

STATE OF MINNESOTA

EIGHTY-SIXTH SESSION — 2010

EIGHTY-FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 8, 2010

The House of Representatives convened at 1:00 p.m. and was called to order by Tony Sertich, Speaker pro tempore.

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

A quorum was present.

The Speaker assumed the Chair.

Persell was excused.

Mariani was excused until 1:35 p.m. Huntley was excused until 2:05 p.m. Brod was excused until 2:30 p.m.

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

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Carlson from the Committee on Finance to which was referred:

H. F. No. 2470, A bill for an act relating to crime; including use of scanning device and reencoder to acquire information from payment cards as identity theft; amending Minnesota Statutes 2008, section 609.527, subdivisions 1, 6, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 388.23, subdivision 1.

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 2887, A bill for an act relating to taxation; local government aid; disaster aid to city of St. Charles; amending Laws 2009, chapter 93, article 4, section 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **APPROPRIATIONS.**

Subdivision 1. **Department of Education.** The sums indicated in this section are appropriated from the general fund to the Department of Education for the fiscal years designated.

Subd. 2. **Declining pupil and city aid; city of St. Charles and St. Charles School District.** For a declining pupil aid grant for Independent School District No. 858, St. Charles, and a grant to the city of St. Charles, for losses related to the April 2009 fire:

<u>\$140,000</u>	<u>2010</u>
<u>\$229,000</u>	<u>2011</u>

The 2010 appropriation includes \$0 for 2009 and \$140,000 for 2010.

The 2011 appropriation includes \$52,000 for 2010 and \$177,000 for 2011.

The base appropriation for fiscal year 2012 is \$65,000. The base appropriation for fiscal year 2013 and later is \$0.

The district shall certify its pupil loss due to the April 2009 fire to the commissioner of education for fiscal year 2010 by June 1, 2010, and for fiscal year 2011 by June 1, 2011. The grant to school district payment is equal to the district's certification of its pupil loss due to the April 2009 fire multiplied by \$5,124. Each year, the balance of this appropriation not paid to the school district shall be transferred by the commissioner of education to the commissioner of revenue for a grant payable to the city of St. Charles by June 30.

Aid payments made under this subdivision must be paid in accordance with Minnesota Statutes, section 127A.45, subdivision 13.

Subd. 3. **General education aid.** General education aid under Laws 2009, chapter 96, article 1, section 24, subdivision 2, is reduced by \$192,000 in fiscal year 2010 and by \$229,000 in fiscal year 2011.

Sec. 2. **REPEALER.**

Laws 2009, chapter 93, article 4, section 1, is repealed.

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

Amend the title as follows:

Page 1, line 2, after "Charles;" insert "appropriating money;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill be re-referred to the Committee on Taxes without further recommendation.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3024, A bill for an act relating to labor and industry; modifying the requirements of the Manufactured Home Building Code; amending Minnesota Statutes 2008, sections 327.31, subdivision 17, by adding subdivisions; 327.32, subdivision 1, by adding subdivisions; 327.34, subdivision 1; repealing Minnesota Statutes 2008, sections 327.32, subdivision 4; 327C.07, subdivisions 3, 3a, 8.

Reported the same back with the following amendments:

Page 8, line 11, delete "3. 3a." and insert "3a"

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. 3127, A bill for an act relating to unemployment insurance; modifying administrative, benefit, and tax provisions; amending Minnesota Statutes 2008, sections 268.046, subdivision 1; 268.051, subdivisions 2, 5, 7; 268.07, as amended; 268.085, subdivision 9; Minnesota Statutes 2009 Supplement, sections 268.052, subdivision 2; 268.053, subdivision 1; 268.085, subdivision 1; 268.136, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2009 Supplement, section 268.035, subdivision 19a, is amended to read:

Subd. 19a. **Immediate family member.** "Immediate family member" means ~~the applicant's~~ an individual's spouse, parent, stepparent, son or daughter, stepson or stepdaughter, or grandson or granddaughter.

