitutes an admission of the allegations against the physician assistant, unless the failure was due to circumstance beyond the physician assistant's control, in which case a default and final order may be entered without the taking of testimony or presentation of evidence. A physician assistant affected under this subdivision shall at reasonable intervals be given an opportunity to demonstrate that the physician assistant can resume competent practice with reasonable skill and safety to patients. In any proceeding under this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a physician assistant in any other proceeding.

(b) In addition to ordering a physical or mental examination, the board may, notwithstanding sections 13.384, 144.651, or any other law limiting access to medical or other health data, obtain medical data and health records relating to a registrant licensee or applicant without the registrant's licensee's or applicant's consent if the board has probable cause to believe that a physician assistant comes under subdivision 1, clause (1).



The medical data may be requested from a provider, as defined in section 144.291, subdivision 2, paragraph (h), an insurance company, or a government agency, including the Department of Human Services. A provider, insurance company, or government agency shall comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the provider giving the information knew, or had reason to believe, the information was false. Information obtained under this subdivision is classified as private under chapter 13.

Subd. 7. **Tax clearance certificate.** (a) In addition to the provisions of subdivision 1, the board may not issue or renew a ~~registration license~~ if the commissioner of revenue notifies the board and the ~~registrant licensee~~ or applicant for ~~registration licensure~~ that the ~~registrant licensee~~ or applicant owes the state delinquent taxes in the amount of \$500 or more. The board may issue or renew the ~~registration license~~ only if:

- (1) the commissioner of revenue issues a tax clearance certificate; and
- (2) the commissioner of revenue, the ~~registrant licensee~~, or the applicant forwards a copy of the clearance to the board.

The commissioner of revenue may issue a clearance certificate only if the ~~registrant licensee~~ or applicant does not owe the state any uncontested delinquent taxes.

(b) For purposes of this subdivision, the following terms have the meanings given:

(1) "Taxes" are all taxes payable to the commissioner of revenue, including penalties and interest due on those taxes, and

(2) "Delinquent taxes" do not include a tax liability if:

- (i) an administrative or court action that contests the amount or validity of the liability has been filed or served;
- (ii) the appeal period to contest the tax liability has not expired; or
- (iii) the licensee or applicant has entered into a payment agreement to pay the liability and is current with the payments.

(c) When a ~~registrant licensee~~ or applicant is required to obtain a clearance certificate under this subdivision, a contested case hearing must be held if the ~~registrant licensee~~ or applicant requests a hearing in writing to the commissioner of revenue within 30 days of the date of the notice provided in paragraph (a). The hearing must be held within 45 days of the date the commissioner of revenue refers the case to the Office of Administrative Hearings. Notwithstanding any law to the contrary, the licensee or applicant must be served with 20 days' notice in writing specifying the time and place of the hearing and the allegations against the registrant or applicant. The notice may be served personally or by mail.

(d) The board shall require all ~~registrants licensees~~ or applicants to provide their Social Security number and Minnesota business identification number on all ~~registration license~~ applications. Upon request of the commissioner of revenue, the board must provide to the commissioner of revenue a list of all ~~registrants licensees~~ and applicants, including their names and addresses, Social Security numbers, and business identification numbers. The commissioner of revenue may request a list of the ~~registrants licensees~~ and applicants no more than once each calendar year.

Subd. 8. **Limitation.** No board proceeding against a licensee shall be instituted unless commenced within seven years from the date of commission of some portion of the offense except for alleged violations of subdivision 1, clause (19), or subdivision 7.

Sec. 16. Minnesota Statutes 2008, section 147A.16, is amended to read:

**147A.16 FORMS OF DISCIPLINARY ACTION.**

When the board finds that a ~~registered~~ licensed physician assistant has violated a provision of this chapter, it may do one or more of the following:

- (1) revoke the ~~registration~~ license;
- (2) suspend the ~~registration~~ license;
- (3) impose limitations or conditions on the physician assistant's practice, including limiting the scope of practice to designated field specialties; impose retraining or rehabilitation requirements; require practice under additional supervision; or condition continued practice on demonstration of knowledge or skills by appropriate examination or other review of skill and competence;
- (4) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the physician assistant of any economic advantage gained by reason of the violation charged or to reimburse the board for the cost of the investigation and proceeding;
- (5) order the physician assistant to provide unremunerated professional service under supervision at a designated public hospital, clinic, or other health care institution; or
- (6) censure or reprimand the ~~registered~~ licensed physician assistant.

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

Sec. 17. Minnesota Statutes 2008, section 147A.18, is amended to read:

**147A.18 DELEGATED AUTHORITY TO PRESCRIBE, DISPENSE, AND ADMINISTER DRUGS AND MEDICAL DEVICES.**

Subdivision 1. **Delegation.** (a) A supervising physician may delegate to a physician assistant who is ~~registered with~~ licensed by the board, certified by the National Commission on Certification of Physician Assistants or successor agency approved by the board, and who is under the supervising physician's supervision, the authority to prescribe, dispense, and administer legend drugs, ~~medical devices, and~~ controlled substances, and medical devices subject to the requirements in this section. The authority to dispense includes, but is not limited to, the authority to request, receive, and dispense sample drugs. This authority to dispense extends only to those drugs described in the written agreement developed under paragraph (b).

(b) The delegation agreement between the physician assistant and supervising physician ~~and any alternate supervising physicians~~ must include a statement by the supervising physician regarding delegation or nondelegation of the functions of prescribing, dispensing, and administering ~~of~~ legend drugs, controlled substances, and medical devices to the physician assistant. The statement must include ~~a protocol indicating~~ categories of drugs for which the supervising physician delegates prescriptive and dispensing authority, including controlled substances when

applicable. The delegation must be appropriate to the physician assistant's practice and within the scope of the physician assistant's training. Physician assistants who have been delegated the authority to prescribe, dispense, and administer legend drugs, controlled substances, and medical devices shall provide evidence of current certification by the National Commission on Certification of Physician Assistants or its successor agency when ~~registering or reregistering~~ applying for licensure or license renewal as physician assistants. Physician assistants who have been delegated the authority to prescribe controlled substances must ~~present evidence of the certification and~~ also hold a valid DEA ~~certificate~~ registration. Supervising physicians shall retrospectively review the prescribing, dispensing, and administering of legend ~~and controlled~~ drugs, controlled substances, and medical devices by physician assistants, when this authority has been delegated to the physician assistant as part of the physician-physician assistant delegation agreement ~~between the physician and the physician assistant. This review must take place as outlined in the internal protocol.~~ The process and schedule for the review must be outlined in the physician-physician assistant delegation agreement.

(c) The board may establish by rule:

(1) a system of identifying physician assistants eligible to prescribe, administer, and dispense legend drugs and medical devices;

(2) a system of identifying physician assistants eligible to prescribe, administer, and dispense controlled substances;

(3) a method of determining the categories of legend ~~and controlled~~ drugs, controlled substances, and medical devices that each physician assistant is allowed to prescribe, administer, and dispense; and

(4) a system of transmitting to pharmacies a listing of physician assistants eligible to prescribe legend ~~and controlled~~ drugs, controlled substances, and medical devices.

Subd. 2. **Termination and reinstatement of prescribing authority.** ~~(a)~~ The authority of a physician assistant to prescribe, dispense, and administer legend drugs, controlled substances, and medical devices shall end immediately when:

(1) the physician-physician assistant delegation agreement is terminated;

(2) the authority to prescribe, dispense, and administer is terminated or withdrawn by the supervising physician; ~~or~~

(3) the physician assistant ~~reverts to~~ assistant's license is placed on inactive status, loses National Commission on Certification of Physician Assistants or successor agency certification, or loses or terminates registration status;

(4) the physician assistant loses National Commission on Certification of Physician Assistants or successor agency certification; or

(5) the physician assistant loses or terminates licensure status.

~~(b) The physician assistant must notify the board in writing within ten days of the occurrence of any of the circumstances listed in paragraph (a).~~

~~(c) Physician assistants whose authority to prescribe, dispense, and administer has been terminated shall reapply for reinstatement of prescribing authority under this section and meet any requirements established by the board prior to reinstatement of the prescribing, dispensing, and administering authority.~~

~~Subd. 3. **Other requirements and restrictions.** (a) The supervising physician and the physician assistant must complete, sign, and date an internal protocol which lists each category of drug or medical device, or controlled substance the physician assistant may prescribe, dispense, and administer. The supervising physician and physician assistant shall submit the internal protocol to the board upon request. The supervising physician may amend the internal protocol as necessary, within the limits of the completed delegation form in subdivision 5. The supervising physician and physician assistant must sign and date any amendments to the internal protocol. Any amendments resulting in a change to an addition or deletion to categories delegated in the delegation form in subdivision 5 must be submitted to the board according to this chapter, along with the fee required.~~

~~(b) The supervising physician and physician assistant shall review delegation of prescribing, dispensing, and administering authority on an annual basis at the time of reregistration. The internal protocol must be signed and dated by the supervising physician and physician assistant after review. Any amendments to the internal protocol resulting in changes to the delegation form in subdivision 5 must be submitted to the board according to this chapter, along with the fee required.~~

~~(c) (a) Each prescription initiated by a physician assistant shall indicate the following:~~

- ~~(1) the date of issue;~~
- ~~(2) the name and address of the patient;~~
- ~~(3) the name and quantity of the drug prescribed;~~
- ~~(4) directions for use; and~~
- ~~(5) the name and address of the prescribing physician assistant.~~

~~(d) (b) In prescribing, dispensing, and administering legend drugs, controlled substances, and medical devices, including controlled substances as defined in section 152.01, subdivision 4, a physician assistant must conform with the agreement, chapter 151, and this chapter.~~

~~Subd. 4. **Notification of pharmacies.** (a) The board shall annually provide to the Board of Pharmacy and to registered pharmacies within the state a list of those physician assistants who are authorized to prescribe, administer, and dispense legend drugs and medical devices, or controlled substances.~~

~~(b) The board shall provide to the Board of Pharmacy a list of physician assistants authorized to prescribe legend drugs and medical devices every two months if additional physician assistants are authorized to prescribe or if physician assistants have authorization to prescribe withdrawn.~~

~~(c) The list must include the name, address, telephone number, and Minnesota registration number of the physician assistant, and the name, address, telephone number, and Minnesota license number of the supervising physician.~~

~~(d) The board shall provide the form in subdivision 5 to pharmacies upon request.~~

~~(e) The board shall make available prototype forms of the physician-physician assistant agreement, the internal protocol, the delegation form, and the addendum form.~~

~~Subd. 5. **Delegation form for physician assistant prescribing.** The delegation form for physician assistant prescribing must contain a listing by drug category of the legend drugs and controlled substances for which prescribing authority has been delegated to the physician assistant.~~

Sec. 18. Minnesota Statutes 2008, section 147A.19, is amended to read:

**147A.19 IDENTIFICATION REQUIREMENTS.**

Physician assistants ~~registered~~ licensed under this chapter shall keep their ~~registration license~~ available for inspection at their primary place of business and shall, when engaged in their professional activities, wear a name tag identifying themselves as a "physician assistant."

Sec. 19. Minnesota Statutes 2008, section 147A.20, is amended to read:

**147A.20 PHYSICIAN AND PHYSICIAN PHYSICIAN-PHYSICIAN ASSISTANT AGREEMENT DOCUMENTS.**

Subdivision 1. Physician-physician assistant delegation agreement. (a) A physician assistant and supervising physician must sign ~~an~~ a physician-physician assistant delegation agreement which specifies scope of practice ~~and amount~~ and manner of supervision as required by the board. The agreement must contain:

- (1) a description of the practice setting;
- (2) ~~a statement of practice type/specialty;~~
- ~~(3)~~ a listing of categories of delegated duties;
- ~~(4)~~ (3) a description of supervision type, ~~amount, and frequency;~~ and

~~(5)~~ (4) a description of the process and schedule for review of prescribing, dispensing, and administering legend and controlled drugs and medical devices by the physician assistant authorized to prescribe.

(b) The agreement must be maintained by the supervising physician and physician assistant and made available to the board upon request. If there is a delegation of prescribing, administering, and dispensing of legend drugs, controlled substances, and medical devices, the agreement shall include ~~an internal protocol and delegation form~~ a description of the prescriptive authority delegated to the physician assistant. Physician assistants shall have a separate agreement for each place of employment. Agreements must be reviewed and updated on an annual basis. The supervising physician and physician assistant must maintain the physician-physician assistant delegation agreement, delegation form, and internal protocol at the address of record. ~~Copies shall be provided to the board upon request.~~

(c) Physician assistants must provide written notification to the board within 30 days of the following:

- (1) name change;
- (2) address of record change; and
- (3) telephone number of record change; ~~and.~~

~~(4) addition or deletion of alternate supervising physician provided that the information submitted includes, for an additional alternate physician, an affidavit of consent to act as an alternate supervising physician signed by the alternate supervising physician.~~

~~(d) Modifications requiring submission prior to the effective date are changes to the practice setting description which include:~~

- (1) ~~supervising physician change, excluding alternate supervising physicians; or~~
- (2) ~~delegation of prescribing, administering, or dispensing of legend drugs, controlled substances, or medical devices.~~
- (c) ~~The agreement must be completed and the practice setting description submitted to the board before providing medical care as a physician assistant.~~
- (d) Any alternate supervising physicians must be identified in the physician-physician assistant delegation agreement, or a supplemental listing, and must sign the agreement attesting that they shall provide the physician assistant with supervision in compliance with this chapter, the delegation agreement, and board rules.

Subd. 2. **Notification of intent to practice.** A licensed physician assistant shall submit a notification of intent to practice to the board prior to beginning practice. The notification shall include the name, business address, and telephone number of the supervising physician and the physician assistant. Individuals who practice without submitting a notification of intent to practice shall be subject to disciplinary action under section 147A.13 for practicing without a license, unless the care is provided in response to a disaster or emergency situation according to section 147A.23.

Sec. 20. Minnesota Statutes 2008, section 147A.21, is amended to read:

**147A.21 RULEMAKING AUTHORITY.**

The board shall adopt rules:

- (1) setting ~~registration~~ license fees;
- (2) setting renewal fees;
- (3) ~~setting fees for locum tenens permits;~~
- (4) setting fees for temporary ~~registration~~ licenses; and
- (~~5~~) (4) establishing renewal dates.

Sec. 21. Minnesota Statutes 2008, section 147A.23, is amended to read:

**147A.23 RESPONDING TO DISASTER SITUATIONS.**

(a) ~~A registered physician assistant or a physician assistant duly licensed or credentialed in a United States jurisdiction or by a federal employer who is responding to a need for medical care created by an emergency according to section 604A.01, or a state or local disaster may render such care as the physician assistant is able trained to provide, under the physician assistant's license, registration, or credential, without the need of a physician and physician physician-physician assistant delegation agreement or a notice of intent to practice as required under section 147A.20. Physician supervision, as required under section 147A.09, must be provided under the direction of a physician licensed under chapter 147 who is involved with the disaster response. The physician assistant must establish a temporary supervisory agreement with the physician providing supervision before rendering care. A physician assistant may provide emergency care without physician supervision or under the supervision that is available.~~

(b) The physician who provides supervision to a physician assistant while the physician assistant is rendering care ~~in a disaster~~ in accordance with this section may do so without meeting the requirements of section 147A.20.

(c) The supervising physician who otherwise provides supervision to a physician assistant under a ~~physician and physician~~ physician-physician assistant delegation agreement described in section 147A.20 shall not be held medically responsible for the care rendered by a physician assistant pursuant to paragraph (a). Services provided by a physician assistant under paragraph (a) shall be considered outside the scope of the relationship between the supervising physician and the physician assistant.

Sec. 22. Minnesota Statutes 2008, section 147A.24, is amended to read:

#### **147A.24 CONTINUING EDUCATION REQUIREMENTS.**

Subdivision 1. **Amount of education required.** Applicants for ~~registration license~~ license renewal ~~or reregistration~~ must either ~~attest to and document~~ meet standards for continuing education through current certification by the National Commission on Certification of Physician Assistants, or its successor agency as approved by the board, or provide evidence of successful completion of at least 50 contact hours of continuing education within the two years immediately preceding ~~registration license~~ license renewal, ~~reregistration, or attest to and document taking the national certifying examination required by this chapter within the past two years.~~

Subd. 2. **Type of education required.** ~~Approved~~ Continuing education is approved if it is equivalent to category 1 credit hours as defined by the American Osteopathic Association Bureau of Professional Education, the Royal College of Physicians and Surgeons of Canada, the American Academy of Physician Assistants, or by organizations that have reciprocal arrangements with the physician recognition award program of the American Medical Association.

Sec. 23. Minnesota Statutes 2008, section 147A.26, is amended to read:

#### **147A.26 PROCEDURES.**

The board shall establish, in writing, internal operating procedures for receiving and investigating complaints, accepting and processing applications, granting ~~registrations~~ licenses, and imposing enforcement actions. The written internal operating procedures may include procedures for sharing complaint information with government agencies in this and other states. Procedures for sharing complaint information must be consistent with the requirements for handling government data under chapter 13.

Sec. 24. Minnesota Statutes 2008, section 147A.27, is amended to read:

#### **147A.27 PHYSICIAN ASSISTANT ADVISORY COUNCIL.**

Subdivision 1. **Membership.** (a) The Physician Assistant Advisory Council is created and is composed of seven persons appointed by the board. The seven persons must include:

- (1) two public members, as defined in section 214.02;
- (2) three physician assistants ~~registered~~ licensed under this chapter who meet the criteria for a new applicant under section 147A.02; and
- (3) two licensed physicians with experience supervising physician assistants.

(b) No member shall serve more than ~~a total of two~~ consecutive terms. If a member is appointed for a partial term and serves more than half of that term it shall be considered a full term. ~~Members serving on the council as of July 1, 2000, shall be allowed to complete their current terms.~~

Subd. 2. **Organization.** The council shall be organized and administered under section 15.059.

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

- (1) physician assistant ~~registration~~ licensure standards;
- (2) enforcement of grounds for discipline;
- (3) distribution of information regarding physician assistant ~~registration~~ licensure standards;
- (4) applications and recommendations of applicants for ~~registration~~ licensure or ~~registration~~ license renewal; ~~and~~
- (5) complaints and recommendations to the board regarding disciplinary matters and proceedings concerning applicants and ~~registrants~~ licensees according to sections 214.10; 214.103; and 214.13, subdivisions 6 and 7; ~~and~~
- (6) issues related to physician assistant practice and regulation.

The council shall perform other duties authorized for the council by chapter 214 as directed by the board.

Sec. 25. Minnesota Statutes 2008, section 169.345, subdivision 2, is amended to read:

Subd. 2. **Definitions.** (a) For the purpose of section 168.021 and this section, the following terms have the meanings given them in this subdivision.

(b) "Health professional" means a licensed physician, ~~registered~~ licensed physician assistant, advanced practice registered nurse, or licensed chiropractor.

(c) "Long-term certificate" means a certificate issued for a period greater than 12 months but not greater than 71 months.

(d) "Organization certificate" means a certificate issued to an entity other than a natural person for a period of three years.

(e) "Permit" refers to a permit that is issued for a period of 30 days, in lieu of the certificate referred to in subdivision 3, while the application is being processed.

(f) "Physically disabled person" means a person who:

- (1) because of disability cannot walk without significant risk of falling;
- (2) because of disability cannot walk 200 feet without stopping to rest;
- (3) because of disability cannot walk without the aid of another person, a walker, a cane, crutches, braces, a prosthetic device, or a wheelchair;
- (4) is restricted by a respiratory disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter;



(5) has an arterial oxygen tension (PAO2) of less than 60 mm/Hg on room air at rest;

(6) uses portable oxygen;

(7) has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American Heart Association;

(8) has lost an arm or a leg and does not have or cannot use an artificial limb; or

(9) has a disability that would be aggravated by walking 200 feet under normal environmental conditions to an extent that would be life threatening.

(g) "Short-term certificate" means a certificate issued for a period greater than six months but not greater than 12 months.

(h) "Six-year certificate" means a certificate issued for a period of six years.

(i) "Temporary certificate" means a certificate issued for a period not greater than six months.

Sec. 26. Minnesota Statutes 2008, section 253B.02, subdivision 7, is amended to read:

Subd. 7. **Examiner.** "Examiner" means a person who is knowledgeable, trained, and practicing in the diagnosis and assessment or in the treatment of the alleged impairment, and who is:

(1) a licensed physician;

(2) a licensed psychologist who has a doctoral degree in psychology or who became a licensed consulting psychologist before July 2, 1975; or

(3) an advanced practice registered nurse certified in mental health or a licensed physician assistant, except that only a physician or psychologist meeting these requirements may be appointed by the court as described by sections 253B.07, subdivision 3; 253B.092, subdivision 8, paragraph (b); 253B.17, subdivision 3; 253B.18, subdivision 2; and 253B.19, subdivisions 1 and 2, and only a physician or psychologist may conduct an assessment as described by Minnesota Rules of Criminal Procedure, rule 20.

Sec. 27. Minnesota Statutes 2008, section 253B.05, subdivision 2, is amended to read:

Subd. 2. **Peace or health officer authority.** (a) A peace or health officer may take a person into custody and transport the person to a licensed physician or treatment facility if the officer has reason to believe, either through direct observation of the person's behavior, or upon reliable information of the person's recent behavior and knowledge of the person's past behavior or psychiatric treatment, that the person is mentally ill or developmentally disabled and in danger of injuring self or others if not immediately detained. A peace or health officer or a person working under such officer's supervision, may take a person who is believed to be chemically dependent or is intoxicated in public into custody and transport the person to a treatment facility. If the person is intoxicated in public or is believed to be chemically dependent and is not in danger of causing self-harm or harm to any person or property, the peace or health officer may transport the person home. The peace or health officer shall make written application for admission of the person to the treatment facility. The application shall contain the peace or health officer's statement specifying the reasons for and circumstances under which the person was taken into custody. If danger to specific individuals is a basis for the emergency hold, the statement must include identifying information on those individuals, to the extent practicable. A copy of the statement shall be made available to the person taken into custody.

(b) As far as is practicable, a peace officer who provides transportation for a person placed in a facility under this subdivision may not be in uniform and may not use a vehicle visibly marked as a law enforcement vehicle.

(c) A person may be admitted to a treatment facility for emergency care and treatment under this subdivision with the consent of the head of the facility under the following circumstances: (1) a written statement shall only be made by the following individuals who are knowledgeable, trained, and practicing in the diagnosis and treatment of mental illness or developmental disability; the medical officer, or the officer's designee on duty at the facility, including a licensed physician, a ~~registered~~ licensed physician assistant, or an advanced practice registered nurse who after preliminary examination has determined that the person has symptoms of mental illness or developmental disability and appears to be in danger of harming self or others if not immediately detained; or (2) a written statement is made by the institution program director or the director's designee on duty at the facility after preliminary examination that the person has symptoms of chemical dependency and appears to be in danger of harming self or others if not immediately detained or is intoxicated in public.

Sec. 28. Minnesota Statutes 2008, section 256B.0625, subdivision 28a, is amended to read:

Subd. 28a. ~~Registered~~ Licensed **physician assistant services.** Medical assistance covers services performed by a ~~registered~~ licensed physician assistant if the service is otherwise covered under this chapter as a physician service and if the service is within the scope of practice of a ~~registered~~ licensed physician assistant as defined in section 147A.09.

Sec. 29. Minnesota Statutes 2008, section 256B.0751, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For purposes of sections 256B.0751 to 256B.0753, the following definitions apply.

(b) "Commissioner" means the commissioner of human services.

(c) "Commissioners" means the commissioner of humans services and the commissioner of health, acting jointly.

(d) "Health plan company" has the meaning provided in section 62Q.01, subdivision 4.

(e) "Personal clinician" means a physician licensed under chapter 147, a physician assistant ~~registered~~ licensed and practicing under chapter 147A, or an advanced practice nurse licensed and registered to practice under chapter 148.

(f) "State health care program" means the medical assistance, MinnesotaCare, and general assistance medical care programs.

Sec. 30. **REPEALER.**

Minnesota Statutes 2008, section 147A.22, is repealed.

Sec. 31. **EFFECTIVE DATE.**

Sections 1 to 30 are effective July 1, 2009.

## ARTICLE 6

## PSYCHOLOGISTS

Section 1. Minnesota Statutes 2008, section 62M.09, subdivision 3a, is amended to read:

Subd. 3a. **Mental health and substance abuse reviews.** (a) A peer of the treating mental health or substance abuse provider or a physician must review requests for outpatient services in which the utilization review organization has concluded that a determination not to certify a mental health or substance abuse service for clinical reasons is appropriate, provided that any final determination not to certify treatment is made by a psychiatrist certified by the American Board of Psychiatry and Neurology and appropriately licensed in this state or by a doctoral-level psychologist licensed in this state if the treating provider is a psychologist.

(b) Notwithstanding the notification requirements of section 62M.05, a utilization review organization that has made an initial decision to certify in accordance with the requirements of section 62M.05 may elect to provide notification of a determination to continue coverage through facsimile or mail.

(c) This subdivision does not apply to determinations made in connection with policies issued by a health plan company that is assessed less than three percent of the total amount assessed by the Minnesota Comprehensive Health Association.

Sec. 2. Minnesota Statutes 2008, section 62U.09, subdivision 2, is amended to read:

Subd. 2. **Members.** (a) The Health Care Reform Review Council shall consist of ~~14~~ 15 members who are appointed as follows:

(1) two members appointed by the Minnesota Medical Association, at least one of whom must represent rural physicians;

(2) one member appointed by the Minnesota Nurses Association;

(3) two members appointed by the Minnesota Hospital Association, at least one of whom must be a rural hospital administrator;

(4) one member appointed by the Minnesota Academy of Physician Assistants;

(5) one member appointed by the Minnesota Business Partnership;

(6) one member appointed by the Minnesota Chamber of Commerce;

(7) one member appointed by the SEIU Minnesota State Council;

(8) one member appointed by the AFL-CIO;

(9) one member appointed by the Minnesota Council of Health Plans;

(10) one member appointed by the Smart Buy Alliance;

(11) one member appointed by the Minnesota Medical Group Management Association; ~~and~~

(12) one consumer member appointed by AARP Minnesota; and

(13) one member appointed by the Minnesota Psychological Association.

(b) If a member is no longer able or eligible to participate, a new member shall be appointed by the entity that appointed the outgoing member.

Sec. 3. Minnesota Statutes 2008, section 148.89, subdivision 5, is amended to read:

Subd. 5. **Practice of psychology.** "Practice of psychology" means the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures for any reason, including to prevent, eliminate, or manage symptomatic, maladaptive, or undesired behavior and to enhance interpersonal relationships, work, life and developmental adjustment, personal and organizational effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, the following services, regardless of whether the provider receives payment for the services:

- (1) psychological research and teaching of psychology;
- (2) assessment, including psychological testing and other means of evaluating personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;
- (3) a psychological report, whether written or oral, including testimony of a provider as an expert witness, concerning the characteristics of an individual or entity;
- (4) psychotherapy, including but not limited to, categories such as behavioral, cognitive, emotive, systems, psychophysiological, or insight-oriented therapies; counseling; hypnosis; and diagnosis and treatment of:
  - (i) mental and emotional disorder or disability;
  - (ii) alcohol and substance dependence or abuse;
  - (iii) disorders of habit or conduct;
  - (iv) the psychological aspects of physical illness or condition, accident, injury, or disability, including the psychological impact of medications;
  - (v) life adjustment issues, including work-related and bereavement issues; and
  - (vi) child, family, or relationship issues;
- (5) psychoeducational services and treatment; and
- (6) consultation and supervision.

Sec. 4. **DEADLINE FOR APPOINTMENT.**

The Minnesota Psychological Association must appoint its member to the Health Care Reform Review Council under section 2 no later than October 1, 2009.

## ARTICLE 7

### NUTRITIONISTS

Section 1. Minnesota Statutes 2008, section 148.624, subdivision 2, is amended to read:

Subd. 2. **Nutrition.** The board shall issue a license as a nutritionist to a person who files a completed application, pays all required fees, and certifies and furnishes evidence satisfactory to the board that the applicant:

- (1) meets the following qualifications:

(i) has received a master's or doctoral degree from an accredited or approved college or university with a major in human nutrition, public health nutrition, clinical nutrition, nutrition education, community nutrition, or food and nutrition; and

(ii) has completed a documented supervised preprofessional practice experience component in dietetic practice of not less than 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an individual with a doctoral degree conferred by a United States regionally accredited college or university with a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food systems management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtain their doctoral degree outside the United States and its territories must have their degrees validated as equivalent to the doctoral degree conferred by a United States regionally accredited college or university; or

(2) has ~~qualified as a diplomate of the American Board of Nutrition, Springfield, Virginia~~ received certification as a Certified Nutrition Specialist by the Certification Board for Nutrition Specialists.

Sec. 2. **REPEALER.**

Minnesota Statutes 2008, section 148.627, is repealed.

ARTICLE 8

SOCIAL WORK - AMENDMENTS TO CURRENT LICENSING STATUTE

Section 1. Minnesota Statutes 2008, section 148D.010, is amended by adding a subdivision to read:

Subd. 6a. **Clinical supervision.** "Clinical supervision" means supervision, as defined in subdivision 16, of a social worker engaged in clinical practice, as defined in subdivision 6.

Sec. 2. Minnesota Statutes 2008, section 148D.010, is amended by adding a subdivision to read:

Subd. 6b. **Graduate degree.** "Graduate degree" means a master's degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board, or a doctorate in social work from an accredited university.

Sec. 3. Minnesota Statutes 2008, section 148D.010, subdivision 9, is amended to read:

Subd. 9. **Practice of social work.** (a) "Practice of social work" means working to maintain, restore, or improve behavioral, cognitive, emotional, mental, or social functioning of clients, in a manner that applies accepted professional social work knowledge, skills, and values, including the person-in-environment perspective, by providing in person or through telephone, video conferencing, or electronic means one or more of the social work services described in paragraph (b), clauses (1) to (3). Social work services may address conditions that impair or limit behavioral, cognitive, emotional, mental, or social functioning. Such conditions include, but are not limited to, the following: abuse and neglect of children or vulnerable adults, addictions, developmental disorders, disabilities, discrimination, illness, injuries, poverty, and trauma. Practice of social work also means providing social work services in a position for which the educational basis is the individual's degree in social work described in subdivision 13.

(b) Social work services include:

(1) providing assessment and intervention through direct contact with clients, developing a plan based on information from an assessment, and providing services which include, but are not limited to, assessment, case management, client-centered advocacy, client education, consultation, counseling, crisis intervention, and referral;

(2) providing for the direct or indirect benefit of clients through administrative, educational, policy, or research services including, but not limited to:

- (i) advocating for policies, programs, or services to improve the well-being of clients;
- (ii) conducting research related to social work services;
- (iii) developing and administering programs which provide social work services;
- (iv) engaging in community organization to address social problems through planned collective action;
- (v) supervising individuals who provide social work services to clients;

(vi) supervising social workers in order to comply with the supervised practice requirements specified in sections 148D.100 to 148D.125; and

- (vii) teaching professional social work knowledge, skills, and values to students; and
- (3) engaging in clinical practice.

Sec. 4. Minnesota Statutes 2008, section 148D.010, subdivision 15, is amended to read:

Subd. 15. **Supervisee.** "Supervisee" means an individual provided evaluation and supervision or direction by a ~~social worker~~ an individual who meets the requirements of section 148D.120.

Sec. 5. Minnesota Statutes 2008, section 148D.010, is amended by adding a subdivision to read:

Subd. 17. **Supervisor.** "Supervisor" means an individual who provides evaluation and direction through supervision as specified in subdivision 16, in order to comply with sections 148D.100 to 148D.125.

Sec. 6. Minnesota Statutes 2008, section 148D.025, subdivision 2, is amended to read:

Subd. 2. **Qualifications of board members.** (a) All social worker members must have engaged in the practice of social work in Minnesota for at least one year during the ten years preceding their appointments.

(b) Five social worker members must be licensed social workers according to section 148D.055, subdivision 2. The other five members must ~~be include~~ include a licensed graduate social worker, a licensed independent social worker, ~~or~~ and at least two licensed independent clinical social ~~worker~~ workers.

(c) Eight social worker members must be engaged at the time of their appointment in the practice of social work in Minnesota in the following settings:

- (1) one member must be engaged in the practice of social work in a county agency;
- (2) one member must be engaged in the practice of social work in a state agency;
- (3) one member must be engaged in the practice of social work in an elementary, middle, or secondary school;
- (4) one member must be employed in a hospital or nursing home licensed under chapter 144 or 144A;
- (5) ~~two members~~ one member must be engaged in the practice of social work in a private agency;

(6) ~~one member~~ two members must be engaged in the practice of social work in a clinical social work setting; and

(7) one member must be an educator engaged in regular teaching duties at a program of social work accredited by the Council on Social Work Education or a similar accreditation body designated by the board.

(d) At the time of their appointments, at least six members must reside outside of the ~~seven-county~~ 11-county metropolitan area.

(e) At the time of their appointments, at least five members must be persons with expertise in communities of color.

Sec. 7. Minnesota Statutes 2008, section 148D.025, subdivision 3, is amended to read:

Subd. 3. **Officers.** The board must ~~annually~~ biennially elect from its membership a chair, vice-chair, and secretary-treasurer.

Sec. 8. Minnesota Statutes 2008, section 148D.061, subdivision 6, is amended to read:

Subd. 6. **Evaluation by supervisor.** (a) After being issued a provisional license under subdivision 1, the ~~licensee~~ licensee's supervisor must submit an evaluation ~~by the licensee's supervisor~~ every six months during the first 2,000 hours of social work practice. The evaluation must meet the requirements in section 148D.063. The supervisor must meet the eligibility requirements specified in section 148D.062.

(b) After completion of 2,000 hours of supervised social work practice, the licensee's supervisor must submit a final evaluation and attest to the applicant's ability to engage in the practice of social work ~~safely and~~ competently and ethically.

Sec. 9. Minnesota Statutes 2008, section 148D.061, subdivision 8, is amended to read:

Subd. 8. **Disciplinary or other action.** The board may take action according to sections 148D.260 to 148D.270 if:

(1) the licensee's supervisor does not submit an evaluation as required by section ~~148D.062~~ 148D.063;

(2) an evaluation submitted according to section ~~148D.062~~ 148D.063 indicates that the licensee cannot practice social work competently and ~~safely~~ ethically; or

(3) the licensee does not comply with the requirements of subdivisions 1 to 7.

Sec. 10. Minnesota Statutes 2008, section 148D.062, subdivision 2, is amended to read:

Subd. 2. **Practice requirements.** The supervision required by subdivision 1 must be obtained during the first 2,000 hours of social work practice after the effective date of the provisional license. At least three hours of supervision must be obtained during every 160 hours of practice under a provisional license until a permanent license is issued.

Sec. 11. Minnesota Statutes 2008, section 148D.063, subdivision 2, is amended to read:

Subd. 2. **Evaluation.** (a) When a ~~supervisee~~ licensee's supervisor submits an evaluation to the board according to section 148D.061, subdivision 6, the supervisee and supervisor must provide the following information on a form provided by the board:

(1) the name of the supervisee, the name of the agency in which the supervisee is being supervised, and the supervisee's position title;

(2) the name and qualifications of the supervisor;

(3) the number of hours and dates of each type of supervision completed;

(4) the supervisee's position description;

(5) a declaration that the supervisee has not engaged in conduct in violation of the standards of practice in sections 148D.195 to 148D.240;

(6) a declaration that the supervisee has practiced competently and ethically according to professional social work knowledge, skills, and values; and

(7) on a form provided by the board, an evaluation of the licensee's practice in the following areas:

(i) development of professional social work knowledge, skills, and values;

(ii) practice methods;

(iii) authorized scope of practice;

(iv) ensuring continuing competence;

(v) ethical standards of practice; and

(vi) clinical practice, if applicable.

(b) ~~The information provided on the evaluation form must demonstrate~~ supervisor must attest to the satisfaction of the board that the supervisee has met or has made progress on meeting the applicable supervised practice requirements.

Sec. 12. Minnesota Statutes 2008, section 148D.125, subdivision 1, is amended to read:

Subdivision 1. **Supervision plan.** (a) A social worker must submit, on a form provided by the board, a supervision plan for meeting the supervision requirements specified in sections 148D.100 to 148D.120.

(b) The supervision plan must be submitted no later than ~~90~~ 60 days after the licensee begins a social work practice position after becoming licensed.

(c) For failure to submit the supervision plan within ~~90~~ 60 days after beginning a social work practice position, a licensee must pay the supervision plan late fee specified in section 148D.180 when the licensee applies for license renewal.

(d) A license renewal application submitted pursuant to section 148D.070, subdivision 3, must not be approved unless the board has received a supervision plan.

(e) The supervision plan must include the following:

(1) the name of the supervisee, the name of the agency in which the supervisee is being supervised, and the supervisee's position title;



(2) the name and qualifications of the person providing the supervision;

(3) the number of hours of one-on-one in-person supervision and the number and type of additional hours of supervision to be completed by the supervisee;

(4) the supervisee's position description;

(5) a brief description of the supervision the supervisee will receive in the following content areas:

(i) clinical practice, if applicable;

(ii) development of professional social work knowledge, skills, and values;

(iii) practice methods;

(iv) authorized scope of practice;

(v) ensuring continuing competence; and

(vi) ethical standards of practice; and

(6) if applicable, a detailed description of the supervisee's clinical social work practice, addressing:

(i) the client population, the range of presenting issues, and the diagnoses;

(ii) the clinical modalities that were utilized; and

(iii) the process utilized for determining clinical diagnoses, including the diagnostic instruments used and the role of the supervisee in the diagnostic process. ~~An applicant for licensure as a licensed professional clinical counselor must present evidence of completion of a degree equivalent to that required in section 148B.5301, subdivision 1, clause (3).~~

(f) The board must receive a revised supervision plan within ~~90~~ 60 days of any of the following changes:

(1) the supervisee has a new supervisor;

(2) the supervisee begins a new social work position;

(3) the scope or content of the supervisee's social work practice changes substantially;

(4) the number of practice or supervision hours changes substantially; or

(5) the type of supervision changes as supervision is described in section 148D.100, subdivision 3, or 148D.105, subdivision 3, or as required in section 148D.115, subdivision 4.

(g) For failure to submit a revised supervision plan as required in paragraph (f), a supervisee must pay the supervision plan late fee specified in section 148D.180, when the supervisee applies for license renewal.

(h) The board must approve the supervisor and the supervision plan.

Sec. 13. Minnesota Statutes 2008, section 148D.125, subdivision 3, is amended to read:

Subd. 3. **Verification of supervised practice.** (a) ~~In addition to receiving the attestation required pursuant to subdivision 2,~~ The board must receive verification of supervised practice ~~if~~ when:

(1) ~~the board audits the supervision of a supervisee~~ licensee submits the license renewal application form pursuant to section 148D.070, subdivision 3; or

(2) an applicant applies for a license as a licensed independent social worker or as a licensed independent clinical social worker.

(b) When verification of supervised practice is required pursuant to paragraph (a), the board must receive from the supervisor the following information on a form provided by the board:

(1) the name of the supervisee, the name of the agency in which the supervisee is being supervised, and the supervisee's position title;

(2) the name and qualifications of the supervisor;

(3) the number of hours and dates of each type of supervision completed;

(4) the supervisee's position description;

(5) a declaration that the supervisee has not engaged in conduct in violation of the standards of practice specified in sections 148D.195 to 148D.240;

(6) a declaration that the supervisee has practiced ethically and competently in accordance with professional social work knowledge, skills, and values;

(7) a list of the content areas in which the supervisee has received supervision, including the following:

(i) clinical practice, if applicable;

(ii) development of professional social work knowledge, skills, and values;

(iii) practice methods;

(iv) authorized scope of practice;

(v) ensuring continuing competence; and

(vi) ethical standards of practice; and

(8) if applicable, a detailed description of the supervisee's clinical social work practice, addressing:

(i) the client population, the range of presenting issues, and the diagnoses;

(ii) the clinical modalities that were utilized; and

(iii) the process utilized for determining clinical diagnoses, including the diagnostic instruments used and the role of the supervisee in the diagnostic process.

(c) The information provided on the verification form must demonstrate to the board's satisfaction that the supervisee has met the applicable supervised practice requirements.

Sec. 14. **REPEALER.**

Minnesota Statutes 2008, sections 148D.062, subdivision 5; 148D.125, subdivision 2; and 148D.180, subdivision 8, are repealed.

Sec. 15. **EFFECTIVE DATE.**

This article is effective the day following final enactment.

ARTICLE 9

SOCIAL WORK - LICENSING STATUTE EFFECTIVE 2011

Section 1. Minnesota Statutes 2008, section 148E.010, is amended by adding a subdivision to read:

Subd. 5a. **Client system.** "Client system" means the client and those in the client's environment who are potentially influential in contributing to a resolution of the client's issues.

Sec. 2. Minnesota Statutes 2008, section 148E.010, is amended by adding a subdivision to read:

Subd. 7a. **Direct clinical client contact.** "Direct clinical client contact" means in-person or electronic media interaction with a client, including client systems and service providers, related to the client's mental and emotional functioning, differential diagnosis, and treatment, in subdivision 6.

Sec. 3. Minnesota Statutes 2008, section 148E.010, subdivision 11, is amended to read:

Subd. 11. **Practice of social work.** (a) "Practice of social work" means working to maintain, restore, or improve behavioral, cognitive, emotional, mental, or social functioning of clients, in a manner that applies accepted professional social work knowledge, skills, and values, including the person-in-environment perspective, by providing in person or through telephone, video conferencing, or electronic means one or more of the social work services described in paragraph (b), clauses (1) to (3). Social work services may address conditions that impair or limit behavioral, cognitive, emotional, mental, or social functioning. Such conditions include, but are not limited to, the following: abuse and neglect of children or vulnerable adults, addictions, developmental disorders, disabilities, discrimination, illness, injuries, poverty, and trauma. Practice of social work also means providing social work services in a position for which the educational basis is the individual's degree in social work described in subdivision 13.

(b) Social work services include:

(1) providing assessment and intervention through direct contact with clients, developing a plan based on information from an assessment, and providing services which include, but are not limited to, assessment, case management, client-centered advocacy, client education, consultation, counseling, crisis intervention, and referral;

(2) providing for the direct or indirect benefit of clients through administrative, educational, policy, or research services including, but not limited to:

(i) advocating for policies, programs, or services to improve the well-being of clients;

- (ii) conducting research related to social work services;
  - (iii) developing and administering programs which provide social work services;
  - (iv) engaging in community organization to address social problems through planned collective action;
  - (v) supervising individuals who provide social work services to clients;
  - (vi) supervising social workers in order to comply with the supervised practice requirements specified in sections 148E.100 to 148E.125; and
  - (vii) teaching professional social work knowledge, skills, and values to students; and
- (3) engaging in clinical practice.

Sec. 4. Minnesota Statutes 2008, section 148E.010, subdivision 17, is amended to read:

Subd. 17. **Supervisee.** "Supervisee" means an individual provided evaluation and supervision or direction by a ~~social worker~~ an individual who meets the requirements under section 148E.120.

Sec. 5. Minnesota Statutes 2008, section 148E.010, is amended by adding a subdivision to read:

Subd. 19. **Supervisor.** "Supervisor" means an individual who provides evaluation and direction through supervision as described in subdivision 18 in order to comply with sections 148E.100 to 148E.125.

Sec. 6. Minnesota Statutes 2008, section 148E.025, subdivision 2, is amended to read:

Subd. 2. **Qualifications of board members.** (a) All social worker members must have engaged in the practice of social work in Minnesota for at least one year during the ten years preceding their appointments.

(b) Five social worker members must be licensed social workers under section 148E.055, subdivision 2. The other five members must ~~be include~~ include a licensed graduate social worker, a licensed independent social worker, ~~or a~~ and at least two licensed independent clinical social ~~worker~~ workers.

(c) Eight social worker members must be engaged at the time of their appointment in the practice of social work in Minnesota in the following settings:

- (1) one member must be engaged in the practice of social work in a county agency;
- (2) one member must be engaged in the practice of social work in a state agency;
- (3) one member must be engaged in the practice of social work in an elementary, middle, or secondary school;
- (4) one member must be employed in a hospital or nursing home licensed under chapter 144 or 144A;
- (5) ~~two members~~ one member must be engaged in the practice of social work in a private agency;
- (6) ~~one member~~ two members must be engaged in the practice of social work in a clinical social work setting; and
- (7) one member must be an educator engaged in regular teaching duties at a program of social work accredited by the Council on Social Work Education or a similar accreditation body designated by the board.

(d) At the time of their appointments, at least six members must reside outside of the ~~seven-county~~ 11-county metropolitan area.

(e) At the time of their appointments, at least five members must be persons with expertise in communities of color.

Sec. 7. Minnesota Statutes 2008, section 148E.025, subdivision 3, is amended to read:

Subd. 3. **Officers.** The board must ~~annually~~ biennially elect from its membership a chair, vice-chair, and secretary-treasurer.

Sec. 8. Minnesota Statutes 2008, section 148E.055, subdivision 5, is amended to read:

Subd. 5. **Licensure by examination; licensed independent clinical social worker.** (a) To be licensed as a licensed independent clinical social worker, an applicant for licensure by examination must provide evidence satisfactory to the board that the applicant:

(1) has received a graduate degree in social work from a program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board, or a doctorate in social work from an accredited university;

(2) has completed 360 clock hours (one semester credit hour = 15 clock hours) in the following clinical knowledge areas:

(i) 108 clock hours (30 percent) in differential diagnosis and biopsychosocial assessment, including normative development and psychopathology across the life span;

(ii) 36 clock hours (ten percent) in assessment-based clinical treatment planning with measurable goals;

(iii) 108 clock hours (30 percent) in clinical intervention methods informed by research and current standards of practice;

(iv) 18 clock hours (five percent) in evaluation methodologies;

(v) 72 clock hours (20 percent) in social work values and ethics, including cultural context, diversity, and social policy; and

(vi) 18 clock hours (five percent) in culturally specific clinical assessment and intervention;

(3) has practiced clinical social work as defined in section 148E.010, including both diagnosis and treatment, and has met the supervised practice requirements specified in sections 148E.100 to 148E.125;

(4) has passed the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. Unless an applicant applies for licensure by endorsement according to subdivision 7, an examination is not valid if it was taken and passed eight or more years prior to submitting a completed, signed application form provided by the board;

(5) has submitted a completed, signed application form provided by the board, including the applicable application fee specified in section 148E.180. For applications submitted electronically, a "signed application" means providing an attestation as specified by the board;

(6) has submitted the criminal background check fee and a form provided by the board authorizing a criminal background check according to subdivision 8;

(7) has paid the license fee specified in section 148E.180; and

(8) has not engaged in conduct that was or would be in violation of the standards of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or would be in violation of the standards of practice, the board may take action according to sections 148E.255 to 148E.270.

(b) The requirement in paragraph (a), clause (2), may be satisfied through: (1) a graduate degree program accredited by the Council on Social Work Education, the Canadian Association of Schools of Social Work, or a similar accreditation body designated by the board; or a doctorate in social work from an accredited university; (2) ~~postgraduate~~ graduate coursework from an accredited institution of higher learning; or (3) up to 90 continuing education hours, not to exceed 20 hours of independent study as specified in section 148E.130, subdivision 5. The continuing education must have a course description available for public review and must include a posttest. Compliance with this requirement must be documented on a form provided by the board. The board may conduct audits of the information submitted in order to determine compliance with the requirements of this section.

(c) An application which is not completed and signed, or which is not accompanied by the correct fee, must be returned to the applicant, along with any fee submitted, and is void.

(d) By submitting an application for licensure, an applicant authorizes the board to investigate any information provided or requested in the application. The board may request that the applicant provide additional information, verification, or documentation.

(e) Within one year of the time the board receives an application for licensure, the applicant must meet all the requirements specified in paragraph (a) and must provide all of the information requested by the board according to paragraph (d). If within one year the applicant does not meet all the requirements, or does not provide all of the information requested, the applicant is considered ineligible and the application for licensure must be closed.

(f) Except as provided in paragraph (g), an applicant may not take more than three times the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board. An applicant must receive a passing score on the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board no later than 18 months after the first time the applicant failed the examination.

(g) Notwithstanding paragraph (f), the board may allow an applicant to take, for a fourth or subsequent time, the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board if the applicant:

(1) meets all requirements specified in paragraphs (a) to (e) other than passing the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board;

(2) provides to the board a description of the efforts the applicant has made to improve the applicant's score and demonstrates to the board's satisfaction that the efforts are likely to improve the score; and

(3) provides to the board letters of recommendation from two licensed social workers attesting to the applicant's ability to practice social work competently and ethically according to professional social work knowledge, skills, and values.

(h) An individual must not practice social work until the individual passes the examination and receives a social work license under this section or section 148E.060. If the board has reason to believe that an applicant may be practicing social work without a license, and the applicant has failed the clinical or equivalent examination administered by the Association of Social Work Boards or a similar examination body designated by the board, the board may notify the applicant's employer that the applicant is not licensed as a social worker.

Sec. 9. Minnesota Statutes 2008, section 148E.100, is amended by adding a subdivision to read:

**Subd. 2a. Supervised practice obtained prior to August 1, 2011.** (a) Notwithstanding the requirements in subdivisions 1 and 2, the board shall approve hours of supervised practice completed prior to August 1, 2011, which comply with sections 148D.100 to 148D.125. These hours must apply to supervised practice requirements in effect as specified in this section.

(b) Any additional hours of supervised practice obtained effective August 1, 2011, must comply with the increased requirements specified in this section.

Sec. 10. Minnesota Statutes 2008, section 148E.100, subdivision 3, is amended to read:

**Subd. 3. Types of supervision.** Of the 100 hours of supervision required under subdivision 1:

(1) 50 hours must be provided through one-on-one supervision, including: (i) a minimum of 25 hours of in-person supervision, and (ii) no more than 25 hours of supervision via eye-to-eye electronic media, while maintaining visual contact; and

(2) 50 hours must be provided through: (i) one-on-one supervision, or (ii) group supervision. The supervision may be in person, by telephone, or via eye-to-eye electronic media, while maintaining visual contact. The supervision must not be provided by e-mail. Group supervision is limited to six ~~members not counting the supervisor or supervisors supervisees~~.

Sec. 11. Minnesota Statutes 2008, section 148E.100, subdivision 4, is amended to read:

**Subd. 4. Supervisor requirements.** The supervision required by subdivision 1 must be provided by a supervisor who meets the requirements specified in section 148E.120. The supervision must be provided by a:

(1) ~~is a~~ licensed social worker who has completed the supervised practice requirements;

(2) ~~is a~~ licensed graduate social worker, licensed independent social worker, or licensed independent clinical social worker; or

(3) supervisor who meets the requirements specified in section 148E.120, subdivision 2.

Sec. 12. Minnesota Statutes 2008, section 148E.100, subdivision 5, is amended to read:

**Subd. 5. Supervisee requirements.** The supervisee must:

(1) to the satisfaction of the supervisor, practice competently and ethically according to professional social work knowledge, skills, and values;

(2) receive supervision in the following content areas:

(i) development of professional values and responsibilities;

- (ii) practice skills;
- (iii) authorized scope of practice;
- (iv) ensuring continuing competence; and
- (v) ethical standards of practice;

(3) submit a supervision plan according to section 148E.125, subdivision 1; and

(4) ~~if the board audits the supervisee's supervised practice,~~ submit verification of supervised practice according to section 148E.125, subdivision 3, when a licensed social worker applies for the renewal of a license.

Sec. 13. Minnesota Statutes 2008, section 148E.100, subdivision 6, is amended to read:

Subd. 6. **After completion of supervision requirements.** A licensed social worker who fulfills the supervision requirements specified in ~~subdivisions 1 to 5~~ this section is not required to be supervised after completion of the supervision requirements.

Sec. 14. Minnesota Statutes 2008, section 148E.100, subdivision 7, is amended to read:

Subd. 7. **Attestation Verification of supervised practice.** The social worker and the social worker's supervisor must ~~attest~~ submit verification that the supervisee has met or has made progress on meeting the applicable supervision requirements according to section 148E.125, subdivision ~~2~~ 3.

Sec. 15. Minnesota Statutes 2008, section 148E.105, subdivision 1, is amended to read:

Subdivision 1. **Supervision required after licensure.** After receiving a license from the board as a licensed graduate social worker, a licensed graduate social worker not engaged in clinical practice must obtain at least 100 hours of supervision according to the requirements of this section.

Sec. 16. Minnesota Statutes 2008, section 148E.105, is amended by adding a subdivision to read:

**Subd. 2a. Supervised practice obtained prior to August 1, 2011.** (a) Notwithstanding the requirements in subdivisions 1 and 2, the board shall approve hours of supervised practice completed prior to August 1, 2011, which comply with sections 148D.100 to 148D.125. These hours shall apply to supervised practice requirements in effect as specified in this section.

(b) Any additional hours of supervised practice obtained effective August 1, 2011, must comply with the increased requirements specified in this section.

Sec. 17. Minnesota Statutes 2008, section 148E.105, subdivision 3, is amended to read:

Subd. 3. **Types of supervision.** Of the 100 hours of supervision required under subdivision 1:

(1) 50 hours must be provided through one-on-one supervision, including: (i) a minimum of 25 hours of in-person supervision, and (ii) no more than 25 hours of supervision via eye-to-eye electronic media, while maintaining visual contact; and

(2) 50 hours must be provided through: (i) one-on-one supervision, or (ii) group supervision. The supervision may be in person, by telephone, or via eye-to-eye electronic media, while maintaining visual contact. The supervision must not be provided by e-mail. Group supervision is limited to six supervisees.



Sec. 18. Minnesota Statutes 2008, section 148E.105, subdivision 5, is amended to read:

Subd. 5. **Supervisee requirements.** The supervisee must:

(1) to the satisfaction of the supervisor, practice competently and ethically according to professional social work knowledge, skills, and values;

(2) receive supervision in the following content areas:

(i) development of professional values and responsibilities;

(ii) practice skills;

(iii) authorized scope of practice;

(iv) ensuring continuing competence; and

(v) ethical standards of practice;

(3) submit a supervision plan according to section 148E.125, subdivision 1; and

(4) verify supervised practice according to section 148E.125, subdivision 3, ~~if~~ when:

(i) ~~the board audits the supervisee's supervised practice~~ a licensed graduate social worker applies for the renewal of a license; or

(ii) a licensed graduate social worker applies for a licensed independent social worker license.

Sec. 19. Minnesota Statutes 2008, section 148E.105, subdivision 7, is amended to read:

Subd. 7. **Attestation Verification of supervised practice.** A social worker and the social worker's supervisor must ~~attest~~ submit verification that the supervisee has met or has made progress on meeting the applicable supervision requirements according to section 148E.125, subdivision ~~2~~ 3.

Sec. 20. Minnesota Statutes 2008, section 148E.106, subdivision 1, is amended to read:

Subdivision 1. **Supervision required after licensure.** After receiving a license from the board as a licensed graduate social worker, a licensed graduate social worker engaged in clinical practice must obtain at least 200 hours of supervision according to the requirements of this section-;

(1) a minimum of four hours and a maximum of eight hours of supervision must be obtained during every 160 hours of practice until the licensed graduate social worker is issued a licensed independent clinical social worker license;

(2) a minimum of 200 hours of supervision must be completed, in addition to all other requirements according to sections 148E.115 to 148E.125, to be eligible to apply for the licensed independent clinical social worker license; and

(3) the supervisee and supervisor are required to adjust the rate of supervision obtained, based on the ratio of four hours of supervision during every 160 hours of practice, to ensure compliance with the requirements in subdivision 2.

Sec. 21. Minnesota Statutes 2008, section 148E.106, subdivision 2, is amended to read:

Subd. 2. **Practice requirements.** The supervision required by subdivision 1 must be obtained ~~during the first 4,000 hours of postgraduate social work practice authorized by law. At least:~~

(1) in no less than 4,000 hours and no more than 8,000 hours of postgraduate, clinical social work practice authorized by law, including at least 1,800 hours of direct clinical client contact; and

(2) a minimum of four hours and a maximum of eight hours of supervision must be obtained during every 160 hours of practice.

Sec. 22. Minnesota Statutes 2008, section 148E.106, is amended by adding a subdivision to read:

Subd. 2a. **Supervised practice obtained prior to August 1, 2011.** (a) Notwithstanding the requirements in subdivisions 1 and 2, the board shall approve hours of supervised practice completed prior to August 1, 2011, which comply with sections 148D.100 to 148D.125. These hours shall apply to supervised practice requirements in effect as specified in this section.

(b) Any additional hours of supervised practice obtained effective August 1, 2011, must comply with the increased requirements specified in this section.

(c) Notwithstanding the requirements in subdivision 2, clause (1), direct clinical client contact hours are not: (1) required prior to August 1, 2011, and (2) required of a licensed graduate social worker engaged in clinical practice with a licensed graduate social worker license issue date prior to August 1, 2011.

Sec. 23. Minnesota Statutes 2008, section 148E.106, subdivision 3, is amended to read:

Subd. 3. **Types of supervision.** Of the 200 hours of supervision required under subdivision 1:

(1) 100 hours must be provided through one-on-one supervision, including: (i) a minimum of 50 hours of in-person supervision, and (ii) no more than 50 hours of supervision via eye-to-eye electronic media, while maintaining visual contact; and

(2) 100 hours must be provided through: (i) one-on-one supervision, or (ii) group supervision. The supervision may be in person, by telephone, or via eye-to-eye electronic media, while maintaining visual contact. The supervision must not be provided by e-mail. Group supervision is limited to six supervisees.

Sec. 24. Minnesota Statutes 2008, section 148E.106, subdivision 4, is amended to read:

Subd. 4. **Supervisor requirements.** The supervision required by subdivision 1 must be provided by a supervisor who meets the requirements specified in section 148E.120. The supervision must be provided by a:

(1) ~~by a~~ licensed independent clinical social worker; or

(2) ~~by a~~ supervisor who meets the requirements specified in section 148E.120, subdivision 2.

Sec. 25. Minnesota Statutes 2008, section 148E.106, subdivision 5, is amended to read:

Subd. 5. **Supervisee requirements.** The supervisee must:

(1) to the satisfaction of the supervisor, practice competently and ethically according to professional social work knowledge, skills, and values;

(2) receive supervision in the following content areas:

(i) development of professional values and responsibilities;

(ii) practice skills;

(iii) authorized scope of practice;

(iv) ensuring continuing competence; and

(v) ethical standards of practice;

(3) submit a supervision plan according to section 148E.125, subdivision 1; and

(4) verify supervised practice according to section 148E.125, subdivision 3, ~~if~~ when:

(i) ~~the board audits the supervisee's supervised practice~~ a licensed graduate social worker applies for the renewal of a license; or

(ii) a licensed graduate social worker applies for a licensed independent clinical social worker license.

Sec. 26. Minnesota Statutes 2008, section 148E.106, subdivision 8, is amended to read:

Subd. 8. **Eligibility to apply for licensure as a licensed independent clinical social worker.** Upon completion of not less than 4,000 hours and not more than 8,000 hours of clinical social work practice, including at least 1,800 hours of direct clinical client contact and 200 hours of supervision according to the requirements of this section, a licensed graduate social worker is eligible to apply for a licensed independent clinical social worker license under section 148E.115, subdivision 1.

Sec. 27. Minnesota Statutes 2008, section 148E.106, subdivision 9, is amended to read:

Subd. 9. **Attestation Verification of supervised practice.** A social worker and the social worker's supervisor must ~~attest~~ submit verification that the supervisee has met or has made progress on meeting the applicable supervision requirements according to section 148E.125, subdivision ~~2~~ 3.

Sec. 28. Minnesota Statutes 2008, section 148E.110, subdivision 1, is amended to read:

Subdivision 1. **Supervision required before licensure.** Before becoming licensed as a licensed independent social worker, a person must have obtained at least 100 hours of supervision during 4,000 hours of postgraduate social work practice required by law according to the requirements of section 148E.105, ~~subdivisions 3, 4, and 5~~. At least four hours of supervision must be obtained during every 160 hours of practice.

Sec. 29. Minnesota Statutes 2008, section 148E.110, is amended by adding a subdivision to read:

Subd. 1a. **Supervised practice obtained prior to August 1, 2011.** (a) Notwithstanding subdivision 1, the board shall approve supervised practice hours completed prior to August 1, 2011, which comply with sections 148D.100 to 148D.125. These hours must apply to supervised practice requirements in effect as specified in this section.

(b) Any additional hours of supervised practice obtained on or after August 1, 2011, must comply with the increased requirements in this section.

Sec. 30. Minnesota Statutes 2008, section 148E.110, subdivision 2, is amended to read:

Subd. 2. **Licensed independent social workers; clinical social work after licensure.** After licensure, a licensed independent social worker must not engage in clinical social work practice except under supervision by a licensed independent clinical social worker who meets the requirements in section 148E.120, subdivision 1, or an alternate supervisor designated according to section 148E.120, subdivision 2.

Sec. 31. Minnesota Statutes 2008, section 148E.110, is amended by adding a subdivision to read:

**Subd. 5. Supervision; licensed independent social worker engaged in clinical social work practice.** (a) After receiving a license from the board as a licensed independent social worker, a licensed independent social worker engaged in clinical social work practice must obtain at least 200 hours of supervision according to the requirements of this section.

(b) A minimum of four hours and a maximum of eight hours of supervision must be obtained during every 160 hours of practice until the licensed independent social worker is issued a licensed independent clinical social worker license.

(c) A minimum of 200 hours of supervision must be completed, in addition to all other requirements according to sections 148E.115 to 148E.125, to be eligible to apply for the licensed independent clinical social worker license.

(d) The supervisee and supervisor are required to adjust the rate of supervision obtained based on the ratio of four hours of supervision during every 160 hours of practice to ensure compliance with the requirements in subdivision 1a.

Sec. 32. Minnesota Statutes 2008, section 148E.110, is amended by adding a subdivision to read:

**Subd. 6. Practice requirements after licensure as licensed independent social worker; clinical social work practice.** (a) The supervision required by subdivision 5 must be obtained:

(1) in no less than 4,000 hours and no more than 8,000 hours of postgraduate clinical social work practice authorized by law, including at least 1,800 hours of direct clinical client contact; and

(2) a minimum of four hours and a maximum of eight hours of supervision must be obtained during every 160 hours of practice.

(b) Notwithstanding paragraph (a), clause (1), direct clinical client contact hours are not: (1) required prior to August 1, 2011, and (2) required of a licensed independent social worker engaged in clinical practice with a licensed independent social worker license issue date prior to August 1, 2011.

Sec. 33. Minnesota Statutes 2008, section 148E.110, is amended by adding a subdivision to read:

**Subd. 7. Supervision; clinical social work practice after licensure as licensed independent social worker.** Of the 200 hours of supervision required under subdivision 5:

(1) 100 hours must be provided through one-on-one supervision, including:

(i) a minimum of 50 hours of in-person supervision; and

(ii) no more than 50 hours of supervision via eye-to-eye electronic media, while maintaining visual contact; and

(2) 100 hours must be provided through:

(i) one-on-one supervision; or

(ii) group supervision.

The supervision may be by telephone, in person, or via eye-to-eye electronic media while maintaining visual contact. The supervision must not be provided by e-mail. Group supervision is limited to six supervisees.

Sec. 34. Minnesota Statutes 2008, section 148E.110, is amended by adding a subdivision to read:

Subd. 8. **Supervision; clinical social work practice after licensure.** The supervision required by subdivision 5 must be provided by a supervisor who meets the requirements specified in section 148E.120. The supervision must be provided by a:

(1) licensed independent clinical social worker; or

(2) supervisor who meets the requirements specified in section 148E.120, subdivision 2.

Sec. 35. Minnesota Statutes 2008, section 148E.110, is amended by adding a subdivision to read:

Subd. 9. **Supervisee requirements; clinical social work practice after licensure.** The supervisee must:

(1) to the satisfaction of the supervisor, practice competently and ethically according to professional social work knowledge, skills, and values;

(2) receive supervision in the following content areas:

(i) development of professional values and responsibilities;

(ii) practice skills;

(iii) authorized scope of practice;

(iv) ensuring continuing competence; and

(v) ethical standards of practice;

(3) submit a supervision plan according to section 148E.125, subdivision 1; and

(4) verify supervised practice according to section 148E.125, subdivision 3, when:

(i) a licensed independent social worker applies for the renewal of a license; or

(ii) a licensed independent social worker applies for a licensed independent clinical social worker license.

Sec. 36. Minnesota Statutes 2008, section 148E.110, is amended by adding a subdivision to read:

Subd. 10. **Limit on practice of clinical social work.** (a) Except as provided in paragraph (b), a licensed independent social worker must not engage in clinical social work practice under supervision for more than 8,000 hours. In order to practice clinical social work for more than 8,000 hours, a licensed independent social worker must obtain a licensed independent clinical social worker license.

(b) Notwithstanding the requirements of paragraph (a), the board may grant a licensed independent social worker permission to engage in clinical social work practice for more than 8,000 hours if the licensed independent social worker petitions the board and demonstrates to the board's satisfaction that for reasons of personal hardship the licensed independent social worker should be granted an extension to continue practicing clinical social work under supervision for up to an additional 2,000 hours.

Sec. 37. Minnesota Statutes 2008, section 148E.110, is amended by adding a subdivision to read:

Subd. 11. **Eligibility for licensure; licensed independent clinical social worker.** Upon completion of not less than 4,000 hours and not more than 8,000 hours of clinical social work practice, including at least 1,800 hours of direct clinical client contact and 200 hours of supervision according to the requirements of this section, a licensed independent social worker is eligible to apply for a licensed independent clinical social worker license under section 148E.115, subdivision 1.

Sec. 38. Minnesota Statutes 2008, section 148E.110, is amended by adding a subdivision to read:

Subd. 12. **Verification of supervised practice.** A social worker and the social worker's supervisor must submit verification that the supervisee has met or has made progress on meeting the applicable supervision requirements according to section 148E.125, subdivision 3.

Sec. 39. Minnesota Statutes 2008, section 148E.115, subdivision 1, is amended to read:

Subdivision 1. **Supervision required before licensure; licensed independent clinical social worker.** Before becoming licensed as a licensed independent clinical social worker, a person must have obtained at least 200 hours of supervision during at the rate of a minimum of four and a maximum of eight hours of supervision for every 160 hours of practice, in not less than 4,000 hours and not more than 8,000 hours of postgraduate clinical practice required by law, including at least 1,800 hours of direct clinical client contact, according to the requirements of section 148E.106.

Sec. 40. Minnesota Statutes 2008, section 148E.115, is amended by adding a subdivision to read:

Subd. 1a. **Supervised practice obtained prior to August 1, 2011.** (a) Notwithstanding subdivisions 1 and 2, applicants and licensees who have completed hours of supervised practice prior to August 1, 2011, which comply with sections 148D.100 to 148D.125, may have that supervised practice applied to the licensing requirement.

(b) Any additional hours of supervised practice obtained on or after August 1, 2011, must comply with the increased requirements in this section.

(c) Notwithstanding subdivision 1, in order to qualify for the licensed independent clinical social work license, direct clinical client contact hours are not:

(1) required prior to August 1, 2011; and

(2) required of either a licensed graduate social worker or a licensed independent social worker engaged in clinical practice with a license issued prior to August 1, 2011.

Sec. 41. Minnesota Statutes 2008, section 148E.120, is amended to read:

#### **148E.120 REQUIREMENTS OF SUPERVISORS.**

Subdivision 1. **Supervisors licensed as social workers.** (a) Except as provided in paragraph ~~(b)~~ (d), to be eligible to provide supervision under this section, a social worker must:

(1) ~~have at least 2,000 hours of experience in authorized social work practice. If the person is providing clinical supervision, the 2,000 hours must include 1,000 hours of experience in clinical practice;~~

~~(2)~~ have completed 30 hours of training in supervision through coursework from an accredited college or university, or through continuing education in compliance with sections 148E.130 to 148E.170;

~~(3)~~ (2) be competent in the activities being supervised; and

~~(4)~~ (3) attest, on a form provided by the board, that the social worker has met the applicable requirements specified in this section and sections 148E.100 to 148E.115. The board may audit the information provided to determine compliance with the requirements of this section.

(b) A licensed independent clinical social worker providing clinical licensing supervision to a licensed graduate social worker or a licensed independent social worker must have at least 2,000 hours of experience in authorized social work practice, including 1,000 hours of experience in clinical practice after obtaining a licensed independent clinical social work license.

(c) A licensed social worker, licensed graduate social worker, licensed independent social worker, or licensed independent clinical social worker providing nonclinical licensing supervision must have completed the supervised practice requirements specified in section 148E.100, 148E.105, 148E.106, 148E.110, or 148E.115, as applicable.

~~(b)~~ (d) If the board determines that supervision is not obtainable from an individual meeting the requirements specified in paragraph (a), the board may approve an alternate supervisor according to subdivision 2.

Subd. 2. **Alternate supervisors.** (a) The board may approve an alternate supervisor if:

(1) the board determines that supervision is not obtainable according to paragraph (b);

(2) the licensee requests in the supervision plan submitted according to section 148E.125, subdivision 1, that an alternate supervisor conduct the supervision;

(3) the licensee describes the proposed supervision and the name and qualifications of the proposed alternate supervisor; and

(4) the requirements of paragraph (d) are met.

(b) The board may determine that supervision is not obtainable if:

(1) the licensee provides documentation as an attachment to the supervision plan submitted according to section 148E.125, subdivision 1, that the licensee has conducted a thorough search for a supervisor meeting the applicable licensure requirements specified in sections 148E.100 to 148E.115;

(2) the licensee demonstrates to the board's satisfaction that the search was unsuccessful; and

(3) the licensee describes the extent of the search and the names and locations of the persons and organizations contacted.

(c) The requirements specified in paragraph (b) do not apply to obtaining licensing supervision for clinical social work practice if the board determines that there are five or fewer licensed independent clinical social workers supervisors meeting the applicable licensure requirements in sections 148E.100 to 148E.115 in the county where the licensee practices social work.

(d) An alternate supervisor must:

(1) be an unlicensed social worker who is employed in, and provides the supervision in, a setting exempt from licensure by section 148E.065, and who has qualifications equivalent to the applicable requirements specified in sections 148E.100 to 148E.115;

(2) be a social worker engaged in authorized practice in Iowa, Manitoba, North Dakota, Ontario, South Dakota, or Wisconsin, and has the qualifications equivalent to the applicable requirements specified in sections 148E.100 to 148E.115; or

(3) be a licensed marriage and family therapist or a mental health professional as established by section 245.462, subdivision 18, or 245.4871, subdivision 27, or an equivalent mental health professional, as determined by the board, who is licensed or credentialed by a state, territorial, provincial, or foreign licensing agency.

(e) In order to qualify to provide clinical supervision of a licensed graduate social worker or licensed independent social worker engaged in clinical practice, the alternate supervisor must be a mental health professional as established by section 245.462, subdivision 18, or 245.4871, subdivision 27, or an equivalent mental health professional, as determined by the board, who is licensed or credentialed by a state, territorial, provincial, or foreign licensing agency.

Sec. 42. Minnesota Statutes 2008, section 148E.125, subdivision 1, is amended to read:

Subdivision 1. **Supervision plan.** (a) A social worker must submit, on a form provided by the board, a supervision plan for meeting the supervision requirements specified in sections 148E.100 to 148E.120.

(b) The supervision plan must be submitted no later than ~~90~~ 60 days after the licensee begins a social work practice position after becoming licensed.

(c) For failure to submit the supervision plan within ~~90~~ 60 days after beginning a social work practice position, a licensee must pay the supervision plan late fee specified in section 148E.180 when the licensee applies for license renewal.

(d) A license renewal application submitted according to paragraph (a) must not be approved unless the board has received a supervision plan.

(e) The supervision plan must include the following:

(1) the name of the supervisee, the name of the agency in which the supervisee is being supervised, and the supervisee's position title;

(2) the name and qualifications of the person providing the supervision;

(3) the number of hours of one-on-one in-person supervision and the number and type of additional hours of supervision to be completed by the supervisee;

(4) the supervisee's position description;

(5) a brief description of the supervision the supervisee will receive in the following content areas:

(i) clinical practice, if applicable;



- (ii) development of professional social work knowledge, skills, and values;
- (iii) practice methods;
- (iv) authorized scope of practice;
- (v) ensuring continuing competence; and
- (vi) ethical standards of practice; and
- (6) if applicable, a detailed description of the supervisee's clinical social work practice, addressing:
  - (i) the client population, the range of presenting issues, and the diagnoses;
  - (ii) the clinical modalities that were utilized; and
  - (iii) the process utilized for determining clinical diagnoses, including the diagnostic instruments used and the role of the supervisee in the diagnostic process.
- (f) The board must receive a revised supervision plan within ~~90~~ 60 days of any of the following changes:
  - (1) the supervisee has a new supervisor;
  - (2) the supervisee begins a new social work position;
  - (3) the scope or content of the supervisee's social work practice changes substantially;
  - (4) the number of practice or supervision hours changes substantially; or
  - (5) the type of supervision changes as supervision is described in section 148E.100, subdivision 3, or 148E.105, subdivision 3, or as required in section 148E.115.
- (g) For failure to submit a revised supervision plan as required in paragraph (f), a supervisee must pay the supervision plan late fee specified in section 148E.180, when the supervisee applies for license renewal.
- (h) The board must approve the supervisor and the supervision plan.

Sec. 43. Minnesota Statutes 2008, section 148E.125, subdivision 3, is amended to read:

Subd. 3. **Verification of supervised practice.** (a) ~~In addition to receiving the attestation required under subdivision 2,~~ The board must receive verification of supervised practice ~~if~~ when:

- (1) ~~the board audits the supervision of a supervisee~~ licensee submits the license renewal application form; or
  - (2) an applicant applies for a license as a licensed independent social worker or as a licensed independent clinical social worker.
- (b) When verification of supervised practice is required according to paragraph (a), the board must receive from the supervisor the following information on a form provided by the board:

- (1) the name of the supervisee, the name of the agency in which the supervisee is being supervised, and the supervisee's position title;

(2) the name and qualifications of the supervisor;

(3) the number of hours and dates of each type of supervision completed;

(4) the supervisee's position description;

(5) a declaration that the supervisee has not engaged in conduct in violation of the standards of practice specified in sections 148E.195 to 148E.240;

(6) a declaration that the supervisee has practiced ethically and competently according to professional social work knowledge, skills, and values;

(7) a list of the content areas in which the supervisee has received supervision, including the following:

(i) clinical practice, if applicable;

(ii) development of professional social work knowledge, skills, and values;

(iii) practice methods;

(iv) authorized scope of practice;

(v) ensuring continuing competence; and

(vi) ethical standards of practice; and

(8) if applicable, a detailed description of the supervisee's clinical social work practice, addressing:

(i) the client population, the range of presenting issues, and the diagnoses;

(ii) the clinical modalities that were utilized; and

(iii) the process utilized for determining clinical diagnoses, including the diagnostic instruments used and the role of the supervisee in the diagnostic process.

(c) The information provided on the verification form must demonstrate to the board's satisfaction that the supervisee has met the applicable supervised practice requirements.

Sec. 44. Minnesota Statutes 2008, section 148E.130, is amended by adding a subdivision to read:

Subd. 1a. **Increased clock hours required effective August 1, 2011.** (a) The clock hours specified in subdivisions 1 and 4 to 6 apply to all new licenses issued effective August 1, 2011, under section 148E.055.

(b) Any licensee issued a license prior to August 1, 2011, under section 148D.055 must comply with the increased clock hours in subdivisions 1 and 4 to 6, and must document the clock hours at the first two-year renewal term after August 1, 2011.

Sec. 45. Minnesota Statutes 2008, section 148E.130, subdivision 2, is amended to read:

Subd. 2. **Ethics requirement.** At least two of the clock hours required under subdivision 1 must be in social work ethics-, including at least one of the following:

(1) the history and evolution of values and ethics in social work;

(2) ethics theories;

(3) professional standards of social work practice, as specified in the ethical codes of the National Association of Social Workers, the Association of Canadian Social Workers, the Clinical Social Work Federation, and the Council on Social Work Education;

(4) the legal requirements and other considerations for each jurisdiction that registers, certifies, or licenses social workers; or

(5) the ethical decision-making process.

Sec. 46. Minnesota Statutes 2008, section 148E.130, subdivision 5, is amended to read:

Subd. 5. **Independent study.** Independent study must not consist of more than ~~ten~~ 15 clock hours of continuing education per renewal term. Independent study must be for publication, public presentation, or professional development. Independent study includes, but is not limited to, electronic study. For purposes of subdivision ~~6~~ 4, independent study includes consultation ~~with an experienced supervisor regarding the practice of supervision or training regarding supervision with a licensed professional who has demonstrated supervisory skills.~~

Sec. 47. Minnesota Statutes 2008, section 148E.165, subdivision 1, is amended to read:

Subdivision 1. **Records retention; licensees.** For one year following the expiration date of a license, the licensee must maintain documentation of clock hours earned during the previous renewal term. The documentation must include the following:

(1) for educational workshops or seminars offered by an organization or at a conference, a copy of the certificate of attendance issued by the presenter or sponsor giving the following information:

- (i) the name of the sponsor or presenter of the program;
- (ii) the title of the workshop or seminar;
- (iii) the dates the licensee participated in the program; and
- (iv) the number of clock hours completed;

(2) for academic coursework offered by an institution of higher learning, a copy of a transcript giving the following information:

- (i) the name of the institution offering the course;
- (ii) the title of the course;
- (iii) the dates the licensee participated in the course; and
- (iv) the number of credits completed;

(3) for staff training offered by public or private employers, a copy of the certificate of attendance issued by the employer giving the following information:

- (i) the name of the employer;

- (ii) the title of the staff training;
- (iii) the dates the licensee participated in the program; and
- (iv) the number of clock hours completed; and

(4) for independent study, including electronic study, or consultation or training regarding supervision, a written summary of the study activity conducted, including the following information:

- (i) the topics studied covered;
- (ii) a description of the applicability of the study activity to the licensee's authorized scope of practice;
- (iii) the titles and authors of books and articles consulted or the name of the organization offering the study activity, or the name and title of the licensed professional consulted regarding supervision;
- (iv) the dates the licensee conducted the study activity; and
- (v) the number of clock hours the licensee conducted the study activity.

Sec. 48. **REPEALER.**

Minnesota Statutes 2008, sections 148E.106, subdivision 6; and 148E.125, subdivision 2, are repealed August 1, 2011.

Sec. 49. **EFFECTIVE DATE.**

Sections 1 to 47 are effective August 1, 2011.

## ARTICLE 10

### DENTAL THERAPISTS

Section 1. Minnesota Statutes 2008, section 150A.01, is amended by adding a subdivision to read:

Subd. 6b. **Dental therapist.** "Dental therapist" means a person licensed under this chapter to perform the services authorized under section 150A.105 or any other services authorized under this chapter.

Sec. 2. Minnesota Statutes 2008, section 150A.05, is amended by adding a subdivision to read:

Subd. 1b. **Practice of dental therapy.** A person shall be deemed to be practicing dental therapy within the meaning of sections 150A.01 to 150A.12 who:

- (1) works under the supervision of a Minnesota-licensed dentist as specified under section 150A.105;
- (2) practices in settings that serve low-income and underserved patients or are located in dental health professional shortage areas; and
- (3) provides oral health care services, including preventive, evaluative, and educational services as authorized under section 150A.105 and within the context of a collaborative management agreement.

Sec. 3. Minnesota Statutes 2008, section 150A.05, subdivision 2, is amended to read:

Subd. 2. **Exemptions and exceptions of certain practices and operations.** Sections 150A.01 to 150A.12 do not apply to:

(1) the practice of dentistry or dental hygiene in any branch of the armed services of the United States, the United States Public Health Service, or the United States Veterans Administration;

(2) the practice of dentistry, dental hygiene, or dental assisting by undergraduate dental students, dental therapy students, dental hygiene students, and dental assisting students of the University of Minnesota, schools of dental hygiene, schools with a dental therapy education program, or schools of dental assisting approved by the board, when acting under the direction and supervision of a licensed dentist, a licensed dental therapist, or a licensed dental hygienist acting as an instructor;

(3) the practice of dentistry by licensed dentists of other states or countries while appearing as clinicians under the auspices of a duly approved dental school or college, or a reputable dental society, or a reputable dental study club composed of dentists;

(4) the actions of persons while they are taking examinations for licensure or registration administered or approved by the board pursuant to sections 150A.03, subdivision 1, and 150A.06, subdivisions 1, 2, and 2a;

(5) the practice of dentistry by dentists and dental hygienists licensed by other states during their functioning as examiners responsible for conducting licensure or registration examinations administered by regional and national testing agencies with whom the board is authorized to affiliate and participate under section 150A.03, subdivision 1, and the practice of dentistry by the regional and national testing agencies during their administering examinations pursuant to section 150A.03, subdivision 1;

(6) the use of X-rays or other diagnostic imaging modalities for making radiographs or other similar records in a hospital under the supervision of a physician or dentist or by a person who is credentialed to use diagnostic imaging modalities or X-ray machines for dental treatment, roentgenograms, or dental diagnostic purposes by a credentialing agency other than the Board of Dentistry; or

(7) the service, other than service performed directly upon the person of a patient, of constructing, altering, repairing, or duplicating any denture, partial denture, crown, bridge, splint, orthodontic, prosthetic, or other dental appliance, when performed according to a written work order from a licensed dentist in accordance with section 150A.10, subdivision 3.

Sec. 4. Minnesota Statutes 2008, section 150A.06, is amended by adding a subdivision to read:

Subd. 1d. **Dental therapists.** (a) A person of good moral character who has graduated from a dental therapy education program in a dental school or dental college accredited by the Commission on Dental Accreditation may apply for licensure.

(b) The applicant must submit an application and fee as prescribed by the board and a diploma or certificate from a dental therapy education program. Prior to being licensed, the applicant must pass a comprehensive, competency-based clinical examination that is approved by the board and administered independently of an institution providing dental therapy education. The applicant must also pass an examination testing the applicant's knowledge of the laws of Minnesota relating to the practice of dentistry and of the rules of the board. An applicant is ineligible to retake the clinical examination required by the board after failing it twice until further education and training are obtained as specified by board rule. A separate, nonrefundable fee may be charged for each time a person applies.

(c) An applicant who passes the examination in compliance with subdivision 2b, abides by professional ethical conduct requirements, and meets all the other requirements of the board shall be licensed as a dental therapist.

Sec. 5. Minnesota Statutes 2008, section 150A.06, subdivision 2d, is amended to read:

Subd. 2d. **Continuing education and professional development waiver.** (a) The board shall grant a waiver to the continuing education requirements under this chapter for a licensed dentist, licensed dental therapist, licensed dental hygienist, or registered dental assistant who documents to the satisfaction of the board that the dentist, dental therapist, dental hygienist, or registered dental assistant has retired from active practice in the state and limits the provision of dental care services to those offered without compensation in a public health, community, or tribal clinic or a nonprofit organization that provides services to the indigent or to recipients of medical assistance, general assistance medical care, or MinnesotaCare programs.

(b) The board may require written documentation from the volunteer and retired dentist, dental therapist, dental hygienist, or registered dental assistant prior to granting this waiver.

(c) The board shall require the volunteer and retired dentist, dental therapist, dental hygienist, or registered dental assistant to meet the following requirements:

(1) a licensee or registrant seeking a waiver under this subdivision must complete and document at least five hours of approved courses in infection control, medical emergencies, and medical management for the continuing education cycle; and

(2) provide documentation of certification in advanced or basic cardiac life support recognized by the American Heart Association, the American Red Cross, or an equivalent entity.

Sec. 6. Minnesota Statutes 2008, section 150A.06, subdivision 5, is amended to read:

Subd. 5. **Fraud in securing licenses or registrations.** Every person implicated in employing fraud or deception in applying for or securing a license or registration to practice dentistry, dental hygiene, ~~or dental assisting, or as a dental therapist~~, or in annually renewing a license or registration under sections 150A.01 to 150A.12 is guilty of a gross misdemeanor.

Sec. 7. Minnesota Statutes 2008, section 150A.06, subdivision 6, is amended to read:

Subd. 6. **Display of name and certificates.** The initial license and subsequent renewal, or current registration certificate, of every dentist, dental therapist, dental hygienist, or dental assistant shall be conspicuously displayed in every office in which that person practices, in plain sight of patients. Near or on the entrance door to every office where dentistry is practiced, the name of each dentist practicing there, as inscribed on the current license certificate, shall be displayed in plain sight.

Sec. 8. Minnesota Statutes 2008, section 150A.08, subdivision 1, is amended to read:

Subdivision 1. **Grounds.** The board may refuse or by order suspend or revoke, limit or modify by imposing conditions it deems necessary, ~~any the license to practice dentistry or dental hygiene of a dentist, dental therapist, or dental hygienist~~ or the registration of any dental assistant upon any of the following grounds:

(1) fraud or deception in connection with the practice of dentistry or the securing of a license or registration certificate;

(2) conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of a felony or gross misdemeanor reasonably related to the practice of dentistry as evidenced by a certified copy of the conviction;

(3) conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of an offense involving moral turpitude as evidenced by a certified copy of the conviction;

(4) habitual overindulgence in the use of intoxicating liquors;

(5) improper or unauthorized prescription, dispensing, administering, or personal or other use of any legend drug as defined in chapter 151, of any chemical as defined in chapter 151, or of any controlled substance as defined in chapter 152;

(6) conduct unbecoming a person licensed to practice dentistry ~~or, dental therapy, or dental hygiene~~ or registered as a dental assistant, or conduct contrary to the best interest of the public, as such conduct is defined by the rules of the board;

(7) gross immorality;

(8) any physical, mental, emotional, or other disability which adversely affects a dentist's, dental therapist's, dental hygienist's, or registered dental assistant's ability to perform the service for which the person is licensed or registered;

(9) revocation or suspension of a license, registration, or equivalent authority to practice, or other disciplinary action or denial of a license or registration application taken by a licensing, registering, or credentialing authority of another state, territory, or country as evidenced by a certified copy of the licensing authority's order, if the disciplinary action or application denial was based on facts that would provide a basis for disciplinary action under this chapter and if the action was taken only after affording the credentialed person or applicant notice and opportunity to refute the allegations or pursuant to stipulation or other agreement;

(10) failure to maintain adequate safety and sanitary conditions for a dental office in accordance with the standards established by the rules of the board;

(11) employing, assisting, or enabling in any manner an unlicensed person to practice dentistry;

(12) failure or refusal to attend, testify, and produce records as directed by the board under subdivision 7;

(13) violation of, or failure to comply with, any other provisions of sections 150A.01 to 150A.12, the rules of the Board of Dentistry, or any disciplinary order issued by the board, sections 144.291 to 144.298 or 595.02, subdivision 1, paragraph (d), or for any other just cause related to the practice of dentistry. Suspension, revocation, modification or limitation of any license shall not be based upon any judgment as to therapeutic or monetary value of any individual drug prescribed or any individual treatment rendered, but only upon a repeated pattern of conduct;

(14) knowingly providing false or misleading information that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo; or

(15) aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2.

Sec. 9. Minnesota Statutes 2008, section 150A.08, subdivision 3a, is amended to read:

Subd. 3a. **Costs; additional penalties.** (a) The board may impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive a licensee or registrant of any economic advantage gained by reason of the violation, to discourage similar violations by the licensee or registrant or any other licensee or registrant, or to reimburse the board for the cost of the investigation and proceeding, including, but not limited to, fees paid for services provided by the Office of Administrative Hearings, legal and investigative services provided by the Office of the Attorney General, court reporters, witnesses, reproduction of records, board members' per diem compensation, board staff time, and travel costs and expenses incurred by board staff and board members.

(b) In addition to costs and penalties imposed under paragraph (a), the board may also:

(1) order the dentist, dental therapist, dental hygienist, or dental assistant to provide unremunerated service;

(2) censure or reprimand the dentist, dental therapist, dental hygienist, or dental assistant; or

(3) any other action as allowed by law and justified by the facts of the case.

Sec. 10. Minnesota Statutes 2008, section 150A.08, subdivision 5, is amended to read:

Subd. 5. **Medical examinations.** If the board has probable cause to believe that a dentist, dental therapist, dental hygienist, registered dental assistant, or applicant engages in acts described in subdivision 1, clause (4) or (5), or has a condition described in subdivision 1, clause (8), it shall direct the dentist, dental therapist, dental hygienist, assistant, or applicant to submit to a mental or physical examination or a chemical dependency assessment. For the purpose of this subdivision, every dentist, dental therapist, dental hygienist, or assistant licensed or registered under this chapter or person submitting an application for a license or registration is deemed to have given consent to submit to a mental or physical examination when directed in writing by the board and to have waived all objections in any proceeding under this section to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute a privileged communication. Failure to submit to an examination without just cause may result in an application being denied or a default and final order being entered without the taking of testimony or presentation of evidence, other than evidence which may be submitted by affidavit, that the licensee, registrant, or applicant did not submit to the examination. A dentist, dental therapist, dental hygienist, registered dental assistant, or applicant affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate ability to start or resume the competent practice of dentistry or perform the duties of a dental therapist, dental hygienist, or registered dental assistant with reasonable skill and safety to patients. In any proceeding under this subdivision, neither the record of proceedings nor the orders entered by the board is admissible, is subject to subpoena, or may be used against the dentist, dental therapist, dental hygienist, registered dental assistant, or applicant in any proceeding not commenced by the board. Information obtained under this subdivision shall be classified as private pursuant to the Minnesota Government Data Practices Act.



Sec. 11. Minnesota Statutes 2008, section 150A.09, subdivision 1, is amended to read:

Subdivision 1. **Registration information and procedure.** On or before the license or registration certificate expiration date every licensed dentist, dental therapist, dental hygienist, and registered dental assistant shall transmit to the executive secretary of the board, pertinent information required by the board, together with the fee established by the board. At least 30 days before a license or registration certificate expiration date, the board shall send a written notice stating the amount and due date of the fee and the information to be provided to every licensed dentist, dental therapist, dental hygienist, and registered dental assistant.

Sec. 12. Minnesota Statutes 2008, section 150A.09, subdivision 3, is amended to read:

Subd. 3. **Current address, change of address.** Every dentist, dental therapist, dental hygienist, and registered dental assistant shall maintain with the board a correct and current mailing address. For dentists engaged in the practice of dentistry, the address shall be that of the location of the primary dental practice. Within 30 days after changing addresses, every dentist, dental therapist, dental hygienist, and registered dental assistant shall provide the board written notice of the new address either personally or by first class mail.

Sec. 13. Minnesota Statutes 2008, section 150A.091, subdivision 2, is amended to read:

Subd. 2. **Application fees.** Each applicant for licensure or registration shall submit with a license or registration application a nonrefundable fee in the following amounts in order to administratively process an application:

- (1) dentist, \$140;
- (2) limited faculty dentist, \$140;
- (3) resident dentist, \$55;
- (4) dental therapist, \$100;
- (5) dental hygienist, \$55;
- ~~(5)~~ (6) registered dental assistant, \$35; and
- ~~(6)~~ (7) dental assistant with a limited registration, \$15.

Sec. 14. Minnesota Statutes 2008, section 150A.091, subdivision 3, is amended to read:

Subd. 3. **Initial license or registration fees.** Along with the application fee, each of the following licensees or registrants shall submit a separate prorated initial license or registration fee. The prorated initial fee shall be established by the board based on the number of months of the licensee's or registrant's initial term as described in Minnesota Rules, part 3100.1700, subpart 1a, not to exceed the following monthly fee amounts:

- (1) dentist, \$14 times the number of months of the initial term;
- (2) dental therapist, \$10 times the number of months of initial term;
- (3) dental hygienist, \$5 times the number of months of the initial term;
- ~~(3)~~ (4) registered dental assistant, \$3 times the number of months of initial term; and

(4) (5) dental assistant with a limited registration, \$1 times the number of months of the initial term.

Sec. 15. Minnesota Statutes 2008, section 150A.091, subdivision 5, is amended to read:

Subd. 5. **Biennial license or registration fees.** Each of the following licensees or registrants shall submit with a biennial license or registration renewal application a fee as established by the board, not to exceed the following amounts:

(1) dentist, \$336;

(2) dental therapist, \$180;

(3) dental hygienist, \$118;

(3) (4) registered dental assistant, \$80; and

(4) (5) dental assistant with a limited registration, \$24.

Sec. 16. Minnesota Statutes 2008, section 150A.091, subdivision 8, is amended to read:

Subd. 8. **Duplicate license or registration fee.** Each licensee or registrant shall submit, with a request for issuance of a duplicate of the original license or registration, or of an annual or biennial renewal of it, a fee in the following amounts:

(1) original dentist, dental therapist, or dental hygiene license, \$35; and

(2) initial and renewal registration certificates and license renewal certificates, \$10.

Sec. 17. Minnesota Statutes 2008, section 150A.091, subdivision 10, is amended to read:

Subd. 10. **Reinstatement fee.** No dentist, dental therapist, dental hygienist, or registered dental assistant whose license or registration has been suspended or revoked may have the license or registration reinstated or a new license or registration issued until a fee has been submitted to the board in the following amounts:

(1) dentist, \$140;

(2) dental therapist, \$85;

(3) dental hygienist, \$55; and

(3) (4) registered dental assistant, \$35.

Sec. 18. Minnesota Statutes 2008, section 150A.10, subdivision 1, is amended to read:

Subdivision 1. **Dental hygienists.** Any licensed dentist, licensed dental therapist, public institution, or school authority may obtain services from a licensed dental hygienist. ~~Such~~ The licensed dental hygienist may provide those services defined in section 150A.05, subdivision 1a. ~~Such~~ The services provided shall not include the establishment of a final diagnosis or treatment plan for a dental patient. ~~Such~~ All services shall be provided under supervision of a licensed dentist. Any licensed dentist who shall permit any dental service by a dental hygienist other than those authorized by the Board of Dentistry, shall be deemed to be violating the provisions of sections 150A.01 to 150A.12, and any ~~such~~ unauthorized dental service by a dental hygienist shall constitute a violation of sections 150A.01 to 150A.12.

Sec. 19. Minnesota Statutes 2008, section 150A.10, subdivision 2, is amended to read:

Subd. 2. **Dental assistants.** Every licensed dentist or dental therapist who uses the services of any unlicensed person for the purpose of assistance in the practice of dentistry or dental therapy shall be responsible for the acts of such unlicensed person while engaged in such assistance. ~~Such~~ The dentist or dental therapist shall permit ~~such~~ the unlicensed assistant to perform only those acts which are authorized to be delegated to unlicensed assistants by the Board of Dentistry. ~~Such~~ The acts shall be performed under supervision of a licensed dentist or licensed dental therapist. A licensed dental therapist shall not supervise more than two registered dental assistants or unregistered dental assistants at any one practice setting. The board may permit differing levels of dental assistance based upon recognized educational standards, approved by the board, for the training of dental assistants. The board may also define by rule the scope of practice of registered and nonregistered dental assistants. The board by rule may require continuing education for differing levels of dental assistants, as a condition to their registration or authority to perform their authorized duties. Any licensed dentist or licensed dental therapist who ~~shall permit such~~ permits an unlicensed assistant to perform any dental service other than that authorized by the board shall be deemed to be enabling an unlicensed person to practice dentistry, and commission of such an act by ~~such~~ an unlicensed assistant shall constitute a violation of sections 150A.01 to 150A.12.

Sec. 20. Minnesota Statutes 2008, section 150A.10, subdivision 3, is amended to read:

Subd. 3. **Dental technicians.** Every licensed dentist or dental therapist who uses the services of any unlicensed person, other than under the dentist's supervision and within such dentist's own office, for the purpose of constructing, altering, repairing or duplicating any denture, partial denture, crown, bridge, splint, orthodontic, prosthetic or other dental appliance, shall be required to furnish such unlicensed person with a written work order in ~~such a form as shall be~~ prescribed by the rules of the board; ~~said~~. The work order shall be made in duplicate form, a duplicate copy ~~to~~ shall be retained in a permanent file in the dentist's office for a period of two years, and the original ~~to~~ shall be retained in a permanent file for a period of two years by ~~such~~ the unlicensed person in that person's place of business. ~~Such~~ The permanent file of work orders required to be kept by ~~such~~ the dentist or by ~~such~~ the unlicensed person shall be open to inspection at any reasonable time by the board or its duly constituted agent.

Sec. 21. **[150A.105] DENTAL THERAPIST.**

Subdivision 1. **General.** A dental therapist licensed under this chapter shall practice under the supervision of a Minnesota-licensed dentist and under the requirements of this chapter.

Subd. 2. **Limited practice settings.** A dental therapist licensed under this chapter is limited to primarily practicing in settings that serve low-income and underserved patients or in a dental health professional shortage area.

Subd. 3. **Collaborative management agreement.** (a) Prior to performing any of the services authorized under this chapter, a dental therapist must enter into a written collaborative management agreement with a Minnesota-licensed dentist. The agreement must include:

(1) practice settings where services may be provided and the populations to be served;

(2) any limitations on the services that may be provided by the dental therapist, including the level of supervision required by the collaborating dentist;

(3) age and procedure-specific practice protocols, including case selection criteria, assessment guidelines, and imaging frequency;

(4) a procedure for creating and maintaining dental records for the patients that are treated by the dental therapist;

(5) a plan to manage medical emergencies in each practice setting where the dental therapist provides care;

(6) a quality assurance plan for monitoring care provided by the dental therapist, including patient care review, referral follow-up, and a quality assurance chart review;

(7) protocols for administering and dispensing medications authorized under subdivision 5, including the specific conditions and circumstance under which these medications are to be dispensed and administered;

(8) criteria relating to the provision of care to patients with specific medical conditions or complex medication histories, including requirements for consultation prior to the initiation of care;

(9) supervision criteria of registered and nonregistered dental assistants; and

(10) a plan for the provision of clinical resources and referrals in situations which are beyond the capabilities of the dental therapist.

(b) A collaborating dentist must be licensed and practicing in Minnesota. The collaborating dentist shall accept responsibility for all services authorized and performed by the dental therapist pursuant to the management agreement. Any licensed dentist who permits a dental therapist to perform a dental service other than those authorized under this section or by the board, or any dental therapist who performs an unauthorized service, shall be deemed to be in violation of the provisions in sections 150A.01 to 150A.12.

(c) Collaborative management agreements must be signed and maintained by the collaborating dentist and the dental therapist. Agreements must be reviewed, updated, and submitted to the board on an annual basis.

Subd. 4. **Scope of practice.** (a) A licensed dental therapist may perform dental services as authorized under this section within the parameters of the collaborative management agreement.

(b) The services authorized to be performed by a licensed dental therapist include preventive, evaluative, and educational oral health services, as specified in paragraphs (c), (d), and (e), and within the parameters of the collaborative management agreement.

(c) A licensed dental therapist may perform the following preventive, evaluative, and assessment services under general supervision, unless restricted or prohibited in the collaborative management agreement:

(1) oral health instruction and disease prevention education, including nutritional counseling and dietary analysis;

(2) assessment services, including an evaluation and assessment to identify oral disease and conditions;

(3) preliminary charting of the oral cavity;

(4) making radiographs;

(5) mechanical polishing;

(6) application of topical preventive or prophylactic agents, including fluoride varnishes and pit and fissure sealants;

(7) pulp vitality testing; and

(8) application of desensitizing medication or resin.

(d) A licensed dental therapist may perform the following services under indirect supervision:

(1) fabrication of athletic mouthguards;

(2) emergency palliative treatment of dental pain;

(3) space maintainer removal;

(4) restorative services:

(i) cavity preparation class I-IV;

(ii) restoration of primary and permanent teeth class I-IV;

(iii) placement of temporary crowns;

(iv) placement of temporary restorations;

(v) preparation and placement of preformed crowns; and

(vi) pulpotomies on primary teeth;

(5) indirect and direct pulp capping on primary and permanent teeth;

(6) fabrication of soft-occlusal guards;

(7) soft-tissue reline and conditioning;

(8) atraumatic restorative technique;

(9) surgical services:

(i) extractions of primary teeth;

(ii) suture removal; and

(iii) dressing change;

(10) tooth reimplantation and stabilization;

(11) administration of local anesthetic; and

(12) administration of nitrous oxide.

(e) A licensed dental therapist may perform the following services under direct supervision:

(1) placement of space maintainers; and

(2) recementing of permanent crowns.

(f) For purposes of this section, "general supervision," "indirect supervision," and "direct supervision" have the meanings given in Minnesota Rules, part 3100.0100, subpart 21.

**Subd. 5. Dispensing authority.** (a) A licensed dental therapist may dispense and administer the following drugs within the parameters of the collaborative management agreement and within the scope of practice of the dental therapist: analgesics, anti-inflammatories, and antibiotics.

(b) The authority to dispense and administer shall extend only to the categories of drugs identified in this subdivision, and may be further limited by the collaborative management agreement.

(c) The authority to dispense includes the authority to dispense sample drugs within the categories identified in this subdivision if dispensing is permitted by the collaborative management agreement.

(d) A licensed dental therapist is prohibited from dispensing or administering a narcotic drug as defined in section 152.01, subdivision 10.

**Subd. 6. Application of other laws.** A licensed dental therapist authorized to practice under this chapter is not in violation of section 150A.05 as it relates to the unauthorized practice of dentistry if the practice is authorized under this chapter and is within the parameters of the collaborative management agreement.

**Subd. 7. Use of dental assistants.** (a) A licensed dental therapist may supervise registered and nonregistered dental assistants to the extent permitted in the collaborative management agreement and according to section 150A.10, subdivision 2.

(b) Notwithstanding paragraph (a), a licensed dental therapist is limited to supervising no more than two registered dental assistants or nonregistered dental assistants at any one practice setting.

**Subd. 8. Definitions.** (a) For the purposes of this section, the following definitions apply.

(b) "Practice settings that serve the low-income and underserved" mean:

(1) critical access dental provider settings as designated by the commissioner of human services under section 256B.76, subdivision 4, paragraph (c);

(2) dental hygiene collaborative practice settings identified in section 150A.10, subdivision 1a, paragraph (e), and including medical facilities, assisted living facilities, federally qualified health centers, and organizations eligible to receive a community clinic grant under section 145.9268, subdivision 1;

(3) military and veterans administration hospitals, clinics, and care settings;

(4) a patient's residence or home when the patient is home-bound or receiving or eligible to receive home care services or home and community-based waived services, regardless of the patient's income;

(5) oral health educational institutions; or

(6) any other clinic or practice setting, including mobile dental units, in which at least 50 percent of the total patient base of the clinic or practice setting consists of patients who:

(i) are enrolled in a Minnesota health care program;

(ii) have a medical disability or chronic condition that creates a significant barrier to receiving dental care; or

(iii) do not have dental health coverage, either through a public health care program or private insurance, and have an annual gross family income equal to or less than 200 percent of the federal poverty guidelines.

(c) "Dental health professional shortage area" means an area that meets the criteria established by the secretary of the United States Department of Health and Human Services and is designated as such under United States Code, title 42, section 254e.

Sec. 22. Minnesota Statutes 2008, section 150A.11, subdivision 4, is amended to read:

Subd. 4. **Dividing fees.** It shall be unlawful for any dentist to divide fees with or promise to pay a part of the dentist's fee to, or to pay a commission to, any dentist or other person who calls the dentist in consultation or who sends patients to the dentist for treatment, or operation, but nothing herein shall prevent licensed dentists from forming a bona fide partnership for the practice of dentistry, nor to the actual employment by a licensed dentist of a licensed dental therapist, a licensed dental hygienist or another licensed dentist.

Sec. 23. Minnesota Statutes 2008, section 150A.12, is amended to read:

#### **150A.12 VIOLATION AND DEFENSES.**

Every person who violates any of the provisions of sections 150A.01 to 150A.12 for which no specific penalty is provided herein, shall be guilty of a gross misdemeanor; and, upon conviction, punished by a fine of not more than \$3,000 or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment. In the prosecution of any person for violation of sections 150A.01 to 150A.12, it shall not be necessary to allege or prove lack of a valid license to practice dentistry ~~or, dental therapy, or~~ dental hygiene but ~~such matter~~ shall be a matter of defense to be established by the defendant.

Sec. 24. Minnesota Statutes 2008, section 151.01, subdivision 23, is amended to read:

Subd. 23. **Practitioner.** "Practitioner" means a licensed doctor of medicine, licensed doctor of osteopathy duly licensed to practice medicine, licensed doctor of dentistry, licensed doctor of optometry, licensed podiatrist, or licensed veterinarian. For purposes of sections 151.15, subdivision 4, 151.37, subdivision 2, paragraphs (b), (e), and (f), and 151.461, "practitioner" also means a physician assistant authorized to prescribe, dispense, and administer under chapter 147A, or an advanced practice nurse authorized to prescribe, dispense, and administer under section 148.235. For purposes of sections 151.15, subdivision 4; 151.37, subdivision 2, paragraph (b); and 151.461, "practitioner" also means a dental therapist authorized to dispense and administer under chapter 150A.

Sec. 25. **IMPACT OF DENTAL THERAPISTS.**

(a) The Board of Dentistry shall evaluate the impact of the use of dental therapists on the delivery of and access to dental services. The board shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over health care by January 15, 2014:

(1) the number of dental therapists annually licensed by the board beginning in 2011;

(2) the settings where licensed dental therapists are practicing and the populations being served;

(3) the number of complaints filed against dental therapists and the basis for each complaint; and

(4) the number of disciplinary actions taken against dental therapists.

(b) The board, in consultation with the Department of Human Services, shall also include the number and type of dental services that were performed by a dental therapist and reimbursed by the state under the Minnesota state health care programs for the 2013 fiscal year.

(c) The board, in consultation with the Department of Health, shall develop an evaluation process that focuses on assessing the impact of dental therapists in terms of patient safety, cost effectiveness, and access to dental services. The process shall focus on the following outcome measures:

- (1) number of new patients served;
- (2) reduction in waiting times for needed services;
- (3) decreased travel time for patients;
- (4) impact on emergency room usage for dental care; and
- (5) costs to the public health care system.

Sec. 26. **REPEALER.**

Minnesota Statutes 2008, section 150A.061, is repealed.

#### ARTICLE 11

#### ORAL HEALTH PRACTITIONERS

Section 1. Minnesota Statutes 2008, section 150A.01, is amended by adding a subdivision to read:

Subd. 6c. **Oral health practitioner.** "Oral health practitioner" means a person licensed under this chapter to perform the services authorized under section 150A.105 or any other services authorized under this chapter.

Sec. 2. Minnesota Statutes 2008, section 150A.05, is amended by adding a subdivision to read:

Subd. 1c. **Practice of oral health practitioners.** A person shall be deemed to be practicing as an oral health practitioner within the meaning of this chapter who:

(1) works under the supervision of a Minnesota-licensed dentist under a collaborative management agreement as specified under section 150A.105;

(2) practices in settings that serve low-income, uninsured, and underserved patients or are located in dental health professional shortage areas; and

(3) provides oral health care services, including preventive, primary diagnostic, educational, palliative, therapeutic, and restorative services as authorized under section 150A.105 and within the context of a collaborative management agreement.

Sec. 3. Minnesota Statutes 2008, section 150A.05, subdivision 2, is amended to read:

Subd. 2. **Exemptions and exceptions of certain practices and operations.** Sections 150A.01 to 150A.12 do not apply to:

(1) the practice of dentistry or dental hygiene in any branch of the armed services of the United States, the United States Public Health Service, or the United States Veterans Administration;



(2) the practice of dentistry, dental hygiene, or dental assisting by undergraduate dental students, oral health practitioner students, dental hygiene students, and dental assisting students of the University of Minnesota, schools of dental hygiene, schools with an oral health practitioner education program accredited under section 150A.06, or schools of dental assisting approved by the board, when acting under the direction and supervision of a licensed dentist, a licensed oral health practitioner, or a licensed dental hygienist acting as an instructor;

(3) the practice of dentistry by licensed dentists of other states or countries while appearing as clinicians under the auspices of a duly approved dental school or college, or a reputable dental society, or a reputable dental study club composed of dentists;

(4) the actions of persons while they are taking examinations for licensure or registration administered or approved by the board pursuant to sections 150A.03, subdivision 1, and 150A.06, subdivisions 1, 2, and 2a;

(5) the practice of dentistry by dentists and dental hygienists licensed by other states during their functioning as examiners responsible for conducting licensure or registration examinations administered by regional and national testing agencies with whom the board is authorized to affiliate and participate under section 150A.03, subdivision 1, and the practice of dentistry by the regional and national testing agencies during their administering examinations pursuant to section 150A.03, subdivision 1;

(6) the use of X-rays or other diagnostic imaging modalities for making radiographs or other similar records in a hospital under the supervision of a physician or dentist or by a person who is credentialed to use diagnostic imaging modalities or X-ray machines for dental treatment, roentgenograms, or dental diagnostic purposes by a credentialing agency other than the Board of Dentistry; or

(7) the service, other than service performed directly upon the person of a patient, of constructing, altering, repairing, or duplicating any denture, partial denture, crown, bridge, splint, orthodontic, prosthetic, or other dental appliance, when performed according to a written work order from a licensed dentist or a licensed oral health practitioner in accordance with section 150A.10, subdivision 3.

Sec. 4. Minnesota Statutes 2008, section 150A.06, is amended by adding a subdivision to read:

Subd. 1e. **Oral health practitioners.** (a) A person of good moral character who has graduated from an oral health practitioner education program that has been approved by the board or accredited by the Commission on Dental Accreditation or another board-approved national accreditation organization may apply for licensure.

(b) The applicant must submit an application and fee as prescribed by the board and a diploma or certificate from an oral health practitioner education program. Prior to being licensed, the applicant must pass a comprehensive, competency-based clinical examination that is approved by the board and administered independently of an institution providing oral health practitioner education. The applicant must also pass an examination testing the applicant's knowledge of the Minnesota laws and rules relating to the practice of dentistry. An applicant who has failed the clinical examination twice is ineligible to retake the clinical examination until further education and training are obtained as specified in rules adopted by the board. A separate, nonrefundable fee may be charged for each time a person applies.

(c) An applicant who passes the examination in compliance with subdivision 2b, abides by professional ethical conduct requirements, and meets all the other requirements of the board shall be licensed as an oral health practitioner.

Sec. 5. Minnesota Statutes 2008, section 150A.06, is amended by adding a subdivision to read:

**Subd. 1f. Resident dental providers.** A person who is a graduate of an undergraduate program and is an enrolled graduate student of an advanced dental education program shall obtain from the board a license to practice as a resident dental hygienist or oral health practitioner. The license must be designated "resident dental provider license" and authorizes the licensee to practice only under the supervision of a licensed dentist or licensed oral health practitioner. A resident dental provider license must be renewed annually according to rules adopted by the board. An applicant for a resident dental provider license shall pay a nonrefundable fee set by the board for issuing and renewing the license. The requirements of sections 150A.01 to 150A.21 apply to resident dental providers except as specified in rules adopted by the board. A resident dental provider license does not qualify a person for licensure under subdivision 1e or 2.

Sec. 6. Minnesota Statutes 2008, section 150A.06, subdivision 2d, is amended to read:

**Subd. 2d. Continuing education and professional development waiver.** (a) The board shall grant a waiver to the continuing education requirements under this chapter for a licensed dentist, licensed oral health practitioner, licensed dental hygienist, or registered dental assistant who documents to the satisfaction of the board that the dentist, oral health practitioner, dental hygienist, or registered dental assistant has retired from active practice in the state and limits the provision of dental care services to those offered without compensation in a public health, community, or tribal clinic or a nonprofit organization that provides services to the indigent or to recipients of medical assistance, general assistance medical care, or MinnesotaCare programs.

(b) The board may require written documentation from the volunteer and retired dentist, oral health practitioner, dental hygienist, or registered dental assistant prior to granting this waiver.

(c) The board shall require the volunteer and retired dentist, oral health practitioner, dental hygienist, or registered dental assistant to meet the following requirements:

(1) a licensee or registrant seeking a waiver under this subdivision must complete and document at least five hours of approved courses in infection control, medical emergencies, and medical management for the continuing education cycle; and

(2) provide documentation of certification in advanced or basic cardiac life support recognized by the American Heart Association, the American Red Cross, or an equivalent entity.

Sec. 7. Minnesota Statutes 2008, section 150A.06, subdivision 5, is amended to read:

**Subd. 5. Fraud in securing licenses or registrations.** Every person implicated in employing fraud or deception in applying for or securing a license or registration to practice dentistry, dental hygiene, or dental assisting, or as an oral health practitioner or in annually renewing a license or registration under sections 150A.01 to 150A.12 is guilty of a gross misdemeanor.

Sec. 8. Minnesota Statutes 2008, section 150A.06, subdivision 6, is amended to read:

**Subd. 6. Display of name and certificates.** The initial license and subsequent renewal, or current registration certificate, of every dentist, oral health practitioner, dental hygienist, or dental assistant shall be conspicuously displayed in every office in which that person practices, in plain sight of patients. Near or on the entrance door to every office where dentistry is practiced, the name of each dentist practicing there, as inscribed on the current license certificate, shall be displayed in plain sight.

Sec. 9. Minnesota Statutes 2008, section 150A.08, subdivision 1, is amended to read:

Subdivision 1. **Grounds.** The board may refuse or by order suspend or revoke, limit or modify by imposing conditions it deems necessary, ~~any the license to practice dentistry or dental hygiene of a dentist, oral health practitioner, or dental hygienist,~~ or the registration of any dental assistant upon any of the following grounds:

(1) fraud or deception in connection with the practice of dentistry or the securing of a license or registration certificate;

(2) conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of a felony or gross misdemeanor reasonably related to the practice of dentistry as evidenced by a certified copy of the conviction;

(3) conviction, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court of an offense involving moral turpitude as evidenced by a certified copy of the conviction;

(4) habitual overindulgence in the use of intoxicating liquors;

(5) improper or unauthorized prescription, dispensing, administering, or personal or other use of any legend drug as defined in chapter 151, of any chemical as defined in chapter 151, or of any controlled substance as defined in chapter 152;

(6) conduct unbecoming a person licensed to practice dentistry or dental hygiene or as an oral health practitioner or registered as a dental assistant, or conduct contrary to the best interest of the public, as such conduct is defined by the rules of the board;

(7) gross immorality;

(8) any physical, mental, emotional, or other disability which adversely affects a dentist's, oral health practitioner's, dental hygienist's, or registered dental assistant's ability to perform the service for which the person is licensed or registered;

(9) revocation or suspension of a license, registration, or equivalent authority to practice, or other disciplinary action or denial of a license or registration application taken by a licensing, registering, or credentialing authority of another state, territory, or country as evidenced by a certified copy of the licensing authority's order, if the disciplinary action or application denial was based on facts that would provide a basis for disciplinary action under this chapter and if the action was taken only after affording the credentialed person or applicant notice and opportunity to refute the allegations or pursuant to stipulation or other agreement;

(10) failure to maintain adequate safety and sanitary conditions for a dental office in accordance with the standards established by the rules of the board;

(11) employing, assisting, or enabling in any manner an unlicensed person to practice dentistry;

(12) failure or refusal to attend, testify, and produce records as directed by the board under subdivision 7;

(13) violation of, or failure to comply with, any other provisions of sections 150A.01 to 150A.12, the rules of the Board of Dentistry, or any disciplinary order issued by the board, sections 144.291 to 144.298 or 595.02, subdivision 1, paragraph (d), or for any other just cause related to the practice of dentistry. Suspension, revocation, modification or limitation of any license shall not be based upon any judgment as to therapeutic or monetary value of any individual drug prescribed or any individual treatment rendered, but only upon a repeated pattern of conduct;

(14) knowingly providing false or misleading information that is directly related to the care of that patient unless done for an accepted therapeutic purpose such as the administration of a placebo; or

(15) aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2.

Sec. 10. Minnesota Statutes 2008, section 150A.08, subdivision 3a, is amended to read:

Subd. 3a. **Costs; additional penalties.** (a) The board may impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive a licensee or registrant of any economic advantage gained by reason of the violation, to discourage similar violations by the licensee or registrant or any other licensee or registrant, or to reimburse the board for the cost of the investigation and proceeding, including, but not limited to, fees paid for services provided by the Office of Administrative Hearings, legal and investigative services provided by the Office of the Attorney General, court reporters, witnesses, reproduction of records, board members' per diem compensation, board staff time, and travel costs and expenses incurred by board staff and board members.

(b) In addition to costs and penalties imposed under paragraph (a), the board may also:

(1) order the dentist, oral health practitioner, dental hygienist, or dental assistant to provide unremunerated service;

(2) censure or reprimand the dentist, oral health practitioner, dental hygienist, or dental assistant; or

(3) any other action as allowed by law and justified by the facts of the case.

Sec. 11. Minnesota Statutes 2008, section 150A.08, subdivision 5, is amended to read:

Subd. 5. **Medical examinations.** If the board has probable cause to believe that a dentist, oral health practitioner, dental hygienist, registered dental assistant, or applicant engages in acts described in subdivision 1, clause (4) or (5), or has a condition described in subdivision 1, clause (8), it shall direct the dentist, oral health practitioner, dental hygienist, assistant, or applicant to submit to a mental or physical examination or a chemical dependency assessment. For the purpose of this subdivision, every dentist, oral health practitioner, dental hygienist, or assistant licensed or registered under this chapter or person submitting an application for a license or registration is deemed to have given consent to submit to a mental or physical examination when directed in writing by the board and to have waived all objections in any proceeding under this section to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute a privileged communication. Failure to submit to an examination without just cause may result in an application being denied or a default and final order being entered without the taking of testimony or presentation of evidence, other than evidence which may be submitted by affidavit, that the licensee, registrant, or applicant did not submit to the examination. A dentist, oral

health practitioner, dental hygienist, registered dental assistant, or applicant affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate ability to start or resume the competent practice of dentistry or perform the duties of a an oral health practitioner, dental hygienist, or registered dental assistant with reasonable skill and safety to patients. In any proceeding under this subdivision, neither the record of proceedings nor the orders entered by the board is admissible, is subject to subpoena, or may be used against the dentist, oral health practitioner, dental hygienist, registered dental assistant, or applicant in any proceeding not commenced by the board. Information obtained under this subdivision shall be classified as private pursuant to the Minnesota Government Data Practices Act.

Sec. 12. Minnesota Statutes 2008, section 150A.09, subdivision 1, is amended to read:

Subdivision 1. **Registration information and procedure.** On or before the license or registration certificate expiration date every licensed dentist, oral health practitioner, dental hygienist, and registered dental assistant shall transmit to the executive secretary of the board, pertinent information required by the board, together with the fee established by the board. At least 30 days before a license or registration certificate expiration date, the board shall send a written notice stating the amount and due date of the fee and the information to be provided to every licensed dentist, oral health practitioner, dental hygienist, and registered dental assistant.

Sec. 13. Minnesota Statutes 2008, section 150A.09, subdivision 3, is amended to read:

Subd. 3. **Current address, change of address.** Every dentist, oral health practitioner, dental hygienist, and registered dental assistant shall maintain with the board a correct and current mailing address. For dentists engaged in the practice of dentistry, the address shall be that of the location of the primary dental practice. Within 30 days after changing addresses, every dentist, oral health practitioner, dental hygienist, and registered dental assistant shall provide the board written notice of the new address either personally or by first class mail.

Sec. 14. Minnesota Statutes 2008, section 150A.091, subdivision 2, is amended to read:

Subd. 2. **Application fees.** Each applicant for licensure or registration shall submit with a license or registration application a nonrefundable fee in the following amounts in order to administratively process an application:

- (1) dentist, \$140;
- (2) limited faculty dentist, \$140;
- (3) resident dentist, \$55;
- (4) oral health practitioner, \$100;
- (5) dental hygienist, \$55;
- (5) (6) registered dental assistant, \$35; and
- (6) (7) dental assistant with a limited registration, \$15.

Sec. 15. Minnesota Statutes 2008, section 150A.091, subdivision 3, is amended to read:

Subd. 3. **Initial license or registration fees.** Along with the application fee, each of the following licensees or registrants shall submit a separate prorated initial license or registration fee. The prorated initial fee shall be established by the board based on the number of months of the licensee's or registrant's initial term as described in Minnesota Rules, part 3100.1700, subpart 1a, not to exceed the following monthly fee amounts:

- (1) dentist, \$14 times the number of months of the initial term;

(2) oral health practitioner, \$10 times the number of months of initial term;

(3) dental hygienist, \$5 times the number of months of the initial term;

(3) (4) registered dental assistant, \$3 times the number of months of initial term; and

(4) (5) dental assistant with a limited registration, \$1 times the number of months of the initial term.

Sec. 16. Minnesota Statutes 2008, section 150A.091, subdivision 5, is amended to read:

Subd. 5. **Biennial license or registration fees.** Each of the following licensees or registrants shall submit with a biennial license or registration renewal application a fee as established by the board, not to exceed the following amounts:

(1) dentist, \$336;

(2) oral health practitioner, \$240;

(3) dental hygienist, \$118;

(3) (4) registered dental assistant, \$80; and

(4) (5) dental assistant with a limited registration, \$24.

Sec. 17. Minnesota Statutes 2008, section 150A.091, subdivision 8, is amended to read:

Subd. 8. **Duplicate license or registration fee.** Each licensee or registrant shall submit, with a request for issuance of a duplicate of the original license or registration, or of an annual or biennial renewal of it, a fee in the following amounts:

(1) original dentist, oral health practitioner, or dental hygiene license, \$35; and

(2) initial and renewal registration certificates and license renewal certificates, \$10.

Sec. 18. Minnesota Statutes 2008, section 150A.091, subdivision 10, is amended to read:

Subd. 10. **Reinstatement fee.** No dentist, oral health practitioner, dental hygienist, or registered dental assistant whose license or registration has been suspended or revoked may have the license or registration reinstated or a new license or registration issued until a fee has been submitted to the board in the following amounts:

(1) dentist, \$140;

(2) oral health practitioner, \$100;

(3) dental hygienist, \$55; and

(3) (4) registered dental assistant, \$35.

Sec. 19. Minnesota Statutes 2008, section 150A.10, subdivision 2, is amended to read:

Subd. 2. **Dental assistants.** Every licensed dentist or oral health practitioner who uses the services of any unlicensed person for the purpose of assistance in the practice of dentistry or within the practice of an oral health practitioner shall be responsible for the acts of such unlicensed person while engaged in such assistance. ~~Such~~ The dentist or oral health practitioner shall permit ~~such~~ the unlicensed assistant to perform only those acts which are authorized to be delegated to unlicensed assistants by the Board of Dentistry. ~~Such~~ The acts shall be performed under supervision of a licensed dentist or licensed oral health practitioner. A licensed oral health practitioner shall not supervise more than four registered dental assistants at any one practice setting. The board may permit differing levels of dental assistance based upon recognized educational standards, approved by the board, for the training of dental assistants. The board may also define by rule the scope of practice of registered and nonregistered dental assistants. The board by rule may require continuing education for differing levels of dental assistants, as a condition to their registration or authority to perform their authorized duties. Any licensed dentist or licensed oral health practitioner who ~~shall permit such~~ permits an unlicensed assistant to perform any dental service other than that authorized by the board shall be deemed to be enabling an unlicensed person to practice dentistry, and commission of such an act by ~~such~~ an unlicensed assistant shall constitute a violation of sections 150A.01 to 150A.12.