Sec. 2. Minnesota Statutes 2008, section 268.035, subdivision 20, is amended to read:

Subd. 20. **Noncovered employment.** "Noncovered employment" means:

- (1) employment for the United States government or an instrumentality thereof, including military service;
- (2) employment for a state, other than Minnesota, or a political subdivision or instrumentality thereof;
- (3) employment for a foreign government;
- (4) employment for an instrumentality wholly owned by a foreign government, if the employment is of a character similar to that performed in foreign countries by employees of the United States government or an instrumentality thereof and the United States Secretary of State has certified that the foreign government grants an equivalent exemption to similar employment performed in the foreign country by employees of the United States government and instrumentalities thereof;
- (5) employment covered under United States Code, title 45, section 351, the Railroad Unemployment Insurance Act;
- (6) employment covered by a reciprocal arrangement between the commissioner and another state or the federal government that provides that all employment performed by an individual for an employer during the period covered by the reciprocal arrangement is considered performed entirely within another state;
- (7) employment for a church or convention or association of churches, or an organization operated primarily for religious purposes that is operated, supervised, controlled, or principally supported by a church or convention or association of churches described in United States Code, title 26, section 501(c)(3) of the federal Internal Revenue Code and exempt from income tax under section 501(a);
- (8) employment of a duly ordained or licensed minister of a church in the exercise of a ministry or by a member of a religious order in the exercise of duties required by the order, for Minnesota or a political subdivision or an organization described in United States Code, title 26, section 501(c)(3) of the federal Internal Revenue Code and exempt from income tax under section 501(a);
- (9) employment of an individual receiving rehabilitation of "sheltered" work in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or a program providing "sheltered" work for individuals who because of an impaired physical or mental capacity cannot be readily absorbed in the competitive labor market. This clause applies only to services performed for Minnesota or a political subdivision or an organization described in United States Code, title 26, section 501(c)(3) of the federal Internal Revenue Code and exempt from income tax under section 501(a) in a facility certified by the Rehabilitation Services Branch of the department or in a day training or habilitation program licensed by the Department of Human Services;

(10) employment of an individual receiving work relief or work training as part of an unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof. This clause applies only to employment for Minnesota or a political subdivision or an organization described in United States Code, title 26, section 501(c)(3) of the federal Internal Revenue Code and exempt from income tax under section 501(a). This clause does not apply to programs that require unemployment benefit coverage for the participants;

(11) employment for Minnesota or a political subdivision as an elected official, a member of a legislative body, or a member of the judiciary;

(12) employment as a member of the Minnesota National Guard or Air National Guard;

(13) employment for Minnesota, a political subdivision, or instrumentality thereof, as an employee serving only on a temporary basis in case of fire, flood, tornado, or similar emergency;

(14) employment as an election official or election worker for Minnesota or a political subdivision, but only if the compensation for that employment was less than \$1,000 in a calendar year;

(15) employment for Minnesota that is a major policy-making or advisory position in the unclassified service, including those positions established under section 43A.08, subdivision 1a;

(16) employment for a political subdivision of Minnesota that is a nontenured major policy making or advisory position;

(17) domestic employment in a private household, local college club, or local chapter of a college fraternity or sorority performed for a person, only if the wages paid in any calendar quarter in either the current or prior calendar year to all individuals in domestic employment totaled less than \$1,000.

"Domestic employment" includes all service in the operation and maintenance of a private household, for a local college club, or local chapter of a college fraternity or sorority as distinguished from service as an employee in the pursuit of an employer's trade or business;

(18) employment of an individual by a son, daughter, or spouse, and employment of a child under the age of 18 by the child's father or mother;

(19) employment for a personal care assistance provider agency by an immediate family member of a recipient who provides the direct care to the recipient through the state personal care assistance program under section 256B.0659;

~~(19)~~ (20) employment of an inmate of a custodial or penal institution;

~~(20)~~ (21) employment for a school, college, or university by a student who is enrolled and is regularly attending classes at the school, college, or university;

~~(21)~~ (22) employment of an individual who is enrolled as a student in a full-time program at a nonprofit or public educational institution that maintains a regular faculty and curriculum and has a regularly organized body of students in attendance at the place where its educational activities are carried on, taken for credit at the institution, that combines academic instruction with work experience, if the employment is an integral part of the program, and the institution has so certified to the employer, except that this clause does not apply to employment in a program established for or on behalf of an employer or group of employers;

~~(22)~~ (23) employment of university, college, or professional school students in an internship or other training program with the city of St. Paul or the city of Minneapolis under Laws 1990, chapter 570, article 6, section 3;

~~(23)~~ (24) employment for a hospital by a patient of the hospital. "Hospital" means an institution that has been licensed by the Department of Health as a hospital;

~~(24)~~ (25) employment as a student nurse for a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in an accredited nurses' training school;

~~(25)~~ (26) employment as an intern for a hospital by an individual who has completed a four-year course in an accredited medical school;

~~(26)~~ (27) employment as an insurance salesperson, by other than a corporate officer, if all the wages from the employment is solely by way of commission. The word "insurance" includes an annuity and an optional annuity;

~~(27)~~ (28) employment as an officer of a township mutual insurance company or farmer's mutual insurance company operating under chapter 67A;

~~(28)~~ (29) employment of a corporate officer, if the officer owns 25 percent or more of the employer corporation, and employment of