Sec. 20. Minnesota Statutes 2008, section 150A.10, subdivision 3, is amended to read:

Subd. 3. **Dental technicians.** Every licensed dentist and oral health practitioner who uses the services of any unlicensed person, other than under the dentist's or oral health practitioner's supervision and within ~~such dentist's own office~~ the same practice setting, for the purpose of constructing, altering, repairing or duplicating any denture, partial denture, crown, bridge, splint, orthodontic, prosthetic or other dental appliance, shall be required to furnish such unlicensed person with a written work order in such form as shall be prescribed by the rules of the board; ~~said.~~ The work order shall be made in duplicate form, a duplicate copy to be retained in a permanent file ~~in~~ of the dentist's office dentist or oral health practitioner at the practice setting for a period of two years, and the original to be retained in a permanent file for a period of two years by ~~such~~ the unlicensed person in that person's place of business. ~~Such~~ The permanent file of work orders to be kept by ~~such~~ the dentist, oral health practitioner, or by ~~such~~ the unlicensed person shall be open to inspection at any reasonable time by the board or its duly constituted agent.

Sec. 21. Minnesota Statutes 2008, section 150A.10, subdivision 4, is amended to read:

Subd. 4. **Restorative procedures.** (a) Notwithstanding subdivisions 1, 1a, and 2, a licensed dental hygienist or a registered dental assistant may perform the following restorative procedures:

- (1) place, contour, and adjust amalgam restorations;
  - (2) place, contour, and adjust glass ionomer;
  - (3) adapt and cement stainless steel crowns; and
  - (4) place, contour, and adjust class I and class V supragingival composite restorations where the margins are entirely within the enamel.
- (b) The restorative procedures described in paragraph (a) may be performed only if:
- (1) the licensed dental hygienist or the registered dental assistant has completed a board-approved course on the specific procedures;

(2) the board-approved course includes a component that sufficiently prepares the dental hygienist or registered dental assistant to adjust the occlusion on the newly placed restoration;

(3) a licensed dentist or licensed oral health practitioner has authorized the procedure to be performed; and

(4) a licensed dentist or licensed oral health practitioner is available in the clinic while the procedure is being performed.

(c) The dental faculty who teaches the educators of the board-approved courses specified in paragraph (b) must have prior experience teaching these procedures in an accredited dental education program.

Sec. 22. **[150A.106] ORAL HEALTH PRACTITIONER.**

Subdivision 1. **General.** An oral health practitioner licensed under this chapter may practice under the supervision of a Minnesota-licensed dentist pursuant to a written collaborative management agreement and the requirements of this chapter.

Subd. 2. **Limited practice settings.** An oral health practitioner licensed under this chapter is limited to primarily practicing in settings that serve low-income, uninsured, and underserved patients or are located in a dental health professional shortage area.

Subd. 3. **Collaborative management agreement.** (a) Prior to performing any of the services authorized under this chapter, an oral health practitioner must enter into a written collaborative management agreement with a Minnesota-licensed dentist. The agreement must include:

(1) practice settings where services may be provided and the populations to be served;

(2) any limitations on the services that may be provided by the oral health practitioner, including the level of supervision required by the collaborating dentist and consultation criteria;

(3) age and procedure-specific practice protocols, including case selection criteria, examination guidelines, and imaging frequency;

(4) a procedure for creating and maintaining dental records for the patients that are treated by the oral health practitioner;

(5) a plan to manage medical emergencies in each practice setting where the oral health practitioner provides care;

(6) a quality assurance plan for monitoring care provided by the oral health practitioner, including patient care review, referral follow-up, and a quality assurance chart review;

(7) protocols for prescribing, administering, and dispensing medications authorized under subdivision 5, including the specific conditions and circumstances under which these medications are to be prescribed, dispensed, and administered;

(8) criteria relating to the provision of care to patients with specific medical conditions or complex medication histories, including any requirements for consultation prior to the initiation of care;

(9) criteria for the supervision of allied dental personnel;



(10) a plan for the provision of clinical referrals in situations that are beyond the diagnostic or treatment capabilities of the oral health practitioner; and

(11) a description of any financial arrangement, if applicable, between the oral health practitioner and collaborating dentist.

(b) A collaborating dentist must be licensed and practicing in Minnesota. The collaborating dentist shall accept responsibility for all services authorized and performed by the oral health practitioner under the collaborative management agreement. Any licensed dentist who permits an oral health practitioner to perform a dental service other than those authorized under this section or by the board or any oral health practitioner who performs unauthorized services shall be in violation of sections 150A.01 to 150A.12.

(c) Both the collaborating dentist and the oral health practitioner must maintain professional liability coverage. Proof of professional liability coverage shall be submitted to the board as part of the collaborative management agreement.

(d) Collaborative management agreements must be signed and maintained by the collaborating dentist and the oral health practitioner. Agreements must be reviewed, updated, and submitted to the board on an annual basis.

(e) A collaborating dentist shall accept any patient referred by the oral health practitioner or have a referral process for patients that are referred by the oral health practitioner.

(f) A collaborating dentist must conduct periodic oversight reviews of each oral health practitioner in which the dentist has entered into a collaborative management agreement.

Subd. 4. **Scope of practice.** (a) A licensed oral health practitioner may perform dental services as authorized under this section within the parameters of the collaborative management agreement.

(b) The services a licensed oral health practitioner may perform include preventive, primary diagnostic, educational, palliative, therapeutic, and restorative oral health services as specified in paragraphs (c) and (d), and within the parameters of the collaborative management agreement.

(c) A licensed oral health practitioner may perform the following services under general supervision, unless restricted or prohibited in the collaborative management agreement:

(1) preventive, palliative, diagnostic, and assessment services:

(i) oral health instruction and disease prevention education, including nutritional counseling and dietary analysis;

(ii) diagnostic services, including an examination, evaluation, and assessment to identify oral disease and conditions;

(iii) formulation of a diagnosis and individualized treatment plan, including preliminary charting of the oral cavity;

(iv) taking of radiographs;

(v) prophylaxis;

(vi) fabrication of athletic mouthguards;

(vii) application of topical preventive or prophylactic agents, including fluoride varnishes and pit and fissure sealants;

(viii) full-mouth debridement;

(ix) emergency palliative treatment of dental pain;

(x) pulp vitality testing;

(xi) application of desensitizing medication or resin; and

(xii) space maintainer removal;

(2) restorative services:

(i) cavity preparation class I-IV;

(ii) restoration of primary and permanent teeth class I-IV;

(iii) placement of temporary crowns;

(iv) placement of temporary restorations;

(v) preparation and placement of preformed crowns;

(vi) pulpotomies on primary teeth;

(vii) indirect and direct pulp capping on primary and permanent teeth;

(viii) repair of defective prosthetic appliances;

(ix) recementing of permanent crowns;

(x) administering nitrous oxide inhalation analgesia;

(xi) administering injections of local anesthetic agents;

(xii) periodontal maintenance;

(xiii) scaling and root planing;

(xiv) soft-tissue reline and conditioning;

(xv) atraumatic restorative technique; and

(xvi) opening permanent teeth for pulpal debridement and opening chamber; and

(3) surgical services:

(i) extractions of primary and permanent teeth;

(ii) suture placement and removal;

(iii) dressing change;

(iv) brush biopsies;

(v) tooth reimplantation and stabilization; and

(vi) abscess incision and drainage.

(d) A licensed oral health practitioner may perform the following services under the indirect supervision, unless restricted or prohibited in the collaborative management agreement:

(1) placement of space maintainers; and

(2) fabrication of soft-occlusal guards.

(e) For purposes of this section, "general supervision" and "indirect supervision" have the meanings given in Minnesota Rules, part 3100.0100, subpart 21.

**Subd. 5. Prescribing authority.** (a) A licensed oral health practitioner may prescribe, dispense, and administer the following drugs within the parameters of the collaborative management agreement and within the scope of practice of the oral health practitioner: analgesics, anti-inflammatories, and antibiotics.

(b) The authority to prescribe, dispense, and administer shall extend only to the categories of drugs identified in this subdivision, and may be further limited by the collaborative management agreement.

(c) The authority to dispense includes the authority to dispense sample drugs within the categories identified in this subdivision if dispensing is permitted by the collaborative management agreement.

(d) Notwithstanding paragraph (a), a licensed oral health practitioner is prohibited from dispensing, prescribing, or administering a narcotic drug as defined in section 152.01, subdivision 10.

**Subd. 6. Application of other laws.** A licensed oral health practitioner authorized to practice under this chapter is not in violation of section 150A.05 as it relates to the unauthorized practice of dentistry if the practice is authorized under this chapter and is within the parameters of the collaborative management agreement.

**Subd. 7. Use of dental allied personnel.** (a) A licensed oral health practitioner may supervise registered and unregistered dental assistants to the extent permitted in the collaborative management agreement and according to section 150A.10.

(b) Notwithstanding paragraph (a), a licensed oral health practitioner is limited to supervising no more than four registered dental assistants at any one practice setting.

**Subd. 8. Definitions.** (a) For the purposes of this section, the following definitions apply.

(b) "Practice settings that serve the low-income, uninsured, and underserved" mean:

(1) critical access dental provider settings as designated by the commissioner of human services under section 256B.76, subdivision 4;

(2) dental hygiene collaborative practice settings identified in section 150A.10, subdivision 1a, paragraph (e), medical facilities, assisted living facilities, local and state correctional facilities, federally qualified health centers, and organizations eligible to receive a community clinic grant under section 145.9268, subdivision 1;

(3) military and veterans administration hospitals, clinics, and care settings;

(4) a patient's residence or home when the patient is homebound or receiving or eligible to receive home care services or home and community-based waived services, regardless of the patient's income;

(5) oral health educational institutions; or

(6) any other clinic or practice setting, including mobile dental units, in which at least 50 percent of the oral health practitioner's total patient base in that clinic or practice setting are patients who:

(i) are enrolled in a Minnesota health care program;

(ii) have a medical disability or chronic condition that creates a significant barrier to receiving dental care;

(iii) reside in geographically isolated or medically underserved areas; or

(iv) do not have dental health coverage either through a Minnesota health care program or private insurance.

(c) "Dental health professional shortage area" means an area that meets the criteria established by the secretary of the United States Department of Health and Human Services and is designated as such under United States Code, title 42, section 254e.

Sec. 23. Minnesota Statutes 2008, section 150A.11, subdivision 4, is amended to read:

Subd. 4. **Dividing fees.** It shall be unlawful for any dentist to divide fees with or promise to pay a part of the dentist's fee to, or to pay a commission to, any dentist or other person who calls the dentist in consultation or who sends patients to the dentist for treatment, or operation, but nothing herein shall prevent licensed dentists from forming a bona fide partnership for the practice of dentistry, nor to the actual employment by a licensed dentist of a licensed oral health practitioner, a licensed dental hygienist or another licensed dentist.

Sec. 24. Minnesota Statutes 2008, section 150A.12, is amended to read:

#### **150A.12 VIOLATION AND DEFENSES.**

Every person who violates any of the provisions of sections 150A.01 to 150A.12 for which no specific penalty is provided herein, shall be guilty of a gross misdemeanor; and, upon conviction, punished by a fine of not more than \$3,000 or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment. In the prosecution of any person for violation of sections 150A.01 to 150A.12, it shall not be necessary to allege or prove lack of a valid license to practice dentistry ~~or, dental hygiene, or as an oral health practitioner~~ but ~~such matter~~ shall be a matter of defense to be established by the defendant.

Sec. 25. Minnesota Statutes 2008, section 150A.21, subdivision 1, is amended to read:

Subdivision 1. **Patient's name and Social Security number.** Every complete upper and lower denture and removable dental prosthesis fabricated by a dentist licensed under section 150A.06, or fabricated pursuant to the dentist's or oral health practitioner's work order, shall be marked with the name and Social Security number of the patient for whom the prosthesis is intended. The markings shall be done during fabrication and shall be permanent,

legible and cosmetically acceptable. The exact location of the markings and the methods used to apply or implant them shall be determined by the dentist, oral health practitioner, or dental laboratory fabricating the prosthesis. If in the professional judgment of the dentist, oral health practitioner, or dental laboratory, this identification is not practicable, identification shall be provided as follows:

- (a) The Social Security number of the patient may be omitted if the name of the patient is shown;
- (b) The initials of the patient may be shown alone, if use of the name of the patient is impracticable;
- (c) The identification marks may be omitted in their entirety if none of the forms of identification specified in clauses (a) and (b) are practicable or clinically safe.

Sec. 26. Minnesota Statutes 2008, section 150A.21, subdivision 4, is amended to read:

Subd. 4. **Failure to comply.** Failure of any dentist or oral health practitioner to comply with this section shall be deemed to be a violation for which the dentist or oral health practitioner may be subject to proceedings pursuant to section 150A.08, provided the dentist or oral health practitioner is charged with the violation within two years of initial insertion of the dental prosthetic device.

Sec. 27. Minnesota Statutes 2008, section 151.01, subdivision 23, is amended to read:

Subd. 23. **Practitioner.** "Practitioner" means a licensed doctor of medicine, licensed doctor of osteopathy duly licensed to practice medicine, licensed doctor of dentistry, licensed doctor of optometry, licensed podiatrist, or licensed veterinarian. For purposes of sections 151.15, subdivision 4, 151.37, subdivision 2, paragraphs (b), (e), and (f), and 151.461, "practitioner" also means a physician assistant authorized to prescribe, dispense, and administer under chapter 147A, ~~or~~ an advanced practice nurse authorized to prescribe, dispense, and administer under section 148.235, or a licensed oral health practitioner authorized to prescribe, dispense, and administer under chapter 150A.

Sec. 28. Minnesota Statutes 2008, section 151.37, subdivision 2, is amended to read:

Subd. 2. **Prescribing and filing.** (a) A licensed practitioner in the course of professional practice only, may prescribe, administer, and dispense a legend drug, and may cause the same to be administered by a nurse, a physician assistant, an oral health practitioner, or medical student or resident under the practitioner's direction and supervision, and may cause a person who is an appropriately certified, registered, or licensed health care professional to prescribe, dispense, and administer the same within the expressed legal scope of the person's practice as defined in Minnesota Statutes. A licensed practitioner may prescribe a legend drug, without reference to a specific patient, by directing a nurse, pursuant to section 148.235, subdivisions 8 and 9, an oral health practitioner under chapter 150A, a physician assistant, or a medical student or resident to adhere to a particular practice guideline or protocol when treating patients whose condition falls within such guideline or protocol, and when such guideline or protocol specifies the circumstances under which the legend drug is to be prescribed and administered. An individual who verbally, electronically, or otherwise transmits a written, oral, or electronic order, as an agent of a prescriber, shall not be deemed to have prescribed the legend drug. This paragraph applies to a physician assistant only if the physician assistant meets the requirements of section 147A.18.

(b) A licensed practitioner that dispenses for profit a legend drug that is to be administered orally, is ordinarily dispensed by a pharmacist, and is not a vaccine, must file with the practitioner's licensing board a statement indicating that the practitioner dispenses legend drugs for profit, the general circumstances under which the practitioner dispenses for profit, and the types of legend drugs generally dispensed. It is unlawful to dispense legend drugs for profit after July 31, 1990, unless the statement has been filed with the appropriate licensing board. For purposes of this paragraph, "profit" means (1) any amount received by the practitioner in excess of the acquisition cost of a legend drug for legend drugs that are purchased in prepackaged form, or (2) any amount received by the

practitioner in excess of the acquisition cost of a legend drug plus the cost of making the drug available if the legend drug requires compounding, packaging, or other treatment. The statement filed under this paragraph is public data under section 13.03. This paragraph does not apply to a licensed doctor of veterinary medicine or a registered pharmacist. Any person other than a licensed practitioner with the authority to prescribe, dispense, and administer a legend drug under paragraph (a) shall not dispense for profit. To dispense for profit does not include dispensing by a community health clinic when the profit from dispensing is used to meet operating expenses.

(c) A prescription or drug order for the following drugs is not valid, unless it can be established that the prescription or order was based on a documented patient evaluation, including an examination, adequate to establish a diagnosis and identify underlying conditions and contraindications to treatment:

(1) controlled substance drugs listed in section 152.02, subdivisions 3 to 5;

(2) drugs defined by the Board of Pharmacy as controlled substances under section 152.02, subdivisions 7, 8, and 12;

(3) muscle relaxants;

(4) centrally acting analgesics with opioid activity;

(5) drugs containing butalbital; or

(6) phosphodiesterase type 5 inhibitors when used to treat erectile dysfunction.

(d) For the purposes of paragraph (c), the requirement for an examination shall be met if an in-person examination has been completed in any of the following circumstances:

(1) the prescribing practitioner examines the patient at the time the prescription or drug order is issued;

(2) the prescribing practitioner has performed a prior examination of the patient;

(3) another prescribing practitioner practicing within the same group or clinic as the prescribing practitioner has examined the patient;

(4) a consulting practitioner to whom the prescribing practitioner has referred the patient has examined the patient; or

(5) the referring practitioner has performed an examination in the case of a consultant practitioner issuing a prescription or drug order when providing services by means of telemedicine.

(e) Nothing in paragraph (c) or (d) prohibits a licensed practitioner from prescribing a drug through the use of a guideline or protocol pursuant to paragraph (a).

(f) Nothing in this chapter prohibits a licensed practitioner from issuing a prescription or dispensing a legend drug in accordance with the Expedited Partner Therapy in the Management of Sexually Transmitted Diseases guidance document issued by the United States Centers for Disease Control.

(g) Nothing in paragraph (c) or (d) limits prescription, administration, or dispensing of legend drugs through a public health clinic or other distribution mechanism approved by the commissioner of health or a board of health in order to prevent, mitigate, or treat a pandemic illness, infectious disease outbreak, or intentional or accidental release of a biological, chemical, or radiological agent.

(h) No pharmacist employed by, under contract to, or working for a pharmacy licensed under section 151.19, subdivision 1, may dispense a legend drug based on a prescription that the pharmacist knows, or would reasonably be expected to know, is not valid under paragraph (c).

(i) No pharmacist employed by, under contract to, or working for a pharmacy licensed under section 151.19, subdivision 2, may dispense a legend drug to a resident of this state based on a prescription that the pharmacist knows, or would reasonably be expected to know, is not valid under paragraph (c).

Sec. 29. **IMPACT OF ORAL HEALTH PRACTITIONERS.**

(a) The Board of Dentistry shall evaluate the impact of the use of oral health practitioners on the delivery of and access to dental services. The board shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over health care by January 15, 2014:

- (1) the number of oral health practitioners annually licensed by the board beginning in 2011;
- (2) the settings where licensed oral health practitioners are practicing and the populations being served;
- (3) the number of complaints filed against oral health practitioners and the basis for each complaint; and
- (4) the number of disciplinary actions taken against oral health practitioners.

(b) The board, in consultation with the Department of Human Services, shall also include the number and type of dental services that were performed by oral health practitioners and reimbursed by the state under the Minnesota state health care programs for the 2013 fiscal year.

(c) The board, in consultation with the Department of Health, shall develop an evaluation process that focuses on assessing the impact of oral health practitioners in terms of patient safety, cost effectiveness, and access to dental services. The process shall focus on the following outcome measures:

- (1) number of new patients served;
- (2) reduction in waiting times for needed services;
- (3) decreased travel time for patients;
- (4) impact on emergency room usage for dental care; and
- (5) costs to the public health care system."

Delete the title and insert:

"A bill for an act relating to health occupations; changing provisions for chiropractors, pharmacists, respiratory therapists, physician assistants, psychologists, nutritionists, and social work; licensing dental therapists and oral health practitioners; setting fees; amending Minnesota Statutes 2008, sections 62M.09, subdivision 3a; 62U.09, subdivision 2; 144.1501, subdivision 1; 144E.001, subdivisions 3a, 9c; 147.09; 147A.01; 147A.02; 147A.03; 147A.04; 147A.05; 147A.06; 147A.07; 147A.08; 147A.09; 147A.11; 147A.13; 147A.16; 147A.18; 147A.19; 147A.20; 147A.21; 147A.23; 147A.24; 147A.26; 147A.27; 147C.01; 147C.05; 147C.10; 147C.15; 147C.20; 147C.25; 147C.30; 147C.35; 147C.40; 148.06, subdivision 1; 148.624, subdivision 2; 148.89, subdivision 5; 148D.010, subdivisions 9, 15, by adding subdivisions; 148D.025, subdivisions 2, 3; 148D.061, subdivisions 6, 8; 148D.062, subdivision 2; 148D.063, subdivision 2; 148D.125, subdivisions 1, 3; 148E.010, subdivisions 11, 17, by

adding subdivisions; 148E.025, subdivisions 2, 3; 148E.055, subdivision 5; 148E.100, subdivisions 3, 4, 5, 6, 7, by adding a subdivision; 148E.105, subdivisions 1, 3, 5, 7, by adding a subdivision; 148E.106, subdivisions 1, 2, 3, 4, 5, 8, 9, by adding a subdivision; 148E.110, subdivisions 1, 2, by adding subdivisions; 148E.115, subdivision 1, by adding a subdivision; 148E.120; 148E.125, subdivisions 1, 3; 148E.130, subdivisions 2, 5, by adding a subdivision; 148E.165, subdivision 1; 150A.01, by adding subdivisions; 150A.05, subdivision 2, by adding subdivisions; 150A.06, subdivisions 2d, 5, 6, by adding subdivisions; 150A.08, subdivisions 1, 3a, 5; 150A.09, subdivisions 1, 3; 150A.091, subdivisions 2, 3, 5, 8, 10; 150A.10, subdivisions 1, 2, 3, 4; 150A.11, subdivision 4; 150A.12; 150A.21, subdivisions 1, 4; 151.01, subdivision 23; 151.37, subdivision 2; 169.345, subdivision 2; 214.103, subdivision 9; 253B.02, subdivision 7; 253B.05, subdivision 2; 256B.0625, subdivision 28a; 256B.0751, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 150A; repealing Minnesota Statutes 2008, sections 147A.22; 148.627; 148D.062, subdivision 5; 148D.125, subdivision 2; 148D.180, subdivision 8; 148E.106, subdivision 6; 148E.125, subdivision 2; 150A.061."

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. 545, A bill for an act relating to elections; requiring notice of restoration of civil rights; amending Minnesota Statutes 2008, sections 201.014, subdivision 2; 201.091, by adding a subdivision; 201.155; 203B.02, subdivision 1; 609.165, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 243; 630; 631.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[201.280] DUTIES OF SECRETARY OF STATE; INFORMATION ABOUT VOTING RIGHTS.**

The secretary of state shall develop accurate and complete information in a single publication about the voting rights of people who have been charged with or convicted of a crime. This publication must be made available electronically to the state court administrator for distribution to judges, court personnel, probation officers, and the Department of Corrections for distribution to corrections officials, parole officers, and the public.

Sec. 2. **[243.205] NOTICE OF RESTORATION OF RIGHT TO VOTE.**

Subdivision 1. **Correctional facilities; designation of official.** The chief executive officer of each state and local correctional facility shall designate an official within the facility to provide the notice and application required under this section to inmates who have been restored to civil rights. The official shall maintain an adequate supply of voter registration applications and informational materials for this purpose.

Subd. 2. **Notice requirement.** A notice of restoration of civil rights and a voter registration application must be provided as follows:

(1) the chief executive officer of each state and local correctional facility shall provide the notice and application to an inmate being released from the facility following incarceration for a felony-level offense if the inmate's sentence is discharged and civil rights restored under section 609.165; and



(2) a probation officer or supervised release agent shall provide the notice and application when an individual under correctional supervision for a felony-level offense is discharged from sentence and the individual's civil rights have been restored under section 609.165.

Subd. 3. **Form of notice.** The notice required by subdivision 2 must appear substantially as follows:

**"NOTICE OF RESTORATION OF CIVIL RIGHTS, INCLUDING YOUR RIGHT TO VOTE.**

Your final discharge today means that your civil rights have been restored. This includes a restoration of your right to vote in Minnesota. Before you can vote on election day, you still need to register to vote. To register, you can complete a voter registration application and return it to the Office of the Minnesota Secretary of State. You also can register to vote in your polling place on election day. You will not be permitted to cast a ballot until you register to vote. The first time you appear at your polling place to cast a ballot, you may be required to provide proof of your current residence."

Subd. 4. **Failure to provide notice.** A failure to provide proper notice as required by this section does not prevent the restoration of an inmate's civil rights upon discharge.

Sec. 3. **[630.125] DEFENDANT; NOTICE OF LOSS OF CIVIL RIGHTS UPON CONVICTION.**

For felony-level offenses, at the time of arraignment, prior to the court's acceptance of a plea from the defendant, the court must notify the defendant that a guilty plea or conviction for a felony-level offense will result in a loss of the defendant's civil rights, including the right to vote, until the defendant's sentence has been discharged."

Delete the title and insert:

"A bill for an act relating to elections; requiring certain notices concerning voting rights of felons; requiring an informational publication; proposing coding for new law in Minnesota Statutes, chapters 201; 243; 630."

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. 570, A bill for an act relating to transportation; highways; prohibiting certain activities at rest areas; prescribing petty misdemeanor penalty; proposing coding for new law in Minnesota Statutes, chapter 160.

Reported the same back with the following amendments:

Page 1, delete lines 8 to 9 and insert:

"(1) dispose of travel-related trash and rubbish, unless depositing it in a designated receptacle;"

Page 1, line 19, delete everything after "12"

Page 1, line 20, delete everything before the period

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 571, A bill for an act relating to transportation; regulating titling, registration, and operation of mini trucks; amending Minnesota Statutes 2008, sections 168.002, subdivision 24, by adding a subdivision; 168A.03, subdivision 1; 169.011, subdivision 52, by adding a subdivision; 169.224.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 169.011, is amended by adding a subdivision to read:

Subd. 40a. **Mini truck.** (a) "Mini truck" means a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements.

(b) A mini truck does not include:

(1) a neighborhood electric vehicle or a medium-speed electric vehicle; or

(2) a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.

Sec. 2. Minnesota Statutes 2008, section 169.045, is amended to read:

**169.045 SPECIAL VEHICLE USE ON ROADWAY.**

Subdivision 1. **Designation of roadway, permit.** The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, ~~or~~ four-wheel all-terrain vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart ~~or~~ four-wheel all-terrain vehicle, or mini truck is by permit only. For purposes of this section, a four-wheel all-terrain vehicle is a motorized flotation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds, and a mini truck has the meaning given in section 169.011, subdivision 40a.

Subd. 2. **Ordinance.** The ordinance shall designate the roadways, prescribe the form of the application for the permit, require evidence of insurance complying with the provisions of section 65B.48, subdivision 5 and may prescribe conditions, not inconsistent with the provisions of this section, under which a permit may be granted. Permits may be granted for a period of not to exceed one year, and may be annually renewed. A permit may be revoked at any time if there is evidence that the permittee cannot safely operate the motorized golf cart ~~or~~ four-wheel all-terrain vehicle, or mini truck on the designated roadways. The ordinance may require, as a condition to obtaining a permit, that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart ~~or~~ four-wheel all-terrain vehicle, or mini truck on the roadways designated.

Subd. 3. **Times of operation.** Motorized golf carts and four-wheel all-terrain vehicles may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Subd. 4. **Slow-moving vehicle emblem.** Motorized golf carts shall display the slow-moving vehicle emblem provided for in section 169.522, when operated on designated roadways.

Subd. 5. **Crossing intersecting highways.** The operator, under permit, of a motorized golf cart ~~or~~ four-wheel all-terrain vehicle, or mini truck may cross any street or highway intersecting a designated roadway.

Subd. 6. **Application of traffic laws.** Every person operating a motorized golf cart ~~or~~ four-wheel all-terrain vehicle, or mini truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of this chapter, except when those provisions cannot reasonably be applied to motorized golf carts ~~or~~ four-wheel all-terrain vehicles, or mini trucks and except as otherwise specifically provided in subdivision 7.

Subd. 7. **Nonapplication of certain laws.** The provisions of chapter 171 are applicable to persons operating mini trucks, but are not applicable to persons operating motorized golf carts or four-wheel all-terrain vehicles under permit on designated roadways pursuant to this section. Except for the requirements of section 169.70, the provisions of this chapter relating to equipment on vehicles ~~is~~ are not applicable to motorized golf carts or four-wheel all-terrain vehicles operating, under permit, on designated roadways.

Subd. 8. **Insurance.** In the event persons operating a motorized golf cart ~~or~~ four-wheel, all-terrain vehicle, or mini truck under this section cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage, from the Minnesota Automobile ~~Assigned Risk Insurance Plan~~ Assigned Risk Insurance Plan under sections 65B.01 to 65B.12 at a rate to be determined by the commissioner of commerce.

Sec. 3. Minnesota Statutes 2008, section 169.045, is amended by adding a subdivision to read:

Subd. 7a. **Required equipment on mini trucks.** Notwithstanding sections 169.48 to 169.68, or any other law, a mini truck may be operated under permit on designated roadways if it is equipped with:

(1) at least two headlamps;

(2) at least two taillamps;

(3) front and rear turn-signal lamps;

(4) an exterior mirror mounted on the driver's side of the vehicle and either (i) an exterior mirror mounted on the passenger's side of the vehicle or (ii) an interior mirror;

(5) a windshield;

(6) a seat belt for the driver and front passenger; and

(7) a parking brake.

Sec. 4. **EFFECTIVE DATE.**

This act is effective August 1, 2009, and expires on July 31, 2012."

Delete the title and insert:

"A bill for an act relating to transportation; regulating use and operation of mini trucks on public roadways; amending Minnesota Statutes 2008, sections 169.011, by adding a subdivision; 169.045."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 581, A bill for an act relating to human services; expanding the definition of services available under medical assistance for disabled children's services; amending Minnesota Statutes 2008, section 252.27, subdivision 1a.

Reported the same back with the following amendments:

Page 1, line 7, after the second "condition" insert "(1)"

Page 1, line 9, after "syndrome" insert a comma and after "and" insert "(2)"

Page 1, line 11, strike "(1)" and insert "(i)"

Page 1, line 12, strike "(2)" and insert "(ii)"

Page 1, line 14, strike "(3)" and insert "(iii)"

Page 1, line 16, strike "(4)" and insert "(iv)"

Page 1, line 17, strike "(5)" and insert "(v)"

Page 1, line 18, strike "(6)" and insert "(vi)"

Page 1, line 19, strike "(i)" and insert "(A)" and strike "(ii)" and insert "(B)" and strike "(iii)" and insert "(C)"

Page 1, line 20, strike "(iv)" and insert "(D)" and strike "(v)" and insert "(E)" and strike "(vi)" and insert "(F)"

Page 1, line 21, strike "(7)" and insert "(vii)"

Page 2, line 1, strike "clause (7)" and insert "item (vii)"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 582, A bill for an act relating to crimes; changing requirement that defendant waiver of jury trial be consented to by prosecutor; proposing coding for new law in Minnesota Statutes, chapter 631.

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. 600, A bill for an act relating to public safety; authorizing disbursement of minimum fines for controlled substance offenses to juvenile substance abuse court programs; amending Minnesota Statutes 2008, section 609.101, subdivision 3.

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

The report was adopted.

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

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[299C.563] LIFESAVER PROGRAM.**

**Subdivision 1. Program assistance.** The commissioner of public safety shall assist local law enforcement agencies with the development and implementation of lifesaver rapid response programs designed to quickly find individuals with medical conditions that cause wandering and result in many of these individuals becoming lost and missing. The search and rescue program must electronically track a lost or missing vulnerable senior citizen or an individual who is mentally impaired due to autism, Down Syndrome, Alzheimer's disease, or other mental impairment that causes wandering. The lifesaver program participant wears a small transmitter on the wrist to allow the local law enforcement agency to electronically locate the participant, if necessary, using a radio receiver. The commissioner shall promote the lifesaver program throughout the state and serve as liaison to lifesaver programs developed and implemented by local law enforcement agencies.

**Subd. 2. Lifesaver advisory task force.** (a) The commissioner of public safety shall convene a voluntary lifesaver advisory task force to facilitate the development and implementation of lifesaver programs by local law enforcement agencies. The commissioner shall appoint at least five persons from various geographic areas of the state to the voluntary task force. The task force must be composed of at least one member experienced in an area of mental impairment, one member experienced in the area of law enforcement, and one member experienced in the development of a lifesaver or similar program. Members serve without compensation at the pleasure of the commissioner.

(b) The voluntary task force expires June 30, 2013.

**Subd. 3. Report to legislature.** The commissioner shall report to the house of representatives and senate committees having jurisdiction over public safety by January 15, 2012, on the effectiveness of lifesaver programs developed and implemented by local law enforcement agencies."

Delete the title and insert:

"A bill for an act relating to public safety; establishing a program to assist local law enforcement agencies to develop or expand lifesaver programs that locate lost or wandering persons who are mentally impaired; authorizing a voluntary advisory task force; proposing coding for new law in Minnesota Statutes, chapter 299C."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 672, A bill for an act relating to transportation; authorizing use of freeway shoulders by transit buses and Metro Mobility buses; amending Minnesota Statutes 2008, section 169.306.

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. 811, A bill for an act relating to insurance; increasing certain maximum dollar amounts on protection for policyholders of insolvent life and health insurance companies to provide greater comparability with limits of federal deposit insurance of bank accounts; updating certain other dollar amounts to reflect inflation adjustments already made by law; removing a certain prohibited sales practice; amending Minnesota Statutes 2008, sections 61B.19, subdivisions 4, 6; 61B.28, subdivision 8; repealing Minnesota Statutes 2008, section 61B.28, subdivision 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 61B.19, subdivision 4, is amended to read:

Subd. 4. **Limitation of benefits.** The benefits for which the association may become liable shall in no event exceed the lesser of:

(1) the contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(2) subject to the limitation in clause (5), with respect to any one life, regardless of the number of policies or contracts:

(i) ~~\$300,000~~ \$500,000 in life insurance death benefits, but not more than ~~\$100,000~~ \$130,000 in net cash surrender and net cash withdrawal values for life insurance;

(ii) ~~\$300,000~~ \$500,000 in health insurance benefits, including any net cash surrender and net cash withdrawal values;

(iii) ~~\$100,000~~ \$250,000 in annuity net cash surrender and net cash withdrawal values;

(iv) ~~\$300,000~~ \$410,000 in present value of annuity benefits for structured settlement annuities or for annuities in regard to which periodic annuity benefits, for a period of not less than the annuitant's lifetime or for a period certain of not less than ten years, have begun to be paid, on or before the date of impairment or insolvency; or

(3) subject to the limitations in clauses (5) and (6), with respect to each individual resident participating in a retirement plan, except a defined benefit plan, established under section 401, 403(b), or 457 of the Internal Revenue Code of 1986, as amended through December 31, 1992, covered by an unallocated annuity contract, or the beneficiaries of each such individual if deceased, in the aggregate, ~~\$100,000~~ \$250,000 in net cash surrender and net cash withdrawal values;

(4) where no coverage limit has been specified for a covered policy or benefit, the coverage limit shall be ~~\$300,000~~ \$500,000 in present value;

(5) in no event shall the association be liable to expend more than ~~\$300,000~~ \$500,000 in the aggregate with respect to any one life under clause (2), items (i), (ii), (iii), (iv), and clause (4), and any one individual under clause (3);

(6) in no event shall the association be liable to expend more than ~~\$7,500,000~~ \$10,000,000 with respect to all unallocated annuities of a retirement plan, except a defined benefit plan, established under section 401, 403(b), or 457 of the Internal Revenue Code of 1986, as amended through December 31, 1992. If total claims from a plan exceed ~~\$7,500,000~~ \$10,000,000, the ~~\$7,500,000~~ \$10,000,000 shall be prorated among the claimants;

(7) for purposes of applying clause (2)(ii) and clause (5), with respect only to health insurance benefits, the term "any one life" applies to each individual covered by a health insurance policy;

(8) where covered contractual obligations are equal to or less than the limits stated in this subdivision, the association will pay the difference between the covered contractual obligations and the amount credited by the estate of the insolvent or impaired insurer, if that amount has been determined or, if it has not, the covered contractual limit, subject to the association's right of subrogation;

(9) where covered contractual obligations exceed the limits stated in this subdivision, the amount payable by the association will be determined as though the covered contractual obligations were equal to those limits. In making the determination, the estate shall be deemed to have credited the covered person the same amount as the estate would credit a covered person with contractual obligations equal to those limits; or

(10) the following illustrates how the principles stated in clauses (8) and (9) apply. The example illustrated concerns hypothetical claims subject to the limit stated in clause (2)(iii). The principles stated in clauses (8) and (9), and illustrated in this clause, apply to claims subject to any limits stated in this subdivision.

CONTRACTUAL OBLIGATIONS OF:

\$50,000

	Estate	Guaranty Association
0% recovery from estate	\$0	\$50,000
25% recovery from estate	\$12,500	\$37,500
50% recovery from estate	\$25,000	\$25,000
75% recovery from estate	\$37,500	\$12,500

	\$100,000	
	Estate	Guaranty Association
0% recovery from estate	\$0	\$100,000
25% recovery from estate	\$25,000	\$75,000
50% recovery from estate	\$50,000	\$50,000
75% recovery from estate	\$75,000	\$25,000
	\$200,000	
	Estate	Guaranty Association
0% recovery from estate	\$0	\$100,000
25% recovery from estate	\$50,000	\$75,000
50% recovery from estate	\$100,000	\$50,000
75% recovery from estate	\$150,000	\$25,000

For purposes of this subdivision, the commissioner shall determine the discount rate to be used in determining the present value of annuity benefits.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to member insurers who are first determined to be impaired or insolvent on or after this effective date. Member insurers who are subject to an order of impairment in effect on the effective date but are not declared insolvent until after the effective date shall continue to be governed by the law in effect prior to the effective date.

Sec. 2. Minnesota Statutes 2008, section 61B.28, subdivision 4, is amended to read:

Subd. 4. **Prohibited sales practice.** No person, including an insurer, agent, or affiliate of an insurer, shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in any newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or television station, or in any other way, an advertisement, announcement, or statement, written or oral, which uses the existence of the Minnesota Life and Health Insurance Guaranty Association for the purpose of sales, solicitation, or inducement to purchase any form of insurance covered by sections 61B.18 to 61B.32. The notice required by subdivision 8 is not a violation of this subdivision nor is it a violation of this subdivision to explain verbally to an applicant or potential applicant the coverage provided by the Minnesota Life and Health Insurance Guaranty Association at any time during the application process or thereafter. This subdivision does not apply to the Minnesota Life and Health Insurance Guaranty Association or an entity that does not sell or solicit insurance. ~~A person violating this section is guilty of a misdemeanor.~~

Sec. 3. Minnesota Statutes 2008, section 61B.28, subdivision 8, is amended to read:

Subd. 8. **Form.** The form of notice referred to in subdivision 7, paragraph (a), is as follows:

".....  
.....  
.....  
(insert name, current address, and telephone number of insurer)



NOTICE CONCERNING POLICYHOLDER RIGHTS IN AN  
INSOLVENCY UNDER THE MINNESOTA LIFE AND HEALTH  
INSURANCE GUARANTY ASSOCIATION LAW

If the insurer that issued your life, annuity, or health insurance policy becomes impaired or insolvent, you are entitled to compensation for your policy from the assets of that insurer. The amount you recover will depend on the financial condition of the insurer.

In addition, residents of Minnesota who purchase life insurance, annuities, or health insurance from insurance companies authorized to do business in Minnesota are protected, SUBJECT TO LIMITS AND EXCLUSIONS, in the event the insurer becomes financially impaired or insolvent. This protection is provided by the Minnesota Life and Health Insurance Guaranty Association.

Minnesota Life and Health Insurance Guaranty Association

(insert current address and telephone number)

The maximum amount the guaranty association will pay for all policies issued on one life by the same insurer is limited to ~~\$300,000~~ \$500,000. Subject to this ~~\$300,000~~ \$500,000 limit, the guaranty association will pay up to ~~\$300,000~~ \$500,000 in life insurance death benefits, ~~\$100,000~~ \$130,000 in net cash surrender and net cash withdrawal values for life insurance, ~~\$300,000~~ \$500,000 in health insurance benefits, including any net cash surrender and net cash withdrawal values, ~~\$100,000~~ \$250,000 in annuity net cash surrender and net cash withdrawal values, ~~\$300,000~~ \$410,000 in present value of annuity benefits for annuities which are part of a structured settlement or for annuities in regard to which periodic annuity benefits, for a period of not less than the annuitant's lifetime or for a period certain of not less than ten years, have begun to be paid on or before the date of impairment or insolvency, or if no coverage limit has been specified for a covered policy or benefit, the coverage limit shall be ~~\$300,000~~ \$500,000 in present value. Unallocated annuity contracts issued to retirement plans, other than defined benefit plans, established under section 401, 403(b), or 457 of the Internal Revenue Code of 1986, as amended through December 31, 1992, are covered up to ~~\$100,000~~ \$250,000 in net cash surrender and net cash withdrawal values, for Minnesota residents covered by the plan provided, however, that the association shall not be responsible for more than ~~\$7,500,000~~ \$10,000,000 in claims from all Minnesota residents covered by the plan. If total claims exceed ~~\$7,500,000~~ \$10,000,000, the ~~\$7,500,000~~ \$10,000,000 shall be prorated among all claimants. These are the maximum claim amounts. Coverage by the guaranty association is also subject to other substantial limitations and exclusions and requires continued residency in Minnesota. If your claim exceeds the guaranty association's limits, you may still recover a part or all of that amount from the proceeds of the liquidation of the insolvent insurer, if any exist. Funds to pay claims may not be immediately available. The guaranty association assesses insurers licensed to sell life and health insurance in Minnesota after the insolvency occurs. Claims are paid from this assessment.

THE COVERAGE PROVIDED BY THE GUARANTY ASSOCIATION IS NOT A SUBSTITUTE FOR USING CARE IN SELECTING INSURANCE COMPANIES THAT ARE WELL MANAGED AND FINANCIALLY STABLE. IN SELECTING AN INSURANCE COMPANY OR POLICY, YOU SHOULD NOT RELY ON COVERAGE BY THE GUARANTY ASSOCIATION.

THIS NOTICE IS REQUIRED BY MINNESOTA STATE LAW TO ADVISE POLICYHOLDERS OF LIFE, ANNUITY, OR HEALTH INSURANCE POLICIES OF THEIR RIGHTS IN THE EVENT THEIR INSURANCE CARRIER BECOMES FINANCIALLY INSOLVENT. THIS NOTICE IN NO WAY IMPLIES THAT THE COMPANY CURRENTLY HAS ANY TYPE OF FINANCIAL PROBLEMS. ALL LIFE, ANNUITY, AND HEALTH INSURANCE POLICIES ARE REQUIRED TO PROVIDE THIS NOTICE."

Additional language may be added to the notice if approved by the commissioner prior to its use in the form. This section does not apply to fraternal benefit societies regulated under chapter 64B.

**EFFECTIVE DATE.** This section is effective 30 days following final enactment.

Sec. 4. **REPEALER; ADJUSTMENT OF LIABILITY LIMITS.**

Minnesota Statutes 2008, section 61B.19, subdivision 6, is repealed.

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

Amend the title as follows:

Page 1, line 6, delete "removing a certain prohibited sales practice" and insert "modifying prohibited sales practices"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 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 following amendments:

Page 2, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 2008, section 256B.0595, subdivision 4, is amended to read:

Subd. 4. **Other exceptions to transfer prohibition.** (a) An institutionalized person who has made, or whose spouse has made a transfer prohibited by subdivision 1, is not ineligible for long-term care services if one of the following conditions applies:

- (1) the assets were transferred to the individual's spouse or to another for the sole benefit of the spouse; or
- (2) the institutionalized spouse, prior to being institutionalized, transferred assets to a spouse, provided that the spouse to whom the assets were transferred does not then transfer those assets to another person for less than fair market value. (At the time when one spouse is institutionalized, assets must be allocated between the spouses as provided under section 256B.059); or
- (3) the assets were transferred to the individual's child who is blind or permanently and totally disabled as determined in the supplemental security income program; or
- (4) a satisfactory showing is made that the individual intended to dispose of the assets either at fair market value or for other valuable consideration; or

(5) the local agency determines that denial of eligibility for long-term care services would work an undue hardship and grants a waiver of a penalty period of ineligibility resulting from a transfer for less than fair market value based on an imminent threat to the individual's health and well-being. Imminent threat to the individual's health and well-being means that imposing a period of ineligibility would endanger the individual's health or life or cause serious deprivation of food, clothing, or shelter. Whenever an applicant or recipient is denied eligibility because of a transfer for less than fair market value, the local agency shall notify the applicant or recipient that the applicant or recipient may request a waiver of the penalty period of ineligibility if the denial of eligibility will cause undue hardship. With the written consent of the individual or the personal representative of the individual, a long-term care facility in which an individual is residing may file an undue hardship waiver request, on behalf of the individual who is denied eligibility for long-term care services on or after July 1, 2006, due to a period of ineligibility resulting from a transfer on or after February 8, 2006. ~~In evaluating a waiver, the local agency shall take into account whether the individual was the victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, whether the individual has taken any action to prevent the designation of the department as a remainder beneficiary on an annuity as described in section 256B.056, subdivision 11, and other factors relevant to a determination of hardship.~~

(b) Subject to paragraph (c), when evaluating a hardship waiver, the local agency shall take into account whether the individual was the victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, whether the individual has taken any action to prevent the designation of the department as a remainder beneficiary on an annuity as described in section 256B.056, subdivision 11, and other factors relevant to a determination of hardship.

(c) In the case of an imminent threat to the individual's health and well-being, the local agency shall approve a hardship waiver of the portion of an individual's period of ineligibility resulting from a transfer of assets for less than fair market value by or to a person:

(1) convicted of financial exploitation, fraud, or theft upon the individual for such transfer of assets; or

(2) against whom a report of financial exploitation upon the individual has been substantiated. For purposes of this paragraph, "financial exploitation" and "substantiated" have the meanings given in section 626.5572.

(d) The local agency shall make a determination within 30 days of the receipt of all necessary information needed to make such a determination. If the local agency does not approve a hardship waiver, the local agency shall issue a written notice to the individual stating the reasons for the denial and the process for appealing the local agency's decision. When a waiver is granted, a cause of action exists against the person to whom the assets were transferred for that portion of long-term care services provided within:

(i) 30 months of a transfer made on or before August 10, 1993;

(ii) 60 months of a transfer if the assets were transferred after August 30, 1993, to a trust or portion of a trust that is considered a transfer of assets under federal law;

(iii) 36 months of a transfer if transferred in any other manner after August 10, 1993, but prior to February 8, 2006; or

(iv) 60 months of any transfer made on or after February 8, 2006,

or the amount of the uncompensated transfer, whichever is less, together with the costs incurred due to the action; or

~~(6)~~ (5) for transfers occurring after August 10, 1993, the assets were transferred by the person or person's spouse: (i) into a trust established for the sole benefit of a son or daughter of any age who is blind or disabled as defined by the Supplemental Security Income program; or (ii) into a trust established for the sole benefit of an individual who is under 65 years of age who is disabled as defined by the Supplemental Security Income program.

"For the sole benefit of" has the meaning found in section 256B.059, subdivision 1.

Sec. 5. Minnesota Statutes 2008, section 256B.0595, subdivision 9, is amended to read:

Subd. 9. **Filing cause of action; limitation.** (a) The county of financial responsibility under chapter 256G may bring a cause of action under any or all of the following:

- (1) subdivision 1, paragraph (f);
- (2) subdivision 2, paragraphs (a) and (b);
- (3) subdivision 3, paragraph (b);
- (4) subdivision 4, ~~clause (5)~~ paragraph (d); and
- (5) subdivision 8

on behalf of the claimant who must be the commissioner.

(b) Notwithstanding any other law to the contrary, a cause of action under subdivision 2, paragraph (a) or (b), or 8, must be commenced within six years of the date the local agency determines that a transfer was made for less than fair market value. Notwithstanding any other law to the contrary, a cause of action under subdivision 3, paragraph (b), or 4, clause (5), must be commenced within six years of the date of approval of a waiver of the penalty period for a transfer for less than fair market value based on undue hardship."

Page 9, line 22, after "establish" insert "and maintain"

Page 9, line 23, after "maltreatment" insert "made pursuant to section 626.557 through a single statewide toll-free telephone number, and the Web-based system"

Page 9, line 26, after "(b)" insert "Any person may use the statewide toll-free telephone number or Web-based system to report known or suspected abuse, neglect, or exploitation of a vulnerable adult at any hour of the day or night, any day of the week."

Page 10, line 20, strike everything before "the" and strike "has access to"

Page 10, line 21, strike everything before "must" and strike "in on" and insert "into" and before "database" insert "central"

Page 10, line 22, delete "July 1, 2010" and insert "January 1, 2011"

Page 10, after line 22, insert:

"Sec. 15. Minnesota Statutes 2008, section 626.557, subdivision 9a, is amended to read:

Subd. 9a. **Evaluation and referral of reports made to common entry point unit.** (a) The common entry point must be operated in such a manner as to enable the common entry point staff to:

(1) when appropriate, refer calls that do not allege the abuse, neglect, or exploitation of a vulnerable adult to other organizations that might better resolve the reporter's concerns; and

(2) immediately identify and locate prior reports of abuse, neglect, or exploitation.

(b) The common entry point must screen the reports of alleged or suspected maltreatment for immediate risk and make all necessary referrals as follows:

(1) if the common entry point determines that there is an immediate need for adult protective services, the common entry point agency shall immediately notify the appropriate county agency;

(2) if the report contains suspected criminal activity against a vulnerable adult, the common entry point shall immediately notify the appropriate law enforcement agency;

(3) if the report references alleged or suspected maltreatment and there is no immediate need for adult protective services, the common entry point shall notify the appropriate lead agency as soon as possible, but in any event no longer than two working days;

(4) if the report does not reference alleged or suspected maltreatment, the common entry point may determine whether the information will be referred; and

(5) if the report contains information about a suspicious death, the common entry point shall immediately notify the appropriate law enforcement agencies, the local medical examiner, and the ombudsman established under section 245.92. Law enforcement agencies shall coordinate with the local medical examiner and the ombudsman as provided by law.

(c) The common entry point must be operated in such a manner as to enable the commissioner of human services to:

(1) track critical steps in the investigative process to ensure compliance with all requirements for all reports;

(2) maintain data to facilitate the production of aggregate statistical reports for monitoring patterns of abuse, neglect, or exploitation;

(3) serve as a resource for the evaluation, management, and planning of preventive and remedial services for vulnerable adults who have been subject to abuse, neglect, or exploitation;

(4) set standards, priorities, and policies to maximize the efficiency and effectiveness of the common entry point; and

(5) develop a system to manage consumer complaints related to the central reporting system."

Page 11, line 26, before "The" insert "Under the direction of the commissioner of human services," and delete ", human"

Page 11, line 27, delete "services,"

Renumber the sections in sequence

Correct the title numbers accordingly

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

The report was adopted.

Mullery from the Committee on Civil Justice 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 recommendation that the bill pass.

The report was adopted.

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

H. F. No. 928, A bill for an act relating to traffic regulation; prohibiting the use of wireless communications devices in Metropolitan Council public transit vehicles; proposing coding for new law in Minnesota Statutes, chapter 169.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[160.2755] PROHIBITED ACTIVITIES AT REST AREAS.**

Subdivision 1. **Prohibited activities.** It is unlawful at rest areas to:

- (1) dispose of travel-related trash and rubbish, except if depositing it in a designated receptacle;
- (2) dump household or commercial trash and rubbish into containers or anywhere else on site;
- (3) drain or dump refuse or waste from any trailer, recreational vehicle, or other vehicle except where receptacles are provided and designated to receive the refuse or waste;
- (4) consume alcoholic beverages or possess open containers of alcoholic beverages, except in accordance with section 169A.35, subdivision 6;
- (5) remain for a period of over six hours, except (i) as provided under section 160.2721, and (ii) for an employee who is working at the rest area;
- (6) make arrangements for camping; or
- (7) allow a motor vehicle or trailer to remain unattended, when no member of a party or group travelling in association with the motor vehicle or trailer is also present at the rest area.

Subd. 2. **Penalty.** Violation of this section is a petty misdemeanor, except that violation of subdivision 1, clause (4), is a misdemeanor.

Sec. 2. Minnesota Statutes 2008, section 169.15, is amended to read:

**169.15 IMPEDING TRAFFIC; INTERSECTION GRIDLOCK.**

Subdivision 1. **Impeding traffic; drive at slow speed.** No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law or except when the vehicle is temporarily unable to maintain a greater speed due to a combination of the weight of the vehicle and the grade of the highway.

**Subd. 2. Intersection gridlock; stop or block traffic.** No driver of a motor vehicle shall enter an intersection until the vehicle is able to move completely through the intersection without impeding or blocking the subsequent movement of cross traffic, unless such movement is at the direction of a city-authorized traffic-control agent or a police officer or to facilitate passage of an authorized emergency vehicle. A violation of this subdivision does not constitute grounds for suspension or revocation of the violator's driver's license.

Sec. 3. Minnesota Statutes 2008, section 171.12, subdivision 6, is amended to read:

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

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

Sec. 4. **[171.163] COMMERCIAL DRIVER'S LICENSE RECORD KEEPING.**

An agency, court, or public official in Minnesota shall not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a conviction for a violation of a state or local traffic control law, except a parking violation, from appearing on the driving record of a holder of a commercial driver's license, when the violation is committed in any type of motor vehicle, or on the driving record of an individual who committed the violation in a commercial motor vehicle.

Sec. 5. Minnesota Statutes 2008, section 174.86, subdivision 5, is amended to read:

**Subd. 5. Commuter Rail Corridor Coordinating Committee.** (a) A Commuter Rail Corridor Coordinating Committee ~~shall be~~ is established to advise the commissioner on issues relating to the alternatives analysis, environmental review, advanced corridor planning, preliminary engineering, final design, implementation method, construction of commuter rail, public involvement, land use, service, and safety. The Commuter Rail Corridor Coordinating Committee shall consist of:

- (1) one member representing each significant funding partner in whose jurisdiction the line or lines are located;
- (2) one member appointed by each county in which the corridors are located;
- (3) one member appointed by each city in which advanced corridor plans indicate that a station may be located;
- (4) two members appointed by the commissioner, one of whom shall be designated by the commissioner as the chair of the committee;
- (5) one member appointed by each metropolitan planning organization through which the commuter rail line may pass; ~~and~~
- (6) one member appointed by the president of the University of Minnesota, if a designated corridor provides direct service to the university; ~~and~~
- (7) two members of labor organizations operating in, and with authority for, trains or rail yards or stations junctioning with freight and commuter rail lines on corridors, with one member appointed by the speaker of the house and the other member appointed by the senate Rules and Administration Subcommittee on Committees.

(b) A joint powers board existing on April 1, 1999, consisting of local governments along a commuter rail corridor, shall perform the functions set forth in paragraph (a) in place of the committee.

(c) Notwithstanding section 15.059, subdivision 5, the committee does not expire.

Sec. 6. Minnesota Statutes 2008, section 473.167, subdivision 2a, is amended to read:

Subd. 2a. **Hardship Loans for acquisition and relocation.** (a) The council may make ~~hardship~~ loans to acquiring authorities within the metropolitan area to purchase homestead property located in a proposed state trunk highway right-of-way or project, and to provide relocation assistance. Acquiring authorities are authorized to accept the loans and to acquire the property. Except as provided in this subdivision, the loans shall be made as provided in subdivision 2. Loans shall be in the amount of the fair market value of the homestead property plus relocation costs and less salvage value. Before construction of the highway begins, the acquiring authority shall convey the property to the commissioner of transportation at the same price it paid, plus relocation costs and less its salvage value. Acquisition and assistance under this subdivision must conform to sections 117.50 to 117.56.

(b) The council may make ~~hardship~~ loans only when:

(1) the owner of affected homestead property requests acquisition and relocation assistance from an acquiring authority;

(2) federal or state financial participation is not available;

(3) the owner is unable to sell the homestead property at its appraised market value because the property is located in a proposed state trunk highway right-of-way or project as indicated on an official map or plat adopted under section 160.085, 394.361, or 462.359; and

(4) the council agrees to and approves the fair market value of the homestead property, which approval shall not be unreasonably withheld; ~~and,~~

~~(5) the owner of the homestead property is burdened by circumstances that constitute a hardship, such as catastrophic medical expenses; a transfer of the homestead owner by the owner's employer to a distant site of employment; or inability of the owner to maintain the property due to physical or mental disability or the permanent departure of children from the homestead.~~

(c) For purposes of this subdivision, the following terms have the meanings given them.

(1) "Acquiring authority" means counties, towns, and statutory and home rule charter cities in the metropolitan area.

(2) "Homestead property" means a single-family dwelling occupied by the owner, and the surrounding land, not exceeding a total of ten acres.

(3) "Salvage value" means the probable sale price of the dwelling and other property that is severable from the land if offered for sale on the condition that it be removed from the land at the buyer's expense, allowing a reasonable time to find a buyer with knowledge of the possible uses of the property, including separate use of serviceable components and scrap when there is no other reasonable prospect of sale."



Delete the title and insert:

"A bill for an act relating to transportation; modifying various provisions related to transportation; prohibiting certain acts; amending Minnesota Statutes 2008, sections 169.15; 171.12, subdivision 6; 174.86, subdivision 5; 473.167, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapters 160; 171."

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.

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

H. F. No. 954, A bill for an act relating to public safety; requiring that information on persons civilly committed, found not guilty by reason of mental illness, or incompetent to stand trial be transmitted to the federal National Instant Criminal Background Check System; authorizing certain persons prohibited under state law from possessing a firearm to petition a court for restoration of this right; amending Minnesota Statutes 2008, section 624.713, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 253B.

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. 961, A bill for an act relating to human services; allowing for costs associated with physical activities to be covered under home and community-based waivers; amending Minnesota Statutes 2008, section 256B.092, 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 256.963, is amended by adding a subdivision to read:

Subd. 3. **Urgent dental care services.** The commissioner of human services shall authorize pilot projects to reduce the total costs to the state for dental services provided to persons enrolled in Minnesota health care programs by reducing hospital emergency room costs for preventable and nonemergency dental services. The commissioner may provide start-up funding and establish special payment rates for urgent dental care services provided as an alternative to emergency room services and may change or waive existing payment policies in order to adequately reimburse providers for providing cost-effective alternative services in outpatient or urgent care settings. The commissioner may establish a project in conjunction with the initiative authorized under subdivisions 1 and 2, or establish new initiatives, or may implement both approaches.

Sec. 2. Minnesota Statutes 2008, section 256B.0625, subdivision 9, is amended to read:

Subd. 9. **Dental services.** (a) Medical assistance covers dental services. ~~Dental services include, with prior authorization, fixed bridges that are cost effective for persons who cannot use removable dentures because of their medical condition.~~

(b) Medical assistance dental coverage for adults is limited to the following services:

(1) comprehensive exams, limited to enrollees who are eligible for the program on the basis of being elderly, blind, or disabled;

(2) periodic exams, limited to one per year;

(3) bitewing x-rays, limited to one per year;

(4) periapical x-rays;

(5) panoramic x-rays, limited to one every five years, and only if provided in conjunction with a posterior extraction or scheduled outpatient facility procedure;

(6) prophylaxis, limited to one per year;

(7) application of fluoride varnish, limited to one per year;

(8) posterior restorations, all at the amalgams rate;

(9) endodontics, limited to root canals on the anterior and premolars only;

(10) dentures or partial dentures, limited to one every ten years;

(11) oral surgery, limited to extractions only; and

(12) urgent or emergency care for pain.

(c) In addition to the services specified in paragraph (b), medical assistance covers the following services for adults, if provided in the outpatient hospital setting as part of outpatient dental surgery:

(1) periodontics, limited to periodontal scaling and root planing once every two years; and

(2) general anesthesia.

(d) The following limitations apply to medical assistance coverage of dental services for children:

(1) application of sealants are limited to once every five years per permanent tooth;

(2) oral hygiene instructions are not a separately reimbursed service;

(3) application of fluoride varnish is limited to once every six months; and

(4) posterior restorations are all at the amalgams rate.

Sec. 3. Minnesota Statutes 2008, section 256B.76, subdivision 4, is amended to read:

Subd. 4. **Critical access dental providers.** Effective for dental services rendered on or after January 1, 2002, the commissioner shall increase reimbursements to dentists and dental clinics deemed by the commissioner to be critical access dental providers. For dental services rendered on or after July 1, ~~2007~~ 2009, the commissioner shall increase reimbursement by ~~30~~ ..... percent above the reimbursement rate that would otherwise be paid to the critical

access dental provider. The commissioner shall pay the health plan companies in amounts sufficient to reflect increased reimbursements to critical access dental providers as approved by the commissioner. In determining which dentists and dental clinics shall be deemed critical access dental providers, the commissioner shall review:

(1) the utilization rate in the service area in which the dentist or dental clinic operates for dental services to patients covered by medical assistance, general assistance medical care, or MinnesotaCare as their primary source of coverage;

(2) the level of services provided by the dentist or dental clinic to patients covered by medical assistance, general assistance medical care, or MinnesotaCare as their primary source of coverage; and

(3) whether the level of services provided by the dentist or dental clinic is critical to maintaining adequate levels of patient access within the service area.

Effective July 1, 2009, the commissioner shall require that ..... percent or more of a provider's patient base consist of medical assistance, general assistance medical care, or MinnesotaCare enrollees, in order for that provider to be deemed a critical access dental provider. For purposes of this requirement, a provider's patient base is the unduplicated number of patients who have dental coverage through a private sector health plan, medical assistance, general assistance medical care, or MinnesotaCare. In the absence of a critical access dental provider in a service area, the commissioner may designate a dentist or dental clinic as a critical access dental provider if the dentist or dental clinic is willing to provide care to patients covered by medical assistance, general assistance medical care, or MinnesotaCare at a level which significantly increases access to dental care in the service area.

Sec. 4. Minnesota Statutes 2008, section 256L.11, subdivision 7, is amended to read:

Subd. 7. **Critical access dental providers.** Effective for dental services provided to MinnesotaCare enrollees on or after January 1, ~~2007~~ 2010, the commissioner shall increase payment rates to dentists and dental clinics deemed by the commissioner to be critical access providers under section 256B.76, subdivision 4, by ~~50~~ ..... percent above the payment rate that would otherwise be paid to the provider. The commissioner shall pay the prepaid health plans under contract with the commissioner amounts sufficient to reflect this rate increase. The prepaid health plan must pass this rate increase to providers who have been identified by the commissioner as critical access dental providers under section 256B.76, subdivision 4."

Delete the title and insert:

"A bill for an act relating to human services; providing for urgent dental care pilot projects; clarifying medical assistance coverage of dental services; amending critical access dental care provisions; amending Minnesota Statutes 2008, sections 256.963, by adding a subdivision; 256B.0625, subdivision 9; 256B.76, subdivision 4; 256L.11, subdivision 7."

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

The report was adopted.

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

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

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 626.8517, is amended to read:

**626.8517 ELIGIBILITY FOR RECIPROCITY EXAMINATION BASED ON RELEVANT MILITARY EXPERIENCE.**

(a) For purposes of this section, "relevant military experience" means ~~five years of active duty military police service;~~

(1) five years' active service experience in a military law enforcement occupational specialty;

(2) three years' active service experience in a military law enforcement occupational specialty, and completion of a two-year or more degree from a regionally accredited postsecondary education institution; or

(3) five years' cumulative experience as a full-time peace officer in another state combined with active service experience in a military law enforcement occupational specialty.

(b) A person who has relevant military experience under paragraph (a) and who has been honorably discharged from ~~the~~ military active service as evidenced by a form DD-214 is eligible to take the reciprocity examination. "Active service" has the meaning given in section 190.05, subdivision 5."

Delete the title and insert:

"A bill for an act relating to public safety; modifying requirements of eligibility based on military experience for reciprocity examination for a peace officer; amending Minnesota Statutes 2008, section 626.8517."

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. 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.

The report was adopted.

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

H. F. No. 1039, A bill for an act relating to public safety; clarifying that an inmate convicted for assaulting a correctional officer must serve their sentence consecutive to the sentence for which they are imprisoned; amending Minnesota Statutes 2008, section 609.2232.

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

The report was adopted.

Lenczewski from the Committee on Taxes to which was referred:

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

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

The report was adopted.

Lenczewski from the Committee on Taxes to which was referred:

H. F. No. 1073, A bill for an act relating to taxation; income; extending the exception to minimum contacts required for jurisdiction to ownership of property on the premises of a printer under specific circumstances; amending Minnesota Statutes 2008, section 290.015, subdivision 3.

Reported the same back with the following amendments:

Page 2, delete lines 23 to 26 and insert:

"(9) any interest in tangible personal property upon which printing will take place located at the premises of a printer which is not a member of a unitary business in this state with which the person has a contract for printing."

With the recommendation that when so amended the bill pass.

The report was adopted.

Hilty from the Energy Finance and Policy Division to which was referred:

H. F. No. 1078, A bill for an act relating to energy; establishing policy encouraging renewable production of thermal energy; proposing coding for new law in Minnesota Statutes, chapter 216C.

Reported the same back with the following amendments:

Page 1, line 13, after the period, insert "No legal claim against any person shall be allowed under this section. The combustion of municipal solid waste or refuse-derived fuel to produce thermal energy is not addressed under this section."

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. 1088, A bill for an act relating to public safety; commercial motor vehicle operators; conforming commercial driver's license record-keeping requirements to federal regulations; proposing coding for new law in Minnesota Statutes, chapter 171.

Reported the same back with the recommendation that 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. 1164, A bill for an act relating to drivers' licenses; halting cumulative suspensions; amending Minnesota Statutes 2008, section 171.18, subdivision 1.

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.

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

H. F. No. 1169, A bill for an act relating to employment; concerning certain purchases and acquisitions by public employers; concerning required work-related purchases for employees of public employers; establishing purchasing preferences; proposing coding for new law in Minnesota Statutes, chapter 181.

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

The report was adopted.

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

H. F. No. 1179, A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, special programs, libraries, and self-sufficiency and lifelong learning; making technical corrections; amending Minnesota Statutes 2008, sections 16A.06, subdivision 11; 120A.40; 120B.02; 120B.021, subdivision 1; 120B.023, subdivision 2; 120B.024; 120B.13, subdivision 1; 120B.30, subdivisions 1, 1a; 120B.31, subdivision 4; 122A.07, subdivisions 2, 3; 122A.31, subdivision 4; 123A.05; 123A.06; 123A.08; 123B.14, subdivision 7; 123B.51, by adding a subdivision; 123B.77, subdivision 3; 123B.81, subdivisions 3, 4, 5; 123B.83, subdivision 3; 124D.095, subdivisions 3, 4, 7, 10; 124D.10; 124D.11, subdivision 9; 124D.128, subdivisions 2, 3; 124D.135, subdivision 3; 124D.15, subdivisions 1, 3, by adding subdivisions; 124D.19, subdivisions 10, 14; 124D.522; 124D.60, subdivision 1; 124D.68, subdivisions 2, 3, 4, 5; 125A.11, subdivision 1; 125A.15; 125A.28; 125A.51; 125A.62, subdivision 8; 125A.69, by adding a subdivision; 125A.744, subdivision 3; 125A.76, subdivision 1; 126C.05, subdivisions 2, 15, 20; 126C.10, subdivision 34; 126C.15, subdivisions 2, 4; 126C.40, subdivision 6; 126C.44; 127A.08, by adding a subdivision; 127A.47, subdivisions 5, 7; 134.31, subdivision 4a, by adding a subdivision; 299A.297; proposing coding for new law in Minnesota Statutes, chapters 120B; 124D; repealing Minnesota Statutes 2008, sections 121A.27; 124D.13, subdivision 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

#### GENERAL EDUCATION

Section 1. Minnesota Statutes 2008, section 16A.06, subdivision 11, is amended to read:

Subd. 11. **Permanent school fund reporting.** The commissioner shall biannually report to the Permanent School Fund Advisory Committee and the legislature ~~on the management of the permanent school trust fund that shows how the commissioner~~ the amount of the permanent school fund transfer and information about the investment of the permanent school fund provided by the State Board of Investment. The State Board of Investment shall provide information about how they maximized the long-term economic return of the permanent school trust fund.

Sec. 2. Minnesota Statutes 2008, section 120A.40, is amended to read:

**120A.40 SCHOOL CALENDAR.**

(a) Except for learning programs during summer, flexible learning year programs authorized under sections 124D.12 to 124D.127, and learning year programs under section 124D.128, a district must not commence an elementary or secondary school year before Labor Day, except as provided under paragraph (b). Days devoted to teachers' workshops may be held before Labor Day. Districts that enter into cooperative agreements are encouraged to adopt similar school calendars.

(b) A district may begin the school year on any day before Labor Day:

(1) to accommodate a construction or remodeling project of \$400,000 or more affecting a district school facility;

(2) if the district has an agreement under section 123A.30, 123A.32, or 123A.35 with a district that qualifies under clause (1); or

~~A school (3) if the district that agrees to the same schedule with a school district in an adjoining state also may begin the school year before Labor Day as authorized under this paragraph.~~

Sec. 3. Minnesota Statutes 2008, section 123B.77, subdivision 3, is amended to read:

Subd. 3. **Statement for comparison and correction.** (a) By November 30 of the calendar year of the submission of the unaudited financial data, the district must provide to the commissioner audited financial data for the preceding fiscal year. The audit must be conducted in compliance with generally accepted governmental auditing standards, the federal Single Audit Act, and the Minnesota legal compliance guide issued by the Office of the State Auditor. An audited financial statement prepared in a form which will allow comparison with and correction of material differences in the unaudited financial data shall be submitted to the commissioner and the state auditor by December 31. The audited financial statement must also provide a statement of assurance pertaining to uniform financial accounting and reporting standards compliance and a copy of the management letter submitted to the district by the school district's auditor.

(b) ~~By January~~ February 15 of the calendar year following the submission of the unaudited financial data, the commissioner shall convert the audited financial data required by this subdivision into the consolidated financial statement format required under subdivision 1a and publish the information on the department's Web site.

Sec. 4. Minnesota Statutes 2008, section 123B.83, subdivision 3, is amended to read:

Subd. 3. **Failure to limit expenditures.** If a district does not limit its expenditures in accordance with this section, the commissioner may so notify the appropriate committees of the legislature by no later than ~~January 1~~ February 15 of the year following the end of that fiscal year.

Sec. 5. Minnesota Statutes 2008, section 125A.11, subdivision 1, is amended to read:

Subdivision 1. **Nonresident tuition rate; other costs.** (a) For fiscal year 2006, when a school district provides instruction and services outside the district of residence, board and lodging, and any tuition to be paid, shall be paid by the district of residence. The tuition rate to be charged for any child with a disability, excluding a pupil for whom tuition is calculated according to section 127A.47, subdivision 7, paragraph (d), must be the sum of (1) the actual cost of providing special instruction and services to the child including a proportionate amount for special transportation and unreimbursed building lease and debt service costs for facilities used primarily for special education, plus (2) the amount of general education revenue and referendum aid attributable to the pupil, minus

(3) the amount of special education aid for children with a disability received on behalf of that child, minus (4) if the pupil receives special instruction and services outside the regular classroom for more than 60 percent of the school day, the amount of general education revenue and referendum aid, excluding portions attributable to district and school administration, district support services, operations and maintenance, capital expenditures, and pupil transportation, attributable to that pupil for the portion of time the pupil receives special instruction and services outside of the regular classroom. If the boards involved do not agree upon the tuition rate, either board may apply to the commissioner to fix the rate. Notwithstanding chapter 14, the commissioner must then set a date for a hearing or request a written statement from each board, giving each board at least ten days' notice, and after the hearing or review of the written statements the commissioner must make an order fixing the tuition rate, which is binding on both school districts. General education revenue and referendum equalization aid attributable to a pupil must be calculated using the resident district's average general education revenue and referendum equalization aid per adjusted pupil unit.

(b) For fiscal year 2007 and later, when a school district provides special instruction and services for a pupil with a disability as defined in section 125A.02 outside the district of residence, excluding a pupil for whom an adjustment to special education aid is calculated according to section 127A.47, subdivision 7, paragraph (e), special education aid paid to the resident district must be reduced by an amount equal to (1) the actual cost of providing special instruction and services to the pupil, including a proportionate amount for special transportation and unreimbursed building lease and debt service costs for facilities used primarily for special education, plus (2) the amount of general education revenue and referendum equalization aid attributable to that pupil, calculated using the resident district's average general education revenue and referendum equalization aid per adjusted pupil unit excluding basic skills revenue, elementary sparsity revenue and secondary sparsity revenue, minus (3) the amount of special education aid for children with a disability received on behalf of that child, minus (4) if the pupil receives special instruction and services outside the regular classroom for more than 60 percent of the school day, the amount of general education revenue and referendum equalization aid, excluding portions attributable to district and school administration, district support services, operations and maintenance, capital expenditures, and pupil transportation, attributable to that pupil for the portion of time the pupil receives special instruction and services outside of the regular classroom, calculated using the resident district's average general education revenue and referendum equalization aid per adjusted pupil unit excluding basic skills revenue, elementary sparsity revenue and secondary sparsity revenue and the serving district's basic skills revenue, elementary sparsity revenue and secondary sparsity revenue per adjusted pupil unit. Notwithstanding clauses (1) and (4), for pupils served by a cooperative unit without a fiscal agent school district, the general education revenue and referendum equalization aid attributable to a pupil must be calculated using the resident district's average general education revenue and referendum equalization aid excluding compensatory revenue, elementary sparsity revenue, and secondary sparsity revenue. Special education aid paid to the district or cooperative providing special instruction and services for the pupil must be increased by the amount of the reduction in the aid paid to the resident district. Amounts paid to cooperatives under this subdivision and section 127A.47, subdivision 7, shall be recognized and reported as revenues and expenditures on the resident school district's books of account under sections 123B.75 and 123B.76. If the resident district's special education aid is insufficient to make the full adjustment, the remaining adjustment shall be made to other state aid due to the district.

(c) Notwithstanding paragraphs (a) and (b) and section 127A.47, subdivision 7, paragraphs (d) and (e), a charter school where more than 30 percent of enrolled students receive special education and related services, a site approved under section 125A.515, an intermediate district, a special education cooperative, or a school district that served as the applicant agency for a group of school districts for federal special education aids for fiscal year 2006 may apply to the commissioner for authority to charge the resident district an additional amount to recover any remaining unreimbursed costs of serving pupils with a disability. The application must include a description of the costs and the calculations used to determine the unreimbursed portion to be charged to the resident district. Amounts approved by the commissioner under this paragraph must be included in the tuition billings or aid adjustments under paragraph (a) or (b), or section 127A.47, subdivision 7, paragraph (d) or (e), as applicable.



(d) For purposes of this subdivision and section 127A.47, subdivision 7, paragraphs (d) and (e), "general education revenue and referendum equalization aid" means the sum of the general education revenue according to section 126C.10, subdivision 1, excluding alternative teacher compensation revenue, plus the referendum equalization aid according to section 126C.17, subdivision 7, as adjusted according to section 127A.47, subdivision 7, paragraphs (a) to (c).

Sec. 6. Minnesota Statutes 2008, section 126C.05, subdivision 2, is amended to read:

Subd. 2. **Foreign exchange pupils.** Notwithstanding section 124D.02, subdivision 3, or any other law to the contrary, a foreign exchange pupil enrolled in a district under a cultural exchange program registered with the Office of the Secretary of State under section 5A.02 may be counted as a resident pupil for the purposes of this chapter and chapters 120B, 122A, 123A, 123B, 124D, 125A, and 127A, even if the pupil has graduated from high school or the equivalent.

Sec. 7. Minnesota Statutes 2008, section 126C.10, subdivision 2, is amended to read:

Subd. 2. **Basic revenue.** The basic revenue for each district equals the formula allowance times the adjusted marginal cost pupil units for the school year. The formula allowance for fiscal year 2007 is \$4,974. The formula allowance for fiscal year 2008 is \$5,074 and the formula allowance for fiscal year 2009 and subsequent years is \$5,124 \$.....

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

Sec. 8. Minnesota Statutes 2008, section 126C.15, subdivision 2, is amended to read:

Subd. 2. **Building allocation.** (a) A district must allocate its compensatory revenue to each school building in the district where the children who have generated the revenue are served unless the school district has received permission under Laws 2005, First Special Session chapter 5, article 1, section 50, to allocate compensatory revenue according to student performance measures developed by the school board.

(b) Notwithstanding paragraph (a), a district may allocate up to five percent of the amount of compensatory revenue that the district receives to school sites according to a plan adopted by the school board. The money reallocated under this paragraph must be spent for the purposes listed in subdivision 1, but may be spent on students in any grade, including students attending school readiness or other prekindergarten programs.

(c) For the purposes of this section and section 126C.05, subdivision 3, "building" means education site as defined in section 123B.04, subdivision 1.

~~(d) If the pupil is served at a site other than one owned and operated by the district, the revenue shall be paid to the district and used for services for pupils who generate the revenue~~ Notwithstanding section 123A. 26, subdivision 1, compensatory revenue generated by students served at a cooperative unit shall be paid to the cooperative unit.

(e) A district with school building openings, school building closings, changes in attendance area boundaries, or other changes in programs or student demographics between the prior year and the current year may reallocate compensatory revenue among sites to reflect these changes. A district must report to the department any adjustments it makes according to this paragraph and the department must use the adjusted compensatory revenue allocations in preparing the report required under section 123B.76, subdivision 3, paragraph (c).

Sec. 9. Minnesota Statutes 2008, section 126C.15, subdivision 4, is amended to read:

Subd. 4. **Separate accounts.** Each district and cooperative unit that receives basic skills revenue shall maintain separate accounts to identify expenditures for salaries and programs related to basic skills revenue.

Sec. 10. Minnesota Statutes 2008, section 126C.40, subdivision 6, is amended to read:

Subd. 6. **Lease purchase; installment buys.** (a) Upon application to, and approval by, the commissioner in accordance with the procedures and limits in subdivision 1, paragraphs (a) and (b), a district, as defined in this subdivision, may:

(1) purchase real or personal property under an installment contract or may lease real or personal property with an option to purchase under a lease purchase agreement, by which installment contract or lease purchase agreement title is kept by the seller or vendor or assigned to a third party as security for the purchase price, including interest, if any; and

(2) annually levy the amounts necessary to pay the district's obligations under the installment contract or lease purchase agreement.

(b) The obligation created by the installment contract or the lease purchase agreement must not be included in the calculation of net debt for purposes of section 475.53, and does not constitute debt under other law. An election is not required in connection with the execution of the installment contract or the lease purchase agreement.

(c) The proceeds of the levy authorized by this subdivision must not be used to acquire a facility to be primarily used for athletic or school administration purposes.

(d) For the purposes of this subdivision, "district" means:

(1) a school district ~~required to have a comprehensive plan for the elimination of segregation~~ which is eligible for revenue under section 124D.86, subdivision 3, clause (1), (2), or (3), and whose plan has been determined by the commissioner to be in compliance with Department of Education rules relating to equality of educational opportunity and school desegregation and, for a district eligible for revenue under section 124D.86, subdivision 3, clause (4) or (5), where the acquisition of property under this subdivision is determined by the commissioner to contribute to the implementation of the desegregation plan; or

(2) a school district that participates in a joint program for interdistrict desegregation with a district defined in clause (1) if the facility acquired under this subdivision is to be primarily used for the joint program and the commissioner determines that the joint programs are being undertaken to implement the districts' desegregation plan.

(e) Notwithstanding subdivision 1, the prohibition against a levy by a district to lease or rent a district-owned building to itself does not apply to levies otherwise authorized by this subdivision.

(f) For the purposes of this subdivision, any references in subdivision 1 to building or land shall include personal property.

Sec. 11. Minnesota Statutes 2008, section 127A.47, subdivision 7, is amended to read:

Subd. 7. **Alternative attendance programs.** The general education aid and special education aid for districts must be adjusted for each pupil attending a nonresident district under sections 123A.05 to 123A.08, 124D.03, 124D.08, and 124D.68. The adjustments must be made according to this subdivision.

(a) General education aid paid to a resident district must be reduced by an amount equal to the referendum equalization aid attributable to the pupil in the resident district.

(b) General education aid paid to a district serving a pupil in programs listed in this subdivision must be increased by an amount equal to the greater of (1) the referendum equalization aid attributable to the pupil in the nonresident district; or (2) the product of the district's open enrollment concentration index, the maximum amount of referendum revenue in the first tier, and the district's net open enrollment pupil units for that year. A district's open enrollment concentration index equals the greater of: (i) zero, or (ii) the lesser of 1.0, or the difference between the district's ratio of open enrollment pupil units served to its resident pupil units for that year and 0.2. This clause does not apply to a school district where more than 50 percent of the open enrollment students are enrolled solely in online learning courses.

(c) If the amount of the reduction to be made from the general education aid of the resident district is greater than the amount of general education aid otherwise due the district, the excess reduction must be made from other state aids due the district.

(d) For fiscal year 2006, the district of residence must pay tuition to a district or an area learning center, operated according to paragraph (f), providing special instruction and services to a pupil with a disability, as defined in section 125A.02, or a pupil, as defined in section 125A.51, who is enrolled in a program listed in this subdivision. The tuition must be equal to (1) the actual cost of providing special instruction and services to the pupil, including a proportionate amount for special transportation and unreimbursed building lease and debt service costs for facilities used primarily for special education, minus (2) if the pupil receives special instruction and services outside the regular classroom for more than 60 percent of the school day, the amount of general education revenue and referendum aid attributable to that pupil for the portion of time the pupil receives special instruction and services outside of the regular classroom, excluding portions attributable to district and school administration, district support services, operations and maintenance, capital expenditures, and pupil transportation, minus (3) special education aid attributable to that pupil, that is received by the district providing special instruction and services. For purposes of this paragraph, general education revenue and referendum equalization aid attributable to a pupil must be calculated using the serving district's average general education revenue and referendum equalization aid per adjusted pupil unit.

(e) For fiscal year 2007 and later, special education aid paid to a resident district must be reduced by an amount equal to (1) the actual cost of providing special instruction and services, including special transportation and unreimbursed building lease and debt service costs for facilities used primarily for special education, for a pupil with a disability, as defined in section 125A.02, or a pupil, as defined in section 125A.51, who is enrolled in a program listed in this subdivision, minus (2) if the pupil receives special instruction and services outside the regular classroom for more than 60 percent of the school day, the amount of general education revenue and referendum equalization aid attributable to that pupil for the portion of time the pupil receives special instruction and services outside of the regular classroom, excluding portions attributable to district and school administration, district support services, operations and maintenance, capital expenditures, and pupil transportation, minus (3) special education aid attributable to that pupil, that is received by the district providing special instruction and services. For purposes of this paragraph, general education revenue and referendum equalization aid attributable to a pupil must be calculated using the serving district's average general education revenue and referendum equalization aid per adjusted pupil unit. Special education aid paid to the district or cooperative providing special instruction and services for the pupil, or to the fiscal agent district for a cooperative, must be increased by the amount of the reduction in the aid paid to the resident district. If the resident district's special education aid is insufficient to make the full adjustment, the remaining adjustment shall be made to other state aids due to the district.

(f) An area learning center operated by a service cooperative, intermediate district, education district, or a joint powers cooperative may elect through the action of the constituent boards to charge the resident district tuition for pupils rather than to have the general education revenue paid to a fiscal agent school district. Except as provided in paragraph (d) or (e), the district of residence must pay tuition equal to at least 90 percent of the district average general education revenue per pupil unit minus an amount equal to the product of the formula allowance according to section 126C.10, subdivision 2, times .0485, calculated without ~~basic skills~~ compensatory revenue and transportation sparsity revenue, times the number of pupil units for pupils attending the area learning center, ~~plus the amount of compensatory revenue generated by pupils attending the area learning center.~~

## ARTICLE 2

## EDUCATION EXCELLENCE

Section 1. Minnesota Statutes 2008, section 120B.022, subdivision 1, is amended to read:

Subdivision 1. **Elective standards.** (a) A district must establish its own standards in the following subject areas:

- (1) vocational and technical education; and
- (2) world languages.

A school district must offer courses in all elective subject areas.

(b) World languages teachers and other school staff should develop and implement world languages programs that acknowledge and reinforce the language proficiency and cultural awareness that non-English language speakers already possess, and encourage students' proficiency in multiple world languages. Programs under this paragraph must encompass indigenous American Indian languages and cultures, among other world languages and cultures. The department shall consult with postsecondary institutions in developing related professional development opportunities.

(c) Any Minnesota public, charter, or nonpublic school may award Minnesota World Language Proficiency Certificates or Minnesota World Language Proficiency High Achievement Certificates, consistent with this subdivision.

The Minnesota World Language Proficiency Certificate recognizes students who demonstrate listening, speaking, reading, and writing language skills at the American Council on the Teaching of Foreign Languages' Intermediate-Low level on a valid and reliable assessment tool. For languages listed as Category 3 by the United States Foreign Service Institute or Category 4 by the United States Defense Language Institute, the standard is Intermediate-Low for listening and speaking and Novice-High for reading and writing.

The Minnesota World Language Proficiency High Achievement Certificate recognizes students who demonstrate listening, speaking, reading, and writing language skills at the American Council on the Teaching of Foreign Languages' Pre-Advanced level for K-12 learners on a valid and reliable assessment tool. For languages listed as Category 3 by the United States Foreign Service Institute or Category 4 by the United States Defense Language Institute, the standard is Pre-Advanced for listening and speaking and Intermediate-Mid for reading and writing.

Sec. 2. Minnesota Statutes 2008, section 120B.024, is amended to read:

**120B.024 GRADUATION REQUIREMENTS; COURSE CREDITS.**

(a) Students beginning 9th grade in the 2004-2005 school year and later must successfully complete the following high school level course credits for graduation:

- (1) four credits of language arts;
- (2) three credits of mathematics, encompassing at least algebra, geometry, statistics, and probability sufficient to satisfy the academic standard;
- (3) three credits of science, including at least one credit in biology;

(4) three and one-half credits of social studies, encompassing at least United States history, geography, government and citizenship, world history, and economics or three credits of social studies encompassing at least United States history, geography, government and citizenship, and world history, and one-half credit of economics taught in a school's social studies, agriculture education, or business department;

(5) one credit in the arts; and

(6) a minimum of seven elective course credits.

A course credit is equivalent to a student successfully completing an academic year of study or a student mastering the applicable subject matter of the state academic standards or local academic standards where state standards do not apply, as determined by the local school district.

(b) An agriculture science course may fulfill a science credit requirement in addition to the specified science credits in biology and chemistry or physics under paragraph (a), clause (3).

(c) A career and technical education course may fulfill a science, mathematics, or arts credit requirement in addition to the specified science, mathematics, or arts credits under paragraph (a), clause (2), (3), or (5).

**EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to students entering grade 9 in the 2012-2013 school year and later.

Sec. 3. **[120B.0245] EDUCATIONAL INNOVATION.**

(a) A school district must use five percent of the increased basic revenue it receives each year to implement evidence-based innovation premised on research-based curriculum, instruction, and other education measures and practices that are known to improve academic performance for diverse groups of students. To this end, the school district must develop and implement a comprehensive plan to narrow and eliminate differences in student academic achievement in reading, math, and science based on student measures of mobility, attendance, race and ethnicity, gender, English language learner status, eligibility for free or reduced price lunch, and special education. A school district must file its plan with the commissioner that describes how the district proposes to use its innovation revenue to supplement state reading requirements under section 120B.12, subdivision 1, and state math and science requirements under section 120B.023, subdivision 2, paragraphs (b) and (d), and improve student outcomes. The plan must identify specific education goals and the indicators to demonstrate progress toward achieving those goals. Once the commissioner approves the district's plan, the district must spend its innovation revenue consistent with that plan.

(b) A district under paragraph (a) must:

(1) pursue specific education goals premised on (i) efficient use of resources, (ii) performance incentives for educators that take into account variables in educational performance, and (iii) continuous adaptation of best teaching practices;

(2) show how evidence-based practices, efficient use of resources, and data-informed evaluations enable the district to achieve its goals under clause (1); and

(3) use the district's measures under clause (2) to demonstrate to the commissioner the amount of progress the district achieved toward realizing its goals.

**EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and later.

Sec. 4. Minnesota Statutes 2008, section 120B.13, subdivision 1, is amended to read:

Subdivision 1. **Program structure; training programs for teachers.** (a) The advanced placement and international baccalaureate programs are well-established academic programs for mature, academically directed high school students. These programs, in addition to providing academic rigor, offer sound curricular design, accountability, comprehensive external assessment, feedback to students and teachers, and the opportunity for high school students to compete academically on a global level. Advanced placement and international baccalaureate programs allow students to leave high school with the academic skills and self-confidence to succeed in college and beyond. The advanced placement and international baccalaureate programs help provide Minnesota students with world-class educational opportunity.

(b) Critical to schools' educational success is ongoing advanced placement/international baccalaureate-approved teacher training. A secondary teacher assigned by a district to teach an advanced placement or international baccalaureate course or other interested educator may participate in a training program offered by The College Board or International Baccalaureate North America, Inc. The state may pay a portion of the tuition, room, board, and out-of-state travel costs a teacher or other interested educator incurs in participating in a training program. The commissioner shall determine application procedures and deadlines, select teachers and other interested educators to participate in the training program, and determine the payment process and amount of the subsidy. The procedures determined by the commissioner shall, to the extent possible, ensure that advanced placement and international baccalaureate courses become available in all parts of the state and that a variety of course offerings are available in school districts. This subdivision does not prevent teacher or other interested educator participation in training programs offered by The College Board or International Baccalaureate North America, Inc., when tuition is paid by a source other than the state.

(c) The commissioner may award state-funded competitive grants designed to create advanced placement summer training institutes for secondary teachers. Two-year grants, beginning and ending on October 1, may be awarded to Minnesota institutions of higher education that comply with the training requirements outlined by the College Board. The commissioner shall determine award criteria and the selection process.

Sec. 5. **[120B.299] DEFINITIONS.**

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

Subd. 2. **Adequate yearly progress.** A school or district makes "adequate yearly progress" if, for every student subgroup under the federal 2001 No Child Left Behind Act in the school or district, its proficiency index or other approved adjustments for performance, based on statewide assessment scores, meets or exceeds federal expectations. To make adequate yearly progress, the school or district also must satisfy applicable federal requirements related to student attendance, graduation, and test participation rates.

Subd. 3. **Growth.** "Growth" compares the difference in a student's achievement score at two or more distinct points in time.

Subd. 4. **Growth and progress toward proficiency.** The categories of low growth, medium growth, and high growth shall be used to indicate both growth and progress toward grade-level proficiency that is consistent with subdivision 8.

Subd. 5. **High growth.** "High growth" is an assessment score one-half standard deviation or more above the state growth target.

Subd. 6. **Low growth.** "Low growth" is an assessment score one-half standard deviation below the state growth target.

Subd. 7. **Medium growth.** "Medium growth" is an assessment score within one-half standard deviation above or below the state growth target.

Subd. 8. **Proficiency.** "Proficiency" for purposes of reporting growth on school performance report cards under section 120B.36, subdivision 1, means those students who, in the previous school year, scored at or above "meets standards" on the statewide assessments under section 120B.30. Each year, school performance report cards must separately display: (1) the numbers and percentages of students who achieved low growth, medium growth, and high growth and achieved proficiency in the previous school year; and (2) the numbers and percentages of students who achieved low growth, medium growth, and high growth and did not achieve proficiency in the previous school year.

Subd. 9. **State growth target.** (a) "State growth target" is the average year-two assessment scores for students with similar year-one assessment scores.

(b) The state growth targets for each grade and subject are benchmarked as follows until the assessment scale changes:

(1) beginning in the 2008-2009 school year, the state growth target for grades 3 to 8 is benchmarked to 2006-2007 and 2007-2008 school year data;

(2) beginning in the 2008-2009 school year the state growth target for grade 10 is benchmarked to 2005-2006 and 2006-2007 school year data;

(3) for the 2008-2009 school year, the state growth target for grade 11 is benchmarked to 2005-2006 school year data; and

(4) beginning in the 2009-2010 school year, the state growth target for grade 11 is benchmarked to 2005-2006 and 2006-2007 school year data.

(c) Each time before the assessment scale changes, a stakeholder group that includes assessment and evaluation directors and staff and researchers must recommend a new state growth target that the commissioner must consider when revising standards under section 120B.023, subdivision 2.

Subd. 10. **Value added.** "Value added" is the amount of achievement a student demonstrates above an established baseline. The difference between the student's score and the baseline defines value added.

Subd. 11. **Value-added growth.** "Value-added growth" is based on a student's growth score. In a value-added growth system, the student's first test is the baseline, and the difference between the student's first and next test scores within a defined period is the measure of value added. Value-added growth models use student-level data to measure what portion of a student's growth can be explained by inputs related to the educational environment.

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

Sec. 6. Minnesota Statutes 2008, section 120B.30, is amended to read:

#### **120B.30 STATEWIDE TESTING AND REPORTING SYSTEM.**

Subdivision 1. **Statewide testing.** (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, consistent with subdivision 1a, shall include in the comprehensive assessment system, for each grade level to be tested, state-constructed tests developed ~~from and to be computer-~~adaptive reading and mathematics assessments for general education students that are aligned with the state's

required academic standards under section 120B.021, include both multiple choice and constructed response questions, and are administered annually to all students in grades 3 through 8 and at the high school level. A State-developed test high school tests aligned with the state's required academic standards under section 120B.021 and administered to all high school students in a subject other than writing, developed after the 2002-2003 school year, must include both machine-scoreable multiple choice and constructed response questions. The commissioner shall establish one or more months during which schools shall administer the tests to students each school year. Schools that the commissioner identifies for stand-alone field testing or other national sampling must participate as directed. Superintendents or charter school directors may appeal in writing to the commissioner for an exemption from a field test based on undue hardship. The commissioner's decision regarding the appeal is final. For students enrolled in grade 8 before the 2005-2006 school year, ~~only~~ Minnesota basic skills tests in reading, mathematics, and writing shall fulfill students' basic skills testing requirements for a passing state notation. The passing scores of basic skills tests in reading and mathematics are the equivalent of 75 percent correct for students entering grade 9 ~~in 1997 and thereafter, as~~ based on the first uniform test ~~administration of~~ administered in February 1998. Students who have not successfully passed a Minnesota basic skills test by the end of the 2011-2012 school year must pass the graduation-required assessments for diploma under paragraph (b).

(b) For students enrolled in grade 8 in the 2005-2006 school year and later, only the following options shall fulfill students' state graduation test requirements:

(1) for reading and mathematics:

(i) obtaining an achievement level equivalent to or greater than proficient as determined through a standard setting process on the Minnesota comprehensive assessments in grade 10 for reading and grade 11 for mathematics or achieving a passing score as determined through a standard setting process on the graduation-required assessment for diploma in grade 10 for reading and grade 11 for mathematics or subsequent retests;

(ii) achieving a passing score as determined through a standard setting process on the state-identified language proficiency test in reading and the mathematics test for English language learners or the graduation-required assessment for diploma equivalent of those assessments for students designated as English language learners;

(iii) achieving an individual passing score on the graduation-required assessment for diploma as determined by appropriate state guidelines for students with an individual education plan or 504 plan;

(iv) obtaining achievement level equivalent to or greater than proficient as determined through a standard setting process on the state-identified alternate assessment or assessments in grade 10 for reading and grade 11 for mathematics for students with an individual education plan; or

(v) achieving an individual passing score on the state-identified alternate assessment or assessments as determined by appropriate state guidelines for students with an individual education plan; and

(2) for writing:

(i) achieving a passing score on the graduation-required assessment for diploma;

(ii) achieving a passing score as determined through a standard setting process on the state-identified language proficiency test in writing for students designated as English language learners;

(iii) achieving an individual passing score on the graduation-required assessment for diploma as determined by appropriate state guidelines for students with an individual education plan or 504 plan; or



(iv) achieving an individual passing score on the state-identified alternate assessment or assessments as determined by appropriate state guidelines for students with an individual education plan.

(c) Students enrolled in grade 8 in any school year from the 2005-2006 school year to the 2009-2010 school year who do not pass the mathematics graduation-required assessment for diploma under paragraph (b) are eligible to receive a high school diploma with a passing state notation if they:

(1) complete with a passing score or grade all state and local coursework and credits required for graduation by the school board granting the students their diploma;

(2) participate in district-prescribed academic remediation in mathematics; and

(3) fully participate in at least two retest attempts after the initial spring administration of the mathematics graduation-required assessment for diploma or until they pass the mathematics graduation-required assessment for diploma, whichever comes first. A school board issuing a student a high school diploma in any school year from the 2009-2010 school year through the 2013-2014 school year must record on the student's high school transcript the student's score on the mathematics graduation-required assessments for diploma under this subdivision.

In addition, the school board granting the students their diplomas may formally decide to include a notation of high achievement on the high school diplomas of those graduating seniors who, according to established school board criteria, demonstrate exemplary academic achievement during high school.

(d) The 3rd through 8th grade computer-adaptive assessments and high school level test results shall be available to districts for diagnostic purposes affecting student learning and district instruction and curriculum, and for establishing educational accountability. The commissioner must disseminate to the public the computer-adaptive assessments and high school test results upon receiving those results.

~~(d) State~~ (e) The 3rd through 8th grade computer-adaptive assessments and high school tests must be constructed and aligned with state academic standards. The commissioner shall determine the testing process and the order of administration shall be determined by the commissioner. The statewide results shall be aggregated at the site and district level, consistent with subdivision 1a.

~~(e)~~ (f) In addition to the testing and reporting requirements under this section, the commissioner shall include the following components in the statewide public reporting system:

(1) uniform statewide testing of all students in grades 3 through 8 and at the high school level that provides appropriate, technically sound accommodations; or alternate assessments; or exemptions consistent with applicable federal law, only with parent or guardian approval, for those very few students for whom the student's individual education plan team under sections 125A.05 and 125A.06 determines that the general statewide test is inappropriate for a student, or for a limited English proficiency student under section 124D.59, subdivision 2;

(2) educational indicators that can be aggregated and compared across school districts and across time on a statewide basis, including average daily attendance, high school graduation rates, and high school drop-out rates by age and grade level;

(3) state results on the American College Test; and

(4) state results from participation in the National Assessment of Educational Progress so that the state can benchmark its performance against the nation and other states, and, where possible, against other countries, and contribute to the national effort to monitor achievement.

Subd. 1a. **Statewide and local assessments; results.** (a) For purposes of this section, the following definitions have the meanings given them.

"Above-grade level" test items contain subject area content that is above the grade level of the student taking the assessment and are considered aligned with state academic standards to the extent they are aligned with content represented in state academic standards above the grade level of the student taking the assessment. Notwithstanding the student's grade level, administering above-grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.

"Below-grade level" test items contain subject area content that is below the grade level of the student taking the test and are considered aligned with state academic standards to the extent they are aligned with content represented in state academic standards below the student's current grade level. Notwithstanding the student's grade level, administering below-grade level test items to a student does not violate the requirement that state assessments must be aligned with state standards.

"Computer-adaptive assessments" means fully adaptive assessments or partially adaptive assessments.

"Fully adaptive assessments" include test items that are on-grade level and items that may be above or below a student's grade level.

"On-grade level" test items contain subject area content that is aligned to state academic standards for the grade level of the student taking the assessment.

"Partially adaptive assessments" include two portions of test items, where one portion is limited to on-grade level test items and a second portion includes test items that are on-grade level or above or below a student's grade level.

(b) The commissioner must use fully adaptive assessments to the extent no net loss of federal and state funds occurs as a result of using these assessments. If a net loss of federal and state funds were to occur under this subdivision, then the commissioner must use partially adaptive assessments to meet existing federal educational accountability requirements.

(c) For purposes of conforming with existing federal educational accountability requirements, the commissioner must ~~develop~~ implement computer-adaptive reading, and mathematics, and science assessments for grades 3 through 8, state-developed high school reading and mathematics tests aligned with state academic standards, and science assessments under clause (2) that districts and sites must use to monitor student growth toward achieving those standards. The commissioner must not develop statewide assessments for academic standards in social studies, health and physical education, and the arts. The commissioner must require:

(1) annual computer-adaptive reading and mathematics assessments in grades 3 through 8, and ~~at the high school level for the 2005-2006 school year and later~~ high school reading and mathematics tests; and

(2) annual science assessments in one grade in the grades 3 through 5 span, the grades 6 through 9 8 span, and a life sciences assessment in the grades ~~10 9~~ through 12 span ~~for the 2007-2008 school year and later~~, and the commissioner must not require students to achieve a passing score on high school science assessments as a condition of receiving a high school diploma.

The commissioner must ensure that for annual computer-adaptive assessments:

(i) individual student performance data and achievement and summary reports are available within three school days of when students take an assessment;

(ii) growth information is available for each student from the student's first assessment to each proximate assessment using a constant measurement scale;

(iii) parents, teachers, and school administrators are able to use elementary and middle school student performance data to project student achievement in high school; and

(iv) useful diagnostic information about areas of students' academic strengths and weaknesses is available to teachers and school administrators for purposes of improving student instruction and indicating the specific skills and concepts that should be introduced and developed for students at given score levels, organized by strands within subject areas, and linked to state academic standards.

When contracting for computer-adaptive assessments under this section, the commissioner must give priority to contracting with providers able to offer school districts an option of providing supplementary, locally financed formative assessments that align with state academic standards.

~~(b)~~ (d) The commissioner must ensure that all statewide tests administered to elementary and secondary students measure students' academic knowledge and skills and not students' values, attitudes, and beliefs.

~~(c)~~ (e) Reporting of assessment results must:

(1) provide timely, useful, and understandable information on the performance of individual students, schools, school districts, and the state;

(2) include, ~~by no later than the 2008-2009 school year,~~ a value-added component ~~that is in addition to a measure for student achievement growth over time~~ growth indicator of student achievement under section 120B.35, subdivision 3, paragraph (b); and

(3)(i) for students enrolled in grade 8 before the 2005-2006 school year, determine whether students have met the state's basic skills requirements; and

(ii) for students enrolled in grade 8 in the 2005-2006 school year and later, determine whether students have met the state's academic standards.

~~(d)~~ (f) Consistent with applicable federal law and subdivision 1, paragraph (d), clause (1), the commissioner must include appropriate, technically sound accommodations or alternative assessments for the very few students with disabilities for whom statewide assessments are inappropriate and for students with limited English proficiency.

~~(e)~~ (g) A school, school district, and charter school must administer statewide assessments under this section, as the assessments become available, to evaluate student ~~progress in achieving the proficiency in the context of the state's grade level~~ academic standards. If a state assessment is not available, a school, school district, and charter school must determine locally if a student has met the required academic standards. A school, school district, or charter school may use a student's performance on a statewide assessment as one of multiple criteria to determine grade promotion or retention. A school, school district, or charter school may use a high school student's performance on a statewide assessment as a percentage of the student's final grade in a course, or place a student's assessment score on the student's transcript.

(h) Annually by February 1, the commissioners of education and finance must certify to the education policy and finance committees of the legislature that the assessments required under this section have been implemented so as to:

(1) satisfy the requirements of this section at the lowest combined total cost to the state and local schools and school districts in terms of test development and local technology infrastructure; and

(2) eliminate duplicative testing.

Subd. 2. **Department of Education assistance.** The Department of Education shall contract for professional and technical services according to competitive bidding procedures under chapter 16C for purposes of this section.

Subd. 3. **Reporting.** The commissioner shall report test data publicly and to stakeholders, including the performance achievement levels developed from students' unweighted test scores in each tested subject and a listing of demographic factors that strongly correlate with student performance. The commissioner shall also report data that compares performance results among school sites, school districts, Minnesota and other states, and Minnesota and other nations. The commissioner shall disseminate to schools and school districts a more comprehensive report containing testing information that meets local needs for evaluating instruction and curriculum.

Subd. 4. **Access to tests.** The commissioner must adopt and publish a policy to provide public and parental access for review of basic skills tests, Minnesota Comprehensive Assessments, or any other such statewide test and assessment. Upon receiving a written request, the commissioner must make available to parents or guardians a copy of their student's actual responses to the test questions to be reviewed by the parent for their review.

**EFFECTIVE DATE.** This section is effective the day following final enactment. Subdivision 1, paragraph (c), applies to the 2009-2010 through 2013-2014 school years only. Notwithstanding any other law to the contrary, requirements related to the math graduation-required assessment for diploma under this section are repealed June 30, 2014, and the commissioner of education must not implement any alternative to the math graduation-required assessment for diploma without specific legislative authority. Computer-adaptive test requirements apply to the 2010-2011 school year and later.

Sec. 7. Minnesota Statutes 2008, section 120B.31, is amended to read:

**120B.31 SYSTEM ACCOUNTABILITY AND STATISTICAL ADJUSTMENTS.**

Subdivision 1. **Educational accountability and public reporting.** Consistent with the process direction to adopt ~~a results-oriented graduation rule~~ statewide academic standards under section 120B.02, the department, in consultation with education and other system stakeholders, must establish a coordinated and comprehensive system of educational accountability and public reporting that promotes higher greater academic achievement, preparation for higher academic education, preparation for the world of work, citizenship under sections 120B.021, subdivision 1, clause (4), and 120B.024, paragraph (a), clause (4), and the arts.

Subd. 2. **Statewide testing.** Each school year, all school districts shall give a uniform statewide test to students at specified grades to provide information on the status, needs and performance of Minnesota students.

Subd. 3. **Educational accountability.** (a) The Independent Office of Educational Accountability, as authorized by Laws 1997, First Special Session chapter 4, article 5, section 28, subdivision 2, is established, and shall be funded through the Board of Regents of the University of Minnesota. The office shall advise the education committees of the legislature and the commissioner of education, at least on a biennial basis, on:

(1) the degree to which the statewide educational accountability and reporting system includes a comprehensive assessment framework that measures school accountability for students achieving the goals described in the state's ~~results-oriented~~ high school graduation rule;

(2) the completeness, integrity, and use of the information provided by the statewide educational accountability and reporting system in the context of enabling legislators and other stakeholders to make fully informed education policy decisions consistent with the best and most current academic research available; and

(3) the impact the statewide educational accountability and reporting system has on prekindergarten through grade 12 education policy, effectiveness, resource distribution, and structure.

(b) The office shall determine and annually report to the legislature whether and how effectively:

(1) the statewide system of educational accountability ~~utilizes~~ uses multiple indicators to provide valid and reliable comparative and contextual data on students, schools, districts, and the state, and if not, recommend ways to improve the accountability reporting system;

(2) ~~the commissioner makes statistical adjustments when reporting student data over time, consistent with clause (4);~~

~~(3) the commissioner uses indicators of student achievement growth~~ a value-added growth indicator of student achievement over time and a value added assessment model that estimates the effects of the school and school district on student achievement to measure and measures school performance, consistent with section ~~120B.36, subdivision 1~~ 120B.35, subdivision 3, paragraph (b);

~~(4) the commissioner makes~~ (3) data are available on students who do not pass one or more of the state's required GRAD tests and do not receive a diploma as a consequence, and ~~categorizes~~ these data are categorized according to gender, race, eligibility for free or reduced lunch, and English language proficiency; and

~~(5) the commissioner fulfills~~ (4) the requirements under section 127A.095, subdivision 2, are met.

~~(b)~~ (c) When the office reviews the statewide educational accountability and reporting system, it shall also consider:

(1) the objectivity and neutrality of the state's educational accountability system; and

(2) the impact of a testing program on school curriculum and student learning.

Subd. 4. **Statistical adjustments; student performance data.** In developing policies and assessment processes to hold schools and districts accountable for high levels of academic standards under section 120B.021, the commissioner shall aggregate student data over time to report student performance and growth levels measured at the ~~school, school district, regional, or and~~ statewide level. When collecting and reporting the performance data, the commissioner shall: (1) acknowledge the impact of significant demographic factors such as residential instability, the number of single parent families, parents' level of education, and parents' income level on school outcomes; and (2) organize and report the data so that state and local policy makers can understand the educational implications of changes in districts' demographic profiles over time. Any report the commissioner disseminates containing summary data on student performance must integrate student performance and the demographic factors that strongly correlate with that performance.

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

Sec. 8. Minnesota Statutes 2008, section 120B.35, is amended to read:

**120B.35 STUDENT ACADEMIC ACHIEVEMENT AND PROGRESS GROWTH.**

Subdivision 1. ~~Adequate yearly progress of schools and students~~ **School and student indicators of growth and achievement.** The commissioner must develop and implement a system for measuring and reporting academic achievement and individual student progress growth, consistent with the statewide educational accountability and reporting system. The system components ~~of the system~~ must measure and separately report the adequate yearly

progress of schools and the growth of individual students: students' current achievement in schools under subdivision 2; and individual students' educational ~~progress~~ growth over time under subdivision 3. The system also must include statewide measures of student academic ~~achievement~~ growth that identify schools with high levels of ~~achievement~~ growth, and also schools with low levels of ~~achievement~~ growth that need improvement. When determining a school's effect, the data must include both statewide measures of student achievement and, to the extent annual tests are administered, indicators of achievement growth that take into account a student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments. Indicators that take into account a student's prior achievement must not be used to disregard a school's low achievement or to exclude a school from a program to improve low achievement levels. ~~The commissioner by January 15, 2002, must submit a plan for integrating these components to the chairs of the legislative committees having policy and budgetary responsibilities for elementary and secondary education.~~

Subd. 2. **Federal expectations for student academic achievement.** (a) Each school year, a school district must determine if the student achievement levels at each school site meet ~~state and local~~ federal expectations. If student achievement levels at a school site do not meet ~~state and local~~ federal expectations and the site has not made adequate yearly progress for two consecutive school years, beginning with the 2001-2002 school year, the district must work with the school site to adopt a plan to raise student achievement levels to meet ~~state and local~~ federal expectations. The commissioner of education shall establish student academic achievement levels to comply with this paragraph.

(b) School sites identified as not meeting federal expectations must develop continuous improvement plans in order to meet ~~state and local~~ federal expectations for student academic achievement. The department, at a district's request, must assist the district and the school site in developing a plan to improve student achievement. The plan must include parental involvement components.

(c) The commissioner must:

- (1) ~~provide assistance to~~ assist school sites and districts identified as not meeting federal expectations; and
- (2) provide technical assistance to schools that integrate student ~~progress~~ achievement measures ~~under subdivision 3 in~~ into the school continuous improvement plan.

(d) The commissioner shall establish and maintain a continuous improvement Web site designed to make data on every school and district available to parents, teachers, administrators, community members, and the general public.

Subd. 3. **Student progress assessment State growth target; other state measures.** (a) The ~~state's~~ educational assessment system component measuring individual students' educational ~~progress must be~~ growth is based, ~~to the extent annual tests are administered,~~ on indicators of achievement growth that show an individual student's prior achievement. Indicators of achievement and prior achievement must be based on highly reliable statewide or districtwide assessments.

(b) The commissioner, in consultation with a stakeholder group that includes assessment and evaluation directors and staff and researchers must identify effective models for measuring individual student progress that enable a school district or school site to perform gains-based analysis, including evaluating the effects of the teacher, school, and school district on student achievement over time. At least one model must be a "value added" assessment model that reliably estimates those effects for classroom settings where a single teacher teaches multiple subjects to the same group of students, for team teaching arrangements, and for other teaching circumstances. implement a model that uses a value-added growth indicator and includes criteria for identifying schools and school districts that demonstrate medium and high growth under section 120B.299, subdivisions 5 and 7, and may recommend other value-added measures under section 120B.299, subdivision 10. The model may be used to advance educators' professional development and replicate programs that succeed in meeting students' diverse learning needs. Data on individual teachers generated under the model are personnel data under section 13.43. The model must allow users to:

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

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

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

(c) If a district has an accountability plan that includes gains-based analysis or "value-added" assessment, the commissioner shall, to the extent practicable, incorporate those measures in determining whether the district or school site meets expectations. The department must coordinate with the district in evaluating school sites and continuous improvement plans, consistent with best practices. When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2011, must report two core measures indicating the extent to which current high school graduates are being prepared for postsecondary academic and career opportunities:

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

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

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

(d) When reporting student performance under section 120B.36, subdivision 1, the commissioner annually, beginning July 1, 2013, must report summary data on school safety and students' engagement and connection at school. The summary data under this paragraph are separate from and must not be used for any purpose related to measuring or evaluating the performance of classroom teachers. The commissioner, in consultation with qualified experts on student engagement and connection and classroom teachers, must identify highly reliable variables that generate summary data under this paragraph. The summary data may be used at school, district, and state levels only. Any data on individuals received, collected, or created that are used to generate the summary data under this paragraph are nonpublic data under section 13.02, subdivision 9.

Subd. 4. **Improving schools.** Consistent with the requirements of this section, beginning June 20, 2012, the commissioner of education must establish a second achievement benchmark to identify improving schools. The commissioner must recommend to annually report to the public and the legislature by February 15, 2002, indicators in addition to the achievement benchmark for identifying improving schools, including an indicator requiring a school to demonstrate ongoing successful use of best teaching practices the organizational and curricular practices implemented in those schools that demonstrate medium and high growth compared to the state growth target.

Subd. 5. **Improving graduation rates for students with emotional or behavioral disorders.** (a) A district must develop strategies in conjunction with parents of students with emotional or behavioral disorders and the county board responsible for implementing sections 245.487 to 245.4889 to keep students with emotional or behavioral disorders in school, when the district has a drop-out rate for students with an emotional or behavioral disorder in grades 9 through 12 exceeding 25 percent.

(b) A district must develop a plan in conjunction with parents of students with emotional or behavioral disorders and the local mental health authority to increase the graduation rates of students with emotional or behavioral disorders. A district with a drop-out rate for children with an emotional or behavioral disturbance in grades 9 through 12 that is in the top 25 percent of all districts shall submit a plan for review and oversight to the commissioner.

**EFFECTIVE DATE.** Subdivision 3, paragraph (b), applies to students in the 2008-2009 school year and later. Subdivision 3, paragraph (c), applies to students in the 2010-2011 school year and later. Subdivision 3, paragraph (d), applies to data that are collected in the 2010-2011 school year and later and reported annually beginning July 1, 2013, consistent with advice the commissioner receives from recognized and qualified experts on student engagement and connection and classroom teachers. Subdivision 4 applies in the 2011-2012 school year and later.

Sec. 9. Minnesota Statutes 2008, section 120B.36, is amended to read:

**120B.36 SCHOOL ACCOUNTABILITY; APPEALS PROCESS.**

Subdivision 1. **School performance report cards.** (a) The commissioner shall ~~use objective criteria based on levels of student performance to report at least student academic performance under section 120B.35, subdivision 2, the percentages of students showing low, medium, and high growth under section 120B.35, subdivision 3, paragraph (b), school safety and student engagement and connection under section 120B.35, subdivision 3, paragraph (d), rigorous coursework under section 120B.35, subdivision 3, paragraph (c), two separate student-to-teacher ratios that clearly indicate the definition of teacher consistent with sections 122A.06 and 122A.15 for purposes of determining these ratios, and staff characteristics excluding salaries, with a value added component added no later than the 2008-2009 school year student enrollment demographics, district mobility, and extracurricular activities.~~ The report also must indicate a school's adequate yearly progress status, and must not set any designations applicable to high- and low-performing schools due solely to adequate yearly progress status.

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

(c) The commissioner must make available ~~the first~~ performance report cards by ~~November 2003, and during~~ the beginning of each school year ~~thereafter~~.

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

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

Subd. 2. **Adequate yearly progress and other data.** All data the department receives, collects, or creates ~~for purposes of determining to determine~~ adequate yearly progress ~~designations~~ status under Public Law 107-110, section 1116, set state growth targets, and determine student growth are nonpublic data under section 13.02, subdivision 9, until not later than ten days after the appeal procedure described in subdivision 1, paragraph (d), concludes. Districts must provide parents sufficiently detailed summary data to permit parents to appeal under Public Law 107-110, section 1116(b)(2). The department shall annually post federal adequate yearly progress data and state student growth data to its public Web site no later than September 1.

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



Sec. 10. Minnesota Statutes 2008, section 121A.15, subdivision 8, is amended to read:

Subd. 8. **Report.** The administrator or other person having general control and supervision of the elementary or secondary school shall file a report with the commissioner on all persons enrolled in the school. The superintendent of each district shall file a report with the commissioner for all persons within the district receiving instruction in a home school in compliance with sections 120A.22 and 120A.24. The parent of persons receiving instruction in a home school shall submit the statements as required by subdivisions 1, 2, 3, and 4 to the superintendent of the district in which the person resides by October 1 of ~~each school year~~ the first year of their homeschooling and the 7th grade year. The school report must be prepared on forms developed jointly by the commissioner of health and the commissioner of education and be distributed to the local districts by the commissioner of health. The school report must state the number of persons attending the school, the number of persons who have not been immunized according to subdivision 1 or 2, and the number of persons who received an exemption under subdivision 3, clause (c) or (d). The school report must be filed with the commissioner of education within 60 days of the commencement of each new school term. Upon request, a district must be given a 60-day extension for filing the school report. The commissioner of education shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The administrator or other person having general control and supervision of the child care facility shall file a report with the commissioner of human services on all persons enrolled in the child care facility. The child care facility report must be prepared on forms developed jointly by the commissioner of health and the commissioner of human services and be distributed to child care facilities by the commissioner of health. The child care facility report must state the number of persons enrolled in the facility, the number of persons with no immunizations, the number of persons who received an exemption under subdivision 3, clause (c) or (d), and the number of persons with partial or full immunization histories. The child care facility report must be filed with the commissioner of human services by November 1 of each year. The commissioner of human services shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The report required by this subdivision is not required of a family child care or group family child care facility, for prekindergarten children enrolled in any elementary or secondary school provided services according to sections 125A.05 and 125A.06, nor for child care facilities in which at least 75 percent of children in the facility participate on a onetime only or occasional basis to a maximum of 45 hours per child, per month.

Sec. 11. Minnesota Statutes 2008, section 122A.07, subdivision 2, is amended to read:

Subd. 2. **Eligibility; board composition.** Except for the representatives of higher education and the public, to be eligible for appointment to the Board of Teaching a person must be a teacher currently teaching in a Minnesota school and fully licensed for the position held and have at least five years teaching experience in Minnesota, including the two years immediately preceding nomination and appointment. Each nominee, other than a public nominee, must be selected on the basis of professional experience and knowledge of teacher education, accreditation, and licensure. The board must be composed of:

(1) six teachers who are currently teaching in a Minnesota school or who were teaching at the time of the appointment, at least four of whom must be teaching in a public school;

(2) one higher education representative, who must be a faculty member preparing teachers;

(3) one school administrator; and

(4) three members of the public, two of whom must be present or former members of school boards.

Sec. 12. Minnesota Statutes 2008, section 122A.07, subdivision 3, is amended to read:

Subd. 3. **Vacant position.** With the exception of a teacher who retires from teaching during the course of completing a board term, the position of a member who leaves Minnesota or whose employment status changes to a category different from that from which appointed is deemed vacant.

Sec. 13. Minnesota Statutes 2008, section 122A.18, subdivision 4, is amended to read:

Subd. 4. **Expiration and renewal.** (a) Each license the Department of Education issues through its licensing section must bear the date of issue. Licenses must expire and be renewed according to the respective rules the Board of Teaching, the Board of School Administrators, or the commissioner of education adopts. Requirements for renewing a license must include showing satisfactory evidence of successful teaching or administrative experience for at least one school year during the period covered by the license in grades or subjects for which the license is valid or completing such additional preparation as the Board of Teaching prescribes. The Board of School Administrators shall establish requirements for renewing the licenses of supervisory personnel except athletic coaches. The State Board of Teaching shall establish requirements for renewing the licenses of athletic coaches.

(b) Relicensure applicants, as a condition of relicensure, must present to their local continuing education and relicensure committee or other local relicensure committee evidence of work that demonstrates professional reflection and growth in best teaching practices. The applicant must include a reflective statement of professional accomplishment and the applicant's own assessment of professional growth showing evidence of:

(1) support for student learning;

(2) use of best practices techniques and their applications to student learning;

(3) collaborative work with colleagues that includes examples of collegiality such as attested-to committee work, collaborative staff development programs, and professional learning community work; or

(4) continual professional development that may include job-embedded or other ongoing formal professional learning during the relicensure period.

The Board of Teaching must ensure that its teacher relicensing requirements also include this paragraph.

~~(b)~~ (c) The Board of Teaching shall offer alternative continuing relicensure options for teachers who are accepted into and complete the National Board for Professional Teaching Standards certification process, and offer additional continuing relicensure options for teachers who earn National Board for Professional Teaching Standards certification. Continuing relicensure requirements for teachers who do not maintain National Board for Professional Teaching Standards certification are those the board prescribes, consistent with this section.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to licensees seeking relicensure beginning July 1, 2012.

Sec. 14. Minnesota Statutes 2008, section 122A.40, subdivision 6, is amended to read:

Subd. 6. **Peer review Mentoring for probationary teachers.** A school board and an exclusive representative of the teachers in the district must develop a probationary teacher peer review process through joint agreement. The process may include having trained observers serve as mentors or coaches or having teachers participate in professional learning communities.

**EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and later.

Sec. 15. Minnesota Statutes 2008, section 122A.40, subdivision 8, is amended to read:

Subd. 8. **Peer review coaching for continuing contract teachers.** A school board and an exclusive representative of the teachers in the district shall develop a peer review process for continuing contract teachers through joint agreement. The process may include having trained observers serve as peer coaches or having teachers participate in professional learning communities.

**EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and later.

Sec. 16. Minnesota Statutes 2008, section 122A.41, subdivision 3, is amended to read:

Subd. 3. ~~Peer review Mentoring for probationary teachers.~~ A board and an exclusive representative of the teachers in the district must develop a probationary teacher peer review process through joint agreement. The process may include having trained observers serve as mentors or coaches or having teachers participate in professional learning communities.

**EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and later.

Sec. 17. Minnesota Statutes 2008, section 122A.41, subdivision 5, is amended to read:

Subd. 5. ~~Peer review coaching for continuing contract teachers.~~ A school board and an exclusive representative of the teachers in the district must develop a peer review process for nonprobationary teachers through joint agreement. The process may include having trained observers serve as peer coaches or having teachers participate in professional learning communities.

**EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and later.

Sec. 18. Minnesota Statutes 2008, section 122A.413, subdivision 2, is amended to read:

Subd. 2. **Plan components.** The educational improvement plan must be approved by the school board and have at least these elements:

- (1) assessment and evaluation tools to measure student performance and progress;
- (2) performance goals and benchmarks for improvement;
- (3) measures of student attendance and completion rates;
- (4) a rigorous research and practice-based professional development system, based on national and state standards of effective teaching practice and consistent with section 122A.60, that is aligned with educational improvement, and designed to achieve ongoing and schoolwide progress and growth in teaching quality improvement, and consistent with clearly defined research-based standards practice;
- (5) measures of student, family, and community involvement and satisfaction;
- (6) a data system about students and their academic progress that provides parents and the public with understandable information;
- (7) a teacher induction and mentoring program for probationary teachers that provides continuous learning and sustained teacher support; and
- (8) substantial participation by the exclusive representative of the teachers in developing the plan.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to plans developed in the 2009-2010 school year and later.

Sec. 19. Minnesota Statutes 2008, section 122A.414, subdivision 2, is amended to read:

Subd. 2. **Alternative teacher professional pay system.** (a) To participate in this program, a school district, intermediate school district, school site, or charter school must have an educational improvement plan under section 122A.413 and an alternative teacher professional pay system agreement under paragraph (b). A charter school participant also must comply with subdivision 2a.

(b) The alternative teacher professional pay system agreement must:

(1) describe how teachers can achieve career advancement and additional compensation;

(2) describe how the school district, intermediate school district, school site, or charter school will provide teachers with career advancement options that allow teachers to retain primary roles in student instruction and facilitate site-focused professional development that helps other teachers improve their skills;

(3) reform the "steps and lanes" salary schedule, prevent any teacher's compensation paid before implementing the pay system from being reduced as a result of participating in this system, and base at least 60 percent of any compensation increase on teacher performance using:

(i) schoolwide student achievement gains under section 120B.35 or locally selected standardized assessment outcomes, or both;

(ii) measures of student achievement; and

(iii) an objective evaluation program and evidence of effective practice that includes:

(A) individual teacher evaluations aligned with the educational improvement plan under section 122A.413 and the staff development plan under section 122A.60; and

~~(B) objective evaluations using multiple criteria conducted by a locally selected and periodically trained evaluation team that understands teaching and learning reflection and growth in best teaching practices shown through support for student learning, collaborative work with colleagues, or continual professional learning, consistent with section 122A.18, subdivision 4, paragraph (b), clauses (1) to (3);~~

(4) provide integrated ongoing site-based professional development activities to improve instructional skills and learning that are aligned with student needs under section 122A.413, consistent with the staff development plan under section 122A.60 and led during the school day by trained teacher leaders such as master or mentor teachers or peer coaches;

(5) allow any teacher in a participating school district, intermediate school district, school site, or charter school that implements an alternative pay system to participate in that system without any quota or other limit; and

(6) encourage collaboration rather than competition among teachers.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to all alternative teacher professional pay system agreements entered into or modified after that date.

Sec. 20. Minnesota Statutes 2008, section 122A.414, subdivision 2b, is amended to read:

Subd. 2b. **Approval process.** (a) Consistent with the requirements of this section and sections 122A.413 and 122A.415, the department must prepare and transmit to interested school districts, intermediate school districts, school sites, and charter schools a standard form for applying to participate in the alternative teacher professional pay system. The commissioner annually must establish three dates as deadlines by which interested applicants must submit an application to the commissioner under this section. An interested school district, intermediate school district, school site, or charter school must submit to the commissioner a completed application executed by the district superintendent and the exclusive bargaining representative of the teachers if the applicant is a school district, intermediate school district, or school site, or executed by the charter school board of directors if the applicant is a charter school. The application must include the proposed alternative teacher professional pay system agreement

under subdivision 2. The department must ~~convene a review committee that at least includes teachers and administrators~~ a completed application within 30 days of ~~receiving a completed application to the most recent application deadline and~~ recommend to the commissioner whether to approve or disapprove the application. The commissioner must approve applications on a first-come, first-served basis. The applicant's alternative teacher professional pay system agreement must be legally binding on the applicant and the collective bargaining representative before the applicant receives alternative compensation revenue. The commissioner must approve or disapprove an application based on the requirements under subdivisions 2 and 2a.

(b) If the commissioner disapproves an application, the commissioner must give the applicant timely notice of the specific reasons in detail for disapproving the application. The applicant may revise and resubmit its application and related documents to the commissioner within 30 days of receiving notice of the commissioner's disapproval and the commissioner must approve or disapprove the revised application, consistent with this subdivision. Applications that are revised and then approved are considered submitted on the date the applicant initially submitted the application.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to all applications submitted after that date.

Sec. 21. Minnesota Statutes 2008, section 122A.60, subdivision 2, is amended to read:

Subd. 2. **Contents of the plan.** The plan must include the staff development outcomes under subdivision 3, the means to achieve the outcomes, and procedures for evaluating progress at each school site toward meeting education outcomes, consistent with relicensure requirements under section 122A.18, subdivision 2, paragraph (b). The plan also must:

(1) support stable and productive professional communities achieved through ongoing and schoolwide progress and growth in teaching practice;

(2) emphasize coaching, professional learning communities, classroom action research, and other job-embedded models;

(3) maintain a strong subject matter focus premised on students' learning goals;

(4) ensure specialized preparation and learning about issues related to teaching students with special needs and limited English proficiency; and

(5) reinforce national and state standards of effective teaching practice.

**EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and later.

Sec. 22. Minnesota Statutes 2008, section 123A.05, is amended to read:

**123A.05 AREA LEARNING CENTER STATE-APPROVED ALTERNATIVE PROGRAM ORGANIZATION.**

Subdivision 1. **Governance.** (a) A district may establish an area learning center either by itself or in cooperation with other districts, alternative learning program, or contract alternative in accordance with sections 124D.68, subdivision 3, paragraph (d), and 124D.69.

(b) An area learning center is encouraged to cooperate with a service cooperative, an intermediate school district, a local education and employment transitions partnership, public and private secondary and postsecondary institutions, public agencies, businesses, and foundations. Except for a district located in a city of the first class, an area learning center must be established in cooperation with other districts and must serve the geographic area of at least two districts. An area learning center must provide comprehensive educational services to enrolled secondary students throughout the year, including a daytime school within a school or separate site for both high school and middle school level students.

(c) An alternative learning program may serve the students of one or more districts, may designate which grades are served, and may make program hours and a calendar optional.

(d) A contract alternative is an alternative learning program operated by a private organization that has contracted with a school district to provide educational services for students under section 124D.68, subdivision 2.

Subd. 2. **Reserve revenue.** Each district that is a member of an area learning center or alternative learning program must reserve revenue in an amount equal to the sum of (1) at least 90 percent of the district average general education revenue per pupil unit minus an amount equal to the product of the formula allowance according to section 126C.10, subdivision 2, times .0485, calculated without basic skills revenue and transportation sparsity revenue, times the number of pupil units attending an area learning center or alternative learning program under this section, plus (2) the amount of basic skills revenue generated by pupils attending the area learning center or alternative learning program. The amount of reserved revenue under this subdivision may only be spent on program costs associated with the area learning center or alternative learning program.

Subd. 3. **Access to services.** A ~~center~~ state-approved alternative program shall have access to the district's regular education programs, special education programs, technology facilities, and staff. It may contract with individuals or postsecondary institutions. It shall seek the involvement of community education programs, postsecondary institutions, interagency collaboratives, culturally based organizations, mutual assistance associations, and other community resources, businesses, and other federal, state, and local public agencies.

Subd. 4. **Nonresident pupils.** A pupil who does not reside in the district may attend a ~~center~~ state-approved alternative program without consent of the school board of the district of residence.

Sec. 23. Minnesota Statutes 2008, section 123A.06, is amended to read:

#### **123A.06 CENTER STATE-APPROVED ALTERNATIVE PROGRAMS AND SERVICES.**

Subdivision 1. **Program focus.** (a) The programs and services of a ~~center~~ state-approved alternative program must focus on academic and learning skills, applied learning opportunities, trade and vocational skills, work-based learning opportunities, work experience, youth service to the community, transition services, and English language and literacy programs for children whose primary language is a language other than English. Applied learning, work-based learning, and service learning may best be developed in collaboration with a local education and transitions partnership, culturally based organizations, mutual assistance associations, or other community resources. In addition to offering programs, the ~~center~~ state-approved alternative program shall coordinate the use of other available educational services, special education services, social services, health services, and postsecondary institutions in the community and services area.

(b) Consistent with the requirements of sections 121A.40 to 121A.56, a school district may provide an alternative education program for a student who is within the compulsory attendance age under section 120A.20, and who is involved in severe or repeated disciplinary action.

Subd. 2. **People to be served.** A ~~center~~ state-approved alternative program shall provide programs for secondary pupils and adults. A center may also provide programs and services for elementary and secondary pupils who are not attending the ~~center~~ state-approved alternative program to assist them in being successful in school. A center shall use research-based best practices for serving limited English proficient students and their parents. An individual education plan team may identify a ~~center~~ state-approved alternative program as an appropriate placement to the extent a ~~center~~ state-approved alternative program can provide the student with the appropriate special education services described in the student's plan. Pupils eligible to be served are those who qualify under the graduation incentives program in section 124D.68, subdivision 2, those enrolled under section 124D.02, subdivision 2, or those pupils who are eligible to receive special education services under sections 125A.03 to 125A.24, and 125A.65.

Subd. 3. **Hours of instruction exemption.** Notwithstanding any law to the contrary, the area learning center programs must be available throughout the entire year. ~~A center may petition the state board under Minnesota Rules, part 3500.1000, for exemption from other rules.~~

Subd. 4. **Granting a diploma.** Upon successful completion of the area learning center program, a pupil is entitled to receive a high school diploma. The pupil may elect to receive a diploma from either the district of residence or the district in which the area learning center is located.

Sec. 24. Minnesota Statutes 2008, section 123A.08, is amended to read:

**123A.08 CENTER STATE-APPROVED ALTERNATIVE PROGRAM FUNDING.**

Subdivision 1. **Outside sources for resources and services.** A ~~center~~ state-approved alternative program may accept:

- (1) resources and services from postsecondary institutions serving ~~center~~ state-approved alternative program pupils;
- (2) resources from ~~Job Training Partnership~~ Workforce Investment Act programs, including funding for jobs skills training for various groups and the percentage reserved for education;
- (3) resources from the Department of Human Services and county welfare funding;
- (4) resources from a local education and employment transitions partnership; or
- (5) private resources, foundation grants, gifts, corporate contributions, and other grants.

Subd. 2. **General education aid.** Payment of general education aid for nonresident pupils enrolled in ~~the center~~ area learning centers and alternative learning programs must be made according to section 127A.47, subdivision 7.

Subd. 3. **Special education revenue.** Payment of special education revenue for nonresident pupils enrolled in the ~~center~~ state-approved alternative program must be made according to section ~~125A.15~~ 127A.47, subdivision 7.

Sec. 25. Minnesota Statutes 2008, section 123B.03, subdivision 1, is amended to read:

Subdivision 1. **Background check required.** (a) A school hiring authority shall request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all individuals who are offered employment in a school and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to a school, regardless of whether any compensation is paid. In order for an individual to be eligible for employment or to

provide the services, the individual must provide an executed criminal history consent form and a money order or check payable to either the Bureau of Criminal Apprehension or the school hiring authority, at the discretion of the school hiring authority, in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school district of conducting the criminal history background check. A school hiring authority deciding to receive payment may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and shall pay the superintendent of the Bureau of Criminal Apprehension directly to conduct the background check. The superintendent of the Bureau of Criminal Apprehension shall conduct the background check by retrieving criminal history data maintained in the criminal justice information system computers. A school hiring authority, at its discretion, may decide not to request a criminal history background check on an individual who holds an initial entrance license issued by the State Board of Teaching or the commissioner of education within the 12 months preceding an offer of employment.

(b) A school hiring authority may use the results of a criminal background check conducted at the request of another school hiring authority if:

(1) the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;

(2) the other school hiring authority conducted a criminal background check within the previous 12 months;

(3) the individual who is the subject of the criminal background check executes a written consent form giving a school hiring authority access to the results of the check; and

(4) there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment.

(c) A school hiring authority may, at its discretion, request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on any individual who seeks to enter a school or its grounds for the purpose of serving as a school volunteer or working as an independent contractor or student employee. In order for an individual to enter a school or its grounds under this paragraph when the school hiring authority decides to request a criminal history background check on the individual, the individual first must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school district in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school district of conducting the criminal history background check. ~~Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.~~ A school hiring authority may decide to pay the cost of conducting a background check under this paragraph, in which case the individual who is the subject of the background check need not pay for the background check.

(d) For all nonstate residents who are offered employment in a school, a school hiring authority shall request a criminal history background check on such individuals from the superintendent of the Bureau of Criminal Apprehension and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. Such individuals must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school hiring authority in an amount equal to the actual cost to the government agencies and the school district of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.

(e) At the beginning of each school year or when a student enrolls, a school hiring authority must notify parents and guardians about the school hiring authority's policy requiring a criminal history background check on employees and other individuals who provide services to the school, and identify those positions subject to a background check



and the extent of the hiring authority's discretion in requiring a background check. The school hiring authority may include the notice in the student handbook, a school policy guide, or other similar communication. Nothing in this paragraph affects a school hiring authority's ability to request a criminal history background check on an individual under paragraph (c).

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

Sec. 26. Minnesota Statutes 2008, section 123B.51, is amended by adding a subdivision to read:

Subd. 5a. **Temporary closing.** A school district that proposes to temporarily close a schoolhouse or that intends to lease the facility to another entity for use as a schoolhouse for three or fewer years is not subject to subdivision 5 if the school board holds a public meeting and allows public comment on the schoolhouse's future.

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

Sec. 27. Minnesota Statutes 2008, section 124D.095, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings given them.

(a) "Online learning" is an interactive course or program that delivers instruction from a teacher to a student by computer; is combined with other traditional delivery methods that include frequent student assessment and may include actual teacher contact time; and meets or exceeds state academic standards.

(b) "Online learning provider" is a school district, an intermediate school district, an organization of two or more school districts operating under a joint powers agreement, or a charter school located in Minnesota that provides online learning to students.

(c) "Student" is a Minnesota resident enrolled in a school under section 120A.22, subdivision 4, in kindergarten through grade 12.

(d) "Online learning student" is a student enrolled in an online learning course or program delivered by an online provider under paragraph (b).

(e) "Enrolling district" means the school district or charter school in which a student is enrolled under section 120A.22, subdivision 4, for purposes of compulsory attendance.

(f) "Supplemental online learning" means an online course taken in place of a course period during the regular school day at a local district school.

(g) "Full-time online provider" means an enrolling school authorized by the department to deliver comprehensive public education at any or all of the elementary, middle, or high school levels.

(h) "Online course syllabus" is a written document that an online learning provider makes available to the enrolling district using a format prescribed by the commissioner to identify the state academic standards embedded in an online course, the course content outline, required course assessments, expectations for actual teacher contact time and other student-to-teacher communications, and academic support available to the online learning student.

Sec. 28. Minnesota Statutes 2008, section 124D.095, subdivision 3, is amended to read:

Subd. 3. **Authorization; notice; limitations on enrollment.** (a) A student may apply for full-time enrollment in an approved online learning program under section 124D.03, 124D.08 or 124D.10, ~~or for supplemental online learning.~~ Notwithstanding sections 124D.03, 124D.08, and 124D.10, procedures for enrolling in supplemental

online learning shall be as provided in this subdivision. A student age 17 or younger must have the written consent of a parent or guardian to apply. No school district or charter school may prohibit a student from applying to enroll in online learning. In order that a student may enroll in online learning, the student and the student's parents must submit an application to the online learning provider and identify the reason for enrolling in online learning. The online learning provider that accepts a student under this section must within ten days notify the student and the enrolling district in writing if the enrolling district is not the online learning provider. The student and family must notify the online learning provider of their intent to enroll in online learning within ten days of acceptance, at which time the student and parent must sign a statement of assurance that they have reviewed the online course or program and understand the expectations of online learning enrollment. The online learning provider must notify the enrolling district of the student's ~~enrollment~~ application to enroll in online learning in writing on a form provided by the department.

(b) Supplemental online learning notification to the enrolling district upon student ~~enrollment in application to the online learning program provider~~ will include the courses or program, credits to be awarded, and the start date of online enrollment, and confirmation that the courses will meet the student's graduation plan. An online learning provider must provide the enrolling district with an online course syllabus. Within 15 days after the online learning provider makes the supplemental online course syllabus available to the enrolling district, the enrolling district must notify the online provider whether or not the student, parent or guardian, and enrolling district agree that the course meets the enrolling district's graduation requirements. A student may enroll in supplemental online learning courses up to the midpoint of the enrolling district's term. The enrolling district may waive this requirement for special circumstances and upon acceptance by the online provider. An online learning course or program that meets or exceeds a graduation standard or grade progression requirements at the enrolling district as demonstrated on the online provider's syllabus must be considered to meet the corresponding graduation requirements of the student in the enrolling district. If the enrolling district decides that the course does not meet its graduation requirements, then:

(1) the district shall provide a written explanation of its decision upon request by the student, parent or guardian, or online provider;

(2) the district shall allow the online provider the opportunity to respond in writing to the district's written explanation of its decision for the purpose of describing how the course may meet the district's graduation requirement; and

(3) the student, parent or guardian, or online provider may request that the Department of Education review the district's decision to determine whether it is consistent with this section.

(c) An online learning provider must notify the commissioner that it is delivering online learning and report the number of online learning students it is accepting and the online learning courses and programs it is delivering.

(d) An online learning provider may limit enrollment if the provider's school board or board of directors adopts by resolution specific standards for accepting and rejecting students' applications.

(e) An enrolling district may reduce an online learning student's regular classroom instructional membership in proportion to the student's membership in online learning courses.

(f) The online provider must report or provide access to information on an individual student's progress and accumulated credit to the student, parent or guardian, and enrolling district in a manner specified by the commissioner unless another manner is agreed upon by the enrolling district and the online provider and submitted to the commissioner. The enrolling district must designate a contact person to assist in facilitating and monitoring the student's progress and accumulated credit towards graduation.

Sec. 29. Minnesota Statutes 2008, section 124D.095, subdivision 4, is amended to read:

Subd. 4. **Online learning parameters.** (a) An online learning student must receive academic credit for completing the requirements of an online learning course or program. Secondary credits granted to an online learning student must be counted toward the graduation and credit requirements of the enrolling district. ~~An online learning provider must make available to the enrolling district the course syllabus, standard alignment, content outline, assessment requirements, and contact information for supplemental online courses taken by students in the enrolling district.~~ The enrolling district must apply the same graduation requirements to all students, including online learning students, and must continue to provide nonacademic services to online learning students. If a student completes an online learning course or program that meets or exceeds a graduation standard or grade progression requirement at the enrolling district, that standard or requirement is met. The enrolling district must use the same criteria for accepting online learning credits or courses as it does for accepting credits or courses for transfer students under section 124D.03, subdivision 9. The enrolling district may reduce the course schedule of an online learning student in proportion to the number of online learning courses the student takes from an online learning provider that is not the enrolling district.

(b) An online learning student may:

(1) enroll in supplemental online learning courses during a single school year to a maximum of 50 percent of the student's full schedule of courses per term. A student may exceed the supplemental online learning registration limit if the enrolling district grants permission for supplemental online learning enrollment above the limit, or if an agreement is made between the enrolling district and the online learning provider for instructional services;

(2) complete course work at a grade level that is different from the student's current grade level; and

(3) enroll in additional courses with the online learning provider under a separate agreement that includes terms for payment of any tuition or course fees.

(c) An online learning student has the same access to the computer hardware and education software available in a school as all other students in the enrolling district. An online learning provider must assist an online learning student whose family qualifies for the education tax credit under section 290.0674 to acquire computer hardware and educational software for online learning purposes.

(d) An enrolling district may offer online learning to its enrolled students. Such online learning does not generate online learning funds under this section. An enrolling district that offers online learning only to its enrolled students is not subject to the reporting requirements or review criteria under subdivision 7, unless the enrolling district is a full-time online provider. A teacher with a Minnesota license must assemble and deliver instruction to enrolled students receiving online learning from an enrolling district. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher with a Minnesota license.

(e) ~~An~~ Both full-time and supplemental online learning provider that is not the enrolling district is providers are subject to the reporting requirements and review criteria under subdivision 7. A teacher with a Minnesota license must assemble and deliver instruction to online learning students. The delivery of instruction occurs when the student interacts with the computer or the teacher and receives ongoing assistance and assessment of learning. The instruction may include curriculum developed by persons other than a teacher with a Minnesota license. Unless the commissioner grants a waiver, a teacher providing online learning instruction must not instruct more than 40 students in any one online learning course or program.

(f) To enroll in more than 50 percent of the student's full schedule of courses per term in online learning, the student must qualify to exceed the supplemental online learning registration limit under paragraph (b) or apply for enrollment to an approved full-time online learning program following appropriate procedures in subdivision 3, paragraph (a). Full-time online learning students may enroll in classes at a local school per contract for instructional services between the online learning provider and the school district.

Sec. 30. Minnesota Statutes 2008, section 124D.095, subdivision 7, is amended to read:

Subd. 7. **Department of Education.** (a) The department must review and certify online learning providers. The online learning courses and programs must be rigorous, aligned with state academic standards, and contribute to grade progression in a single subject. ~~Online learning providers must demonstrate to the commissioner that online learning courses have equivalent standards or instruction, curriculum, and assessment requirements as other courses offered to enrolled students. The online learning provider must also demonstrate expectations for actual teacher contact time or other student-to-teacher communication.~~ The online provider must provide a written statement that: (1) all courses meet state academic standards; and (2) the online learning curriculum, instruction, and assessment, expectations for actual teacher-contact time or other student-to-teacher communication, and academic support meet nationally recognized professional standards and are demonstrated as such in a syllabus provided according to the commissioner's requirements. Once an online learning provider is approved under this paragraph, all of its online learning course offerings are eligible for payment under this section unless a course is successfully challenged by an enrolling district or the department under paragraph (b).

(b) An enrolling district may challenge the validity of a course offered by an online learning provider. The department must review such challenges based on the certification procedures under paragraph (a). The department may initiate its own review of the validity of an online learning course offered by an online learning provider.

(c) The department may collect a fee not to exceed \$250 for certifying online learning providers or \$50 per course for reviewing a challenge by an enrolling district.

(d) The department must develop, publish, and maintain a list of approved online learning providers and online learning courses and programs that it has reviewed and certified.

Sec. 31. Minnesota Statutes 2008, section 124D.095, subdivision 10, is amended to read:

Subd. 10. **Online Learning Advisory Council.** (a) An Online Learning Advisory Council is established ~~under section 15.059, except that.~~ The term for each council member shall be three years. The advisory council is composed of 12 members from throughout the state who have demonstrated experience with or interest in online learning. The members of the council shall be appointed by the commissioner. The advisory council shall bring to the attention of the commissioner any matters related to online learning and provide input to the department in matters related, but not restricted, to:

- (1) quality assurance;
- (2) teacher qualifications;
- (3) program approval;
- (4) special education;
- (5) attendance;
- (6) program design and requirements; and

(7) fair and equal access to programs.

(b) The Online Learning Advisory Council under this subdivision expires June 30, ~~2008~~ 2013.

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

Sec. 32. Minnesota Statutes 2008, section 124D.128, subdivision 2, is amended to read:

Subd. 2. **Commissioner designation.** (a) ~~An area learning center~~ A state-approved alternative program designated by the state must be a site. ~~An area learning center~~ A state-approved alternative program must provide services to students who meet the criteria in section 124D.68 and who are enrolled in:

(1) a district that is served by the ~~center~~ state-approved alternative program; or

(2) a charter school located within the geographic boundaries of a district that is served by the ~~center~~ state-approved alternative program.

(b) A school district or charter school may be approved biennially by the state to provide additional instructional programming that results in grade level acceleration. The program must be designed so that students make grade progress during the school year and graduate prior to the students' peers.

(c) To be designated, a district, charter school, or ~~center~~ state-approved alternative program must demonstrate to the commissioner that it will:

(1) provide a program of instruction that permits pupils to receive instruction throughout the entire year; and

(2) develop and maintain a separate record system that, for purposes of section 126C.05, permits identification of membership attributable to pupils participating in the program. The record system and identification must ensure that the program will not have the effect of increasing the total average daily membership attributable to an individual pupil as a result of a learning year program. The record system must include the date the pupil originally enrolled in a learning year program, the pupil's grade level, the date of each grade promotion, the average daily membership generated in each grade level, the number of credits or standards earned, and the number needed to graduate.

(d) A student who has not completed a school district's graduation requirements may continue to enroll in courses the student must complete in order to graduate until the student satisfies the district's graduation requirements or the student is 21 years old, whichever comes first.

Sec. 33. Minnesota Statutes 2008, section 124D.128, subdivision 3, is amended to read:

Subd. 3. **Student planning.** A district, charter school, or ~~area learning center~~ state-approved alternative program must inform all pupils and their parents about the learning year program and that participation in the program is optional. A continual learning plan must be developed at least annually for each pupil with the participation of the pupil, parent or guardian, teachers, and other staff; each participant must sign and date the plan. The plan must specify the learning experiences that must occur during the entire fiscal year and are necessary for grade progression or, for secondary students, graduation. The plan must include:

(1) the pupil's learning objectives and experiences, including courses or credits the pupil plans to complete each year and, for a secondary pupil, the graduation requirements the student must complete;

(2) the assessment measurements used to evaluate a pupil's objectives;

(3) requirements for grade level or other appropriate progression; and

(4) for pupils generating more than one average daily membership in a given grade, an indication of which objectives were unmet.

The plan may be modified to conform to district schedule changes. The district may not modify the plan if the modification would result in delaying the student's time of graduation.

Sec. 34. Minnesota Statutes 2008, section 124D.68, subdivision 2, is amended to read:

Subd. 2. **Eligible pupils.** A pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), is eligible to participate in the graduation incentives program, if the pupil:

(1) performs substantially below the performance level for pupils of the same age in a locally determined achievement test;

(2) is ~~at least one year~~ behind in satisfactorily completing coursework or obtaining credits for graduation;

(3) is pregnant or is a parent;

(4) has been assessed as chemically dependent;

(5) has been excluded or expelled according to sections 121A.40 to 121A.56;

(6) has been referred by a school district for enrollment in an eligible program or a program pursuant to section 124D.69;

(7) is a victim of physical or sexual abuse;

(8) has experienced mental health problems;

(9) has experienced homelessness sometime within six months before requesting a transfer to an eligible program;

(10) speaks English as a second language or has limited English proficiency; or

(11) has withdrawn from school or has been chronically truant; or

(12) is being treated in a hospital in the seven-county metropolitan area for cancer or other life threatening illness or is the sibling of an eligible pupil who is being currently treated, and resides with the pupil's family at least 60 miles beyond the outside boundary of the seven-county metropolitan area.

Sec. 35. Minnesota Statutes 2008, section 124D.68, subdivision 3, is amended to read:

Subd. 3. **Eligible programs.** (a) A pupil who is eligible according to subdivision 2 may enroll in ~~area learning centers~~ a state-approved alternative program under sections 123A.05 to 123A.08.

(b) A pupil who is eligible according to subdivision 2 and who is ~~between the ages of 16 and 21~~ a high school junior or senior may enroll in postsecondary courses under section 124D.09.

(c) A pupil who is eligible under subdivision 2, may enroll in any public elementary or secondary education program.

(d) A pupil who is eligible under subdivision 2, may enroll in any nonpublic, nonsectarian school that has contracted with the serving school district to provide educational services. However, notwithstanding other provisions of this section, only a pupil who is eligible under subdivision 2, clause (12), may enroll in a contract alternative school that is specifically structured to provide educational services to such a pupil.

(e) A pupil who is between the ages of 16 and 21 may enroll in any adult basic education programs approved under section 124D.52 and operated under the community education program contained in section 124D.19.

Sec. 36. Minnesota Statutes 2008, section 124D.68, subdivision 4, is amended to read:

Subd. 4. **Additional eligible program.** A pupil who is at least 16 years of age, who is eligible under subdivision 2, ~~clause (a)~~, and who has been enrolled only in a public school, if the pupil has been enrolled in any school, during the year immediately before transferring under this subdivision, may transfer to any nonpublic school that has contracted with the serving school district to provide nonsectarian educational services. The school must enroll every eligible pupil who seeks to transfer to the school under this program subject to available space.

Sec. 37. Minnesota Statutes 2008, section 124D.68, subdivision 5, is amended to read:

Subd. 5. **Pupil enrollment.** Any eligible pupil may apply to enroll in an eligible program. Approval of the resident district is not required for:

(1) an eligible pupil to enroll in any eligible program in a nonresident district under subdivision 3 or 4 or ~~an area learning center~~ a state-approved alternative program established under section 123A.05; or

(2) an eligible pupil under subdivision 2, to enroll in an adult basic education program approved under section 124D.52.

Sec. 38. Minnesota Statutes 2008, section 124D.83, subdivision 4, is amended to read:

Subd. 4. **Early childhood family education revenue.** A school receiving aid under this section ~~is eligible~~ may apply annually to the commissioner to receive an early childhood family education revenue grant to provide early childhood family education programs for parents and children who are enrolled or eligible for enrollment in a federally recognized tribe. ~~The revenue equals 1.5 times the statewide average expenditure per participant under section 124D.135, times the number of children and parents participating full time in the program. The program must grant must be used for programs and services that~~ comply with section 124D.13, except that the school is not required to provide a community education program or establish a community education advisory council. The program must be designed to improve the skills of parents and promote American Indian history, language, and culture. The school must make affirmative efforts to encourage participation by fathers. Admission may not be limited to those enrolled in or eligible for enrollment in a federally recognized tribe.

Sec. 39. Minnesota Statutes 2008, section 126C.05, subdivision 15, is amended to read:

Subd. 15. **Learning year pupil units.** (a) When a pupil is enrolled in a learning year program under section 124D.128, an area learning center or an alternative learning program approved by the commissioner under sections 123A.05 and 123A.06, ~~an alternative program approved by the commissioner~~, or a contract alternative program under section 124D.68, subdivision 3, paragraph (d), or subdivision 3a, for more than 1,020 hours in a school year for a secondary student, more than 935 hours in a school year for an elementary student, or more than 425 hours in a school year for a kindergarten student without a disability, that pupil may be counted as more than one pupil in average daily membership for purposes of section 126C.10, subdivision 2a. The amount in excess of one pupil must be determined by the ratio of the number of hours of instruction provided to that pupil in excess of: (i) the greater of 1,020 hours or the number of hours required for a full-time secondary pupil in the district to 1,020 for a secondary

pupil; (ii) the greater of 935 hours or the number of hours required for a full-time elementary pupil in the district to 935 for an elementary pupil in grades 1 through 6; and (iii) the greater of 425 hours or the number of hours required for a full-time kindergarten student without a disability in the district to 425 for a kindergarten student without a disability. Hours that occur after the close of the instructional year in June shall be attributable to the following fiscal year. A kindergarten student must not be counted as more than 1.2 pupils in average daily membership under this subdivision. A student in grades 1 through 12 must not be counted as more than 1.2 pupils in average daily membership under this subdivision.

(b)(i) To receive general education revenue for a pupil in an area learning center or alternative learning program that has an independent study component, a district must meet the requirements in this paragraph. The district must develop, for the pupil, a continual learning plan consistent with section 124D.128, subdivision 3. Each school district that has ~~a state-approved public~~ an area learning center or alternative learning program must reserve revenue in an amount equal to at least 90 percent of the district average general education revenue per pupil unit ~~less compensatory revenue per pupil unit, minus an amount equal to the product of the formula allowance according to section 126C.10, subdivision 2, times .0485, calculated without basic skills and transportation sparsity revenue,~~ times the number of pupil units generated by students attending ~~a state-approved public~~ an area learning center or alternative learning program. The amount of reserved revenue available under this subdivision may only be spent for program costs associated with the ~~state-approved public~~ area learning center or alternative learning program. ~~Compensatory revenue must be allocated according to section 126C.15, subdivision 2. Basic skills revenue generated according to section 126C.10, subdivision 4, by pupils attending the eligible program must be allocated to the program.~~

(ii) General education revenue for a pupil in ~~an approved a state-approved~~ alternative program without an independent study component must be prorated for a pupil participating for less than a full year, or its equivalent. The district must develop a continual learning plan for the pupil, consistent with section 124D.128, subdivision 3. Each school district that has ~~a state-approved public~~ an area learning center or alternative learning program must reserve revenue in an amount equal to at least 90 percent of the district average general education revenue per pupil unit ~~less compensatory revenue per pupil unit, minus an amount equal to the product of the formula allowance according to section 126C.10, subdivision 2, times .0485, calculated without basic skills and transportation sparsity revenue,~~ times the number of pupil units generated by students attending ~~a state-approved public~~ an area learning center or alternative learning program. The amount of reserved revenue available under this subdivision may only be spent for program costs associated with the ~~state-approved public~~ area learning center or alternative learning program. ~~Compensatory revenue must be allocated according to section 126C.15, subdivision 2. Basic skills revenue generated according to section 126C.10, subdivision 4, by pupils attending the eligible program must be allocated to the program.~~

(iii) General education revenue for a pupil in ~~an approved a state-approved~~ alternative program that has an independent study component must be paid for each hour of teacher contact time and each hour of independent study time completed toward a credit or graduation standards necessary for graduation. Average daily membership for a pupil shall equal the number of hours of teacher contact time and independent study time divided by 1,020.

(iv) For ~~an a state-approved~~ alternative program having an independent study component, the commissioner shall require a description of the courses in the program, the kinds of independent study involved, the expected learning outcomes of the courses, and the means of measuring student performance against the expected outcomes.

Sec. 40. Minnesota Statutes 2008, section 126C.05, subdivision 20, is amended to read:

Subd. 20. **Project-based average daily membership.** (a) Project-based is an instructional program where students complete coursework for credit at an individual pace that is primarily student-led and may be completed on site, in the community, or online. A project-based program may be made available to all or designated students and grades in a school. To receive general education revenue for a pupil enrolled in a public school with a project-based program, a school must meet the requirements in this paragraph. The school must:



(1) register with the commissioner as a project-based program by May 30 of the preceding fiscal year apply and receive approval from the commissioner as a project-based program at least 90 days prior to starting the program;

(2) provide a minimum teacher contact of no less than one hour per week per project-based credit for each pupil;

(3) ensure that the program will not increase the total average daily membership generated by the student and that there will be the expectation that the students will be making typical progression towards high school graduation;

~~(3)~~ (4) maintain a record system that shows when each credit or portion thereof was reported for membership for each pupil; and

~~(4)~~ (5) report pupil membership consistent with paragraph (b).

(b) The commissioner must develop a formula for reporting pupil membership to compute average daily membership for each ~~registered~~ approved project-based ~~school~~ program. Average daily membership for a pupil in a ~~registered~~ an approved project-based program is the lesser of:

(1) 1.0; or

(2) the ratio of (i) the number of membership hours generated by project-based credits completed during the school year plus membership hours generated by credits completed in a seat-based setting to (ii) the annual required instructional hours at that grade level. Membership hours for a partially completed project-based credit must be prorated. General education revenue for a pupil in a project-based program must be prorated for a pupil participating for less than a full year, or its equivalent.

(c) For a program that has not been approved by the commissioner for project-based learning but an auditor or other site visit deems that any portion or credits awarded by the school are project-based, student membership must be computed according to paragraph (b).

Sec. 41. **[127A.70] MINNESOTA P-20 EDUCATION PARTNERSHIP.**

Subdivision 1. **Establishment; membership.** A P-20 education partnership is established to create a seamless system of education that maximizes achievements of all students, from early childhood through elementary, secondary, and postsecondary education, while promoting the efficient use of financial and human resources. The partnership shall consist of major statewide educational groups or constituencies or noneducational statewide organizations with a stated interest in P-20 education. The initial membership of the partnership includes the members serving on the Minnesota P-16 Education Partnership and four legislators appointed as follows:

(1) one senator from the majority party and one senator from the minority party, appointed by the Subcommittee on Committees of the Committee on Rules and Administration; and

(2) one member of the house of representatives appointed by the speaker of the house and one member appointed by the minority leader of the house of representatives.

The chair of the P-16 education partnership must convene the first meeting of the P-20 partnership. Prospective members may be nominated by any partnership member and new members will be added with the approval of a two-thirds majority of the partnership. The partnership will also seek input from nonmember organizations whose expertise can help inform the partnership's work.

Partnership members shall be represented by the chief executives, presidents, or other formally designated leaders of their respective organizations, or their designees. The partnership shall meet at least three times during each calendar year.

Subd. 2. **Powers and duties; report.** The partnership shall develop recommendations to the governor and the legislature designed to maximize the achievement of all P-20 students while promoting the efficient use of state resources, thereby helping the state realize the maximum value for its investment. These recommendations may include, but are not limited to, strategies, policies, or other actions focused on:

(1) improving the quality of and access to education at all points from preschool through graduate education;

(2) improving preparation for, and transitions to, postsecondary education and work; and

(3) ensuring educator quality by creating rigorous standards for teacher recruitment, teacher preparation, induction and mentoring of beginning teachers, and continuous professional development for career teachers.

By January 15 of each year, the partnership shall submit a report to the governor and to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over P-20 education policy and finance that summarizes the partnership's progress in meeting its goals and identifies the need for any draft legislation when necessary to further the goals of the partnership to maximize student achievement while promoting efficient use of resources.

Subd. 3. **Expiration.** Notwithstanding section 15.059, subdivision 5, the partnership is permanent and does not expire.

Sec. 42. Minnesota Statutes 2008, section 171.05, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

(b) For the purposes of determining compliance with the certification of paragraph (a), clause (1), item (ii), the commissioner may request verification of a student's homeschool status from the superintendent of the school district in which the student resides and the superintendent shall provide that verification.

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

Sec. 43. Minnesota Statutes 2008, section 171.17, subdivision 1, is amended to read:

Subdivision 1. **Offenses.** (a) The department shall immediately revoke the license of a driver upon receiving a record of the driver's conviction of:

(1) manslaughter resulting from the operation of a motor vehicle or criminal vehicular homicide or injury under section 609.21;

(2) a violation of section 169A.20 or 609.487;

(3) a felony in the commission of which a motor vehicle was used;

(4) failure to stop and disclose identity and render aid, as required under section 169.09, in the event of a motor vehicle accident, resulting in the death or personal injury of another;

(5) perjury or the making of a false affidavit or statement to the department under any law relating to the application, ownership or operation of a motor vehicle, including on the certification required under section 171.05, subdivision 2, clause (1), item (ii), to issue an instruction permit to a homeschool student;

(6) except as this section otherwise provides, three charges of violating within a period of 12 months any of the provisions of chapter 169 or of the rules or municipal ordinances enacted in conformance with chapter 169, for which the accused may be punished upon conviction by imprisonment;

(7) two or more violations, within five years, of the misdemeanor offense described in section 169.444, subdivision 2, paragraph (a);

(8) the gross misdemeanor offense described in section 169.444, subdivision 2, paragraph (b);

(9) an offense in another state that, if committed in this state, would be grounds for revoking the driver's license; or

(10) a violation of an applicable speed limit by a person driving in excess of 100 miles per hour. The person's license must be revoked for six months for a violation of this clause, or for a longer minimum period of time applicable under section 169A.53, 169A.54, or 171.174.

(b) The department shall immediately revoke the school bus endorsement of a driver upon receiving a record of the driver's conviction of the misdemeanor offense described in section 169.443, subdivision 7.

Sec. 44. Minnesota Statutes 2008, section 171.22, subdivision 1, is amended to read:

Subdivision 1. **Violations.** With regard to any driver's license, including a commercial driver's license, it shall be unlawful for any person:

(1) to display, cause or permit to be displayed, or have in possession, any fictitious or fraudulently altered driver's license or Minnesota identification card;

(2) to lend the person's driver's license or Minnesota identification card to any other person or knowingly permit the use thereof by another;

(3) to display or represent as one's own any driver's license or Minnesota identification card not issued to that person;

(4) to use a fictitious name or date of birth to any police officer or in any application for a driver's license or Minnesota identification card, or to knowingly make a false statement, or to knowingly conceal a material fact, or otherwise commit a fraud in any such application;

(5) to alter any driver's license or Minnesota identification card;

(6) to take any part of the driver's license examination for another or to permit another to take the examination for that person;

(7) to make a counterfeit driver's license or Minnesota identification card;

(8) to use the name and date of birth of another person to any police officer for the purpose of falsely identifying oneself to the police officer; ~~or~~

(9) to display as a valid driver's license any canceled, revoked, or suspended driver's license. A person whose driving privileges have been withdrawn may display a driver's license only for identification purposes; or

(10) to submit a false affidavit or statement to the department on the certification required under section 171.05, subdivision 2, clause (1), item (ii), to issue an instruction permit to a homeschool student.

Sec. 45. Minnesota Statutes 2008, section 181A.05, subdivision 1, is amended to read:

Subdivision 1. **When issued.** Any minor 14 or 15 years of age who wishes to work on school days during school hours shall first secure an employment certificate. The certificate shall be issued only by the school district superintendent, the superintendent's agent, ~~or~~ some other person designated by the Board of Education, or by the person in charge of providing instruction for students enrolled in nonpublic schools as defined in section 120A.22, subdivision 4. The employment certificate shall be issued only for a specific position with a designated employer and shall be issued only in the following circumstances:

(1) if a minor is to be employed in an occupation not prohibited by rules promulgated under section 181A.09 and as evidence thereof presents a signed statement from the prospective employer; and

(2) if the parent or guardian of the minor consents to the employment; and

(3) if the issuing officer believes the minor is physically capable of handling the job in question and further believes the best interests of the minor will be served by permitting the minor to work.

Sec. 46. **IMPLEMENTING RIGOROUS COURSEWORK MEASURES RELATED TO STUDENT PERFORMANCE.**

To implement the requirements of Minnesota Statutes, section 120B.35, subdivision 3, paragraph (c), clauses (1) and (2), and to help parents and members of the public better understand the reported data, the commissioner of education must convene a group of recognized and qualified experts and interested stakeholders, including parents and teachers among other stakeholders, to develop a model projecting anticipated performance of each high school on preparation and rigorous coursework measures that compares the school with similar schools. The model must use information about entering high school students based on particular background characteristics that are predictive of differing rates of college readiness. These characteristics include grade 8 achievement levels, high school student mobility, high school student attendance, and the size of each entering ninth grade class. The group of experts and stakeholders may examine other characteristics not part of the prediction model including the nine student categories identified under the federal 2001 No Child Left Behind Act, and two student gender categories of male and female, respectively. The commissioner annually must use the predicted level of entering students' performance to provide a context for interpreting graduating students' actual performance. The group convened under this section expires June 30, 2011.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to school report cards beginning July 1, 2011.

Sec. 47. **IMPLEMENTING MEASURES FOR ASSESSING SCHOOL SAFETY AND STUDENTS' ENGAGEMENT AND CONNECTION AT SCHOOL.**

(a) To implement the requirements of Minnesota Statutes, section 120B.35, subdivision 3, paragraph (d), the commissioner of education, in consultation with interested stakeholders, including parents and teachers among other stakeholders, must convene a group of recognized and qualified experts on student engagement and connection and classroom teachers currently teaching in Minnesota schools to:

(1) identify highly reliable variables of student engagement and connection that may include student attendance, home support for learning, and student participation in out-of-school activities, among other variables; and

(2) determine how to report "safety" in order to comply with federal law.

(b) The commissioner must submit a written report and all the group's working papers to the education committees of the house of representatives and senate by February 15, 2010, presenting the group's responses to paragraph (a), clauses (1) and (2). The commissioner must submit a second, related report to the education committees of the legislature by February 15, 2013, indicating the content and analysis of and the format for reporting the data collected in the 2010-2011 and 2011-2012 school years under Minnesota Statutes, section 120B.35, subdivision 3, paragraph (d). The group convened under this section expires December 31, 2013.

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

Sec. 48. **EXAMINING THE CHARACTERISTICS AND IMPACT OF HIGH STAKES MATH AND SCIENCE TESTS IN THE CONTEXT OF AWARDED HIGH SCHOOL DIPLOMAS.**

(a) To carefully and responsibly determine the state policy of administering high stakes math and science tests in the context of awarding high school diplomas, the Independent Office of Educational Accountability under Minnesota Statutes, section 120B.31, subdivision 3, must convene and facilitate an advisory group that includes

measurement experts selected by the State Council on Measurement in Education, three regionally diverse school district research and evaluation directors selected by the Minnesota Assessment Group, one school superintendent selected by the Minnesota Association of School Administrators, one high school principal selected by the Minnesota Board of School Administrators, one University of Minnesota faculty member selected by the dean of the College of Education and Human Development, one licensed math teacher and one licensed science teacher selected by Education Minnesota, the director of evaluation and testing at the Minnesota Department of Education, two parents of currently enrolled high school students selected by the Minnesota Parent Teacher Association, one representative of the business community selected by the Minnesota Chamber of Commerce, one representative of the business community selected by the Minnesota Business Partnership, one representative of Minnesota's two-year postsecondary institutions selected by Minnesota State Colleges and Universities, one representative of Minnesota's four-year postsecondary institutions selected by the University of Minnesota, an interested member of the public, and mathematicians, scientists, and workforce development experts that the Office of Educational Accountability selects to consider and recommend how best to motivate students and improve students' academic achievement in the context of high stakes math and science exams required for high school graduation. The advisory group at least must evaluate and make recommendations on:

(1) particular kinds of math and science exams that Minnesota might use as high stakes exams to award or deny students a high school diploma;

(2) appropriate levels of high school math and science proficiency and the educational support to help students achieve those proficiency levels;

(3) the relationship between math and science proficiency levels and state definitions of college and career readiness;

(4) the interrelationship between requiring students to demonstrate math and science proficiency and college or career readiness, and awarding or denying students a high school diploma;

(5) the interrelationship between high stakes testing and other coursework and credits required for graduation or college and career readiness; and

(6) appropriate accommodations for students with individualized education plans and students with limited English proficiency in some circumstances.

(b) The advisory group under paragraph (a) is not subject to Minnesota Statutes, section 15.059. The Office of Educational Accountability must present the advisory group's evaluation and recommendations under paragraph (a) to the education policy and finance committees of the legislature by February 15, 2010. The advisory group expires on June 1, 2010.

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

Sec. 49. **ADVISORY TASK FORCE.**

(a) An advisory task force on improving teacher quality and identifying institutional structures and strategies for effectively integrating secondary and postsecondary academic and career education is established to consider and recommend to the education policy and finance committees of the legislature proposals on how to:

(1) foster classroom teachers' interest and ability to acquire a master's degree in the teachers' substantive fields of licensure; and

(2) meet all elementary and secondary students' needs for adequate education planning and preparation and improve all students' ability to acquire the knowledge and skills needed for postsecondary academic and career education.

(b) The commissioner of education, or the commissioner's designee, shall appoint an advisory task force that is composed of a representative from each of the following entities: Education Minnesota, the University of Minnesota, the Minnesota Department of Education, the Minnesota Board of Teaching, the Minnesota Private College Council, the Minnesota Office of Higher Education, the Minnesota Career College Association, the Minnesota Parent Teacher Association, the Minnesota Chamber of Commerce, the Minnesota Business Partnership, the Minnesota Department of Employment and Economic Development, the Minnesota Association of Career and Technical Administrators, the Minnesota Association of Career and Technical Educators, the Minnesota State Colleges and Universities, and other representatives of other entities recommended by task force members. Task force members' terms and other task force matters are subject to Minnesota Statutes, section 15.059. The commissioner of education may reimburse task force members from the Department of Education's current operating budget but may not compensate task force members for task force activities. By February 15, 2010, the task force must submit written recommendations to the education policy and finance committees of the legislature on improving teacher quality and identifying the institutional structures and strategies for effectively integrating secondary and postsecondary academic and career education, consistent with this section.

(c) Upon request, the commissioner of education must provide the task force with technical, fiscal, and other support services.

(d) The advisory task force expires February 16, 2010.

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

Sec. 50. **APPROPRIATION; OFFICE OF EDUCATIONAL ACCOUNTABILITY.**

\$..... in fiscal year 2010 and \$..... in fiscal year 2011 is appropriated from the general fund to the Board of Regents of the University of Minnesota for the Office of Educational Accountability under Minnesota Statutes, section 120B.31, subdivision 3.

Any balance in the first year does not cancel but is available in the second year. The base appropriation for the Office of Educational Accountability in fiscal years 2010 and 2011 is \$..... each year.

Sec. 51. **REPEALER.**

Minnesota Statutes 2008, section 120B.362, is repealed the day following final enactment.

### ARTICLE 3

#### SPECIAL PROGRAMS

Section 1. Minnesota Statutes 2008, section 121A.41, subdivision 7, is amended to read:

Subd. 7. **Pupil.** "Pupil" means any student:

(1) without a disability under 21 years ~~of age~~ old; or

(2) with a disability until September 1 after the child with a disability becomes 22 years of age under 21 years old who has not received a regular high school diploma or for a child with a disability who becomes 21 years old during the school year but has not received a regular high school diploma, until the end of that school year;

(3) and who remains eligible to attend a public elementary or secondary school.

Sec. 2. Minnesota Statutes 2008, section 125A.02, is amended to read:

**125A.02 CHILD WITH A DISABILITY DEFINED.**

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

Subd. 1a. **Children ages three through seven experiencing developmental delays.** In addition, every child under age three, and at local district discretion from age three to age seven, who needs special instruction and services, as determined by the standards rules of the commissioner, because the child has a substantial delay or has an identifiable physical or mental condition known to hinder normal development is a child with a disability.

Subd. 2. **Not a child with a disability.** A child with a short-term or temporary physical or emotional illness or disability, as determined by the standards rules of the commissioner, is not a child with a disability.

Sec. 3. **[125A.031] GENERAL SCHOOL DISTRICT OBLIGATIONS TO CHILDREN WITH DISABILITIES.**

(a) Except as specifically provided in other law, the following requirements governing school district obligations to children with disabilities apply.

(b) A resident school district must identify, locate, and evaluate every child with a disability who is in need of special education and related services, including a child from birth to age 3.

(c) A resident school district must make available a free appropriate public education to:

(1) a child with a disability under 21 years old who has not received a regular high school diploma; and

(2) for the duration of the school year, a child with a disability who becomes 21 years old during that school year but has not received a regular high school diploma.

(d) The resident school district must ensure that a child with a disability who is enrolled in a nonpublic school or facility receives special education and related services, consistent with the child's individualized education program, at no cost to the child's parent if the district places the child in the nonpublic school or facility to meet the requirements of this section or applicable federal law.

(e) Consistent with the number of children with disabilities who are enrolled by their parents in a nonpublic school or facility located within a district, the district in which the nonpublic school or facility is located must ensure that those children have an opportunity to participate in special education and related services and that the amount the district spends to provide such services must be at least equal to the proportionate amount of federal funds made available under this chapter.

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



Sec. 4. Minnesota Statutes 2008, section 125A.07, is amended to read:

**125A.07 RULES OF COMMISSIONER RULEMAKING.**

(a) ~~As defined in~~ Consistent with this paragraph section, the commissioner ~~must~~ shall adopt new rules and amend existing rules relative to qualifications of essential personnel, courses of study, methods of instruction, pupil eligibility, size of classes, rooms, equipment, supervision, parent consultation, and other necessary rules for instruction of children with a disability. These rules must provide standards and procedures appropriate for the implementation of and within the limitations of sections 125A.08 and 125A.091. These rules must also provide standards for the discipline, control, management, and protection of children with a disability. The commissioner must not adopt rules for pupils served primarily in the regular classroom establishing either case loads or the maximum number of pupils that may be assigned to special education teachers. The commissioner, in consultation with the Departments of Health and Human Services, must adopt permanent rules for instruction and services for children under age five and their families. These rules are binding on state and local education, health, and human services agencies. The commissioner must adopt rules to determine eligibility for special education services. The rules must include procedures and standards by which to grant variances for experimental eligibility criteria. The commissioner must, according to section 14.05, subdivision 4, notify a district applying for a variance from the rules within 45 calendar days of receiving the request whether the request for the variance has been granted or denied. If a request is denied, the commissioner must specify the program standards used to evaluate the request and the reasons for denying the request related to children with disabilities only under specific authority and consistent with the requirements of chapter 14 and paragraph (c).

(b) As provided in this paragraph, the state's regulatory scheme should support schools by assuring that all state special education rules adopted by the commissioner result in one or more of the following outcomes:

(1) increased time available to teachers and, where appropriate, to support staff including school nurses for educating students through direct and indirect instruction;

(2) consistent and uniform access to effective education programs for students with disabilities throughout the state;

(3) reduced inequalities and conflict, appropriate due process hearing procedures and reduced court actions related to the delivery of special education instruction and services for students with disabilities;

(4) clear expectations for service providers and for students with disabilities;

(5) increased accountability for all individuals and agencies that provide instruction and other services to students with disabilities;

(6) greater focus for the state and local resources dedicated to educating students with disabilities; and

(7) clearer standards for evaluating the effectiveness of education and support services for students with disabilities.

(c) Subject to chapter 14, the commissioner may adopt, amend, or rescind a rule related to children with disabilities if such action is specifically required by federal law.

Sec. 5. Minnesota Statutes 2008, section 125A.08, is amended to read:

**125A.08 SCHOOL DISTRICT OBLIGATIONS INDIVIDUALIZED EDUCATION PROGRAMS.**

(a) At the beginning of each school year, each school district shall have in effect, for each child with a disability, an individualized education program.

(b) As defined in this section, every district must ensure the following:

(1) all students with disabilities are provided the special instruction and services which are appropriate to their needs. Where the individual education plan team has determined appropriate goals and objectives based on the student's needs, including the extent to which the student can be included in the least restrictive environment, and where there are essentially equivalent and effective instruction, related services, or assistive technology devices available to meet the student's needs, cost to the district may be among the factors considered by the team in choosing how to provide the appropriate services, instruction, or devices that are to be made part of the student's individual education plan. The individual education plan team shall consider and may authorize services covered by medical assistance according to section 256B.0625, subdivision 26. The student's needs and the special education instruction and services to be provided must be agreed upon through the development of an individual education plan. The plan must address the student's need to develop skills to live and work as independently as possible within the community. The individual education plan team must consider positive behavioral interventions, strategies, and supports that address behavior for children with attention deficit disorder or attention deficit hyperactivity disorder. ~~By~~ During grade 9 ~~or age 14~~, the plan must address the student's needs for transition from secondary services to postsecondary education and training, employment, community participation, recreation, and leisure and home living. In developing the plan, districts must inform parents of the full range of transitional goals and related services that should be considered. The plan must include a statement of the needed transition services, including a statement of the interagency responsibilities or linkages or both before secondary services are concluded;

(2) children with a disability under age five and their families are provided special instruction and services appropriate to the child's level of functioning and needs;

(3) children with a disability and their parents or guardians are guaranteed procedural safeguards and the right to participate in decisions involving identification, assessment including assistive technology assessment, and educational placement of children with a disability;

(4) eligibility and needs of children with a disability are determined by an initial assessment or reassessment, which may be completed using existing data under United States Code, title 20, section 33, et seq.;

(5) to the maximum extent appropriate, children with a disability, including those in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with a disability from the regular educational environment occurs only when and to the extent that the nature or severity of the disability is such that education in regular classes with the use of supplementary services cannot be achieved satisfactorily;

(6) in accordance with recognized professional standards, testing and evaluation materials, and procedures used for the purposes of classification and placement of children with a disability are selected and administered so as not to be racially or culturally discriminatory; and

(7) the rights of the child are protected when the parents or guardians are not known or not available, or the child is a ward of the state.

~~(b)~~ (c) For paraprofessionals employed to work in programs for students with disabilities, the school board in each district shall ensure that:

(1) before or immediately upon employment, each paraprofessional develops sufficient knowledge and skills in emergency procedures, building orientation, roles and responsibilities, confidentiality, vulnerability, and reportability, among other things, to begin meeting the needs of the students with whom the paraprofessional works;

(2) annual training opportunities are available to enable the paraprofessional to continue to further develop the knowledge and skills that are specific to the students with whom the paraprofessional works, including understanding disabilities, following lesson plans, and implementing follow-up instructional procedures and activities; and

(3) a districtwide process obligates each paraprofessional to work under the ongoing direction of a licensed teacher and, where appropriate and possible, the supervision of a school nurse.

Sec. 6. Minnesota Statutes 2008, section 125A.091, is amended to read:

#### **125A.091 ALTERNATIVE DISPUTE RESOLUTION AND DUE PROCESS HEARINGS.**

~~Subdivision 1. **District obligation.** A school district must use the procedures in federal law and state law and rule to reach decisions about the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to a child with a disability.~~

~~Subd. 2. **Prior written notice.** A parent must receive prior written notice a reasonable time before the district proposes or refuses to initiate or change the identification, evaluation, educational placement, or the provision of a free appropriate public education to a child with a disability.~~

~~Subd. 3. **Content of notice.** The notice under subdivision 2 must:~~

- ~~(1) describe the action the district proposes or refuses;~~
- ~~(2) explain why the district proposes or refuses to take the action;~~
- ~~(3) describe any other option the district considered and the reason why it rejected the option;~~
- ~~(4) describe each evaluation procedure, test, record, or report the district used as a basis for the proposed or refused action;~~
- ~~(5) describe any other factor affecting the proposal or refusal of the district to take the action;~~
- ~~(6) state that the parent of a child with a disability is protected by procedural safeguards and, if this notice is not an initial referral for evaluation, how a parent can get a description of the procedural safeguards; and~~
- ~~(7) identify where a parent can get help in understanding this law.~~

~~Subd. 3a. **Additional requirements for prior written notice.** In addition to federal law requirements, a prior written notice shall:~~

~~(1) inform the parent that except for the initial placement of a child in special education, the school district will proceed with its proposal for the child's placement or for providing special education services unless the child's parent notifies the district of an objection within 14 days of when the district sends the prior written notice to the parent; and~~

(2) state that a parent who objects to a proposal or refusal in the prior written notice may request a conciliation conference under subdivision 7 or another alternative dispute resolution procedure under subdivision 8 or 9.

~~Subd. 4. **Understandable notice.** (a) The written notice under subdivision 2 must be understandable to the general public and available in the parent's native language or by another communication form, unless it is clearly not feasible to do so.~~

~~(b) If the parent's native language or other communication form is not written, the district must take steps to ensure that:~~

~~(1) the notice is translated orally or by other means to the parent in the parent's native language or other communication form;~~

~~(2) the parent understands the notice; and~~

~~(3) written evidence indicates the requirements in subdivision 2 are met.~~

Subd. 5. **Initial action; parent consent.** (a) The district must not proceed with the initial evaluation of a child, the initial placement of a child in a special education program, or the initial provision of special education services for a child without the prior written consent of the child's parent. A district may not override the written refusal of a parent to consent to an initial evaluation or reevaluation.

(b) A parent, after consulting with health care, education, or other professional providers, may agree or disagree to provide the parent's child with sympathomimetic medications unless section 144.344 applies.

Subd. 6. **Dispute resolution processes; generally.** Parties are encouraged to resolve disputes over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to a child with a disability through conciliation, mediation, facilitated team meetings, or other alternative process. All dispute resolution options are voluntary on the part of the parent and must not be used to deny or delay the right to a due process hearing. All dispute resolution processes under this section are provided at no cost to the parent.

Subd. 7. **Conciliation conference.** A parent must have an opportunity to meet with appropriate district staff in at least one conciliation conference if the parent objects to any proposal of which the parent receives notice under subdivision 2.3a. ~~If the parent refuses district efforts to conciliate the dispute, the conciliation requirement is satisfied. Following a conciliation conference~~ A district must hold a conciliation conference within ten calendar days from the date the district receives a parent's objection to a proposal or refusal in the prior written notice. Except as provided in this section, all discussions held during a conciliation conference are confidential and are not admissible in a due process hearing. Within five school days after the final conciliation conference, the district must prepare and provide to the parent a conciliation conference memorandum that describes the district's final proposed offer of service. This memorandum is admissible in evidence in any subsequent proceeding.

Subd. 8. **Voluntary dispute resolution options.** In addition to offering at least one conciliation conference, a district must inform a parent of other dispute resolution processes, including at least mediation and facilitated team meetings. The fact that an alternative dispute resolution process was used is admissible in evidence at any subsequent proceeding. State-provided mediators and team meeting facilitators shall not be subpoenaed to testify at a due process hearing or civil action under federal special education law nor are any records of mediators or state-provided team meeting facilitators accessible to the parties.

Subd. 9. **Mediation.** Mediation is a dispute resolution process that involves a neutral party provided by the state to assist a parent and a district in resolving disputes over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to a child with a disability. A mediation process is available as an informal alternative to a due process hearing but must not be used to deny or postpone the opportunity of a parent or district to obtain a due process hearing. Mediation is voluntary for all parties. All mediation discussions are confidential and inadmissible in evidence in any subsequent proceeding, unless the:

- (1) parties expressly agree otherwise;
- (2) evidence is otherwise available; or
- (3) evidence is offered to prove bias or prejudice of a witness.

Subd. 10. **Mediated agreements.** ~~Mediated agreements are not admissible unless the parties agree otherwise or a party to the agreement believes the agreement is not being implemented, in which case the aggrieved party may enter the agreement into evidence at a due process hearing. The parties may request another mediation to resolve a dispute over implementing the mediated agreement. After a due process hearing is requested, a party may request mediation and the commissioner must provide a mediator who conducts a mediation session no later than the third business day after the mediation request is made to the commissioner. If the parties resolve all or a portion of the dispute, or agree to use another procedure to resolve the dispute, the mediator shall ensure that the resolution or agreement is in writing and signed by the parties and each party is given a copy of the document. The written resolution or agreement shall state that all discussions that occurred during mediation are confidential and may not be used as evidence in any hearing or civil proceeding. The resolution or agreement is legally binding upon the parties and is enforceable in the state or federal district court. A party may request another mediation to resolve a dispute over implementing the mediated agreement.~~

Subd. 11. **Facilitated team meeting.** A facilitated team meeting is an IEP, IFSP, or IIP team meeting led by an impartial state-provided facilitator to promote effective communication and assist a team in developing an individualized education plan.

Subd. 12. **Impartial due process hearing.** (a) A parent or a district is entitled to an impartial due process hearing conducted by the state when a dispute arises over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to a child with a disability. The hearing must be held in the district responsible for ensuring that a free appropriate public education is provided according to state and federal law. The proceedings must be recorded and preserved, at state expense, pending ultimate disposition of the action. The parent and the district shall receive, at state expense, a copy of the hearing transcript or recording and the hearing officer's findings of fact, conclusion of law, and decisions.

~~(b) The due process hearing must be conducted according to the rules of the commissioner and federal law.~~

Subd. 13. **Hearing officer qualifications.** ~~The commissioner must appoint an individual who is qualified under this subdivision to serve as a hearing officer. The commissioner shall maintain a list of qualified hearing officers who are not employees of or otherwise under contract with the department or the school district except when under contract with the department as a hearing officer, and who do not have a personal or professional interest that conflicts with their objectivity when serving as hearing officers in hearings under this section. The list shall include a statement of the qualifications of each person listed. A hearing officer must know and understand state and federal special education laws, rules, and regulations, and legal interpretations by federal and state courts. A hearing officer also must have the knowledge and ability to conduct hearings and render and write decisions according to appropriate, standard legal practice. Upon receipt of a written request for a hearing, the commissioner shall appoint a hearing officer from the list. The hearing officer must:~~

- (1) be knowledgeable and impartial;
- (2) have no personal interest in or specific involvement with the student who is a party to the hearing;
- (3) not have been employed as an administrator by the district that is a party to the hearing;
- (4) not have been involved in selecting the district administrator who is a party to the hearing;
- (5) have no personal, economic, or professional interest in the outcome of the hearing other than properly administering federal and state laws, rules, and policies;
- (6) have no substantial involvement in developing state or local policies or procedures challenged in the hearing;
- (7) not be a current employee or board member of a Minnesota public school district, education district, intermediate unit or regional education agency, or the department if the department is the service provider; and
- (8) not be a current employee or board member of a disability advocacy organization or group.

Subd. 14. **Request for hearing.** ~~A request for a due process hearing must:~~

- ~~(1) be in writing;~~
- ~~(2) describe the nature of the dispute about providing special education services to the student including facts relating to the dispute; and~~
- ~~(3) state, to the extent known, the relief sought.~~

~~Any school district administrator receiving a request for a due process hearing must immediately forward the request to the commissioner. Within two business days of receiving a request for a due process hearing, the commissioner must appoint a hearing officer. The commissioner must not deny a request for hearing because the request is incomplete. A party may disqualify a hearing officer only by affirmatively showing prejudice or bias to the commissioner or to the chief administrative law judge if the hearing officer is an administrative law judge. If a party affirmatively shows prejudice against a hearing officer, the commissioner must assign another hearing officer to hear the matter. (a) A parent or a school district may file a written request for a due process hearing regarding a proposal or refusal to initiate or change that child's evaluation, individualized education program, or educational placement, or to provide a free appropriate public education.~~

(b) The parent shall include in the hearing request the name of the child, the address of the child's residence, the name of the school the child attends, a description of the child's problem relating to the proposed or refused initiation or change, including facts relating to the problem, and a proposed resolution of the problem to the extent known and available to the parents at the time.

(c) A parent or a school district may file a written request for a hearing under United States Code, title 20, section 1415, paragraph (k).

(d) A parent or school district filing a request for a hearing under this subdivision must provide the request to the other party and a copy of the request to the department. Upon receiving a request for a hearing, the department shall give to the child's parent a copy of the procedural safeguards notice available to a parent under federal regulations.

(e)(1) If the parent of a child with a disability files a written request for a hearing, and the school district has not previously sent a written notice to the parent under subdivision 3a, regarding the subject matter of the hearing request, the school district shall, within ten days of receiving the hearing request, send to the child's parent a written explanation of why the school district proposed or refused to take the action raised in the hearing request, a description of other options that the individualized education program team considered and the reason why those options were rejected, a description of each evaluation procedure, assessment, record, or report that the school district used as the basis for the proposed or refused action, and a description of the factors that are relevant to the school district's proposal or refusal. A response by a school district under this subdivision does not preclude the school district from asserting that the parent's request for a hearing is insufficient under clause (2).

(2) A hearing may not occur until the party requesting the hearing files a request that meets the requirements of paragraph (b). The request under paragraph (b) is considered sufficient unless the party receiving the request notifies the hearing officer and the other party in writing within 15 days of receiving the request that the receiving party believes the request does not meet the requirements of paragraph (b). Within five days of receiving a notice under this subdivision, the hearing officer shall determine whether the request meets the requirements under paragraph (b) and notify the parties.

(f) Except as provided in paragraph (e), clause (1), the party receiving a request for a hearing shall send to the party requesting the hearing a written response that addresses the issues raised in the hearing request within ten days of receiving the request.

Subd. 15. **Prehearing conference.** A prehearing conference must be held within five business days of the date the commissioner appoints the hearing officer. The hearing officer must initiate the prehearing conference which may be conducted in person, at a location within the district, or by telephone. The hearing officer must create a written verbatim record of the prehearing conference which is available to either party upon request. At the prehearing conference, the hearing officer must:

(1) identify the questions that must be answered to resolve the dispute and eliminate claims and complaints that are without merit;

(2) set a scheduling order for the hearing and additional prehearing activities;

(3) determine if the hearing can be disposed of without an evidentiary hearing and, if so, establish the schedule and procedure for doing so; and

(4) establish the management, control, and location of the hearing to ensure its fair, efficient, and effective disposition.

Subd. 16. **Burden of proof.** ~~The burden of proof at a due process hearing is on the district to demonstrate, by a preponderance of the evidence, that it is complying with the law and offered or provided a free appropriate public education to the child in the least restrictive environment. If the district has not offered or provided a free appropriate public education in the least restrictive environment and the parent wants the district to pay for a private placement, the burden of proof is on the parent to demonstrate, by a preponderance of the evidence, that the private placement is appropriate party seeking relief.~~

Subd. 17. **Admissible evidence.** The hearing officer may admit all evidence that possesses probative value, including hearsay, if it is the type of evidence on which reasonable, prudent persons are accustomed to rely in conducting their serious affairs. The hearing officer must give effect to the rules of privilege recognized by law and exclude evidence that is incompetent, irrelevant, immaterial, or unduly repetitious.

Subd. 18. **Hearing officer authority.** (a) A hearing officer must limit an impartial due process hearing to the time sufficient for each party to present its case.

(b) A hearing officer must establish and maintain control and manage the hearing. This authority includes, but is not limited to:

(1) requiring attorneys representing parties at the hearing, after notice and an opportunity to be heard, to pay court reporting and hearing officer costs, or fines payable to the state, for failing to: (i) obey scheduling or prehearing orders, (ii) appear, (iii) be prepared, or (iv) participate in the hearing process in good faith;

(2) administering oaths and affirmations;

(3) issuing subpoenas;

(4) determining the responsible and providing districts and joining those districts, if not already notified, in the proceedings;

(5) making decisions involving identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to a child with a disability; ~~and~~

(6) ordering an independent educational evaluation of a child at district expense; and

(7) extending the hearing decision timeline for good cause shown.

(c) Good cause includes, but is not limited to, the time required for mediation or other settlement discussions, independent educational evaluation, complexity and volume of issues, or finding or changing counsel.

Subd. 19. **Expedited due process hearings.** Consistent with federal law, a parent has the right to or a school district may file a written request for an expedited due process hearing when there is a dispute over a manifestation determination or a proposed or actual placement in an interim alternative educational setting. A district has the right to an expedited due process hearing when proposing or seeking to maintain placement in an interim alternative educational setting. A hearing officer must hold an expedited due process hearing within 20 school days of the date the expedited due process request is filed and must issue a decision within ten calendar school days of after the request for a hearing. A hearing officer may extend by up to five additional calendar days the time for issuing a decision in an expedited due process hearing. All policies in this section apply to expedited due process hearings to the extent they do not conflict with federal law. A resolution meeting must occur within seven days of receiving the request for an expedited due process hearing unless the parent and the school district agree in writing either to waive the resolution meeting or use the mediation process. The expedited due process hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 days of receiving the expedited due process hearing request.

Subd. 20. **Hearing officer's decision; time period.** (a) The hearing officer must issue a decision within 45 calendar days of the date on which the commissioner receives the request for a due process hearing ensure that not later than 45 days after the 30-day period or the adjusted time periods under federal regulations expire, the hearing officer reaches a final decision in the due process hearing and transmits a copy of the decision to each party. A hearing officer, at the request of either party, may grant specific extensions of time beyond the 45-day period under subdivision 18. The hearing officer must conduct the oral arguments in a hearing at a time and place that is reasonably convenient to the parents and child involved. A hearing officer is encouraged to accelerate the time line to 30 days for a child under the age of three whose needs change rapidly and who requires quick resolution of a dispute. A hearing officer may not extend the time beyond the 45 day period unless requested by either party for



~~good cause shown on the record. Extensions of time must not exceed a total of 30 calendar days unless both parties and the hearing officer agree or time is needed to complete an independent educational evaluation. Good cause includes, but is not limited to, the time required for mediation or other settlement discussions, independent educational evaluation, complexity and volume of issues, or finding or changing counsel.~~

~~(b) The hearing officer's decision must:~~

~~(1) be in writing;~~

~~(2) state the controlling and material facts upon which the decision is made in order to apprise the reader of the basis and reason for the decision; and~~

~~(3) be based on local standards, state statute, the rules of the commissioner, and federal law.~~

~~(b) Once the hearing officer has issued a final decision, the hearing officer lacks authority to amend the decision except for clerical or mathematical errors.~~

~~(c) Nothing in this subdivision precludes a hearing officer from ordering a school district to comply with federal procedural safeguards under the federal Individuals with Disabilities Education Act.~~

Subd. 21. **Compensatory educational services.** The hearing officer may require the resident or responsible district to provide compensatory educational services to the child if the hearing officer finds that the district has not offered or made available to the child a free appropriate public education in the least restrictive environment and the child suffered a loss of educational benefit. Such services take the form of direct and indirect special education and related services designed to address any loss of educational benefit that may have occurred. The hearing officer's finding must be based on a present determination of whether the child has suffered a loss of educational benefit.

Subd. 22. **Child's educational placement during due process hearing.** (a) Until a due process hearing under this section is completed or the district and the parent agree otherwise, the child must remain in the child's current educational placement and must not be denied initial admission to school.

~~(b) Until an expedited due process hearing challenging an interim alternative educational placement is completed, the child must remain in the interim alternative educational setting until the decision of the hearing officer or the expiration of the 45 days permitted for an interim alternative educational setting, whichever occurs first, unless the parent and district agree otherwise.~~

Subd. 23. **Implementation of hearing officer order.** (a) That portion of a hearing officer's decision granting relief requested by the parent must be implemented upon issuance.

~~(b) Except as provided under paragraph (a) or the district and parent agree otherwise, following a hearing officer's decision granting relief requested by the district, the child must remain in the current educational placement until the time to request judicial review under subdivision 24 expires or, if judicial review is requested, at the time the Minnesota Court of Appeals or the federal district court issues its decision, whichever is later.~~

Subd. 24. **Review of hearing officer decisions.** The parent or district may seek review of the hearing officer's decision in the Minnesota Court of Appeals or in the federal district court, ~~consistent with federal law.~~ A party must appeal to the Minnesota Court of Appeals within 60 days of receiving the hearing officer's decision and must appeal to federal district court within 90 days of receiving the hearing officer's decision.

Subd. 25. **Enforcement of orders.** The commissioner must monitor final hearing officer decisions and ensure enforcement of hearing officer ~~orders~~ decisions.

Subd. 26. **Hearing officer and person conducting alternative dispute resolution are state employees.** A hearing officer or person conducting alternative dispute resolution under this section is an employee of the state under section 3.732 for purposes of section 3.736 only.

Subd. 27. **Hearing officer training.** A hearing officer must participate in training ~~and follow procedures established~~ offered by the commissioner.

Subd. 28. **District liability.** A district is not liable for harmless technical violations of ~~this section or rules implementing this section~~ federal or state laws, rules, or regulations governing special education if the school district can demonstrate ~~on a case-by-case basis~~ that the violations did not harm a student's educational progress or the parent's right to notice, participation, or due process. This subdivision is applicable to due process hearings and special education complaints filed with the department.

Sec. 7. **[125A.094] RESTRICTIVE PROCEDURES FOR CHILDREN WITH DISABILITIES.**

The use of restrictive procedures for children with disabilities is governed by sections 125A.0941 and 125A.0942, and must be consistent with this chapter.

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

Sec. 8. **[125A.0941] DEFINITIONS.**

(a) The following terms have the meanings given them.

(b) "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury or to prevent serious property damage.

(c) "Positive behavioral interventions and supports" means interventions and strategies to improve the school environment and teach children the skills to behave appropriately.

(d) "Physical holding" means physical intervention intended to hold a child immobile or limit a child's movement and where body contact is the only source of physical restraint. The term "physical holding" does not mean physical contact that:

(1) helps a child respond or complete a task;

(2) comforts or assists a child without restricting the child's movement;

(3) is needed to administer an authorized health-related service or procedure; or

(4) is needed to physically escort a child.

(e) "Restrictive procedures" means the use of physical holding or seclusion in an emergency that is involuntary or unintended by the child, deprives the child of mobility, or is adverse to that child.

(f) "Seclusion" means confining a child alone in a locked room from which the child can not exit but may be quickly removed if a fire or other disaster occurs. Time-out is not seclusion.

(g) "Time-out" means removing a child from an activity to a location where the child cannot participate or observe the activity and may include moving or ordering a child to an unlocked room.

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

Sec. 9. **[125A.0942] STANDARDS FOR RESTRICTIVE PROCEDURES.**

**Subdivision 1. Restrictive procedures plan.** (a) Schools shall maintain and make publicly accessible an allowable restrictive procedures plan for children that includes at least the following:

(1) the list of restrictive procedures the school intends to use;

(2) how the school will monitor the use of restrictive procedures, including conducting post-use debriefings and convening an oversight committee;

(3) a written description and verification of the training staff completed under subdivision 5; and

(4) how the school will periodically review the use of restrictive procedures on a child and systemwide basis within a school or district.

**(b) In reviewing the use of restrictive procedures, the school or district must consider:**

(1) any pattern or problems indicated by similarities in the time of day, day of the week, duration of the use of a procedure, individuals involved, or other factors related to using restrictive procedures consistent with subdivision 2;

(2) any injuries resulting from the use of restrictive procedures;

(3) actions needed to correct deficiencies in how the school implements restrictive procedures;

(4) an assessment of when restrictive procedures could be avoided; and

(5) proposed actions to limit use of physical holding or seclusion.

**Subd. 2. Restrictive procedures.** (a) Restrictive procedures may be used only by a licensed special education teacher, school social worker, school psychologist, behavior analyst certified by the National Behavior Analyst Certification Board, other licensed education professional, paraprofessional under section 120B.363, or mental health professional under section 245.4871, subdivision 27, who has completed the training program under subdivision 5.

**(b) A school shall make reasonable efforts to notify the parent on the same day a restrictive procedure is used on the child or as indicated by the child's parent under paragraph (e).**

**(c) When restrictive procedures are used twice in 30 days or when a pattern emerges and restrictive procedures are not included in a child's individualized education plan, the district must hold a meeting of the individualized education plan team, conduct or review a functional behavioral analysis, review data, develop additional or revised positive behavioral interventions and support, propose actions to reduce the use of restrictive procedures, and modify the individualized education plan or behavior intervention plan as appropriate. At the meeting, the team must review and include in the child's individualized education plan any known medical or psychological limitations that contraindicate the use of a restrictive procedure, and prohibit that restrictive procedure.**

**(d) An individualized education plan team may plan for using restrictive procedures and may include these procedures in a child's individualized education plan.**

**(e) Restrictive procedures may be included in the child's individualized education plan but are not considered part of the pupil's behavior intervention plan and can only be used in an emergency, consistent with this section. The individualized education plan shall indicate how the parent wants to be notified when a restrictive procedure is used.**

Subd. 3. **Physical holding or seclusion.** Physical holding or seclusion may be used only in an emergency. A school that uses physical holding or seclusion shall meet the following requirements:

(1) the physical holding or seclusion must be the least intrusive intervention that effectively responds to the emergency;

(2) physical holding or seclusion must end when the threat of harm ends and the staff determines that the child can safely return to the classroom or activity;

(3) staff must constantly and directly observe the child while physical holding or seclusion is being used;

(4) each time physical holding or seclusion is used, the staff person who implements or oversees the physical holding or seclusion shall document, as soon as possible after the incident concludes, the following information:

(i) a detailed description of the incident that led to the physical holding or seclusion;

(ii) why a less restrictive measure failed or was determined by staff to be inappropriate or impractical;

(iii) the time the physical holding or seclusion began and the time the child was released; and

(iv) a brief record of the child's behavioral and physical status;

(5) the room used for seclusion must:

(i) be at least six feet by five feet;

(ii) be well lit, well ventilated, and clean;

(iii) have a window that allows staff to directly observe a child in seclusion;

(iv) have tamperproof fixtures, electrical switches located immediately outside the door, and secure ceilings;

(v) have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have immediate release mechanisms connected with a fire and emergency system; and

(vi) not contain objects that a child may use to injure the child or others; and

(6) before using a room for seclusion, a school must:

(i) receive written notice from local authorities regarding its compliance with applicable building, fire, and safety codes; and

(ii) register the room with the commissioner, who may view that room.

Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:

(1) engaging in conduct prohibited under section 121A.58;

(2) requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;

(3) totally or partially restricting a child's senses, except at a level of intrusiveness that does not exceed:

(i) placing a hand in front of a child's eyes as a visual screen; or

(ii) playing music through earphones worn by the child at a sound level that causes discomfort;

(4) presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray;

(5) denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning, except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;

(6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under section 626.556;

(7) withholding regularly scheduled meals or water;

(8) denying access to bathroom facilities; and

(9) physical holding that restricts a child's ability to breathe.

Subd. 5. **Training for staff.** (a) To meet the requirements of subdivision 1, paragraph (a), clause (4), staff who use restrictive procedures shall successfully complete training in the following skills and knowledge areas before using restrictive procedures with a child:

(1) positive behavioral interventions;

(2) communicative intent of behaviors;

(3) relationship building;

(4) alternatives to restrictive procedures, including techniques to identify events and environmental factors that may escalate behavior;

(5) de-escalation methods;

(6) avoiding power struggles;

(7) standards for using restrictive procedures;

(8) obtaining emergency medical assistance;

(9) time limits for restrictive procedures;

(10) obtaining approval for using restrictive procedures;

(11) appropriate use of approved restrictive procedures including simulated experiences involving physical restraint;

(12) thresholds for using and stopping restrictive procedures;

(13) the physiological and psychological impact of physical holding and seclusion;

(14) monitoring and responding to a child's physical signs of distress when physical holding is being used; and

(15) recognizing the symptoms of and interventions that may cause positional asphyxia when physical holding is used.

(b) The commissioner, after consulting with the commissioner of human services, must develop and maintain a list of training programs that satisfy the requirements of paragraph (a). The district shall maintain records of staff who have been trained and the organization or professional that conducted the training. The district may collaborate with children's community mental health providers to coordinate trainings.

(c) Training under this subdivision must be updated at least every two school years.

Subd. 6. **Records.** For purposes of monitoring and review, a school using restrictive procedures shall make data available upon request on the number and types of restrictive procedures used, consistent with applicable law. Schools annually shall submit to the commissioner aggregate data on the use of restrictive procedures. The commissioner shall issue an annual report by December 31 of each year on the use of restrictive procedures in Minnesota and post the report on the department's Web site.

Subd. 7. **Behavior supports.** School districts must establish effective schoolwide systems of positive behavior supports and may use restrictive procedures only in emergencies. Nothing in this section precludes the use of reasonable force under sections 121A.582 and 609.379.

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

Sec. 10. Minnesota Statutes 2008, section 125A.15, is amended to read:

**125A.15 PLACEMENT IN ANOTHER DISTRICT; RESPONSIBILITY.**

The responsibility for special instruction and services for a child with a disability temporarily placed in another district for care and treatment shall be determined in the following manner:

(a) The district of residence of a child shall be the district in which the child's parent resides, if living, or the child's guardian, or the district designated by the commissioner if neither parent nor guardian is living within the state.

(b) If a district other than the resident district places a pupil for care and treatment, the district placing the pupil must notify and give the resident district an opportunity to participate in the placement decision. When an immediate emergency placement of a pupil is necessary and time constraints foreclose a resident district from participating in the emergency placement decision, the district in which the pupil is temporarily placed must notify the resident district of the emergency placement within 15 days. The resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.

(c) When a child is temporarily placed for care and treatment in a day program located in another district and the child continues to live within the district of residence during the care and treatment, the district of residence is responsible for providing transportation to and from the care and treatment facility program and an appropriate educational program for the child. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program

unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the educational program at a school within the district of residence, at the child's residence, or in the district in which the day treatment center is located by paying tuition to that district.

~~(e)~~ (d) When a child is temporarily placed in a residential program for care and treatment, the nonresident district in which the child is placed is responsible for providing an appropriate educational program for the child and necessary transportation while the child is attending the educational program; and must bill the district of the child's residence for the actual cost of providing the program, as outlined in section 125A.11, except as provided in paragraph ~~(d)~~ (e). However, the board, lodging, and treatment costs incurred in behalf of a child with a disability placed outside of the school district of residence by the commissioner of human services or the commissioner of corrections or their agents, for reasons other than providing for the child's special educational needs must not become the responsibility of either the district providing the instruction or the district of the child's residence. For the purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment.

~~(d)~~ (e) A privately owned and operated residential facility may enter into a contract to obtain appropriate educational programs for special education children and services with a joint powers entity. The entity with which the private facility contracts for special education services shall be the district responsible for providing students placed in that facility an appropriate educational program in place of the district in which the facility is located. If a privately owned and operated residential facility does not enter into a contract under this paragraph, then paragraph ~~(e)~~ (d) applies.

~~(e)~~ (f) The district of residence shall pay tuition and other program costs, not including transportation costs, to the district providing the instruction and services. The district of residence may claim general education aid for the child as provided by law. Transportation costs must be paid by the district responsible for providing the transportation and the state must pay transportation aid to that district.

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

Sec. 11. Minnesota Statutes 2008, section 125A.28, is amended to read:

**125A.28 STATE INTERAGENCY COORDINATING COUNCIL.**

An Interagency Coordinating Council of at least 17, but not more than 25 members is established, in compliance with Public Law 108-446, section 641. The members must be appointed by the governor. Council members must elect the council chair. The representative of the commissioner may not serve as the chair. The council must be composed of at least five parents, including persons of color, of children with disabilities under age 12, including at least three parents of a child with a disability under age seven, five representatives of public or private providers of services for children with disabilities under age five, including a special education director, county social service director, local Head Start director, and a community health services or public health nursing administrator, one member of the senate, one member of the house of representatives, one representative of teacher preparation programs in early childhood-special education or other preparation programs in early childhood intervention, at least one representative of advocacy organizations for children with disabilities under age five, one physician who cares for young children with special health care needs, one representative each from the commissioners of commerce, education, health, human services, a representative from the state agency responsible for child care, foster care, mental health, homeless coordinator of education of homeless children and youth, and a representative from Indian health services or a tribal council. Section 15.059, subdivisions 2 to 5, apply to the council. The council must meet at least quarterly.

The council must address methods of implementing the state policy of developing and implementing comprehensive, coordinated, multidisciplinary interagency programs of early intervention services for children with disabilities and their families.

The duties of the council include recommending policies to ensure a comprehensive and coordinated system of all state and local agency services for children under age five with disabilities and their families. The policies must address how to incorporate each agency's services into a unified state and local system of multidisciplinary assessment practices, individual intervention plans, comprehensive systems to find children in need of services, methods to improve public awareness, and assistance in determining the role of interagency early intervention committees.

On the date that Minnesota Part C Annual Performance Report is submitted to the federal Office of Special Education, the council must recommend to the governor and the commissioners of education, health, human services, commerce, and employment and economic development policies for a comprehensive and coordinated system.

Notwithstanding any other law to the contrary, the State Interagency Coordinating Council expires on June 30, ~~2009~~ 2014.

Sec. 12. Minnesota Statutes 2008, section 125A.51, is amended to read:

**125A.51 PLACEMENT OF CHILDREN WITHOUT DISABILITIES; EDUCATION AND TRANSPORTATION.**

The responsibility for providing instruction and transportation for a pupil without a disability who has a short-term or temporary physical or emotional illness or disability, as determined by the standards of the commissioner, and who is temporarily placed for care and treatment for that illness or disability, must be determined as provided in this section.

(a) The school district of residence of the pupil is the district in which the pupil's parent or guardian resides.

(b) When parental rights have been terminated by court order, the legal residence of a child placed in a residential or foster facility for care and treatment is the district in which the child resides.

(c) Before the placement of a pupil for care and treatment, the district of residence must be notified and provided an opportunity to participate in the placement decision. When an immediate emergency placement is necessary and time does not permit resident district participation in the placement decision, the district in which the pupil is temporarily placed, if different from the district of residence, must notify the district of residence of the emergency placement within 15 days of the placement. When a nonresident district makes an emergency placement without first consulting with the resident district, the resident district has up to five business days after receiving notice of the emergency placement to request an opportunity to participate in the placement decision, which the placing district must then provide.

(d) When a pupil without a disability is temporarily placed for care and treatment in a day program and the pupil continues to live within the district of residence during the care and treatment, the district of residence must provide instruction and necessary transportation to and from the care and treatment facility program for the pupil. The resident district may establish reasonable restrictions on transportation, except if a Minnesota court or agency orders the child placed at a day care and treatment program and the resident district receives a copy of the order, then the resident district must provide transportation to and from the program unless the court or agency orders otherwise. Transportation shall only be provided by the resident district during regular operating hours of the resident district. The resident district may provide the instruction at a school within the district of residence, at the pupil's residence,



or in the case of a placement outside of the resident district, in the district in which the day treatment program is located by paying tuition to that district. The district of placement may contract with a facility to provide instruction by teachers licensed by the state Board of Teaching.

(e) When a pupil without a disability is temporarily placed in a residential program for care and treatment, the district in which the pupil is placed must provide instruction for the pupil and necessary transportation while the pupil is receiving instruction, and in the case of a placement outside of the district of residence, the nonresident district must bill the district of residence for the actual cost of providing the instruction for the regular school year and for summer school, excluding transportation costs.

(f) Notwithstanding paragraph (e), if the pupil is homeless and placed in a public or private homeless shelter, then the district that enrolls the pupil under section 127A.47, subdivision 2, shall provide the transportation, unless the district that enrolls the pupil and the district in which the pupil is temporarily placed agree that the district in which the pupil is temporarily placed shall provide transportation. When a pupil without a disability is temporarily placed in a residential program outside the district of residence, the administrator of the court placing the pupil must send timely written notice of the placement to the district of residence. The district of placement may contract with a residential facility to provide instruction by teachers licensed by the state Board of Teaching. For purposes of this section, the state correctional facilities operated on a fee-for-service basis are considered to be residential programs for care and treatment.

(g) The district of residence must include the pupil in its residence count of pupil units and pay tuition as provided in section 123A.488 to the district providing the instruction. Transportation costs must be paid by the district providing the transportation and the state must pay transportation aid to that district. For purposes of computing state transportation aid, pupils governed by this subdivision must be included in the disabled transportation category if the pupils cannot be transported on a regular school bus route without special accommodations.

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

Sec. 13. Minnesota Statutes 2008, section 125A.57, subdivision 2, is amended to read:

Subd. 2. **Assistive technology device.** "Assistive technology device" means any item, piece of equipment, software, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of ~~children with disabilities~~ a child with a disability. The term does not include a surgically implanted medical device or a replacement of that device.

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

Sec. 14. Minnesota Statutes 2008, section 125A.63, subdivision 2, is amended to read:

Subd. 2. **Programs.** The resource centers must offer summer institutes ~~and like programs~~ or other training programs throughout the state for deaf or hard of hearing, blind or visually impaired, and multiply disabled pupils. The resource centers must also offer workshops for teachers, and leadership development for teachers.

A program offered through the resource centers must promote and develop education programs offered by school districts or other organizations. The program must assist school districts or other organizations to develop innovative programs.

Sec. 15. Minnesota Statutes 2008, section 125A.63, subdivision 4, is amended to read:

Subd. 4. **Advisory committees.** The commissioner shall establish an advisory committee for each resource center. The advisory committees shall develop recommendations regarding the resource centers and submit an annual report to the commissioner on the form and in the manner prescribed by the commissioner. The advisory committee for the Resource Center for the Deaf and Hard of Hearing shall meet at least four times a year and submit an annual report to the commissioner, the legislature, and the Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans.

The recommendations must include:

(1) aggregate data-based education outcomes over time for deaf and hard-of-hearing children, consistent with state academic standards and assessments under chapter 120B; and

(2) a data-based plan that includes evidence-based best practices known to improve the educational outcomes of deaf and hard-of-hearing children.

Sec. 16. Minnesota Statutes 2008, section 125A.744, subdivision 3, is amended to read:

Subd. 3. **Implementation.** Consistent with section 256B.0625, subdivision 26, school districts may enroll as medical assistance providers or subcontractors and bill the Department of Human Services under the medical assistance fee for service claims processing system for special education services which are covered services under chapter 256B, which are provided in the school setting for a medical assistance recipient, and for whom the district has secured informed consent consistent with section 13.05, subdivision 4, paragraph (d), and section 256B.77, subdivision 2, paragraph (p), to bill for each type of covered service. School districts shall be reimbursed by the commissioner of human services for the federal share of individual education plan health-related services that qualify for reimbursement by medical assistance, minus up to five percent retained by the commissioner of human services for administrative costs, ~~not to exceed \$350,000 per fiscal year.~~ The commissioner may withhold up to five percent of each payment to a school district. Following the end of each fiscal year, the commissioner shall settle up with each school district in order to ensure that collections from each district for departmental administrative costs are made on a pro rata basis according to federal earnings for these services in each district. A school district is not eligible to enroll as a home care provider or a personal care provider organization for purposes of billing home care services under sections 256B.0651 and 256B.0653 to 256B.0656 until the commissioner of human services issues a bulletin instructing county public health nurses on how to assess for the needs of eligible recipients during school hours. To use private duty nursing services or personal care services at school, the recipient or responsible party must provide written authorization in the care plan identifying the chosen provider and the daily amount of services to be used at school.

Sec. 17. **REPEALER.**

(a) Minnesota Statutes 2008, sections 121A.43; 125A.03; 125A.05; and 125A.18, are repealed.

(b) Minnesota Statutes 2008, sections 121A.66; and 121A.67, subdivision 1, are repealed effective July 1, 2010.

(c) Minnesota Rules, parts 3525.0210, subparts 5, 6, 9, 13, 17, 29, 30, 34, 43, 46, and 47; 3525.0400; 3525.1100, subpart 2, item F; 3525.2445; 3525.2900, subpart 5; and 3525.4220, are repealed effective July 1, 2010.

## ARTICLE 4

## LIBRARIES

Section 1. Minnesota Statutes 2008, section 134.31, subdivision 4a, is amended to read:

Subd. 4a. ~~Services to the blind and physically handicapped people with visual and physical disabilities.~~ The Minnesota Department of Education shall provide specialized services to ~~the blind and physically handicapped people with visual and physical disabilities~~ through the Minnesota Braille and Talking Book Library for the Blind and Physically Handicapped under a cooperative plan with the National Library Services for the Blind and Physically Handicapped of the Library of Congress.

Sec. 2. Minnesota Statutes 2008, section 134.31, is amended by adding a subdivision to read:

Subd. 7. Telephone or electronic meetings. (a) Notwithstanding section 13D.01, the Advisory Committee for the Minnesota Braille and Talking Book Library may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

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

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

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

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

(b) Each member of the committee participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining quorum and participating in all proceedings.

(c) If telephone or other electronic means is used to conduct a meeting, to the extent practical, the committee shall allow a person to monitor the meeting electronically from a remote location. The committee may require the person making the connection to pay for the documented additional costs that the committee incurs as a result of the additional connection.

(d) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the committee shall provide notice of the regular meeting location, the fact that some members may participate by telephone or other electronic means, and the provisions of paragraph (c). The timing and method of providing notice is governed by section 13D.04.

## ARTICLE 5

## SELF-SUFFICIENCY AND LIFELONG LEARNING

Section 1. Minnesota Statutes 2008, section 299A.297, is amended to read:

**299A.297 OTHER DUTIES.**

The commissioner of public safety, in consultation with the Chemical Abuse and Violence Prevention Council, shall:

(1) provide information and assistance upon request to school preassessment teams established under section 121A.26 ~~and school and community advisory teams established under section 121A.27;~~

(2) provide information and assistance upon request to the State Board of Pharmacy with respect to the board's enforcement of chapter 152;

(3) cooperate with and provide information and assistance upon request to the Alcohol and Other Drug Abuse Section in the Department of Human Services;

(4) coordinate the policy of the office with that of the Narcotic Enforcement Unit in the Bureau of Criminal Apprehension; and

(5) coordinate the activities of the regional drug task forces, provide assistance and information to them upon request, and assist in the formation of task forces in areas of the state in which no task force operates.

Sec. 2. **REPEALER.**

Minnesota Statutes 2008, section 121A.27, is repealed.

ARTICLE 6

STATE AGENCIES

Section 1. Minnesota Statutes 2008, section 127A.08, is amended by adding a subdivision to read:

Subd. 5. **Grants and gifts.** The commissioner may apply for and receive grants and gifts administered by agencies of the state and other government or nongovernment sources. Any money received is hereby appropriated and dedicated for the purpose for which it is granted. The commissioner annually by February 1 must report to the education policy and finance committees of the legislature the amount of money it received under this subdivision and the purpose for which it was granted.

ARTICLE 7

TECHNICAL CORRECTIONS

Section 1. Minnesota Statutes 2008, section 120B.021, subdivision 1, is amended to read:

Subdivision 1. **Required academic standards.** The following subject areas are required for statewide accountability:

(1) language arts;

(2) mathematics;

(3) science;

(4) social studies, including history, geography, economics, and government and citizenship;

(5) health and physical education, for which locally developed academic standards apply; and

(6) the arts, for which statewide or locally developed academic standards apply, as determined by the school district. Public elementary and middle schools must offer at least three and require at least two of the following four arts areas: dance; music; theater; and visual arts. Public high schools must offer at least three and require at least one of the following five arts areas: media arts; dance; music; theater; and visual arts.

The commissioner must submit proposed standards in science and social studies to the legislature by February 1, 2004.

For purposes of applicable federal law, the academic standards for language arts, mathematics, and science apply to all public school students, ~~except the very few students with extreme cognitive or physical impairments for whom an individualized education plan team has determined that the required academic standards are inappropriate. An individualized education plan team that makes this determination must establish alternative standards with appropriate alternate achievement standards based on these academic standards for students with individualized education plans described under federal law.~~

A school district, no later than the 2007-2008 school year, must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule. A school district that incorporates these state graduation requirements before the 2007-2008 school year must provide students who enter the 9th grade in or before the 2003-2004 school year the opportunity to earn a diploma based on existing locally established graduation requirements in effect when the students entered the 9th grade. District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

The commissioner must include the contributions of Minnesota American Indian tribes and communities as they relate to the academic standards during the review and revision of the required academic standards.

Sec. 2. Minnesota Statutes 2008, section 122A.31, subdivision 4, is amended to read:

Subd. 4. **Reimbursement.** (a) For purposes of revenue under section ~~125A.78~~ 125A.76, the Department of Education must only reimburse school districts for the services of those interpreters/transliterators who satisfy the standards of competency under this section.

(b) Notwithstanding paragraph (a), a district shall be reimbursed for the services of interpreters with a nonrenewable provisional certificate, interpreters/transliterators employed to mentor the provisional certified interpreters, and persons for whom a time-limited extension has been granted under subdivision 1, paragraph (d), or subdivision 2, paragraph (c).

Sec. 3. Minnesota Statutes 2008, section 123B.14, subdivision 7, is amended to read:

Subd. 7. **Clerk records.** The clerk shall keep a record of all meetings of the district and the board in books provided by the district for that purpose. The clerk shall, within three days after an election, notify all persons elected of their election. By ~~August~~ September 15 of each year the clerk shall file with the board a report of the revenues, expenditures and balances in each fund for the preceding fiscal year. The report together with vouchers and supporting documents shall subsequently be examined by a public accountant or the state auditor, either of whom shall be paid by the district, as provided in section 123B.77, subdivision 3. The board shall by resolution approve the report or require a further or amended report. By ~~August~~ September 15 of each year, the clerk shall make and transmit to the commissioner certified reports, showing:

(1) ~~The condition and value of school property;~~

(2) the revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the commissioner;

(3) ~~(2)~~ the length of school term and the enrollment and attendance by grades; and

(4) ~~(3)~~ such other items of information as may be called for by the commissioner.

The clerk shall enter in the clerk's record book copies of all reports and of the teachers' term reports, as they appear in the registers, and of the proceedings of any meeting as furnished by the clerk pro tem, and keep an itemized account of all the expenses of the district. The clerk shall furnish to the auditor of the proper county, by ~~October 10~~ September 30 of each year, an attested copy of the clerk's record, showing the amount of ~~money~~ proposed property tax voted by the district or the board for school purposes; draw and sign all orders upon the treasurer for the payment of money for bills allowed by the board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair. Such orders must state the consideration, payee, and the fund and the clerk shall take a receipt therefor. Teachers' wages shall have preference in the order in which they become due, and no money applicable for teachers' wages shall be used for any other purpose, nor shall teachers' wages be paid from any fund except that raised or apportioned for that purpose.

Sec. 4. Minnesota Statutes 2008, section 123B.81, subdivision 3, is amended to read:

Subd. 3. **Debt verification.** The commissioner shall establish a uniform auditing or other verification procedure for districts to determine whether a statutory operating debt exists in any Minnesota school district ~~as of June 30, 1977. This procedure must identify all interfund transfers made during fiscal year 1977 from a fund included in computing statutory operating debt to a fund not included in computing statutory operating debt.~~ The standards for this uniform auditing or verification procedure must be promulgated by the ~~state board pursuant to chapter 14~~ commissioner. If a district applies to the commissioner for a statutory operating debt verification ~~or if the unaudited financial statement for the school year ending June 30, 1977 reveals that a statutory operating debt might exist,~~ the commissioner shall require a verification of the amount of the statutory operating debt which actually does exist.

Sec. 5. Minnesota Statutes 2008, section 123B.81, subdivision 4, is amended to read:

Subd. 4. **Debt elimination.** If an audit or other verification procedure conducted pursuant to subdivision 3 determines that a statutory operating debt exists, a district must follow the procedures ~~set forth in this section~~ 123B.83 to eliminate this statutory operating debt.

Sec. 6. Minnesota Statutes 2008, section 123B.81, subdivision 5, is amended to read:

Subd. 5. **Certification of debt.** The commissioner shall certify the amount of statutory operating debt for each district. ~~Prior to June 30, 1979, the commissioner may, on the basis of corrected figures, adjust the total amount of statutory operating debt certified for any district.~~

Sec. 7. Minnesota Statutes 2008, section 125A.62, subdivision 8, is amended to read:

Subd. 8. **Grants and gifts.** The board, through the chief administrators of the academies, may apply for all competitive grants administered by agencies of the state and other government or nongovernment sources. Application may not be made for grants over which the board has discretion. Any funds received under this subdivision is appropriated and dedicated for the purpose for which it is granted.

Sec. 8. Minnesota Statutes 2008, section 125A.76, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of this section, the definitions in this subdivision apply.

(a) "Basic revenue" has the meaning given it in section 126C.10, subdivision 2. For the purposes of computing basic revenue pursuant to this section, each child with a disability shall be counted as prescribed in section 126C.05, subdivision 1.

(b) "Essential personnel" means teachers, cultural liaisons, related services, and support services staff providing ~~direct~~ services to students. Essential personnel may also include special education paraprofessionals or clericals providing support to teachers and students by preparing paperwork and making arrangements related to special education compliance requirements, including parent meetings and individual education plans. Essential personnel does not include administrators and supervisors.

(c) "Average daily membership" has the meaning given it in section 126C.05.

(d) "Program growth factor" means 1.046 for fiscal year 2012 and later.

Sec. 9. Minnesota Statutes 2008, section 126C.10, subdivision 34, is amended to read:

Subd. 34. **Basic alternative teacher compensation aid.** (a) For fiscal years 2007 ~~and later 2008, and 2009~~, the basic alternative teacher compensation aid for a school district with a plan approved under section 122A.414, subdivision 2b, equals ~~65~~ 73.1 percent of the alternative teacher compensation revenue under section 122A.415, subdivision 1. The basic alternative teacher compensation aid for an intermediate school district or charter school with a plan approved under section 122A.414, subdivisions 2a and 2b, if the recipient is a charter school, equals \$260 times the number of pupils enrolled in the school on October 1 of the previous fiscal year, or on October 1 of the current fiscal year for a charter school in the first year of operation, times the ratio of the sum of the alternative teacher compensation aid and alternative teacher compensation levy for all participating school districts to the maximum alternative teacher compensation revenue for those districts under section 122A.415, subdivision 1.

(b) For fiscal years 2010 and later, the basic alternative teacher compensation aid for a school with a plan approved under section 122A.414, subdivision 2b, equals 65 percent of the alternative teacher compensation revenue under section 122A.415, subdivision 1. The basic alternative teacher compensation aid for an intermediate school district or charter school with a plan approved under section 122A.414, subdivisions 2a and 2b, if the recipient is a charter school, equals \$260 times the number of pupils enrolled in the school on October 1 of the previous year, or on October 1 of the current year for a charter school in the first year of operation, times the ratio of the sum of the alternative teacher compensation aid and alternative teacher compensation levy for all participating school districts to the maximum alternative teacher compensation revenue for those districts under section 122A.415, subdivision 1.

~~(b)~~ (c) Notwithstanding paragraphs (a) and (b) and section 122A.415, subdivision 1, the state total basic alternative teacher compensation aid entitlement must not exceed \$75,636,000 for fiscal year 2007 and later. The commissioner must limit the amount of alternative teacher compensation aid approved under section 122A.415 so as not to exceed these limits.

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

Sec. 10. Minnesota Statutes 2008, section 127A.47, subdivision 5, is amended to read:

Subd. 5. **Notification of resident district.** A district educating a pupil who is a resident of another district must notify the district of residence within 60 days of the date the pupil is determined by the district to be a nonresident, but not later than August 1 following the end of the school year in which the pupil is educated. ~~If the district of residence does not receive a notification from the providing district pursuant to this subdivision, it is not liable to that district for any tuition billing received after August 1 of the next school year."~~

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. 1191, A bill for an act relating to metropolitan government; highways; modifying provisions relating to loans to acquire highway right-of-way in the metropolitan area; amending Minnesota Statutes 2008, section 473.167, subdivision 2a.

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. 1214, A bill for an act relating to real property; clarifying eviction provisions; modifying provisions governing contracts for deed; regulating contracts for deed involving residential property and residential leases with an option to purchase; amending Minnesota Statutes 2008, sections 504B.285, subdivision 1; 507.235, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 559.

Reported the same back with the following amendments:

Page 2, delete section 3

Page 8, line 23, delete "fee"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "contracts for deed involving residential"

Page 1, line 4, delete "property and"

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

The report was adopted.



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

H. F. No. 1235, A bill for an act relating to public safety; including certain factors that are not elements of the crime of conviction when determining aggravated sentencing departures; amending Minnesota Statutes 2008, section 244.10, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 1238, A bill for an act relating to game and fish; modifying refund provisions; modifying publication requirements; modifying restrictions in migratory feeding and resting areas; providing certain exemptions from local law; modifying wild animal and fish taking, possession, and licensing requirements; modifying provisions relating to the possession of certain weapons; removing bow and gun case requirements; authorizing certain fees; requiring rulemaking; amending Minnesota Statutes 2008, sections 17.4981; 17.4988, subdivision 3; 84.027, subdivision 13; 84.788, subdivision 11; 84.798, subdivision 10; 84.82, subdivision 11; 84.922, subdivision 12; 86B.415, subdivision 11; 97A.051, subdivision 2; 97A.075, subdivision 1; 97A.095, subdivision 2; 97A.137, by adding subdivisions; 97A.405, subdivision 4; 97A.421, subdivision 1; 97A.441, subdivision 7; 97A.445, subdivision 1, by adding a subdivision; 97A.451, subdivision 2; 97A.465, subdivision 1b; 97A.475, subdivisions 2, 3, 7, 11, 12, 29; 97A.525, subdivision 1; 97B.035, subdivision 2; 97B.041; 97B.045, subdivisions 1, 2; 97B.051; 97B.055, subdivision 3; 97B.086; 97B.111, subdivision 1; 97B.211, subdivision 1; 97B.328, subdivision 3; 97B.425; 97B.651; 97B.811, subdivisions 2, 3; 97B.931, subdivision 1; 97C.315, subdivision 1; 97C.355, subdivision 2; 97C.371, by adding a subdivision; 97C.385, subdivision 2; 97C.395, subdivision 1; Laws 2008, chapter 368, article 2, section 25; repealing Minnesota Statutes 2008, sections 97A.525, subdivision 2; 97B.301, subdivisions 7, 8; 97C.405.

Reported the same back with the following amendments:

Page 3, after line 35, insert:

"Sec. 4. Minnesota Statutes 2008, section 84.027, subdivision 17, is amended to read:

Subd. 17. **Background checks for volunteer instructors.** (a) The commissioner may conduct background checks for volunteer instructor applicants for department safety training and education programs, including the programs established under sections 84.791 (youth off-highway motorcycle safety education and training), 84.86 and 84.862 (youth and adult snowmobile safety training), 84.925 (youth all-terrain vehicle safety education and training), 97B.015 (youth firearms safety training), and 97B.025 (hunter and trapper education and training).

(b) The commissioner shall perform the background check by retrieving criminal history data as defined in section 13.87 maintained in the criminal justice information system (CJIS) by the Bureau of Criminal Apprehension in the Department of Public Safety and other data sources.

(c) The commissioner shall develop a standardized form to be used for requesting a background check, which must include:

(1) a notification to the applicant that the commissioner will conduct a background check under this section;

(2) a notification to the applicant of the applicant's rights under paragraph (d); and

(3) a signed consent by the applicant to conduct the background check expiring one year from the date of signature.

(d) The volunteer instructor applicant who is the subject of a background check has the right to:

(1) be informed that the commissioner will request a background check on the applicant;

(2) be informed by the commissioner of the results of the background check and obtain a copy of the background check;

(3) obtain any record that forms the basis for the background check and report;

(4) challenge the accuracy and completeness of the information contained in the report or a record; and

(5) be informed by the commissioner if the applicant is rejected because of the result of the background check."

Pages 13 to 14, delete sections 28 to 30 and insert:

"Sec. 29. Minnesota Statutes 2008, section 97B.035, subdivision 2, is amended to read:

Subd. 2. **Possession of crossbows.** A person may not possess a crossbow ~~outdoors or in a motor vehicle during the open season for any game, unless the crossbow is unstrung, and in a case or in a closed trunk of a motor vehicle not armed with a bolt or arrow.~~

Sec. 30. Minnesota Statutes 2008, section 97B.041, is amended to read:

**97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.**

A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm ~~that is in a case or in a closed trunk of a motor vehicle;~~

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle capable of firing only rimfire cartridges of .17 and .22 caliber, including .22 magnum caliber cartridges;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader during that season.

Sec. 31. Minnesota Statutes 2008, section 97B.045, subdivision 1, is amended to read:

Subdivision 1. **Restrictions.** (a) A person may not transport a firearm in a motor vehicle unless the firearm is:

(1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;

(2) unloaded and in the closed trunk of a motor vehicle; or

(3) a handgun carried in compliance with sections 624.714 and 624.715.

(b) Notwithstanding paragraph (a), a person may transport an unloaded, uncased firearm, excluding a pistol as defined in paragraph (c), in a motor vehicle while at a shooting range, as defined under section 87A.01, subdivision 3, where the person has received permission from the lawful owner or possessor to discharge firearms; lawfully hunting on private or public land; or travelling to or from a site the person intends to hunt lawfully that day or has hunted lawfully that day, unless:

(1) within the seven-county metropolitan area as defined in section 473.121, subdivision 4;

(2) within an area where the discharge of a firearm has been prohibited under section 471.633;

(3) within the boundaries of a home rule charter or statutory city with a population of 2,500 or more;

(4) on school grounds as regulated under section 609.66, subdivision 1d; or

(5) otherwise restricted under section 97A.091, 97B.081, or 97B.086.

(c) For the purposes of this section, a "pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle:

(1) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or

(2) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor.

"Pistol" does not include a device firing or ejecting a shot measuring .18 of an inch, or less, in diameter and commonly known as a "BB gun," a scuba gun, a stud gun, or nail gun used in the construction industry or children's pop guns or toys."

Page 15, delete section 32 and insert:

"Sec. 33. Minnesota Statutes 2008, section 97B.051, is amended to read:

**97B.051 TRANSPORTATION OF ARCHERY BOWS.**

Except as specified under section 97B.055, subdivision 2, a person may not transport an archery bow in a motor vehicle unless the bow is: not armed with a bolt or arrow.

~~(1) unstrung;~~

~~(2) completely contained in a case; or~~

~~(3) in the closed trunk or rear most enclosed portion of a motor vehicle that is not accessible from the passenger compartment."~~

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "provisions;" insert "modifying commissioner's authority;"

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. 1293, A bill for an act relating to health; modifying emergency medical transport provisions; amending Minnesota Statutes 2008, section 144.604, subdivisions 1, 2; repealing Minnesota Statutes 2008, section 144.604, subdivision 3.

Reported the same back with the following amendments:

Page 2, after line 8, insert:

"Sec. 3. Minnesota Statutes 2008, section 144.608, subdivision 3, is amended to read:

Subd. 3. **Regional trauma advisory councils.** (a) Up to eight regional trauma advisory councils may be formed as needed.

(b) Regional trauma advisory councils shall advise, consult with, and make recommendation to the state Trauma Advisory Council on suggested regional modifications to the statewide trauma criteria that will improve patient care and accommodate specific regional needs. The commissioner, in consultation with the Emergency Medical Services Regulatory Board and the emergency medical services and trauma hospitals in each region, shall provide quarterly data updates on major trauma scene ground ambulance transports to each regional trauma advisory council.

(c) Each regional advisory council must have no more than 15 members. The commissioner, in consultation with the Emergency Medical Services Regulatory Board, shall name the council members.

(d) Regional council members may receive expenses in the same manner and amount as authorized by the plan adopted under section 43A.18, subdivision 2."

Page 2, line 9, delete "3" and insert "4"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

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

Reported the same back with the following amendments:

Page 2, lines 3 and 4, delete the new language

Page 3, line 10, delete everything after "program"

Page 3, lines 11 and 12, delete the new language

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. 1338, A bill for an act relating to health; expanding the definition for standard reference compendia; amending Minnesota Statutes 2008, section 62Q.525, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 20, before the colon, insert "any one of the following"

Page 2, after line 4, insert:

"Sec. 2. Minnesota Statutes 2008, section 62Q.525, subdivision 3, is amended to read:

Subd. 3. **Required coverage.** (a) Every type of coverage included in subdivision 1 that provides coverage for drugs may not exclude coverage of a drug for the treatment of cancer on the ground that the drug has not been approved by the federal Food and Drug Administration for the treatment of cancer if the drug is recognized for treatment of cancer in ~~one of~~ the standard reference compendia adopted by the health plan on an annual basis or in one article in the medical literature, as defined in subdivision 2.

(b) Coverage of a drug required by this subdivision includes coverage of medically necessary services directly related to and required for appropriate administration of the drug.

(c) Coverage required by this subdivision does not include coverage of a drug not listed on the formulary of the coverage included in subdivision 1.

(d) Coverage of a drug required under this subdivision must not be subject to any co-payment, coinsurance, deductible, or other enrollee cost-sharing greater than the coverage included in subdivision 1 applies to other drugs.

(e) The commissioner of commerce or health, as appropriate, may direct a person that issues coverage included in subdivision 1 to make payments required by this section."

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

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

Reported the same back with the following amendments:

Page 1, line 21, delete "within or attached to" and insert "within, attached to, or within close proximity to"

Page 2, line 5, after the second comma, insert "licensed traditional midwives,"

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. 1367, A bill for an act relating to agriculture; changing provisions of the Minnesota Noxious Weed Law; establishing a fund; providing for grants; creating an advisory committee; amending Minnesota Statutes 2008, sections 18.75; 18.76; 18.77, subdivisions 1, 3, 5, by adding subdivisions; 18.78, subdivision 1, by adding a subdivision; 18.79; 18.80, subdivision 1; 18.81, subdivisions 1, 3; 18.82, subdivisions 1, 3; 18.83; 18.84, subdivisions 1, 2, 3; 18.86; 18.87; 18.88; proposing coding for new law in Minnesota Statutes, chapter 18.

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

The report was adopted.

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

H. F. No. 1378, A bill for an act relating to natural disasters; establishing local disaster assistance program and local disaster fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 12.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[12.222] MINNESOTA DISASTER LOCAL ASSISTANCE PROGRAM.**

**Subdivision 1. Local disaster assistance program.** A program is established to assist state and local governments to respond in a consistent, timely, and adequate manner when disasters occur that are ineligible for a presidential disaster declaration. The state director of the Division of Homeland Security and Emergency Management shall provide assistance and grants to local governments to respond to local disasters.

**Subd. 2. Eligibility; requirements.** To be eligible for assistance under this section, a political subdivision must make a local declaration of emergency in accordance with section 12.29 and apply to the state director for assistance on the forms and according to the procedures and timelines established by the commissioner of public safety. At a minimum, the application for grants must include an assessment of the damage caused by the disaster. Within the limits of the funds available under this section, the state director may award grants to assist a local government in paying for costs directly related to the disaster, including but not limited to emergency response, clean up, repair, replacement or restoration of public infrastructure, remediation to ensure public health, and other costs attributable to the disaster. A grant under this section must not duplicate or replace assistance that is available from other state or federal government agencies or insurance coverage. Each grant awarded under this section must be matched by at least ten percent from local funds.

**Subd. 3. Local disaster assistance account.** A local disaster assistance account is created in the special revenue fund. Money in the account is appropriated to the commissioner of public safety for grants and assistance to local units of government under this section. This account must be used for the purposes of assisting local governments to respond to and recover from disasters that do not qualify for a presidential disaster declaration. Money in the account does not cancel but is available until expended. An amount necessary to maintain the account at \$6,000,000 is annually appropriated on July 1 from the general fund to the local disaster assistance account.

Sec. 2. **LOCAL DISASTER ASSISTANCE ACCOUNT.**

\$6,000,000 is appropriated from the general fund in fiscal year 2010 to the local disaster assistance account in the special revenue fund under section 1. This appropriation is to assist local governments to respond to disasters that do not qualify for assistance as a presidentially declared disaster.

Sec. 3. **APPROPRIATION; EMERGENCY MANAGEMENT STATE MATCH.**

\$5,600,000 each year for fiscal years 2010 and 2011 is appropriated from the general fund to the commissioner of public safety to provide a match for Federal Emergency Management Agency (FEMA) disaster assistance payments under Minnesota Statutes, section 12.221. If the appropriation for either year is insufficient to cover the match requirements, the amount necessary to cover the costs during the biennium is appropriated from the general fund. Beginning in fiscal year 2012, the base appropriation for the FEMA match is 75 percent of the average annual expenditures for the state FEMA match for the preceding five years."

Delete the title and insert:

"A bill for an act relating to disasters; establishing local disaster assistance program and local disaster fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 12."

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. 1442, A bill for an act relating to crime; modifying crime of fleeing a peace officer; amending Minnesota Statutes 2008, section 609.487, subdivisions 1, 3, 4, 5; repealing Minnesota Statutes 2008, section 609.487, subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 609.487, subdivision 4, is amended to read:

Subd. 4. **Fleeing officer; death; bodily injury.** Whoever flees or attempts to flee by means of a motor vehicle a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer, and who in the course of fleeing in a motor vehicle or subsequently by other means causes the death of a human being not constituting murder or manslaughter or any bodily injury to any person other than the perpetrator may be sentenced to imprisonment as follows:

(a) if the course of fleeing results in death, to imprisonment for not more than 40 years or to payment of a fine of not more than \$80,000, or both; or

(b) if the course of fleeing results in great bodily harm, to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both; or

(c) if the course of fleeing results in substantial bodily harm, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

**EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crime; modifying crime of fleeing a peace officer; amending Minnesota Statutes 2008, section 609.487, subdivision 4."

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. 1448, A bill for an act relating to civil law; releasing information to health care agents; providing access to health care agents; amending Minnesota Statutes 2008, sections 13.384, subdivisions 2, 3; 144.225, subdivision 7; 144.419, subdivision 5; 169.09, subdivision 13; 246.70; 253B.10, subdivision 3; 253B.14; 253B.16, subdivision 2; 256B.48, subdivision 8.

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

The report was adopted.



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

H. F. No. 1482, A bill for an act relating to human services; modifying provisions governing medical assistance claims and liens; amending Minnesota Statutes 2008, sections 256B.15, subdivisions 1, 1a, 2; 514.983, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 256B.15, subdivision 1a, is amended to read:

Subd. 1a. **Estates subject to claims.** If a person receives any medical assistance hereunder, on the person's death, if single, or on the death of the survivor of a married couple, either or both of whom received medical assistance, or as otherwise provided for in this section, the total amount paid for medical assistance rendered for the person and spouse shall be filed as a claim against the estate of the person or the estate of the surviving spouse in the court having jurisdiction to probate the estate or to issue a decree of descent according to sections 525.31 to 525.313.

A claim shall be filed if medical assistance was rendered for either or both persons under one of the following circumstances:

(a) the person was over 55 years of age, and received services under this chapter;

(b) the person resided in a medical institution for six months or longer, received services under this chapter, and, at the time of institutionalization or application for medical assistance, whichever is later, the person could not have reasonably been expected to be discharged and returned home, as certified in writing by the person's treating physician. For purposes of this section only, a "medical institution" means a skilled nursing facility, intermediate care facility, intermediate care facility for persons with developmental disabilities, nursing facility, or inpatient hospital; or

(c) the person received general assistance medical care services under chapter 256D.

The claim shall be considered an expense of the last illness of the decedent for the purpose of section 524.3-805. Any statute of limitations that purports to limit any county agency or the state agency, or both, to recover for medical assistance granted hereunder shall not apply to any claim made hereunder for reimbursement for any medical assistance granted hereunder. Notice of the claim shall be given to all heirs and devisees of the decedent, and to other persons with an ownership interest in the real property owned by the decedent at the time of the decedent's death, whose identity can be ascertained with reasonable diligence. The notice must include procedures and instructions for making an application for a hardship waiver under subdivision 5; time frames for submitting an application and determination; and information regarding appeal rights and procedures. Counties are entitled to one-half of the nonfederal share of medical assistance collections from estates that are directly attributable to county effort. Counties are entitled to ten percent of the collections for alternative care directly attributable to county effort.

Sec. 2. Minnesota Statutes 2008, section 256B.15, subdivision 5, is amended to read:

Subd. 5. **Undue hardship.** (a) Any person entitled to notice in subdivision 1a has a right to apply for waiver of the claim based upon undue hardship. Any claim pursuant to this section may be fully or partially waived because of undue hardship. Undue hardship does not include action taken by the decedent which divested or diverted assets in order to avoid estate recovery. Any waiver of a claim must benefit the person claiming undue hardship. The commissioner shall have authority to hear claimant appeals, pursuant to section 256.045, when an application for a hardship waiver is denied in whole or part.

(b) This paragraph applies to a claim against the decedent's real property if an individual other than the recipient's spouse had an ownership interest in the property at the time of the decedent's death and actually and continuously occupied the real property as the individual's residence for at least 180 days before the date the decedent died. If the real property is classified as the individual's homestead property for property tax purposes under section 273.124, no adjustment or recovery may be made until the individual no longer resides in the property or until the property is sold or transferred."

Delete the title and insert:

"A bill for an act relating to human services; modifying estates subject to medical assistance claims; amending Minnesota Statutes 2008, section 256B.15, subdivisions 1a, 5."

With the recommendation that when so amended 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. 1490, A bill for an act relating to transportation; regulating motor carriers of railroad employees; amending Minnesota Statutes 2008, sections 171.01, subdivision 22; 221.012, subdivisions 26, 38, by adding a subdivision; 221.0252, by adding a subdivision; 221.0314, by adding a subdivision; 221.141, subdivision 1.

Reported the same back with the following amendments:

Page 2, line 1, delete "and" and insert "or"

Page 2, line 7, after "employees" insert "of a class I or II common carrier, as defined in Code of Federal Regulations, title 49, part 1201, general instruction 1-1,"

Page 3, line 24, after the period, insert "The motor carrier of railroad employees shall also maintain uninsured and underinsured coverage with the same minimum limits. If a party contracts with the motor carrier on behalf of the railroad to transport the railroad employees, then the insurance requirement may be satisfied by either that party or the motor carrier, so long as the motor carrier is a named insured under any policy."

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. 1494, A bill for an act relating to civil actions; providing for wrongful death actions by domestic partners; amending Minnesota Statutes 2008, sections 3.736, subdivision 6; 466.05, subdivision 2; 573.02, subdivisions 1, 3.

Reported the same back with the following amendments:

Page 2, delete line 30

Page 2, line 31, delete "(2)" and insert "(1)"

Page 2, line 32, delete "(3)" and insert "(2)"

Page 2, line 34, delete "(4)" and insert "(3)"

Page 3, line 1, delete "(5)" and insert "(4)"

Page 3, line 4, delete "(6)" and insert "(5)"

Page 3, line 6, delete "(7)" and insert "(6)"

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. 1501, A bill for an act relating to local government; restructuring the Central Lakes Region Sanitary District as an elected body or alternatively providing for its dissolution; amending Laws 2003, chapter 127, article 9, section 2; proposing coding for new law in Minnesota Statutes, chapter 115.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 2003, chapter 127, article 9, section 9, is amended by adding a subdivision to read:

Subd. 7. **Clarification, no election required for local bonds for district disposal system.** Notwithstanding Minnesota Statutes, section 475.58, or any other law to the contrary, approval by the electors is not required for either the Central Lakes Region Sanitary District, or its local government units located in whole or in part in the district, to issue obligations to fund any costs associated with the district disposal system, including but not limited to the planning, administration, operation, maintenance, acquisition, betterment, and debt service of the system.

Sec. 2. Laws 2003, chapter 127, article 9, section 9, is amended by adding a subdivision to read:

Subd. 8. **Special charges authorized.** In order to pay, finance, and enforce collection of costs allocated to it by the district for the planning, administration, operation, maintenance, acquisition, betterment, and debt service of the district disposal system, the governing body of a local government unit may fix special charges with respect to the area of the government unit located in the district or on the entire net tax capacity of all taxable property of the government unit, or some combination of the two:

(1) by reference to the zoning classification of property being charged;

(2) by reference to the quantity, pollution qualities, and difficulty of disposal of sewage produced;

(3) based on the cost of providing planning, administration, operation, maintenance, acquisition, betterment, and debt service on a per parcel basis; or

(4) on any other equitable basis.

The authority in this subdivision is in addition to that in other provisions of this article and the governing body of a local government unit may by resolution adopted by a majority vote of the governing body employ any combination of tax levy, special assessment, or charges to pay its allocated costs. The amounts levied or fixed to be collected by any authorized means must be designed to approximate the actual allocated costs, and may not greatly exceed the actual allocated costs, together with costs of financing and collection. Any unpaid special charge may be certified to the Douglas County auditor by the township clerk, specifying the amount of the unpaid special charge, the parcel number of the property being charged, the interest rate, and the number of equal installments. The amount so certified shall be spread upon the tax rolls against each listed parcel in the same manner as other taxes, and collected by the county auditor and paid to the government unit along with other taxes or as a special assessment against the property, as provided in Minnesota Statutes, section 429.101. Nothing in this law shall be construed in any way to interfere with the authority of the governing body of the local governmental unit to employ the special charges.

Sec. 3. Laws 2003, chapter 127, article 9, section 9, is amended by adding a subdivision to read:

Subd. 9. **Town board may levy.** For the purposes of section 9, "governing body" for a town means the town board of supervisors.

Sec. 4. **CENTRAL LAKES REGION SANITARY DISTRICT; DISSOLUTION.**

Subdivision 1. **Application.** This section and section 5 apply to the Central Lakes Region Sanitary District established under Laws 2003, chapter 127, article 9, as amended. The definitions contained in Laws 2003, chapter 127, article 9, as amended, apply to this section and section 5.

Subd. 2. **Resolution of intent to dissolve; publication; cessation of business.** In order to begin the process of dissolution, the board must adopt a resolution of intent to dissolve the district by a vote of two-thirds of the board. At a minimum, the resolution must provide a statement of facts and circumstances justifying the dissolution and a plan for concluding the district's affairs. The board must publish the resolution of intent to dissolve in at least one newspaper of general circulation within the district once per week for two successive weeks after adoption of the resolution. The board must provide a copy of the resolution of intent to dissolve to each property owner in the district. The publication and mailing must be evidenced by affidavits. After adoption of the resolution, publication, and mailing of notices, the district must cease business except as necessary to conclude the district's affairs.

Sec. 5. **CENTRAL LAKES REGION SANITARY SEWER BOARD; RESOLUTION OF DISSOLUTION; DISPOSITION OF ASSETS AND CLAIMS.**

Subdivision 1. **Winding up of district.** After a resolution of intent to dissolve has been adopted and notice provided as required under section 4, the board shall proceed as soon as possible with the actions required in this section.

Subd. 2. **Collection, payment.** The board shall proceed as soon as possible to:

(1) collect or make provision for the collection of all known debts, including unallocated costs due or owing to the district;

(2) pay or make provision for the payment of all known debts, obligations, and liabilities of the district according to their priorities; and

(3) give notice to creditors and claimants of the district's intent to dissolve as provided in subdivision 5.

Subd. 3. **Valuation, disposition of assets.** The board (1) shall identify all assets and property of the district whether tangible or intangible, real or personal, and establish, where possible, a value of the assets and property, and (2) may sell, lease, transfer, or otherwise dispose of all or substantially all of the property and assets of the district. Disposition of assets may be made either to pay all or portions of debts or obligations or to preserve the interest of a local unit of government in the asset.

Subd. 4. **Distribution.** All tangible or intangible property, including money, remaining after the discharge of, or after making adequate provision for the discharge of, the debts, obligations, and liabilities of the district must be distributed to the townships on an equitable basis established by the board.

Subd. 5. **Notice to creditors and claimants.** The district shall give notice of the resolution to each creditor of and claimant against the district known or unknown, present or future, and contingent or noncontingent. Notice to creditors and claimants must be given by publishing the notice once each week for four successive weeks in a legal newspaper of Douglas County and by giving written notice to known creditors and claimants. The notice must contain:

(1) a statement that the district is in the process of dissolving;

(2) a statement that the district has properly adopted and noticed a resolution of intent to dissolve;

(3) a statement identifying the location at which a copy of the executed resolution of intent to dissolve may be inspected;

(4) the address of the office to which written claims against the district must be presented; and

(5) the date by which all the claims must be received, which is the later of 60 days after published notice or, with respect to a particular known creditor or claimant, 60 days after the date on which written notice was given to that creditor or claimant. Published notice is deemed given on the date of first publication for the purpose of determining this date.

Subd. 6. **Claims.** (a) The district has 40 days from the receipt of each claim to accept or reject the claim by giving written notice to the person submitting it. A claim not expressly rejected in this manner is deemed accepted. Claims must contain sufficient detail for the district to determine the nature, amount, and validity of the claim. The district may, within the 40 days from receipt of each claim, request additional information from the claimant regarding the claim. A request for additional information shall restart the timeline for submission, acceptance, or rejection.

(b) A creditor or claimant whose claim is rejected by the district has 60 days from the date of rejection to pursue any other remedies with respect to the claim.

(c) A creditor or claimant who fails to file a claim on or before the date set forth in the notice is barred from suing on that claim or otherwise realizing upon or enforcing it against the district or any participating township.

(d) A creditor or claimant whose claim is rejected by the district under paragraph (b) is barred from suing on that claim or otherwise realizing upon or enforcing it against the district or any participating township, if the creditor or claimant does not initiate legal, administrative, or arbitration proceedings with respect to the claim within the time provided in paragraph (b).

Subd. 7. **Resolution of dissolution; when filed; contents; effective date.** (a) The resolution of dissolution must be adopted by a vote of at least two-thirds of the members of the board. The resolution must be filed with the secretary of state after: (1) the 60-day period for submission of claims after notice has expired and the payment of claims of all creditors and claimants filing a claim within that period has been made or provided for; or (2) the period for bringing action on rejected claims has expired and there are no pending judicial, administrative, or arbitration proceedings by or against the district commenced within the time provided.

(b) The resolution of dissolution must state, at a minimum:

(1) the last date on which the notice was given and:

(i) that the payment of all creditors and claimants filing a claim within the 60-day period has been made or provided for; or

(ii) the period for bringing action on rejected claims has expired;

(2) that the remaining property, assets, and claims of the district have been distributed to the townships, pro rata, based upon the tax capacity of each township's territory within the district, or that adequate provision has been made for that distribution; and

(3) that there are no pending legal, administrative, or arbitration proceedings by or against the district commenced within the time provided or that adequate provision has been made for the satisfaction of any judgment, order, or decree that may be entered against it in a pending proceeding.

(c) When the resolution of dissolution has been filed with the secretary of state, the district is dissolved.

Sec. 6. **EFFECTIVE DATE.**

This act applies to the townships of Brandon, Carlos, LaGrand, Leaf Valley, Miliona, and Moe, all in Douglas County. This act is effective the day after all of the townships listed have completed local approval as provided in Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Delete the title and insert:

"A bill for an act relating to the Central Lakes Region Sanitary District; exempting certain bonds from elector approval; authorizing special charges; authorizing dissolution of the district; amending Laws 2003, chapter 127, article 9, section 9, by adding subdivisions."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1524, A bill for an act relating to human services; offering supplemental hospital coverage under the MinnesotaCare program; amending Minnesota Statutes 2008, sections 256L.03, subdivisions 3, 5, by adding a subdivision; 256L.12, subdivision 6.

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. 1543, A bill for an act relating to human services; requiring that the state perform family day care background checks; allowing access to criminal history data; amending Minnesota Statutes 2008, sections 245A.10, subdivision 2; 245A.16, subdivisions 1, 3; 245C.04, subdivision 1; 245C.05, subdivisions 2, 2a, 4, 7; 245C.08, subdivision 2; 245C.10, by adding a subdivision; 245C.17, by adding a subdivision; 245C.21, subdivision 1a; 245C.23, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 299C.

Reported the same back with the following amendments:

Page 9, delete section 14

Amend the title as follows:

Page 1, line 3, delete "allowing access to criminal history data;"

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. 1547, A bill for an act relating to transportation; creating pilot program to authorize and evaluate use of design-build method of contracting by municipalities; requiring report.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **DESIGN-BUILD PROJECT SELECTION COUNCIL.**

Subdivision 1. **Establishment of council.** A Design-Build Project Selection Council is established to select, evaluate, and support county and municipal transportation projects on the state-aid system that are conducive to use of the design-build method of contracting under the design-build contracting pilot program, and to report to the legislature.

Subd. 2. **Duties of council.** In order to accomplish these purposes, the council shall:

(1) review applications for participation received by the commissioner of transportation from counties and cities;

(2) select for participation in the pilot program a maximum of 15 projects on the state-aid system, no more than ten of which may be on the county state-aid highway system, and no more than ten of which may be on the municipal state-aid street system;

(3) determine that the use of design-build in the selected projects would serve the public interest, after considering, at a minimum:

(i) the extent to which the municipality can adequately define the project requirements in a proposed scope of the design and construction desired;

(ii) the time constraints for delivery of the project;

(iii) the capability of potential contractors with the design-build method of project delivery;

(iv) the suitability of the project for use of the design-build method of project delivery with respect to time, schedule, costs, and quality factors;

(v) the capability of the municipality to manage the project, including the employment of experienced personnel or outside consultants; and

(vi) the original character of the product or the services;

(4) periodically review and evaluate the use of design-build in the selected projects; and

(5) assist the commissioner in preparing a report to the legislature at the conclusion of the pilot program.

**Subd. 3. Membership.** (a) The council is composed of the following members:

(1) two contractors, at least one of whom represents a small contracting firm, selected by the Associated General Contractors, Minnesota chapter;

(2) two project designers selected by the American Council of Engineering Companies, Minnesota chapter;

(3) one representative of a metropolitan area county selected by the Association of Minnesota Counties;

(4) one representative of a greater Minnesota county selected by the Association of Minnesota Counties;

(5) one representative of a metropolitan area city selected by the League of Minnesota Cities;

(6) one representative of a greater Minnesota city selected by the League of Minnesota Cities; and

(7) the commissioner of transportation or a designee from the Minnesota Department of Transportation Division of State Aid for Local Transportation.

(b) All appointments required by paragraph (a) must be completed by August 1, 2009.

(c) The commissioner or the commissioner's designee shall convene the first meeting of the council within two weeks after the members have been appointed to the council and shall serve as chair of the council.

**Subd. 4. Report to legislature.** Annually, by October 1, the council shall submit a report to the chairs of the legislative committees with jurisdiction over transportation budget and policy, and to the legislature as provided under Minnesota Statutes, section 15.059. The report must summarize the design-build pilot program selection process, including the number of applications considered; the proposal process for each project that was selected; the contracting process for each project that was completed; and project costs. The report must evaluate the process and results applying the performance-based measures with which the commissioner evaluates trunk highway design-build projects. The report must include any recommendations for future legislation.



Sec. 2. **DESIGN-BUILD CONTRACTING PILOT PROGRAM.**

Subdivision 1. **Definitions.** The following terms have the meanings given:

(1) "commissioner" means the commissioner of transportation;

(2) "municipality" means a county or statutory or home rule charter city;

(3) "design-build contract" means a single contract between a municipality and a design-build company or firm to furnish the architectural or engineering and related design services as well as the labor, material, supplies, equipment, and construction services for the transportation project;

(4) "design-build firm" means a proprietorship, partnership, limited liability partnership, joint venture, corporation, any type of limited liability company, professional corporation, or any legal entity;

(5) "design professional" means a person who holds a license under Minnesota Statutes, chapter 326B, that is required to be registered under Minnesota law;

(6) "design-build transportation project" means the procurement of both the design and construction of a transportation project in a single contract with a company or companies capable of providing the necessary engineering services and construction;

(7) "design-builder" means the design-build firm that proposes to design and build a transportation project governed by the procedures of this section;

(8) "request for proposals" or "RFP" means the document by which the municipality solicits proposals from qualified design-build firms to design and construct the transportation project;

(9) "request for qualifications" or "RFQ" means a document to qualify potential design-build firms; and

(10) "responsive proposal" means a technical proposal of which no major component contradicts the goals of the project, significantly violates an RFP requirement, or places conditions on a proposal.

Subd. 2. **Establishment of pilot program.** (a) The commissioner of transportation shall conduct a design-build contracting pilot program to select local transportation projects for participation in the program, to conduct information sessions for engineers and contractors, to support and evaluate the use of the design-build method of contracting by counties and statutory and home rule charter cities in constructing, improving, and maintaining streets and highways on the state-aid system, and to report to the legislature.

(b) The selection of design-build projects under the pilot program must be as made by the Design-Build Project Selection Council established in section 1.

Subd. 3. **Licensing requirements.** (a) Each design-builder shall employ, or have as a partner, member, officer, coventurer, or subcontractor, a person duly licensed and registered to provide the design services required to complete the project and do business in the state.

(b) A design-builder may enter into a contract to provide professional or construction services for a project that the design-builder is not licensed, registered, or qualified to perform, so long as the design-builder provides those services through subcontractors with duly licensed, registered, or otherwise qualified individuals in accordance with Minnesota Statutes, sections 161.3410 to 161.3428.

(c) Nothing in this section authorizing design-build contracts is intended to limit or eliminate the responsibility or liability owed by a professional on a design-build project to the state, municipality, or other third party under existing law.

(d) The design service portion of a design-build contract must be considered a service and not a product.

Subd. 4. **Information session for municipal engineer.** After a project is selected for participation in the design-build contracting pilot program, the commissioner or the commissioner's designee with design-build experience shall conduct an information session for the municipality's engineer for each selected project, in which issues unique to design-build must be discussed including, but not limited to, writing an RFP, project oversight requirements, assessing risk, and communication with the design-build firm. After participation in the information session, the municipality's engineer is qualified to post the selected project, along with any future design-build project RFP in the pilot program.

Subd. 5. **Technical Review Committee.** During the phase one RFQ and before solicitation, the municipality shall appoint a Technical Review Committee of at least five individuals. The Technical Review Committee must include an individual whose name and qualifications are submitted to the municipality by the Minnesota chapter of the Associated General Contractors, after consultation with other commercial contractor associations in the state. Members of the Technical Review Committee who are not state employees are subject to the Minnesota Government Data Practices Act and Minnesota Statutes, section 16C.06, to the same extent that state agencies are subject to those provisions. A Technical Review Committee member may not participate in the review or discussion of responses to the RFQ or RFP when a design-build firm in which the member has a financial interest has responded to the RFQ or RFP. "Financial interest" includes, but is not limited to, being or serving as an owner, employee, partner, limited liability partner, shareholder, joint venturer, family member, officer, or director of a design-build firm responding to an RFQ or RFP for a specific project, or having any other economic interest in that design-build firm. The members of the Technical Review Committee must be treated as municipal employees in the event of litigation resulting from any action arising out of their service on the committee.

Subd. 6. **Phase one; design-build RFQ.** The municipality shall prepare an RFQ, which must include the following:

- (1) the minimum qualifications of design-builders necessary to meet the requirements for acceptance;
- (2) a scope of work statement and schedule;
- (3) documents defining the project requirements;
- (4) the form of contract to be awarded;
- (5) the weighted selection criteria for compiling a short list and the number of firms to be included in the short list, which must be at least two but not more than five;
- (6) a description of the RFP requirements;
- (7) the maximum time allowed for design and construction;
- (8) the municipality's estimated cost of design and construction;
- (9) requirements for construction experience, design experience, and financial, personnel, and equipment resources available from potential design-builders for the project and experience in other design-build transportation projects or similar projects, provided that these requirements may not unduly restrict competition; and

(10) a statement that "past performance," "experience," or other criteria used in the RFQ evaluation process does not include the exercise or assertion of a person's legal rights.

Subd. 7. **Information session for prospective design-build firms.** After an RFQ solicitation for a design-build project is made, any prospective design-build firm shall attend a design-build information session conducted by the commissioner or the commissioner's designee with design-build experience. The information must include information about design-build contracts, including, but not limited to, communication with partner firms, project oversight requirements, assessing risk, and communication with the municipality's engineer. After participation in the information session, the design-build firm is eligible to bid on the design-build project and any future design-build pilot program projects.

Subd. 8. **Evaluation; short list.** The selection team shall evaluate the design-build qualifications of responding firms and shall compile a short list of no more than five most highly qualified firms in accordance with qualifications criteria described in the RFQ. If only one design-build firm responds to the RFQ or remains on the short list, the municipality may readvertise or cancel the project as the municipality deems necessary.

Subd. 9. **Phase two; design-build RFP.** The municipality shall prepare an RFP, which must include:

(1) the scope of work, including (i) performance and technical requirements, (ii) conceptual design, (iii) specifications, and (iv) functional and operational elements for the delivery of the completed project, all of which must be prepared by a registered or licensed professional engineer;

(2) copies of the contract documents that the successful proposer will be expected to sign;

(3) the maximum time allowable for design and construction;

(4) the road authority's estimated cost of design and construction;

(5) the requirement that a submitted proposal be segmented into two parts, a technical proposal and a price proposal;

(6) the requirement that each proposal be in a separately sealed, clearly identified package and include the date and time of the submittal deadline;

(7) the requirement that the technical proposal include a critical path method, bar schedule of the work to be performed, or similar schematic; preliminary design plans and specifications; technical reports; calculations; permit requirements; applicable development fees; and other data requested in the RFP;

(8) the requirement that the price proposal contain all design, construction, engineering, inspection, and construction costs of the proposed project;

(9) the date, time, and location of the public opening of the sealed price proposals;

(10) the amount of, and eligibility for, a stipulated fee;

(11) other information relevant to the project; and

(12) a statement that "past performance," "experience," or other criteria used in the RFP evaluation process does not include the exercise or assertion of a person's legal rights.

Subd. 10. **Design-build award; computation; announcement.** A design-build contract must be awarded as follows:

(a) The Technical Review Committee shall score the technical proposals of the proposers selected under subdivision 8 using the selection criteria in the RFP. The Technical Review Committee shall then submit a technical proposal score for each design-builder to the municipality. The Technical Review Committee shall reject any nonresponsive proposal. The municipality shall review the technical proposal scores.

(b) The commissioner or the commissioner's designee shall review the technical proposal scores. The commissioner shall submit the final technical proposal scores to the municipality.

(c) The municipality shall announce the technical proposal score for each design-builder and shall publicly open the sealed price proposals and shall divide each design-builder's price by the technical score that the commissioner has given to it to obtain an adjusted score. The design-builder selected must be that responsive and responsible design-builder whose adjusted score is the lowest.

(d) If a time factor is included with the selection criteria in the RFP package, the municipality may use a value of the time factor established by the municipality as a criterion in the RFP.

(e) Unless all proposals are rejected, the municipality shall award the contract to the responsive and responsible design-builder with the lowest adjusted score. The municipality shall reserve the right to reject all proposals.

(f) The municipality shall award a stipulated fee not less than two-tenths of one percent of the municipality's estimated cost of design and construction to each short-listed, responsible proposer who provides a responsive but unsuccessful proposal. If the municipality does not award a contract, all short-listed proposers must receive the stipulated fee. If the municipality cancels the contract before reviewing the technical proposals, the municipality shall award each design-builder on the short list a stipulated fee of not less than two-tenths of one percent of the municipality's estimated cost of design and construction. The municipality shall pay the stipulated fee to each proposer within 90 days after the award of the contract or the decision not to award a contract. In consideration for paying the stipulated fee, the municipality may use any ideas or information contained in the proposals in connection with any contract awarded for the project or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful proposers. Notwithstanding the other provisions of this subdivision, an unsuccessful short-list proposer may elect to waive the stipulated fee. If an unsuccessful short-list proposer elects to waive the stipulated fee, the municipality may not use ideas and information contained in that proposer's proposal. Upon the request of the municipality, a proposer who waived a stipulated fee may withdraw the waiver, in which case the municipality shall pay the stipulated fee to the proposer and thereafter may use ideas and information in the proposer's proposal.

Subd. 11. **Low-bid design-build process.** (a) The municipality may also use low-bid, design-build procedures to award a design-build contract where the scope of the work can be clearly defined.

(b) Low-bid design-build projects may require an RFQ and short-listing, and must require an RFP.

(c) Submitted proposals under this subdivision must include separately a technical proposal and a price proposal. The low-bid, design-build procedures must follow a two-step process for review of the responses to the RFP as follows:

(1) The first step is the review of the technical proposal by the Technical Review Committee as provided in subdivision 5. The Technical Review Committee shall open the technical proposal first and shall determine if it complies with the requirements of the RFP and is responsive. The Technical Review Committee may not perform any ranking or scoring of the technical proposals.

(2) The second step is the determination of the low bidder based on the price proposal. The municipality may not open the price proposal until the review of the technical proposal is complete.

(d) The contract award under low-bid, design-build procedures must be made to the proposer whose sealed bid is responsive to the technical requirements as determined by the Technical Review Committee and that is also the lowest bid.

(e) A stipulated fee may be paid for unsuccessful bids on low-bid, design-build projects only when the municipality has required an RFO and short-listed the most highly qualified responsive bidders.

Sec. 3. **EXPIRATION.**

The Design-Build Project Selection Council under section 1 and the pilot program under section 2 expire October 1, 2012, or upon completion of nine design-build projects under this pilot program, whichever occurs first.

Sec. 4. **EFFECTIVE DATE.**

This act is effective the day following final enactment."

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

The report was adopted.

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

H. F. No. 1554, A bill for an act relating to health; modifying isolation and quarantine provisions and provisions for mass dispensing of medications; amending Minnesota Statutes 2008, sections 144.4195, subdivisions 1, 2, 3, 5; 144.4197; 145A.06, subdivision 7; 151.37, subdivisions 2, 10; proposing coding for new law in Minnesota Statutes, chapter 144.

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. 1659, A bill for an act relating to human services; establishing a human service authority; establishing aid to counties; creating a workgroup; requiring a report; proposing coding for new law as Minnesota Statutes, chapter 402A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"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; establishing a State-County Results, Accountability, and Service Delivery Redesign; requiring reports; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 402A."

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. 1673, A bill for an act relating to natural resources; establishing a conservation easement management account; requiring contributions; proposing coding for new law in Minnesota Statutes, chapter 84C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[84C.021] CONSERVATION EASEMENT PURPOSE STATEMENT.**

A conservation easement executed on or after July 1, 2009, that is purchased in whole or in part with state funds, must include a statement of the conservation purposes of the easement including the conservation attributes associated with the real property and the benefit to the general public intended to be served by the restriction on uses of the real property subject to the conservation easement.

Sec. 2. **[84C.06] LONG-TERM LAND MANAGEMENT ACCOUNT.**

Subdivision 1. **Account established.** A long-term land management account is established in the special revenue fund. The commissioner of finance shall credit to the long-term land management account the contributions required under subdivision 2 and any gifts and donations made to the account.

Subd. 2. **Contributions required.** (a) A holder of a conservation easement executed on or after July 1, 2009, that is purchased in whole or in part with state funds, shall contribute five percent of the appraised value of the land to the long-term land management account established in subdivision 1 within 30 days of purchasing the easement.

(b) A holder of a conservation easement that transfers a conservation easement to the state on or after July 1, 2009, shall contribute five percent of the appraised value of the land to the long-term land management account established in subdivision 1 within 30 days of transferring the easement unless the contribution requirement has been met by the state.

(c) The owner of land acquired in fee title purchased in whole or in part with state funds for natural resource purposes, including lands acquired by the commissioner of natural resources and lands acquired to restore, protect, and enhance wetlands, prairies, forests, habitat, water quality, and other natural resources, shall contribute five percent of the appraised value of the land to the long-term land management account established in subdivision 1 within 30 days of purchasing the land.

(d) The owner of land acquired in fee title purchased in whole or in part with state funds for natural resource purposes, including lands acquired by the commissioner of natural resources or lands acquired to restore, protect, and enhance wetlands, prairies, forests, habitat, water quality, and other natural resources, that transfers land to the state on or after July 1, 2009, shall contribute five percent of the appraised value of the land to the long-term land management account established in subdivision 1 within 30 days of transferring the land unless the contribution requirement has been met by the state.

(e) Nothing in this section prohibits a holder of an easement or the owner of land in fee title from accepting gifts or other funds to be used in meeting the contribution requirements of this section or prohibits a contribution from being made on behalf of a holder of an easement or owner of land in fee title to meet the requirements of this section.

(f) For the purposes of this section, "appraised value" is the most recent assessor's estimated market value under section 273.11, subdivision 1, the most recent purchase price, or the most recent appraised value of the land, whichever is greater.

Subd. 3. **Exemption.** The commissioner of natural resources may waive the contribution requirement under subdivision 2 for a holder of a conservation easement or owner of land in fee title, upon request, provided the following conditions are met:

(1) for the holder of a conservation easement, the holder must:

(i) demonstrate a history of providing long-term management, monitoring, and enforcement of conservation easements;

(ii) demonstrate the ability to fund long-term management, monitoring, and enforcement of conservation easements; and

(iii) have or soon will set aside funds for the management, monitoring, and enforcement of the conservation easement subject to the requirement under subdivision 2, such as administration of an account similar to the long-term land management account established under this section.

(2) for the owner of land in fee title, the owner must:

(i) demonstrate a history of providing land management in accordance with applicable requirements and natural resource purposes;

(ii) demonstrate the ability to fund the applicable land management requirements and purposes; and

(iii) have or soon will set aside funds for the management of the land subject to the requirement under subdivision 2, such as administration of an account similar to the long-term land management account established under this section.

Subd. 4. **Expenditures.** Money appropriated from the long-term land management account must only be spent on the management, monitoring, and enforcement of conservation easements to ensure that the purposes for conservation easements according to section 84C.021 are met and on the management of lands purchased with state funds for natural resource purposes. Funds must be appropriated by law and shall not be appropriated until July 1, 2017.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective July 1, 2009."

Delete the title and insert:

"A bill for an act relating to natural resources; establishing long-term land management account; requiring contributions; proposing coding for new law in Minnesota Statutes, chapter 84C."

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. 1674, A bill for an act relating to natural resources; providing for disposition of receipts to the parks and trails fund; establishing a grant program; appropriating money; amending Minnesota Statutes 2008, section 85.53; proposing coding for new law in Minnesota Statutes, chapter 85.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

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

**85.53 PARKS AND TRAILS FUND.**

Subdivision 1. **Fund established; purpose.** 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. **Metropolitan area distribution formula.** Money appropriated from the parks and trails fund to the Metropolitan Council shall be distributed to implementing agencies, as defined in section 473.351, subdivision 1, paragraph (a), as grants according to the following formula:

(1) 45 percent of the money must be disbursed according to the allocation formula in section 473.351, subdivision 3, to each implementing agency;

(2) 31.5 percent of the money must be distributed based on each implementing agency's relative share of the most recent estimate of the population of the metropolitan area;

(3) 13.5 percent of the money must be distributed based on each implementing agency's relative share of nonlocal visits based on the most recent user visitation survey conducted by the Metropolitan Council; and

(4) ten percent of the money must be distributed as grants to implementing agencies for land acquisition within Metropolitan Council approved regional parks and trails master plan boundaries under the council's park acquisition opportunity grant program. The Metropolitan Council must provide a match of \$2 of the council's park bonds for every \$3 of state funds for the park acquisition opportunity grant program.

Subd. 3. **Signage.** Recipients of money from the parks and trails fund must develop and use appropriate signage and notices to the public that activities or projects funded under this section are the results of the clean water, land, and legacy amendment to the Minnesota Constitution adopted by the voters in November 2008.

Subd. 4. **Report required.** The commissioner of natural resources and the chair of the Metropolitan Council, with data provided by implementing agencies as defined under section 473.351, subdivision 1, paragraph (a), must submit a report on the expenditure and use of money distributed under subdivision 2 to the legislature by March 1 of each year. The report must relate the expenditure of money by the categories established in subdivision 2 and must detail the outcomes in terms of additional use of park or trail resources, user satisfaction surveys, and other appropriate measurable outcomes.

**Sec. 2. [85.535] PARKS AND TRAILS LEGACY GRANT PROGRAM.**

The commissioner of natural resources shall administer a program to provide grants from the parks and trails fund to support parks and trails of regional or statewide significance.

**Sec. 3. STATE AND REGIONAL PARKS AND TRAILS FRAMEWORK.**

(a) \$..... in fiscal year 2010 is appropriated from the parks and trails fund to the commissioner of natural resources for a collaborative project to develop a 25-year framework for the use of the money available in the parks and trails fund under the Minnesota Constitution, article XI, section 15, and other traditional sources of funding. The collaborative project shall consist of a joint effort between representatives of the commissioner of natural resources, the Metropolitan Council and its implementing agencies, the Central Minnesota Regional Parks and Trails Coordinating Board, and regional parks and trails organizations outside the metropolitan area. The members shall

prepare a ten-year strategic parks and trails coordination plan and develop a 25-year framework for use of the funding that includes goals and measurable outcomes and includes a vision for Minnesotans of what the state and regional parks will look like in 25 years.

(b) In developing the coordination plan and framework, the members shall utilize a process, including Web site survey tools and regional listening sessions, to be staffed by the commissioner, that ensures that citizens are included in development and finalization of the final plan and framework. The commissioner, council, and board shall provide for input from user groups and local and regional park and trail organizations.

(c) The plan and framework must include:

(1) a proposed definition of "parks and trails of regional significance";

(2) a plan to increase the number of visitors to state and regional parks;

(3) a plan for serving areas with limited access to state parks, including identifying the potential for county collaboration;

(4) budgeting for ongoing maintenance;

(5) decommissions;

(6) a plan for trails that takes into account connectivity and the potential for use by commuters;

(7) requirements for local contribution; and

(8) benchmarks, beginning no later than July 1, 2014.

(d) The commissioner shall submit the ten-year plan and 25-year framework in a report to the legislature no later than October 1, 2010."

Amend the title as follows:

Page 1, line 3, after "program;" insert "requiring a report;"

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. 1703, A bill for an act relating to human services; amending health care eligibility provisions for medical assistance, MinnesotaCare, and general assistance medical care; establishing a Drug Utilization Review Board; authorizing rulemaking; requiring a report; amending Minnesota Statutes 2008, sections 62J.2930, subdivision 3; 245.494, subdivision 3; 256.015, subdivision 7; 256.969, subdivision 3a; 256B.037, subdivision 5; 256B.056, subdivisions 1c, 3c, 6; 256B.0625, by adding subdivisions; 256B.094, subdivision 3; 256B.195, subdivisions 1, 2, 3; 256B.199; 256B.69, subdivision 5a; 256B.77, subdivision 13; 256D.03, subdivision 3; 256L.01, subdivision 4; 256L.03, subdivision 5; 256L.15, subdivision 2; 507.092, by adding a subdivision; Laws 2005, First Special Session chapter 4, article 8, sections 54; 61; 63; 66; repealing Minnesota Statutes 2008, section 256B.031.

Reported the same back with the following amendments:

Page 12, after line 13, insert:

**EFFECTIVE DATE.** This section is effective August 1, 2009, or upon federal approval, whichever is later."

Page 15, lines 18 and 19, delete the new language and reinstate the stricken language

Page 21, delete section 19 and insert:

"Sec. 19. Minnesota Statutes 2008, section 256L.01, is amended by adding a subdivision to read:

Subd. 4a. **Gross individual or gross family income.** "Gross individual or gross family income" means:

(1) for nonfarm self-employed, income calculated for the 12-month period of eligibility using, as a baseline, the adjusted gross income reported on the applicant's federal income tax form for the previous year and adding back in depreciation and carryover net operating loss amounts that apply to the business in which the family is currently engaged;

(2) for farm self-employed, income calculated for the 12-month period of eligibility using, as the baseline, the adjusted gross income reported on the applicant's federal income tax form for the previous year and adding back in reported depreciation amounts that apply to the business in which the family is currently engaged; and

(3) the total income for all family members, calculated for the 12-month period of eligibility.

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

Page 25, delete section 27 and insert:

"Sec. 27. Laws 2005, First Special Session chapter 4, article 8, section 74, the effective date, is amended to read:

**EFFECTIVE DATE.** The amendment to paragraph (a) changing gross family or individual income to monthly gross family or individual income is effective August 1, 2007, or upon implementation of HealthMatch, whichever is later 2009. The amendment to paragraph (a) related to premium adjustments and changes of income and the amendment to paragraph (c) are effective September 1, 2005, or upon federal approval, whichever is later. ~~Prior to the implementation of HealthMatch, The commissioner shall implement this section to the fullest extent possible, including the use of manual processing. Upon implementation of HealthMatch, the commissioner shall implement this section in a manner consistent with the procedures and requirements of HealthMatch.~~

Sec. 28. **REPEALER.**

(a) Minnesota Statutes 2008, sections 256B.031; and 256L.01, subdivision 4, are repealed.

(b) Laws 2005, First Special Session chapter 4, article 8, sections 21; 22; 23; and 24, are repealed.

**EFFECTIVE DATE.** This section is effective August 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. 1709, A bill for an act relating to human services; changing child welfare provisions; amending Minnesota Statutes 2008, sections 13.46, subdivision 2; 256.01, subdivision 14b; 259.52, subdivisions 2, 6; 260.012; 260.93; 260B.007, subdivision 7; 260B.157, subdivision 3; 260B.198, subdivision 1; 260C.007, subdivisions 18, 25; 260C.151, subdivisions 1, 2, 3, by adding a subdivision; 260C.163, by adding a subdivision; 260C.175, subdivision 1; 260C.176, subdivision 1; 260C.178, subdivisions 1, 3; 260C.201, subdivisions 1, 3, 5, 11; 260C.209, subdivision 3; 260C.212, subdivisions 1, 2, 4, 4a, 5, 7; 260D.02, subdivision 5; 260D.03, subdivision 1; 260D.07; 484.76, subdivision 2; Laws 2008, chapter 361, article 6, section 58; proposing coding for new law in Minnesota Statutes, chapter 260C; repealing Minnesota Statutes 2008, section 260C.209, subdivision 4.

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. 1713, A bill for an act relating to licensing examinations; prohibiting certain practices in preparation for a radiologic technology examination; establishing penalties; amending Minnesota Statutes 2008, section 144.121, 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 144.121, is amended by adding a subdivision to read:

**Subd. 9. Subversion of examination.** (a) A person engages in examination subversion practice when, with respect to any licensing or certifying examination in the field of radiologic technology, the person:

- (1) removes from the examination room any examination materials without specific authorization;
- (2) without authorization, discloses, publishes, transmits, or reconstructs by any means, including but not limited to memorization, any portion of the examination;
- (3) pays or uses professional or paid examination takers for the purpose of reconstructing any portion of the examination;
- (4) without authorization, obtains examination questions, answers, or materials, whether requested or not, either before, during, or after an examination;
- (5) uses or purports to use any examination questions, answers, or materials that were improperly obtained from any examination for the purpose of instructing or preparing an applicant for examination;
- (6) sells or offers to sell, distributes or offers to distribute, buys or offers to buy, or receives or possesses without authorization any portion of a future, current, or previously administered examination;
- (7) communicates with any other person during the administration of an examination for the purpose of giving or receiving any unauthorized aid;



(8) copies answers from another examinee or permits the person's own answers to be copied by another examinee;

(9) possesses during the administration of the examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed and materials otherwise specifically authorized to be possessed during the examination;

(10) takes an examination using the identity of another person or has another person take an examination using a false identity;

(11) engages in any other conduct that violates the security of the examination materials;

(12) attempts to engage in any act listed in this paragraph; or

(13) aids or abets another person to engage in any act listed in this paragraph.

(b) Any person damaged or likely to be damaged by an examination subversion practice may seek injunctive relief in district court and recovery of damages caused by the practice. The court may award costs and disbursements to a prevailing party in an action under this subdivision. The court shall award reasonable attorney fees to a prevailing party if:

(1) the party complaining of an examination subversion practice has brought the action knowing it to be groundless; or

(2) the party alleged to have engaged in an examination subversion practice has wilfully engaged in the practice.

(c) The remedies provided in this subdivision are in addition to any other remedy or penalty that may be available for the same conduct as permitted by law."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1745, A bill for an act relating to health; modifying provisions in health occupations for speech language pathologists and occupational therapists; expanding definition of licensed health care professional; changing provisions for food, beverage, and lodging establishments; requiring the Department of Health to use rules and guidelines from the federal government to implement the minimum data set for resident reimbursement classification; establishing fees; amending Minnesota Statutes 2008, sections 148.512, subdivision 13; 148.5193, subdivision 6a; 148.5194, subdivisions 2, 3, 7; 148.6402, subdivisions 13, 22a; 148.6405; 148.6440, subdivision 2; 157.16, subdivisions 2, 4; repealing Minnesota Rules, parts 4610.0420; 4610.0500, subparts 1, 2, 3, 5; 4610.0600, subparts 1, 3, 4; 4610.0650.

Reported the same back with the following amendments:

Page 1, after line 13, insert:

"Section 1. **[145.58] PEDIATRIC VACCINE ADMINISTRATION.**

The commissioner of health shall enroll a licensed pharmacy or individual pharmacist as a program-registered provider in the pediatric vaccine administration program under section 13631 of the federal Omnibus Budget Reconciliation Act of 1993, Public Law 103-66, based on the program's infrastructure capacity to enroll the additional pharmacy providers in the program."

Page 6, after line 32, insert:

"Sec. 11. Minnesota Statutes 2008, section 151.01, subdivision 27, is amended to read:

Subd. 27. **Practice of pharmacy.** "Practice of pharmacy" means:

- (1) interpretation and evaluation of prescription drug orders;
- (2) compounding, labeling, and dispensing drugs and devices (except labeling by a manufacturer or packager of nonprescription drugs or commercially packaged legend drugs and devices);
- (3) participation in clinical interpretations and monitoring of drug therapy for assurance of safe and effective use of drugs;
- (4) participation in drug and therapeutic device selection; drug administration for first dosage and medical emergencies; drug regimen reviews; and drug or drug-related research;
- (5) participation in administration of influenza vaccines to all eligible individuals ~~over~~ ten years of age and older and all other vaccines to patients 18 years of age and older under standing orders from a physician licensed under chapter 147 or by written protocol with a physician provided that:
  - (i) the pharmacist is trained in a program approved by the American Council of Pharmaceutical Education for the administration of immunizations or graduated from a college of pharmacy in 2001 or thereafter; and
  - (ii) the pharmacist reports the administration of the immunization to the patient's primary physician or clinic;
- (6) participation in the practice of managing drug therapy and modifying drug therapy, according to section 151.21, subdivision 1, according to a written protocol between the specific pharmacist and the individual dentist, optometrist, physician, podiatrist, or veterinarian who is responsible for the patient's care and authorized to independently prescribe drugs. Any significant changes in drug therapy must be reported by the pharmacist to the patient's medical record;
- (7) participation in the storage of drugs and the maintenance of records;
- (8) responsibility for participation in patient counseling on therapeutic values, content, hazards, and uses of drugs and devices; and
- (9) offering or performing those acts, services, operations, or transactions necessary in the conduct, operation, management, and control of a pharmacy."

Page 7, line 25, after "guidelines" insert "when they are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "requiring the commissioner of health to enroll pharmacies or pharmacists in the pediatric vaccine administration program; changing the age requirement for pharmacists administering influenza vaccines;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 1756, A bill for an act relating to the Public Facilities Authority; providing for federal use of funds allocated to the state by the American Recovery and Reinvestment Act; providing for clean water and drinking water loans and grants; appropriating money; amending Minnesota Statutes 2008, sections 446A.07, subdivision 7; 446A.081, subdivision 8.

Reported the same back with the following amendments:

Page 3, line 2, after the period, insert "For the purpose of this subdivision, the term "grant" includes principal forgiveness that is granted at the time a loan is made."

Page 3, line 18, delete "five" and insert "20"

Page 4, line 7, after the period, insert "For the purpose of this subdivision, the term "grant" includes principal forgiveness that is granted at the time a loan is made."

Page 4, line 23, delete "ten" and insert "20"

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

The report was adopted.

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

H. F. No. 1783, A bill for an act relating to human services; eliminating medical assistance coverage for certain ineffective preventive services; amending Minnesota Statutes 2008, section 256B.0625, subdivision 14.

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

The report was adopted.

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

H. F. No. 1795, A bill for an act relating to health; establishing licensure for birthing centers; limiting reimbursement for uncomplicated births; designating licensed birthing centers as essential community providers; amending Minnesota Statutes 2008, section 62Q.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 144; 256B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **INTENT.**

Nothing in sections 2 to 6 requires a pregnant woman enrolled in medical assistance to deliver at a birthing center.

Sec. 2. Minnesota Statutes 2008, section 62Q.19, subdivision 1, is amended to read:

Subdivision 1. **Designation.** (a) The commissioner shall designate essential community providers. The criteria for essential community provider designation shall be the following:

(1) a demonstrated ability to integrate applicable supportive and stabilizing services with medical care for uninsured persons and high-risk and special needs populations, underserved, and other special needs populations; and

(2) a commitment to serve low-income and underserved populations by meeting the following requirements:

(i) has nonprofit status in accordance with chapter 317A;

(ii) has tax exempt status in accordance with the Internal Revenue Service Code, section 501(c)(3);

(iii) charges for services on a sliding fee schedule based on current poverty income guidelines; and

(iv) does not restrict access or services because of a client's financial limitation;

(3) status as a local government unit as defined in section 62D.02, subdivision 11, a hospital district created or reorganized under sections 447.31 to 447.37, an Indian tribal government, an Indian health service unit, or a community health board as defined in chapter 145A;

(4) a former state hospital that specializes in the treatment of cerebral palsy, spina bifida, epilepsy, closed head injuries, specialized orthopedic problems, and other disabling conditions; ~~or~~

(5) a sole community hospital. For these rural hospitals, the essential community provider designation applies to all health services provided, including both inpatient and outpatient services. For purposes of this section, "sole community hospital" means a rural hospital that:

(i) is eligible to be classified as a sole community hospital according to Code of Federal Regulations, title 42, section 412.92, or is located in a community with a population of less than 5,000 and located more than 25 miles from a like hospital currently providing acute short-term services;

(ii) has experienced net operating income losses in two of the previous three most recent consecutive hospital fiscal years for which audited financial information is available; and

(iii) consists of 40 or fewer licensed beds; or

(6) a birthing center licensed under section 144.566.

(b) Prior to designation, the commissioner shall publish the names of all applicants in the State Register. The public shall have 30 days from the date of publication to submit written comments to the commissioner on the application. No designation shall be made by the commissioner until the 30-day period has expired.

(c) The commissioner may designate an eligible provider as an essential community provider for all the services offered by that provider or for specific services designated by the commissioner.

(d) For the purpose of this subdivision, supportive and stabilizing services include at a minimum, transportation, child care, cultural, and linguistic services where appropriate.

Sec. 3. **[144.566] BIRTHING CENTERS.**

Subdivision 1. **Definition.** For purposes of this section, "birthing center" means a health care facility that is licensed for the primary purpose of performing low-risk deliveries and that is not a hospital or in a hospital and where births are planned to occur away from the mother's usual residence following a normal uncomplicated pregnancy.

Subd. 2. **License required.** (a) No person may establish, conduct, or maintain a birthing center without first obtaining a license from the commissioner of health according to this section. The license is effective for one year following the date of issuance.

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

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

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

Subd. 3. **Application.** An application for a license to operate a birthing center and the applicable fee under subdivision 6 must be submitted to the commissioner on a form provided by the commissioner and must contain:

(1) the name of the applicant;

(2) the location of the birthing center;

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

(4) documentation that the standards described under subdivision 5 have been met; and

(5) any other information the commissioner deems necessary.

Subd. 4. **Suspension, revocation, and refusal to renew.** The commissioner may refuse to grant or renew, or may suspend or revoke, a license on any of the grounds described under section 144.55, subdivision 6, and the applicant or licensee is entitled to notice and a hearing as described under section 144.55, subdivision 7.

Subd. 5. **Standards for licensure.** To be eligible for licensure under this section, a birthing center must meet the following requirements:

(1) a governing body or person must be clearly identified as being legally responsible for setting policies and procedures and ensuring that they are implemented;

(2) care must be provided by a physician, advanced practice registered nurse, or licensed traditional midwife during labor, birth, and puerperium; and

(3) all standards for a licensed birthing center set out by the commissioner in Minnesota Rules.

Subd. 6. **Fees.** The annual license fee for a birthing center is \$..... and shall be collected and deposited according to section 144.122. The commissioner may adjust the annual license fee for the first four years of the licensing program to include the costs of rulemaking required under this section.

Subd. 7. **Inspections.** The commissioner shall annually conduct an inspection of each licensed birthing center for the purpose of determining compliance with this section and any rules adopted under subdivision 8.

Subd. 8. **Rules.** (a) The commissioner must adopt rules to establish standards for licensing birthing centers by July 1, 2010, and may adopt any other rules necessary to implement this section.

(b) In adopting rules for birthing centers, the commissioner must consider the American Association of Birth Centers standards for freestanding birth centers; the American Academy of Pediatrics/American College of Obstetricians and Gynecologists guidelines for perinatal care; the American College of Nurse-Midwives standards; and the American Public Health Association guidelines.

Sec. 4. **[144.567] INTEROPERABLE ELECTRONIC HEALTH RECORDS.**

Birthing centers licensed under section 144.566 must have in place an interoperable electronic health records system that is compliant with the requirements of section 62J.495.

Sec. 5. **[144.568] LIMITED LIABILITY FOR HOSPITAL TRANSFERS.**

Subdivision 1. **Hospital liability is limited.** A hospital licensed under section 144.55 that receives a patient transferred from a birthing center, as defined in section 144.566, due to complications of labor or delivery is not liable for acts or omissions that occurred at the birthing center prior to the transfer of the patient to the hospital. A hospital is liable to a patient who is transferred from a birthing center for damages not to exceed \$1,000,000.

Subd. 2. **Physician liability is limited.** A licensed physician who receives a patient transferred to a hospital from a birthing center, as defined in section 144.566, due to complications of labor or delivery is not liable for acts or omissions that occurred at the birthing center prior to the transfer of the patient to the physician's care.

Subd. 3. **Birthing center liability.** Nothing in this section limits the liability of a birthing center, as defined in section 144.566.

Sec. 6. Minnesota Statutes 2008, section 256B.0625, is amended by adding a subdivision to read:

Subd. 53. **Services provided in birthing centers.** Medical assistance covers services provided by a birthing center licensed under section 144.566. The commissioner of human services shall apply for any necessary waiver from the Centers for Medicare and Medicaid Services to allow birthing centers to be reimbursed."

Delete the title and insert:

"A bill for an act relating to health; establishing licensure for birthing centers; limiting liability for hospitals and physicians in certain situations; establishing fees; designating licensed birthing centers as essential community providers; amending Minnesota Statutes 2008, sections 62Q.19, subdivision 1; 256B.0625, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on 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. 1817, A bill for an act relating to health care; establishing an alternative basic health plan for families with children eligible for medical assistance; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

The report was adopted.

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

H. F. No. 1823, A bill for an act relating to religious corporations; permitting a church benefits board to act as a trustee of a trust; amending Minnesota Statutes 2008, section 317A.909.

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. 1827, A bill for an act relating to courts; enforcing judicial sanctions, including fines, fees, and surcharges; amending Minnesota Statutes 2008, sections 2.724, subdivisions 2, 3; 86B.705, subdivision 2; 134A.09, subdivision 2a; 134A.10, subdivision 3; 152.025, subdivisions 1, 2; 152.0262, subdivision 1; 169A.20, subdivision 1, by adding subdivisions; 169A.284; 299D.03, subdivision 5; 357.021, subdivision 6; 364.08; 480.15, by adding a subdivision; 484.85; 484.90, subdivision 6; 491A.02, subdivision 9; 525.091, subdivision 1; 550.011; 609.10, subdivision 1; 609.101, subdivision 4; 609.125, subdivision 1; 609.131, subdivision 3; 609.135, subdivisions 1, 1a, 2; 631.48; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 2008, sections 152.025, subdivision 3; 152.0262, subdivision 2; 484.90, subdivisions 1, 2, 3; 487.08, subdivisions 1, 2, 3, 5; 609.135, subdivision 8.

Reported the same back with the following amendments:

Page 8, line 15, after "services" insert "in an amount determined by the entity conducting or providing the service"

Page 8, line 16, after the period, insert "The court may waive the \$25 assessment charge, but may not waive the cost for the assessment paid directly to the entity conducting the assessment or providing assessment services."

Page 11, after line 9, insert:

"Sec. 17. Minnesota Statutes 2008, section 375.14, is amended to read:

**375.14 OFFICES AND SUPPLIES FURNISHED FOR COUNTY OFFICERS.**

The county board shall provide offices at the county seat for the auditor, treasurer, county recorder, sheriff, court administrator of the district court, and an office for the county engineer at a site determined by the county board, with suitable furniture and safes and vaults for the security and preservation of the books and papers of the offices, and provide heating, lighting, and maintenance of the offices. The board shall furnish all county officers with all books, stationery, letterheads, envelopes, postage, telephone service, office equipment, electronic technology, and supplies necessary to the discharge of their respective duties ~~and make like provision for the judges of the district court as necessary to the discharge of their duties within the county or concerning matters arising in it.~~ The board is not required to furnish any county officer with professional or technical books or instruments except when the board deems them directly necessary to the discharge of official duties as part of the permanent equipment of the office."

Page 15, line 1, delete "one-half" and insert "two-thirds"

Page 15, line 2, delete "one-half" and insert "one-third"

Page 19, delete line 33 and insert "The uniform fine schedule and any modifications shall be submitted to the legislature for approval by January 1 of each year and shall become effective on July 1 of that year unless the legislature, by law, provides otherwise."

Page 20, delete lines 1 and 2

Page 20, line 4, delete the period and insert "for disposition purposes, unless on the third or subsequent offense the charge is brought by a formal complaint or, for offenses committed under chapter 169, the violation was committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property. Nothing in this subdivision limits the authority of a peace officer to make an arrest for offenses included on the uniform fine schedule. Nothing in this section limits the operation of section 169.89, subdivision 1. This subdivision expires on July 1, 2011."

Page 20, after line 7, insert:

"EFFECTIVE DATE. Subdivision 2 is effective July 1, 2009, and applies to acts committed on or after that date."

Page 22, line 25, reinstate the stricken language

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "modifying requirement to supply judges;"

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. 1865, A bill for an act relating to human services; modifying the provision of MinnesotaCare services; establishing requirements for healthy Minnesota plans; establishing healthy Minnesota accounts for certain MinnesotaCare enrollees; amending Minnesota Statutes 2008, sections 256L.01, by adding a subdivision; 256L.03, subdivisions 1, 1a, 3; 256L.15, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256L; repealing Minnesota Statutes 2008, sections 256L.03, subdivisions 1b, 5; 256L.12, subdivision 6.

Reported the same back with the following amendments:

Page 4, lines 5, 7, and 30, delete "healthy Minnesota plan" and insert "Healthy Minnesota Plan"

Page 4, delete lines 8 to 11 and insert:

"Subd. 2. **Funds available to enrollees for health care expenses.** The commissioner shall make available up to \$..... in each enrollee's Healthy Minnesota Plan account for eligible health care expenses, as defined in section 213(d) of the Internal Revenue Code.

Subd. 3. **Healthy Minnesota Plan reserve.** The commissioner shall maintain a Healthy Minnesota Plan reserve equal to the state's obligations under subdivision 2 for the current and following fiscal year, as estimated by the commissioner of finance."

Page 4, line 23, before "eyewear" insert "vision and"

Page 4, line 33, delete "1115" and insert "115"

Page 5, line 1, after "HMP" insert "account"

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

The report was adopted.

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

H. F. No. 1880, A bill for an act relating to veterans; requiring an interview for veterans listed as meeting minimum qualifications and claiming veterans preference for positions of state government employment; applying to state civil service certain removal provisions in current local government law; requiring a report of certain state employment statistics pertaining to veterans; amending Minnesota Statutes 2008, sections 43A.11, subdivision 7; 197.455, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 15, delete "veteran or disabled" and insert "recently separated"

Page 1, after line 17, insert:

"The term **recently separated veteran** means a veteran, as defined in section 197.447, who has served in active military service, at any time on or after September 11, 2001, and who has been honorably discharged from active service, as shown by the person's form DD-214."

Page 1, line 21, before "This" insert "(a)"

Page 2, line 1, before "Sections" insert "(b)"

Page 2, line 2, strike "state civil service." and insert "any veteran who is an incumbent in a classified appointment in the state civil service and has completed the probationary period for that position, as defined under section 43A.16. In matters of dismissal from such position, a qualified veteran has the irrevocable option of utilizing the procedures described in sections 197.46 to 197.481, or the procedures provided in the collective bargaining agreement applicable to the person, but not both. For a qualified veteran electing to use the procedures of 197.46 to 197.481, the matters governed by these sections shall not be considered grievances under a collective bargaining agreement, and if a veteran elects to appeal the dispute through these sections, the veteran shall be precluded from making an appeal under the grievance procedure of the collective bargaining agreement."

Page 2, line 7, after "data" insert "annually"

Page 2, line 8, after "state agency" insert ", with the exception of the Metropolitan Council," and delete "January 15, 2010" and insert "the second week of each legislative session, beginning in 2011"

Page 2, line 12, delete "on June 30, the end date of the designated fiscal year"

Page 2, line 33, delete everything after "(b)" and insert "The data must reflect one full fiscal year or one full calendar year, as determined by the commissioner of finance."

Page 2, delete lines 34 and 35

Page 3, line 1, delete "(2)" and insert "The term"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 1935, A bill for an act relating to health care; consolidating MinnesotaCare and medical assistance; streamlining enrollment and eligibility procedures; amending Minnesota Statutes 2008, sections 256B.056, subdivisions 1a, 4, 5c, 10; 256L.01, subdivision 3a, by adding a subdivision; 256L.02, subdivisions 2, 3, by adding a subdivision; 256L.03, subdivision 5, by adding a subdivision; 256L.04, subdivisions 1, 8, 13; 256L.05; 256L.07, subdivisions 1, 2, 3; 256L.15, subdivisions 1, 2; 256L.17, subdivisions 1, 2, 3, 5; proposing coding for new law in Minnesota Statutes, chapter 256L; repealing Minnesota Statutes 2008, sections 256B.055, subdivisions 3, 3a, 5, 6, 9, 10, 10b; 256B.056, subdivisions 1c, 3c; 256B.057, subdivisions 1, 1c, 2, 2c, 7, 8; 256L.07, subdivision 7; 256L.15, subdivision 3; 256L.17, subdivision 6.

Reported the same back with the following amendments:

Page 7, line 7, delete "effective January 1, 2009."

Page 7, delete lines 12 to 14

Page 20, line 28, delete everything after the first "to" and insert "256L.17."

Page 20, delete lines 29 to 31

Page 21, delete lines 1 to 3

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

The report was adopted.

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

H. F. No. 1940, A bill for an act relating to veterans; permitting a dependent returning from active military service to enroll as a dependent in the state employee group insurance program regardless of status as a full-time student; amending Minnesota Statutes 2008, section 43A.23, subdivision 1.

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

The report was adopted.

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

H. F. No. 1958, A bill for an act relating to environment; modifying certain rulemaking authority; requiring a study; providing for legislative oversight; providing appointments; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **TECHNICAL ADVISORY GROUP; WATER REGULATION.**

(a) The Commissioner of Administration shall appoint a technical advisory group to conduct a study. The technical advisory group must include representatives of the Department of Natural Resources, Pollution Control Agency, Board of Water and Soil Resources, Environmental Quality Board, Department of Agriculture, and Department of Health and nonstate, nonfederal, technical professionals with scientific expertise in water resources management. Other members may include, but are not limited to, representatives of the United States Environmental Protection Agency, the Army Corps of Engineers, and the United States Department of Agriculture.

(b) Members of the technical advisory group serve without compensation.

(c) The study must:

(1) consider scientific data, including the studies of the National Academy of Sciences relating to watersheds, total maximum daily loads (TMDL's), storm water, and compensation for wetland loss under the Clean Water Act;

(2) identify current rules relating to water, the purpose of the rules, the statutory background of the rules, the outcomes the rules are intended to achieve, the costs of the rules to state and local government and to the private sector, and the rules' relationship to other state and federal laws, including requirements relating to training, development, public education, and record keeping;

(3) assess the pros and cons of a watershed approach to implementing statutory water management programs and regulations compared to state agency-administered programs and administrative rules;

(4) assess why some regulations are deemed appropriate for administration at the local level, for example, those relating to shorelands, floodplains, wild and scenic rivers, wetland conservation, feedlots, and subsurface sewage treatment systems, and others are not;

(5) identify current efforts to eliminate redundancy between state and federal regulations, including perceived and real barriers to realizing reduction or elimination of redundancy;

(6) identify the current strategic decision making of the agencies individually and collectively to cooperate and coordinate in rulemaking and rule implementation to achieve more effective, efficient, and justifiable rules that result in the desired outcomes; and

(7) identify the rule assessment and evaluation process that supports the continuation of the various rules in whole or in part, including but not limited to:

(i) nondegradation standards;

(ii) consistent buffer requirements;

(iii) zoning setback requirements; and

(iv) water quality requirements.

(d) The technical advisory group must submit the study results and make recommendations on water improvement to all state agencies with representatives on the technical advisory group and to the chairs of the legislative committees having primary jurisdiction over environment and natural resources policy no later than January 15, 2011."

Delete the title and insert:

"A bill for an act relating to environment; providing for a technical advisory group to conduct a study of water regulation."

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. 1962, A bill for an act relating to corrections; allowing the parents of juvenile petty offenders be ordered probation supervisory duties; changing children's mental health screening duties; amending Minnesota Statutes 2008, section 260B.235, subdivisions 4, 6.

Reported the same back with the following amendments:

Page 2, line 21, strike "shall" and insert "may"

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. 1967, A bill for an act relating to natural resources; establishing parks and trails legacy grant program; providing appointments; amending Minnesota Statutes 2008, section 85.53.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[85.535] PARKS AND TRAILS LEGACY GRANT PROGRAM.**

The commissioner of natural resources shall administer a program to provide grants from the parks and trails fund to support parks and trails of regional or statewide significance.

Sec. 2. **STATE AND REGIONAL PARKS AND TRAILS FRAMEWORK.**

(a) \$..... in fiscal year 2010 is appropriated from the parks and trails fund to the commissioner of natural resources for a collaborative project to develop a 25-year framework for the use of the money available in the parks and trails fund under the Minnesota Constitution, article XI, section 15, and other traditional sources of funding. The collaborative project shall consist of a joint effort between representatives of the commissioner of natural resources, the Metropolitan Council and its implementing agencies, the Central Minnesota Regional Parks and Trails Coordinating Board, and regional parks and trails organizations outside the metropolitan area. The members shall prepare a ten-year strategic parks and trails coordination plan and develop a 25-year framework for use of the funding that includes goals and measurable outcomes and includes a vision for Minnesotans of what the state and regional parks will look like in 25 years.

(b) In developing the coordination plan and framework, the members shall utilize a process, including Web site survey tools and regional listening sessions, to be staffed by the commissioner, that ensures that citizens are included in development and finalization of the final plan and framework. The commissioner, council, and board shall provide for input from user groups and local and regional park and trail organizations.

(c) The plan and framework must include:

(1) a proposed definition of "parks and trails of regional significance";

(2) a plan to increase the number of visitors to state and regional parks;

(3) a plan for serving areas with limited access to state parks, including identifying the potential for county collaboration;

(4) budgeting for ongoing maintenance;

(5) decommissions;

(6) a plan for trails that takes into account connectivity and the potential for use by commuters;

(7) requirements for local contribution; and

(8) benchmarks, beginning no later than July 1, 2014.

(d) The commissioner shall submit the ten-year plan and 25-year framework in a report to the legislature no later than October 1, 2010."

Amend the title as follows:

Page 1, line 3, delete "providing appointments" and insert "appropriating money"

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. 1972, A bill for an act relating to natural resources; modifying horse trail pass requirements; amending Minnesota Statutes 2008, section 85.46, subdivisions 1, 3, 4, 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 85.46, subdivision 3, is amended to read:

Subd. 3. **Issuance.** The commissioner of natural resources and agents shall issue and sell horse trail passes. The pass shall include the applicant's signature and other information deemed necessary by the commissioner. To be valid, a daily or annual pass must be signed by the person riding, leading, or driving the horse, and a commercial annual pass must be signed by the owner of the commercial trail riding facility.

Sec. 2. Minnesota Statutes 2008, section 85.46, subdivision 4, is amended to read:

Subd. 4. **Pass fees.** (a) The fee for an annual horse trail pass is \$20 for an individual 16 years of age and over. The fee shall be collected at the time the pass is purchased. Annual passes are valid for one year beginning January 1 and ending December 31.

(b) The fee for a daily horse trail pass is \$4 for an individual 16 years of age and over. The fee shall be collected at the time the pass is purchased. The daily pass is valid only for the date designated on the pass form.

(c) The fee for a commercial annual horse trail pass is \$200 and includes issuance of 15 passes. Additional or individual commercial annual horse trail passes may be purchased by the commercial trail riding facility owner at a fee of \$20 each. Commercial annual horse trail passes are valid for one year beginning January 1 and ending December 31 and may be affixed to the horse tack, saddle, or person. Commercial annual horse trail passes are not transferable. For the purposes of this section, a "commercial trail riding facility" is an operation where horses are used for riding instruction or other equestrian activities for hire.

Sec. 3. Minnesota Statutes 2008, section 85.46, subdivision 7, is amended to read:

Subd. 7. **Duplicate horse trail passes.** The commissioner of natural resources and agents shall issue a duplicate pass to a person or commercial trail riding facility owner whose pass is lost or destroyed using the process established under section 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate horse trail pass is \$2, with an issuing fee of 50 cents.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective January 1, 2010."

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on 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. 1988, A bill for an act relating to human services; requiring the commissioner of human services to collect and report information on managed care plan and county-based purchasing plan provider reimbursement rates; requiring a report; amending Minnesota Statutes 2008, section 256B.69, subdivision 9b.

Reported the same back with the following amendments:

Page 1, line 19, delete "and"

Page 1, line 22, delete the period and insert "; and"

Page 1, after line 22, insert:

"(3) specific information on the methodology used to establish provider reimbursement rates paid by the managed health care plan and county-based purchasing plan."

Page 2, line 1, delete "(c)" and strike "Data provided to the commissioner under this subdivision are"

Page 2, line 2, delete "public" and strike "data as defined in section 13.02."

Page 2, line 3, delete "(d)" and insert "(c)"

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. 1991, A bill for an act relating to environment; prohibiting the use of coal tar; requiring notification and planning; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[116.201] COAL TAR.**

A state agency may not purchase undiluted coal tar sealant. For the purposes of this section, "undiluted coal tar sealant" means a sealant material containing coal tar that has not been mixed with asphalt and is for use on asphalt surfaces, including driveways and parking lots.

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

Sec. 2. **COAL TAR; NOTIFICATION, INVENTORY, AND BEST MANAGEMENT PRACTICES.**

(a) By January 15, 2010, the commissioner of the Pollution Control Agency shall notify state agencies and local units of government of the potential for contamination of storm water ponds with polycyclic aromatic hydrocarbons from the use of coal tar sealant products. For the purpose of this section, a storm water pond includes constructed ponds, natural ponds, and wetlands used for the collection of storm water.

(b) By January 15, 2010, the commissioner of the Pollution Control Agency shall establish a schedule that requires state agencies and local units of government regulated under a national pollutant discharge elimination system/state disposal system permit for municipal separate storm sewer systems to report to the commissioner of the Pollution Control Agency the total number of storm water ponds under their jurisdiction.

(c) The commissioner of the Pollution Control Agency shall develop best management practices for state agencies and local units of government regulated under a national pollutant discharge elimination system/state disposal system permit for municipal separate storm sewer systems to use in cleaning up contaminated storm water ponds and make the best management practices available on the agency's Web site. As part of the development of the best management practices, the commissioner shall:

(1) sample a set of storm water pond sediments in residential, commercial, and industrial areas for polycyclic aromatic hydrocarbons and other contaminants of potential concern;

(2) investigate the feasibility of screening methods to provide more cost-effective analytical results and to identify which kinds of ponds are likely to have the highest concentrations of polycyclic aromatic hydrocarbons; and

(3) develop guidance on testing, treatment, removal, and disposal of polycyclic aromatic hydrocarbon contaminated sediments.

(d) The commissioner of the Pollution Control Agency shall incorporate the requirements for inventory and best management practices specified in paragraphs (b) and (c) into the next permitting cycle for the national pollutant discharge elimination system/state disposal system permit for municipal separate storm sewer systems.

Sec. 3. **APPROPRIATION.**

\$155,000 in fiscal year 2010 is from the clean water fund to the commissioner of the Pollution Control Agency to meet the requirements under section 2 in order to restore and protect water quality."

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. 2036, A bill for an act relating to health; requiring the commissioner of health to convene an Alzheimer's disease working group; requiring a report.

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. 2063, A bill for an act relating to public safety; requiring the commissioner of public safety to present performance measures to the legislature; amending Minnesota Statutes 2008, section 299A.01, subdivision 1a, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 2065, A bill for an act relating to corrections; requiring the commissioner of corrections to present performance measures to the legislature; amending Minnesota Statutes 2008, section 241.016, subdivision 1.

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

The report was adopted.

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

H. F. No. 2076, A bill for an act relating to human services; creating equal access and equitable funding health and human services reform; creating a steering committee; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 256E.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[256E.40] EQUAL ACCESS AND EQUITABLE FUNDING HEALTH AND HUMAN SERVICES REFORM.**

Subdivision 1. Reform. (a) The goals in reforming the health and human services delivery system shall focus on the criteria in this subdivision.

(b) Equal access is an equal chance for every resident of the state to secure access to essential services in order to achieve a desired outcome. Access to essential services shall not be dependent on the willingness of a county board to make discretionary investments from property tax funds.

(c)(1) Client and program outcomes shall be developed jointly by counties and the state agency in consultation with affected persons and constituency groups, for all essential services and with regard to available resources. Performance outcomes shall be the basis for accountability, not implementation mandates.

(2) The development of outcome goals shall also consider the manner in which achievement of these goals will be reported. An estimate of increased or decreased state and local administrative costs in collecting and reporting outcomes shall be included when outcome goals are established.

(3) The goal of implementing changes to program monitoring and reporting the progress toward achieving outcomes is to significantly minimize the cost of administrative requirements. This decreased cost must allow funds used for administrative purposes to be used in providing services, allow flexibility in service design and management, and focus energies on achieving program and client outcomes.

(4) The commissioner of human services shall publish instructional bulletins containing the outcome goals and reporting requirements. The commissioner shall initiate state plan amendments necessary to implement provisions of this section.

(d) To the greatest degree possible, essential health and human services shall be funded by state and federal funds rather than local property taxes.

(1) Distribution of federal and state funds shall recognize program demand and unique differences of the local area.

(2) While local property tax funding shall be avoided whenever possible, when local financial contributions are required, an equal burden should be placed on property taxpayers across the state.

(3) Local innovation and pilot programs using local revenues should be encouraged as learning opportunities without risk of long-term obligation.

(4) Any state agency proposals for increased property taxes must be reported to the chairs and ranking minority members of the legislative committees with jurisdiction over health, human services, and taxes.

Subd. 2. **Definitions.** (a) "Commissioner" means the commissioner of human services.

(b) "Essential services" means those services that are mandated in state law that are to be available in all counties of the state.

(c) "Maintenance of effort" means a financial mandate that requires the continuation of local property tax or other local funding that was originally discretionary.

Subd. 3. **Steering committee.** (a) To guide the implementation of the equal access and equitable funding health and human services reform, a human services reform steering committee is established. The committee shall include:

(1) the commissioner of human services or a designee;

(2) three county commissioners, representative of rural, suburban, and urban counties, selected by the Association of Minnesota Counties;

(3) three county directors of human services, representative of rural, suburban, and urban counties, selected by the Minnesota Association of Social Service Administrators; and

(4) four clients or client advocates representing different populations receiving services from the Department of Human Services, who are appointed by the commissioner.

(b) The commissioner or a designee and a county commissioner shall serve as cochairs of the committee. The committee shall be convened within 60 days of final enactment.

(c) State agency staff shall serve as informational resources and staff to the steering committee. Statewide county associations shall assemble county program data as required.

(d) Responsibilities of the steering committee include:

(1) establishing an agreed upon list of essential services;

(2) establishing a three-year schedule of program reviews to evaluate and establish outcome goals, modify the reporting system, and review the distribution of state and federal funds. Priority shall be given to services with the greatest variation in availability and greatest administrative demands. The schedule shall be published on the agency Web site and reported to the legislative committees with jurisdiction over health and human services;

(3) ensuring consistency and similar implementation of goal-related reforms across program areas;

(4) receiving and reviewing reports from working groups established by the steering committee. Working groups of state and county representatives shall seek and receive input from affected parties and clients;

(5) making recommendations on the adoption of proposed changes that address the access, quality, and finance goals;

(6) developing a uniform process for responding to a county's failure to make adequate progress on achieving outcome goals; and

(7) making quarterly reports on the agency Web site on activity and progress on goal achievement.

**Subd. 4. County funding contributions.** (a) A consolidated county contribution fund is established that shall be composed of local property tax contributions that reflect a uniform percentage of adjusted net tax capacity. It shall be the responsibility of the commissioner to allocate the consolidated county contribution fund between programs to meet federal match requirements. The following criteria apply:

(1) the uniform percentage of adjusted net tax capacity is ... percent;

(2) local contributions to the consolidated county contribution fund shall not be subject to state levy limits;

(3) the levy contribution to the consolidated county contribution fund shall be the only financial contribution required from the counties to fund health and human services; and

(4) no new maintenance of effort of financial match requirements shall be established for county health and human services programs implemented or changed after January 1, 2009.

(b) To implement funding of the consolidated county contribution fund:

(1) each county board shall levy ... percent of its adjusted net tax capacity as its contribution to the funding of health and human services;

(2) the commissioner of revenue shall provide estimates to the commissioner of human services of the expected revenues from the county property tax contribution;

(3) to maintain local services funded by property taxes that the state has used to earn a federal match, the commissioner of revenue shall certify the equivalent local percentage of net tax capacity based on the 2008 expenditures for the match earning programs and deduct that amount from a county's share to the consolidated county contribution fund; and

(4) each county shall transfer its contribution to the county consolidated contribution fund in two payments after collecting property taxes, one-half on June 15 and one-half on November 15.

(c) The commissioner of human services shall make an annual report beginning January 15, 2011, and every January 15 thereafter, to the chairs and ranking minority members of the legislative committees having jurisdiction over health and human services and taxes on the use of the county consolidated contribution fund.

**EFFECTIVE DATE.** Subdivisions 1 to 3 are effective upon final enactment. Subdivision 4 is effective January 1, 2010.

Sec. 2. **REPEALER.**

Minnesota Statutes 2008, sections 245.4835; 245.4932, subdivision 1; 246.54, subdivisions 1 and 2; 252.275, subdivision 3; 253B.045, subdivision 2; 254B.04, subdivision 1; 256.82, subdivision 2; 256.976; 256B.05, subdivision 1; 256B.0625, subdivisions 20 and 20a; 256B.0945, subdivisions 1, 2, 3, and 4; 256B.19, subdivision 1; 256D.03; 256D.053, subdivision 3; 256E.12, subdivision 3; 256F.10, subdivision 7; 256F.13, subdivision 1; 256I.04; 256I.08; 256J.09, subdivisions 1, 2, and 3; and 256L.15, subdivision 4, are repealed."

Delete the title and insert:

"A bill for an act relating to human services; creating equal access and equitable funding health and human services reform; creating a steering committee; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 256E; repealing Minnesota Statutes 2008, sections 245.4835; 245.4932, subdivision 1; 246.54, subdivisions 1, 2; 252.275, subdivision 3; 253B.045, subdivision 2; 254B.04, subdivision 1; 256.82, subdivision 2; 256.976; 256B.05, subdivision 1; 256B.0625, subdivisions 20, 20a; 256B.0945, subdivisions 1, 2, 3, 4; 256B.19, subdivision 1; 256D.03; 256D.053, subdivision 3; 256E.12, subdivision 3; 256F.10, subdivision 7; 256F.13, subdivision 1; 256I.04; 256I.08; 256J.09, subdivisions 1, 2, 3; 256L.15, subdivision 4."

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. 2117, A bill for an act relating to environment; changing waste management reporting requirements; amending Minnesota Statutes 2008, section 115A.557, subdivision 3.

Reported the same back with the following amendments:

Page 1, line 18, delete the new language

Page 1, line 19, delete the new language and reinstate the stricken language

Page 2, after line 7, insert:

"(d) The requirements for the report specified in paragraph (b), clause (2), that is due April 1, 2010, shall be abbreviate in scope. The information collected shall be sufficient for the commissioner to determine that counties have complied with the requirement of this subdivision.

Sec. 2. **WORKING GROUP ON SCORE REPORTING.**

By July 1, 2009, the commissioner shall convene a working group on SCORE Reporting to review the requirements for counties to report to the agency on activities funded under Minnesota Statutes, section 115A.557. The commissioner shall appoint to the working group representatives from, at a minimum, the following organizations: the Association of Minnesota Counties, the Solid Waste Administrators Association, and the Solid Waste Management Coordinating Board. The working group shall make recommendations to amend the reporting requirements under Minnesota Statutes, section 115A.557, subdivision 3, in ways that reduce the resources counties employ to collect the data reported, while insuring that estimation methods used to report data are consistent across counties and that the data reported is accurate and useful as a guide to solid waste management policy makers. The working group shall also make recommendations regarding the feasibility and desirability of multicounty reporting of the data. The working group's recommendations must be presented in a report submitted to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over solid waste policy no later than December 15, 2009."

Amend the title as follows:

Page 1, line 2, after "requirements;" insert "creating a work group; requiring a report;"

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. 2132, A bill for an act relating to state government; modifying administration of the Lessard Outdoor Heritage Council; amending Minnesota Statutes 2008, section 97A.056, subdivisions 2, 7.

Reported the same back with the following amendments:

Page 3, line 2, delete "council" and insert "Legislative Coordinating Commission"

Page 3, after line 17, insert:

**"Sec. 3. LESSARD OUTDOOR HERITAGE COUNCIL; CERTAIN TRAVEL DOES NOT CONSTITUTE A MEETING.**

Travel to and from site visits by members of the Lessard Outdoor Heritage Council paid for by administrative funds appropriated from the outdoor heritage fund in fiscal years 2010 and 2011 are not meetings of the council for purposes of receiving information under Minnesota Statutes, section 97A.056, subdivision 5."

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

The report was adopted.

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

H. F. No. 2138, A bill for an act relating to insurance; regulating continuation coverage; conforming Minnesota law to the requirements necessary for assistance eligible individuals who are not enrolled in continuation coverage to receive a federal premium subsidy under the American Recovery and Reinvestment Act of 2009; amending Minnesota Statutes 2008, section 62A.17, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 10, delete "December 31, 2009" and insert "June 30, 2010"

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. 2146, A bill for an act relating to state government; clarifying Minnesota Management and Budget oversight; establishing the management analysis revolving fund; appropriating money; amending Minnesota Statutes 2008, sections 13.64; 16A.055, by adding a subdivision; 16A.126; 16B.36, subdivision 1; 16B.48, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 43A.

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. 2154, A bill for an act relating to solid waste; establishing composting competitive grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the following amendments:

Page 2, line 2, before "measurable" insert "have" and after "and" insert "emphasize"

Page 2, line 19, delete "January 1, 2014" and insert "December 15, 2011"

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. 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.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

**"Section 1. [116.935] METRO TRANSIT DIESEL BUS IDLING REDUCTION DEVICE AND HYBRID BUS GRANTS.**

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

(1) "bus" has the meaning given in section 169.011, subdivision 11;

(2) "idling reduction device" means equipment that is installed on a diesel-powered, regular route transit bus owned and operated by the Metropolitan Council to reduce long-duration idling of that bus and that is designed to provide heat, air conditioning, or electricity that would otherwise require operation of the main drive engine while the bus is temporarily parked or stationary; and

(3) "regular route transit" has the meaning given in section 174.22, subdivision 8.

Subd. 2. **Authority and eligibility.** The commissioner may award a grant to the Metropolitan Council for the purchase and installation costs for one or more idling reduction devices or hybrid buses if the Metropolitan Council agrees to collect and report information relating to the operation and performance of each idling reduction device covered by the grant, as required by the commissioner.

Subd. 3. **Grants.** (a) Grant funds may be used by the recipient to purchase and install idling reduction devices or hybrid buses, if those purchases and installations will result in decreased emissions of one or more air contaminants from the bus on which it is installed or decreased energy use by the bus.

(b) The commissioner shall collect and summarize information relating to the operation and performance of each idling reduction device or hybrid bus and make the information available for downloading free of charge on the agency's Web site.

(c) The grant program in this section shall be implemented only if the agency's application for federal funding, as required under subdivision 4, is successful.

Subd. 4. **Federal funds.** The agency must submit an application to the federal Environmental Protection Agency for competitive grant funds made available under the federal Diesel Emission Reduction Act's National Clean Diesel Grant Program, as specified in the American Recovery and Reinvestment Act of 2009, Public Law 111-5. The application must request funding to reduce the cost of purchasing and installing idling reduction devices in diesel-powered regular route transit buses and for the purchase of hybrid buses. Any funds awarded to the agency as a result of the application must be expended on the grant program described in this section.

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

Delete the title and insert:

"A bill for an act relating to environment; establishing grant program for idling reduction technology and hybrid bus purchases; proposing coding for new law in Minnesota Statutes, chapter 116."

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

The report was adopted.

Rukavina from the Higher Education and Workforce Development Finance and Policy Division to which was referred:

S. F. No. 684, A bill for an act relating to economic development; expanding bioscience business development public infrastructure grant program; amending Minnesota Statutes 2008, section 116J.435, subdivisions 2, 3.

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

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 19, 326, 448, 454, 519, 525, 535, 570, 571, 581, 582, 622, 672, 811, 903, 954, 980, 988, 1040, 1073, 1078, 1169, 1191, 1235, 1293, 1338, 1448, 1490, 1494, 1501, 1554, 1709, 1713, 1745, 1823, 1880 and 2138 were read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. No. 684 was read for the second time.



**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Clark introduced:

H. F. No. 2203, A bill for an act relating to elections; prohibiting landlords from limiting posting of campaign material in window of tenant's residence; proposing coding for new law in Minnesota Statutes, chapter 211B.

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

Marquart and Lenczewski introduced:

H. F. No. 2204, A bill for an act relating to taxation; property; enhancing the property tax refund and reducing the market value homestead credit; amending Minnesota Statutes 2008, sections 273.1384, subdivision 1; 290A.04, subdivision 2.

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

Hansen introduced:

H. F. No. 2205, A bill for an act relating to school safety; permitting Special School District No. 6, South Saint Paul, to contract with South Metro Fire Department for fire inspection services; amending Minnesota Statutes 2008, section 299F.47, subdivision 4.

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

Lieder and Rukavina introduced:

H. F. No. 2206, A bill for an act relating to impaired driving; specifying rehabilitation requirements for certain repeat impaired driving offenders as a condition for a limited license to drive to work; proposing coding for new law in Minnesota Statutes, chapter 169A.

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

Lieder and Rukavina introduced:

H. F. No. 2207, A bill for an act relating to transportation; driver's licensing; specifying the waiting period for issuance of a limited license following a nondriving violation of the no alcohol requirement of a conditional driver's license; amending Minnesota Statutes 2008, sections 171.09, subdivision 1; 171.30, subdivision 2a.

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

Hilstrom and Rukavina introduced:

H. F. No. 2208, A bill for an act relating to economic development; amending limitations on tax increment financing districts; amending Minnesota Statutes 2008, section 469.176, subdivision 1b.

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

Fritz introduced:

H. F. No. 2209, A bill for an act relating to taxation; sales and use; exempting construction materials for the Faribault wastewater treatment facility; amending Minnesota Statutes 2008, section 297A.71, by adding a subdivision.

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

Smith introduced:

H. F. No. 2210, A bill for an act relating to energy finance; providing money to increase energy efficiency in Westonka schools; appropriating money.

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

Persell and Sailer introduced:

H. F. No. 2211, A bill for an act relating to capital improvements; appropriating money for energy-efficiency improvements to the Beltrami County jail; authorizing the sale and issuance of state bonds.

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

Doepke, Smith, Kohls, Shimanski and Davids introduced:

H. F. No. 2212, A bill for an act relating to parks and trails; appropriating money for grants to the Three Rivers Park District for purposes of the Dakota Rail Regional Trail.

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

Howes, Dill, Jackson, Cornish, Persell and Sailer introduced:

H. F. No. 2213, A bill for an act relating to game and fish; modifying permit requirements and fees for fishing contest permits; amending Minnesota Statutes 2008, section 97C.081, subdivisions 2, 3, 4, 6, 9.

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

Abeler, Lanning, Nornes and Greiling introduced:

H. F. No. 2214, A bill for an act relating to higher education; establishing a pilot program for facilitated postsecondary enrollment options.

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

Abeler and Newton introduced:

H. F. No. 2215, A bill for an act relating to transportation; authorizing county maintenance on Trunk Highway 47.

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

Abeler, Newton, Dittrich and Hackbarth introduced:

H. F. No. 2216, A bill for an act relating to transportation; appropriating money for local match for adding a lane to a portion of Trunk Highway 10 in Anoka County.

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

Dill introduced:

H. F. No. 2217, A bill for an act relating to taxation; sales and use; modifying local sales and use tax for Cook County; modifying the bonding authority limit for certain projects; amending Laws 2008, chapter 366, article 7, section 18, subdivisions 2, 3.

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

Kahn, Clark, Winkler and Loeffler introduced:

H. F. No. 2218, A bill for an act relating to taxation; sales and use taxes; modifying certain sales and use tax exemptions; amending Minnesota Statutes 2008, sections 297A.61, by adding a subdivision; 297A.67, subdivision 8.

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

Loon introduced:

H. F. No. 2219, A bill for an act relating to taxation; individual income; providing a credit for certain health insurance premiums; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Abeler, Newton, Dittrich, Hausman and Hortman introduced:

H. F. No. 2220, A bill for an act relating to transportation; requiring feasibility study on extending commuter rail service between Minneapolis and St. Paul.

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

McNamara, Jackson and Dill introduced:

H. F. No. 2221, A bill for an act relating to game and fish; modifying restrictions on bow fishing to take rough fish; amending Minnesota Statutes 2008, sections 97A.015, by adding a subdivision; 97C.335; 97C.345, subdivision 2; 97C.375; proposing coding for new law in Minnesota Statutes, chapter 97C.

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

Davids introduced:

H. F. No. 2222, A bill for an act relating to capital improvements; appropriating money for an interchange on marked Trunk Highway 76 in Caledonia; authorizing the sale and issuance of state bonds.

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

Davids introduced:

H. F. No. 2223, A bill for an act relating to capital improvements; appropriating money for public infrastructure in Caledonia; authorizing the sale and issuance of state bonds.

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

Marquart, Lenczewski and Greiling introduced:

H. F. No. 2224, A bill for an act relating to education finance; modifying the authority for school districts to issue and sell certain general obligation bonds without voter approval; authorizing a levy for certain other postemployment benefits; amending Minnesota Statutes 2008, sections 126C.41, subdivision 2; 475.58, subdivision 1.

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

Solberg, Rukavina and Anzelc introduced:

H. F. No. 2225, A bill for an act relating to employment; appropriating money for a progressive development and employment opportunities grant.

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

Haws introduced:

H. F. No. 2226, A bill for an act relating to local government; appropriating money for grants to encourage local government units to participate in inter-local service sharing agreements in the delivery of public safety services.

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

Hilty and Kalin introduced:

H. F. No. 2227, A bill for an act relating to local government; reestablishing the Board of Innovation; imposing powers and duties on the board; appropriating money; amending Minnesota Statutes 2008, section 3.971, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 465.

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

Ward; Olin; Fritz; Peppin; Emmer; Smith; Otremba; Hamilton; Abeler; Anderson, B.; Brod; Hosch; Gottwalt; Kelly; Anderson, P.; Urdahl; Gunther; Severson; Seifert; Magnus; Scott; Shimanski; Lanning; Davids; Sterner; Doty; Koenen; Juhnke; Beard; Howes; Dean; Buesgens; Eastlund; Torkelson and Hackbarth introduced:

H. F. No. 2228, A bill for an act relating to health; establishing certain information displayed prior to an abortion; adding a wrongful death action; providing civil and criminal penalties; amending Minnesota Statutes 2008, sections 145.4241, by adding subdivisions; 145.4242; 145.4243; 518B.01, subdivision 2, by adding a subdivision; 573.02, subdivision 1; 609.2242, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Murphy, M., introduced:

H. F. No. 2229, A bill for an act relating to libraries; appropriating funds for libraries from the general fund.

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

Murphy, M., introduced:

H. F. No. 2230, A bill for an act relating to education finance; increasing funding for low referendum districts; amending Minnesota Statutes 2008, section 126C.10, subdivision 24.

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

Nelson introduced:

H. F. No. 2231, A bill for an act relating to transportation; allowing road authorities to remove snow from certain roads in uncompleted subdivisions; amending Minnesota Statutes 2008, section 160.21, by adding a subdivision.

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

Carlson and Hausman introduced:

H. F. No. 2232, A bill for an act relating to capital improvements; extending an appropriation for the Minnesota Planetarium; amending Laws 2005, chapter 20, article 1, section 23, subdivision 16, as amended.

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

Clark introduced:

H. F. No. 2233, A bill for an act relating to economic development; allowing a stay of mortgage foreclosure proceedings under certain conditions; landlord and tenant; providing rights to tenants of foreclosed property; amending Minnesota Statutes 2008, section 504B.151; proposing coding for new law in Minnesota Statutes, chapter 582.

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

Dittrich introduced:

H. F. No. 2234, A bill for an act relating to taxation; property; leased seasonal-recreational land; amending Minnesota Statutes 2008, section 272.0213.

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

Clark and Wagenius introduced:

H. F. No. 2235, A bill for an act relating to environment finance; appropriating money for drinking water source protection.

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

Sertich, Solberg, Dill, Anzels and Rukavina introduced:

H. F. No. 2236, A bill for an act relating to capital improvements; appropriating money for airport improvements at the Chisolm-Hibbing Airport; authorizing the sale and issuance of state bonds.

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

Hosch introduced:

H. F. No. 2237, A bill for an act relating to construction codes and licensing; continuing education for residential building contractors; authorizing the residential construction board to establish a subcommittee on continuing education; providing for compensation of subcommittee members; changing course approval requirements; allowing for approval after courses are commenced or completed; authorizing online courses; changing fees; amending Minnesota Statutes 2008, section 326B.821.

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

Hosch introduced:

H. F. No. 2238, A bill for an act relating to veterans; expanding veterans preference in hiring and dismissal from state and local government employment by applying current veterans preference law to teachers; amending Minnesota Statutes 2008, section 197.46.

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

Garofalo introduced:

H. F. No. 2239, A bill for an act relating to education finance; increasing general education revenue by \$51 per pupil unit; increasing the state reimbursement for school lunch meals from 12 to 18 cents per meal; eliminating the aid portion of integration revenue; repealing the school desegregation rule; appropriating money; amending Minnesota Statutes 2008, sections 124D.111, subdivision 1; 126C.10, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 126C; repealing Minnesota Statutes 2008, section 124D.86; Minnesota Rules, parts 3535.0100; 3535.0120; 3535.0130; 3535.0140; 3535.0150; 3535.0160; 3535.0170; 3535.0180.

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

Garofalo introduced:

H. F. No. 2240, A bill for an act relating to taxation; property; changing the date for application to the metropolitan agricultural preserve program; amending Minnesota Statutes 2008, section 473H.05, subdivision 1.

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

Hansen, Greiling, Welti and Murphy, E., introduced:

H. F. No. 2241, A bill for an act relating to education finance; appropriating money for environmentally responsible arts education projects.

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

Dill introduced:

H. F. No. 2242, A bill for an act relating to natural resources; providing for seizure and forfeiture of certain off-highway vehicles; modifying operating restrictions for all-terrain vehicles; providing criminal penalties; amending Minnesota Statutes 2008, section 84.928, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 2008, sections 84.796; 84.805; 84.929.

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

Clark introduced:

H. F. No. 2243, A resolution supporting smoking cessation efforts among Native people.

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

**MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

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.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 7, A Senate concurrent resolution relating to adjournment for more than three days.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Senate Concurrent Resolution No. 7 was referred to the Committee on Rules and Legislative Administration.

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files herewith transmitted:

S. F. Nos. 30, 34, 275, 832, 95, 99, 208 and 1028.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 30, A bill for an act relating to public safety; specifying a retention time period for methamphetamine precursor drug logs maintained by retailers and providing that the logs are open to law enforcement inspection; amending Minnesota Statutes 2008, section 152.02, subdivision 6.

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

S. F. No. 34, A bill for an act relating to natural resources; extending the Casey Jones Trail; establishing a new state trail; amending Minnesota Statutes 2008, section 85.015, subdivision 2, by adding a subdivision.

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



S. F. No. 275, A bill for an act relating to natural resources; renaming the Minnesota River Basin Joint Powers Board; clarifying the duties and membership of board; amending Minnesota Statutes 2008, section 103F.378.

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

S. F. No. 832, A bill for an act relating to taxation; income; extending the exception to minimum contacts required for jurisdiction to ownership of property on the premises of a printer under specific circumstances; amending Minnesota Statutes 2008, section 290.015, subdivision 3.

The bill was read for the first time.

Solberg moved that S. F. No. 832 and H. F. No. 1073, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 95, A bill for an act relating to state government finance; providing deficiency funding for certain state agencies; appropriating money.

The bill was read for the first time.

Solberg moved that S. F. No. 95 and H. F. No. 117, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 99, A bill for an act relating to traffic regulations; requiring restraint of child under age eight and shorter than four feet nine inches while passenger in motor vehicle and modifying seat belt requirements accordingly; amending Minnesota Statutes 2008, sections 169.685, subdivision 5; 169.686, subdivision 1.

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

S. F. No. 208, A bill for an act relating to transportation; authorizing use of freeway shoulders by transit buses and Metro Mobility buses; amending Minnesota Statutes 2008, section 169.306.

The bill was read for the first time.

Dettmer moved that S. F. No. 208 and H. F. No. 672, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1028, A bill for an act relating to transportation; requiring closure of Trunk Highway 19 in New Prague for the Dozinky Festival.

The bill was read for the first time.

Brod moved that S. F. No. 1028 and H. F. No. 1192, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 392

A bill for an act relating to taxation; providing a federal update; modifying computation of net income and payment of corporate franchise tax refunds; modifying requirements for appointment of commissioner of Department of Revenue; amending Minnesota Statutes 2008, sections 270C.02, subdivision 1; 289A.02, subdivision 7; 290.01, subdivisions 19, 19a, 19c, 19d, 31, by adding a subdivision; 290.067, subdivision 2a; 290A.03, subdivisions 3, 15; 291.005, subdivision 1.

March 27, 2009

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

We, the undersigned conferees for H. F. No. 392 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 392 be further amended as follows:

Page 1, after line 8, insert:

"ARTICLE 1

FEDERAL UPDATE"

Page 1, delete section 1

Page 4, line 30, strike everything after "(13)"

Page 4, line 31, strike "2008,"

Page 6, line 13, delete "303(a)(1)-(2)" and insert "304(a)(1)-(2)"

Page 10, line 29, delete "303(a)(1)-(2)" and insert "304(a)(1)-(2)"

Page 17, delete section 14

Page 17, after line 14, insert:

"ARTICLE 2

GREEN ACRES

Section 1. Minnesota Statutes 2008, section 273.111, subdivision 3, is amended to read:

Subd. 3. **Requirements.** (a) Real estate consisting of ten acres or more or a nursery or greenhouse, and qualifying for classification as class 2a under section 273.13, shall be entitled to valuation and tax deferral under this section if it is primarily devoted to agricultural use, and either:

(1) is the homestead of the owner, or of a surviving spouse, child, or sibling of the owner or is real estate which is farmed with the real estate which contains the homestead property; or

(2) has been in possession of the applicant, the applicant's spouse, parent, or sibling, or any combination thereof, for a period of at least seven years prior to application for benefits under the provisions of this section, or is real estate which is farmed with the real estate which qualifies under this clause and is within four townships or cities or combination thereof from the qualifying real estate; or

(3) is the homestead of an individual who is part of an entity described in paragraph (b), clause (1), (2), or (3); or

(4) is in the possession of a nursery or greenhouse or an entity owned by a proprietor, partnership, or corporation which also owns the nursery or greenhouse operations on the parcel or parcels, provided that only the acres used to produce nursery stock qualify for treatment under this section.

(b) Valuation of real estate under this section is limited to parcels owned by individuals except for:

(1) a family farm entity or authorized farm entity regulated under section 500.24;

(2) ~~a poultry an entity other than a limited liability entity, not regulated under section 500.24,~~ in which the majority of the members, partners, or shareholders are related and at least one of the members, partners, or shareholders either resides on the land or actively operates the land; and

(3) corporations that derive 80 percent or more of their gross receipts from the wholesale or retail sale of horticultural or nursery stock.

The terms in this paragraph have the meanings given in section 500.24, where applicable.

(c) Land that previously qualified for tax deferral under this section and no longer qualifies because it is not primarily used for agricultural purposes but would otherwise qualify under Minnesota Statutes 2006, section 273.111, subdivision 3, for a period of at least three years will not be required to make payment of the previously deferred taxes, notwithstanding the provisions of subdivision 9. Sale of the land prior to the expiration of the three-year period requires payment of deferred taxes as follows: sale in the year the land no longer qualifies requires payment of the current year's deferred taxes plus payment of deferred taxes for the two prior years; sale during the second year the land no longer qualifies requires payment of the current year's deferred taxes plus payment of the deferred taxes for the prior year; and sale during the third year the land no longer qualifies requires payment of the current year's deferred taxes. Deferred taxes shall be paid even if the land qualifies pursuant to subdivision 11a. When such property is sold or no longer qualifies under this paragraph, or at the end of the three-year period, whichever comes first, all deferred special assessments plus interest are payable in equal installments spread over the time remaining until the last maturity date of the bonds issued to finance the improvement for which the assessments were levied. If the bonds have matured, the deferred special assessments plus interest are payable within 90 days. The provisions of section 429.061, subdivision 2, apply to the collection of these installments. Penalties are not imposed on any such special assessments if timely paid.

(d) Land that is enrolled in the reinvest in Minnesota program under sections 103F.501 to 103F.535, the federal Conservation Reserve Program as contained in Public Law 99-198, or a similar state or federal conservation program ~~does not qualify~~ qualifies for valuation and assessment deferral under this section if it was in agricultural use before enrollment and, provided that, in the case of land enrolled in the reinvest in Minnesota program, it is not subject to a perpetual easement. ~~This paragraph applies to land that has not qualified under this section for taxes payable in 2009 or previous years.~~

**EFFECTIVE DATE.** This section is effective for assessment year 2009 and thereafter.

Sec. 2. Minnesota Statutes 2008, section 273.111, subdivision 3a, is amended to read:

Subd. 3a. **Property no longer eligible for deferment.** (a) Real estate receiving the tax deferment under this section for assessment year 2008, but that does not qualify for the 2009 assessment year due to changes in qualification requirements under Laws 2008, chapter 366, shall continue to qualify until ~~any part of:~~ (1) the land is sold, transferred, or subdivided, or (2) the 2013 assessment, whichever is earlier, provided that the property continues to meet the requirements of Minnesota Statutes 2006, section 273.111, subdivision 3.

~~(b) Except as provided in paragraph (c), and subdivision 9, paragraph (b), when property assessed under this subdivision is withdrawn from the program or becomes ineligible, the property shall be subject to additional taxes, in the amount equal to the average difference between the taxes determined in accordance with subdivision 4, and the amount determined under subdivision 5, for the current year and the two preceding years, multiplied by (1) three, in the case of class 2a property under section 273.13, subdivision 23, or any property withdrawn before January 2, 2009, or (2) seven, in the case of property withdrawn after January 2, 2009, that is not class 2a property. The number of years used as the multiplier must not exceed the number of years during which the property was subject to this section. The amount determined under subdivision 5 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arm's-length transaction been used in lieu of the market value determined under subdivision 5. The additional taxes shall be extended against the property on the tax list for the current year, provided that no interest or penalties shall be levied on the additional taxes if timely paid as provided in subdivision 9.~~

~~(c) If land described in paragraph (a) is sold or otherwise transferred to a son or daughter of the owner, it will continue to qualify for treatment under this section as long as it continues to meet the requirements of Minnesota Statutes 2006, section 273.111, subdivision 3, but no later than the 2013 assessment.~~

~~(d) When property assessed under this subdivision is removed from the program and is enrolled in the rural preserve property tax law program under section 273.114, the property is not subject to the additional taxes required under this subdivision or subdivision 9.~~

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

Sec. 3. Minnesota Statutes 2008, section 273.111, subdivision 9, is amended to read:

Subd. 9. **Additional taxes.** (a) ~~Except as provided in paragraph (b), when real property which is being, or has been valued and assessed under this section no longer qualifies under subdivision 3, the portion no longer qualifying shall be subject to additional taxes, in the amount equal to the difference between the taxes determined in accordance with subdivision 4, and the amount determined under subdivision 5. Provided, however, that the amount determined under subdivision 5 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arm's-length transaction been used in lieu of the market value determined under subdivision 5. Such additional taxes shall be extended against the property on the tax list for the current year, provided, however, that no interest or penalties shall be levied on such additional taxes if timely paid, and provided further, that such additional taxes shall only be levied with respect to the last three years that the said property has been valued and assessed under this section.~~

~~(b) Real property that has been valued and assessed under this section prior to May 29, 2008, and that ceases to qualify under this section after May 28, 2008, and is withdrawn from the program before May 1, 2010, is not subject to additional taxes under this subdivision or subdivision 3, paragraph (c). If additional taxes have been paid under this subdivision with respect to property described in this paragraph prior to the date of enactment of this act, the county must repay the property owner in the manner prescribed by the commissioner of revenue.~~

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

Sec. 4. Minnesota Statutes 2008, section 273.111, subdivision 11a, is amended to read:

Subd. 11a. **Continuation of tax treatment upon sale or other events.** (a) When real property qualifying under subdivision 3 is sold or transferred, no additional taxes or deferred special assessments plus interest shall be extended against the property provided the property continues to qualify pursuant to subdivision 3, and provided the new owner files an application for continued deferment within 30 days after the sale or transfer.

(b) The following transfers do not constitute a change of ownership of property qualifying under subdivision 3:

(1) death of a property owner when a surviving owner retains ownership of the property thereafter;

(2) divorce of a married couple when one of the spouses retains ownership of the property thereafter;

(3) marriage of a single property owner when that owner retains ownership of the property in whole or in part thereafter;

(4) organization into or reorganization of a farm entity ownership under section 500.24, if all owners maintain the same beneficial interest both before and after the organizational changes; and

(5) placement of the property in trust provided that the individual owners of the property are the grantors of the trust and they maintain the same beneficial interest both before and after placement of the property in trust.

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

Sec. 5. **[273.114] RURAL PRESERVE PROPERTY TAX PROGRAM.**

Subdivision 1. **Definitions.** (a) In this section, the terms defined in this subdivision have the meanings given them.

(b) "Conservation management plan" means a written document approved by the soil and water conservation district providing a framework for site-specific healthy, productive, and sustainable conservation resources. A conservation management plan must include at least the following:

(1) conservation management goals for the land;

(2) a reliable field inventory of the individual conservation practices and cover types;

(3) a description of the soil type and quality;

(4) an aerial photo or map of the vegetation and other natural features of the land clearly indicating the boundaries of the conservation land;

(5) the proposed future conditions of the land;

(6) prescriptions to meet proposed future conditions of the land;

(7) a recommended timetable for implementing the prescribed practices; and

(8) a legal description of the land encompassing the parcels included in the plan.

(c) The Board of Water and Soil Resources shall develop and distribute guidance for conservation management plan preparation and approval.

(d) The commissioner of revenue is the final arbiter of disputes arising over plan approvals.

Subd. 2. **Requirements.** Class 2a or 2b property that had been assessed under Minnesota Statutes 2006, section 273.111, or that is part of an agricultural homestead under section 273.13, subdivision 23, paragraph (a), is entitled to valuation and tax deferment under this section if:

(1) the land consists of at least ten acres;

(2) a conservation management plan for the land must be prepared by an approved plan writer and implemented during the period in which the land is subject to valuation and deferment under this section;

(3) the land must be enrolled for a minimum of ten years; and

(4) there are no delinquent property taxes on the land.

Real estate may not be enrolled for valuation and deferment under this section and section 273.111, 273.112, or 273.117, or chapter 290C concurrently.

No more than 50 percent of the total acreage of an agricultural homestead may be class 2b property enrolled in this program.

Subd. 3. **Determination of value.** Notwithstanding sections 272.03, subdivision 8, and 273.11, the value of any real estate that qualifies under subdivision 2 must, upon timely application by the owner in the manner provided in subdivision 5, not exceed the value prescribed by the commissioner of revenue for class 2a tillable property in that county. The house and garage, if any, and the immediately surrounding one acre of land and a minor, ancillary nonresidential structure, if any, shall be valued according to their appropriate value. In determining the value for ad valorem tax purposes, the assessor shall not consider the presence of commercial, industrial, residential, or seasonal recreational land use influences that may affect the value of real estate subject to this section.

Subd. 4. **Separate determination of market value and tax.** The assessor shall make a separate determination of the market value of the real estate based on its highest and best use. The tax based upon that value and the appropriate local tax rate applicable to the property in the taxing district shall be recorded on the property assessment records.

Subd. 5. **Application and covenant agreement.** (a) Application for deferment of taxes and assessment under this section shall be filed by May 1 of the year prior to the year in which the taxes are payable. Any application filed under this subdivision and granted shall continue in effect for subsequent years until the termination of the covenant agreement under paragraph (b). The application must be filed with the assessor of the taxing district in which the real property is located on the form prescribed by the commissioner of revenue. The assessor may require proof by affidavit or otherwise that the property qualifies under subdivision 2.

(b) The owner of the property must sign a covenant agreement that is filed with the county recorder and recorded in the county where the property is located. The covenant agreement must include all of the following:

(1) legal description of the area to which the covenant applies;

(2) name and address of the owner;

(3) a statement that the land described in the covenant must be kept as rural preserve land, which meets the requirements of subdivision 2, for the duration of the covenant;

(4) a statement that the landowner may terminate the covenant agreement by notifying the county assessor in writing five years in advance of the date of proposed termination, provided that the notice of intent to terminate may not be given at any time before the land has been subject to the covenant for a period of five years;

(5) a statement that the covenant is binding on the owner or the owner's successor or assigns and runs with the land; and

(6) a witnessed signature of the owner, agreeing by covenant, to maintain the land as described in subdivision 2.

(c) After a covenant under this section has been terminated, the land that had been subject to the covenant is ineligible for subsequent valuation under this section for a period of three years after the termination.

Subd. 6. **Additional taxes.** Upon termination of a covenant agreement in subdivision 5, paragraph (b), the land to which the covenant applied shall be subject to additional taxes in the amount equal to the difference between the taxes determined in accordance with subdivision 3 and the amount determined under subdivision 4, provided that the amount determined under subdivision 4 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arm's-length transaction been used in lieu of the market value determined under subdivision 4. The additional taxes shall be extended against the property on the tax list for the current year, provided that no interest or penalties shall be levied on the additional taxes if timely paid and that the additional taxes shall only be levied with respect to the current year plus two prior years that the property has been valued and assessed under this section.

Subd. 7. **Lien.** The additional tax imposed by this section shall be a lien upon the property assessed to the same extent and for the same duration as other taxes imposed on the property in this state. The tax shall be annually extended by the county auditor and if and when payable shall be collected and distributed in the manner provided by law for the collection and distribution of other property taxes.

Subd. 8. **Special local assessments.** The payment of special local assessments levied after June 1, 2011, for improvements made to any real property described in subdivision 1 together with the interest thereon shall, on timely application as provided in subdivision 6, be deferred as long as the property meets the conditions contained in this section. If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall file with the county recorder in the county in which the property is located a certificate containing the legal description of the affected property and of the amount deferred. When the property no longer qualifies under subdivision 1, all deferred special assessments plus interest shall be payable in equal installments spread over the time remaining until the last maturity date of the bonds issued to finance the improvement for which the assessments were levied. If the bonds have matured, the deferred special assessments plus interest shall be payable within 90 days. The provisions of section 429.061, subdivision 2, apply to the collection of these installments. Penalty shall not be levied on these special assessments if timely paid. This subdivision does not apply to special assessments levied at any time by a county or district court under chapter 116A or by a watershed district under chapter 103D.

**EFFECTIVE DATE.** This section is effective for deferred taxes payable in 2012 and thereafter.

Sec. 6. Minnesota Statutes 2008, section 273.13, subdivision 23, is amended to read:

Subd. 23. **Class 2.** (a) An agricultural homestead consists of class 2a agricultural land that is homesteaded, along with any class 2b rural vacant land that is contiguous to the class 2a land under the same ownership. The market value of the house and garage and immediately surrounding one acre of land has the same class rates as class 1a or 1b property under subdivision 22. The value of the remaining land including improvements up to the first tier valuation limit of agricultural homestead property has a net class rate of 0.5 percent of market value. The remaining property over the first tier has a class rate of one percent of market value. For purposes of this subdivision, the "first tier valuation limit of agricultural homestead property" and "first tier" means the limit certified under section 273.11, subdivision 23.

(b) Class 2a agricultural land consists of parcels of property, or portions thereof, that are agricultural land and buildings. Class 2a property has a net class rate of one percent of market value, unless it is part of an agricultural homestead under paragraph (a). Class 2a property ~~may contain~~ must also include any property that would otherwise be classified as 2b, but is interspersed with class 2a property, including but not limited to sloughs, wooded wind shelters, acreage abutting ditches, ravines, rock piles, land subject to a setback requirement, and other similar land that is impractical for the assessor to value separately from the rest of the property or that is unlikely to be able to be sold separately from the rest of the property.

An assessor may classify the part of a parcel described in this subdivision that is used for agricultural purposes as class 2a and the remainder in the class appropriate to its use.

(c) Class 2b rural vacant land consists of parcels of property, or portions thereof, that are unplatted real estate, rural in character and not used for agricultural purposes, including land used for growing trees for timber, lumber, and wood and wood products, that is not improved with a structure. The presence of a minor, ancillary nonresidential structure as defined by the commissioner of revenue does not disqualify the property from classification under this paragraph. Any parcel of 20 acres or more improved with a structure that is not a minor, ancillary nonresidential structure must be split-classified, and ten acres must be assigned to the split parcel containing the structure. Class 2b property has a net class rate of one percent of market value unless it is part of an agricultural homestead under paragraph (a), or qualifies as class 2c under paragraph (d).

(d) Class 2c managed forest land consists of no less than 20 and no more than 1,920 acres statewide per taxpayer that is being managed under a forest management plan that meets the requirements of chapter 290C, but is not enrolled in the sustainable forest resource management incentive program. It has a class rate of .65 percent, provided that the owner of the property must apply to the assessor to receive the reduced class rate and provide the information required by the assessor to verify that the property qualifies for the reduced rate. The commissioner of natural resources must concur that the land is qualified. The commissioner of natural resources shall annually provide county assessors verification information on a timely basis.

(e) Agricultural land as used in this section means contiguous acreage of ten acres or more, used during the preceding year for agricultural purposes. "Agricultural purposes" as used in this section means the raising, cultivation, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity. For a property to be classified as agricultural based only on the drying or storage of agricultural products, the products being dried or stored must have been produced by the same farm entity as the entity operating the drying or storage facility. "Agricultural purposes" also includes enrollment in the Reinvest in Minnesota program under sections 103F.501 to 103F.535 or the federal Conservation Reserve Program as contained in Public Law 99-198 or a similar state or federal conservation program if the property was classified as agricultural (i) under this subdivision for the assessment year 2002 or (ii) in the year prior to its enrollment. Agricultural classification shall not be based upon the market value of any residential structures on the parcel or contiguous parcels under the same ownership.

(f) Real estate of less than ten acres, which is exclusively or intensively used for raising or cultivating agricultural products, shall be considered as agricultural land. To qualify under this paragraph, property that includes a residential structure must be used intensively for one of the following purposes:

(i) for drying or storage of grain or storage of machinery or equipment used to support agricultural activities on other parcels of property operated by the same farming entity;

(ii) as a nursery, provided that only those acres used to produce nursery stock are considered agricultural land;

(iii) for livestock or poultry confinement, provided that land that is used only for pasturing and grazing does not qualify; or



(iv) for market farming; for purposes of this paragraph, "market farming" means the cultivation of one or more fruits or vegetables or production of animal or other agricultural products for sale to local markets by the farmer or an organization with which the farmer is affiliated.

(g) Land shall be classified as agricultural even if all or a portion of the agricultural use of that property is the leasing to, or use by another person for agricultural purposes.

Classification under this subdivision is not determinative for qualifying under section 273.111.

(h) The property classification under this section supersedes, for property tax purposes only, any locally administered agricultural policies or land use restrictions that define minimum or maximum farm acreage.

(i) The term "agricultural products" as used in this subdivision includes production for sale of:

(1) livestock, dairy animals, dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, and apiary products by the owner;

(2) fish bred for sale and consumption if the fish breeding occurs on land zoned for agricultural use;

(3) the commercial boarding of horses if the boarding is done in conjunction with raising or cultivating agricultural products as defined in clause (1);

(4) property which is owned and operated by nonprofit organizations used for equestrian activities, excluding racing;

(5) game birds and waterfowl bred and raised for use on a shooting preserve licensed under section 97A.115;

(6) insects primarily bred to be used as food for animals;

(7) trees, grown for sale as a crop, including short rotation woody crops, and not sold for timber, lumber, wood, or wood products; and

(8) maple syrup taken from trees grown by a person licensed by the Minnesota Department of Agriculture under chapter 28A as a food processor.

(j) If a parcel used for agricultural purposes is also used for commercial or industrial purposes, including but not limited to:

(1) wholesale and retail sales;

(2) processing of raw agricultural products or other goods;

(3) warehousing or storage of processed goods; and

(4) office facilities for the support of the activities enumerated in clauses (1), (2), and (3),

the assessor shall classify the part of the parcel used for agricultural purposes as class 1b, 2a, or 2b, whichever is appropriate, and the remainder in the class appropriate to its use. The grading, sorting, and packaging of raw agricultural products for first sale is considered an agricultural purpose. A greenhouse or other building where horticultural or nursery products are grown that is also used for the conduct of retail sales must be classified as agricultural if it is primarily used for the growing of horticultural or nursery products from seed, cuttings, or roots and occasionally as a showroom for the retail sale of those products. Use of a greenhouse or building only for the display of already grown horticultural or nursery products does not qualify as an agricultural purpose.

The assessor shall determine and list separately on the records the market value of the homestead dwelling and the one acre of land on which that dwelling is located. If any farm buildings or structures are located on this homesteaded acre of land, their market value shall not be included in this separate determination.

(k) Class 2d airport landing area consists of a landing area or public access area of a privately owned public use airport. It has a class rate of one percent of market value. To qualify for classification under this paragraph, a privately owned public use airport must be licensed as a public airport under section 360.018. For purposes of this paragraph, "landing area" means that part of a privately owned public use airport properly cleared, regularly maintained, and made available to the public for use by aircraft and includes runways, taxiways, aprons, and sites upon which are situated landing or navigational aids. A landing area also includes land underlying both the primary surface and the approach surfaces that comply with all of the following:

(i) the land is properly cleared and regularly maintained for the primary purposes of the landing, taking off, and taxiing of aircraft; but that portion of the land that contains facilities for servicing, repair, or maintenance of aircraft is not included as a landing area;

(ii) the land is part of the airport property; and

(iii) the land is not used for commercial or residential purposes.

The land contained in a landing area under this paragraph must be described and certified by the commissioner of transportation. The certification is effective until it is modified, or until the airport or landing area no longer meets the requirements of this paragraph. For purposes of this paragraph, "public access area" means property used as an aircraft parking ramp, apron, or storage hangar, or an arrival and departure building in connection with the airport.

(l) Class 2e consists of land with a commercial aggregate deposit that is not actively being mined and is not otherwise classified as class 2a or 2b. It has a class rate of one percent of market value. To qualify for classification under this paragraph, the property must be at least ten contiguous acres in size and the owner of the property must record with the county recorder of the county in which the property is located an affidavit containing:

(1) a legal description of the property;

(2) a disclosure that the property contains a commercial aggregate deposit that is not actively being mined but is present on the entire parcel enrolled;

(3) documentation that the conditional use under the county or local zoning ordinance of this property is for mining; and

(4) documentation that a permit has been issued by the local unit of government or the mining activity is allowed under local ordinance. The disclosure must include a statement from a registered professional geologist, engineer, or soil scientist delineating the deposit and certifying that it is a commercial aggregate deposit.

For purposes of this section and section 273.1115, "commercial aggregate deposit" means a deposit that will yield crushed stone or sand and gravel that is suitable for use as a construction aggregate; and "actively mined" means the removal of top soil and overburden in preparation for excavation or excavation of a commercial deposit.

(m) When any portion of the property under this subdivision or subdivision 22 begins to be actively mined, the owner must file a supplemental affidavit within 60 days from the day any aggregate is removed stating the number of acres of the property that is actively being mined. The acres actively being mined must be (1) valued and classified under subdivision 24 in the next subsequent assessment year, and (2) removed from the aggregate resource preservation property tax program under section 273.1115, if the land was enrolled in that program. Copies of the

original affidavit and all supplemental affidavits must be filed with the county assessor, the local zoning administrator, and the Department of Natural Resources, Division of Land and Minerals. A supplemental affidavit must be filed each time a subsequent portion of the property is actively mined, provided that the minimum acreage change is five acres, even if the actual mining activity constitutes less than five acres.

**EFFECTIVE DATE.** This section is effective for assessments in 2010 for taxes payable in 2011, and thereafter.

Sec. 7. **ANNUAL REPORT ON AGRICULTURAL VALUATION AND CLASSIFICATION.**

The commissioner of revenue must study and, by March 1 each year, report to the chairs and ranking minority members of the committees on taxes of the senate and the house of representatives on:

- (1) trends in market values of class 2a and 2b properties;
- (2) green acres value methodology and determinations; and
- (3) assessment and classification practices pertaining to class 2a and 2b property."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "taxation;" insert "income, corporate franchise, and property;" and after "update;" insert "modifying green acres program; creating rural preserve property tax program; requiring reports;" and delete "modifying computation of net"

Page 1, delete line 3

Page 1, line 4, delete everything before "amending"

Correct the title numbers accordingly

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

House Conferees: ANN LENCZEWSKI, PAUL MARQUART, LYLE KOENEN, AL JUHNKE and RANDY DEMMER.

Senate Conferees: THOMAS BAKK, ROD SKOE, RICK OLSEEN and D. SCOTT DIBBLE.

Lenczewski moved that the report of the Conference Committee on H. F. No. 392 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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

H. F. No. 392, A bill for an act relating to taxation; providing a federal update; modifying computation of net income and payment of corporate franchise tax refunds; modifying requirements for appointment of commissioner of Department of Revenue; amending Minnesota Statutes 2008, sections 270C.02, subdivision 1; 289A.02, subdivision 7; 290.01, subdivisions 19, 19a, 19c, 19d, 31, by adding a subdivision; 290.067, subdivision 2a; 290A.03, subdivisions 3, 15; 291.005, subdivision 1.

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

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Draskowski      Severson      Thao

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

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Monday, March 30, 2009:

S. F. Nos. 335, 451 and 896; and H. F. Nos. 878 and 486.

#### CALENDAR FOR THE DAY

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

**MOTIONS AND RESOLUTIONS**

Bigham moved that the names of Brown, Scalze and Newton be added as authors on H. F. No. 45. The motion prevailed.

Tillberry moved that the name of Hayden be added as an author on H. F. No. 253. The motion prevailed.

Hansen moved that the names of Thao and Mahoney be added as authors on H. F. No. 424. The motion prevailed.

Murphy, E., moved that the name of Mullery be added as an author on H. F. No. 454. The motion prevailed.

Juhnke moved that the name of Scalze be added as an author on H. F. No. 541. The motion prevailed.

Ruud moved that the name of Mullery be added as an author on H. F. No. 550. The motion prevailed.

Atkins moved that the name of Sterner be added as an author on H. F. No. 819. The motion prevailed.

Hortman moved that the name of Sterner be added as an author on H. F. No. 877. The motion prevailed.

Hornstein moved that the name of Newton be added as an author on H. F. No. 898. The motion prevailed.

Eastlund moved that the name of Newton be added as an author on H. F. No. 1127. The motion prevailed.

Bly moved that the name of Brod be added as an author on H. F. No. 1182. The motion prevailed.

Seifert moved that the names of Kelly and Sterner be added as authors on H. F. No. 1242. The motion prevailed.

Dean moved that the name of Gottwalt be added as an author on H. F. No. 1313. The motion prevailed.

Thissen moved that the name of Champion be added as an author on H. F. No. 1328. The motion prevailed.

Mariani moved that the name of McFarlane be added as an author on H. F. No. 1340. The motion prevailed.

Smith moved that the name of Koenen be added as an author on H. F. No. 1396. The motion prevailed.

Kalin moved that the names of Eken and Scalze be added as authors on H. F. No. 1400. The motion prevailed.

Scott moved that the name of Draskowski be added as an author on H. F. No. 1421. The motion prevailed.

Rosenthal moved that the name of Kelliher be added as an author on H. F. No. 1432. The motion prevailed.

Kahn moved that the name of Clark be added as an author on H. F. No. 1479. The motion prevailed.

Lillie moved that the name of Bunn be added as an author on H. F. No. 1493. The motion prevailed.

Simon moved that the name of Mullery be added as an author on H. F. No. 1494. The motion prevailed.

Atkins moved that the name of Hansen be added as an author on H. F. No. 1502. The motion prevailed.

Nelson moved that the name of Seifert be added as an author on H. F. No. 1557. The motion prevailed.

Jackson moved that the name of Sterner be added as an author on H. F. No. 1663. The motion prevailed.

Brod moved that the name of Sterner be added as an author on H. F. No. 1757. The motion prevailed.

Norton moved that the name of Downey be added as an author on H. F. No. 1785. The motion prevailed.

Davnie moved that the name of Clark be added as an author on H. F. No. 1913. The motion prevailed.

Kahn moved that the name of Clark be added as an author on H. F. No. 1939. The motion prevailed.

Loeffler moved that the name of Clark be added as an author on H. F. No. 1943. The motion prevailed.

Haws moved that the names of Anderson, P., and Anderson, B., be added as authors on H. F. No. 1967. The motion prevailed.

Winkler moved that the names of Carlson, Sertich, Dill, Lillie, Rosenthal, Peterson, Swails, Morgan, Simon, Anzelc, Solberg, Benson and Mariani be added as authors on H. F. No. 2017. The motion prevailed.

Gottwalt moved that the name of Haws be added as an author on H. F. No. 2036. The motion prevailed.

Simon moved that the name of Rosenthal be added as an author on H. F. No. 2052. The motion prevailed.

Greiling moved that the name of Ward be added as an author on H. F. No. 2072. The motion prevailed.

Greiling moved that the name of Ward be added as an author on H. F. No. 2073. The motion prevailed.

Sterner moved that the name of Gardner be added as an author on H. F. No. 2117. The motion prevailed.

Loon moved that the name of Dettmer be added as an author on H. F. No. 2126. The motion prevailed.

Eken moved that the name of Welti be added as an author on H. F. No. 2128. The motion prevailed.

Sailer moved that the name of Welti be added as an author on H. F. No. 2154. The motion prevailed.

Hortman moved that the name of Knuth be added as an author on H. F. No. 2175. The motion prevailed.

Doty moved that the names of Morrow, Kath, Fritz, Bly, Faust, Otremba, Eken, Ward, Falk and Koenen be added as authors on H. F. No. 2180. The motion prevailed.

Gardner moved that the names of Knuth and Morgan be added as authors on H. F. No. 2182. The motion prevailed.

Juhnke moved that his name be stricken as an author on H. F. No. 2191. The motion prevailed.

Murphy, E., moved that the names of Davnie, Huntley and Kahn be added as authors on H. F. No. 2194. The motion prevailed.

#### ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:30 p.m., Wednesday, April 1, 2009. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:30 p.m., Wednesday, April 1, 2009.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives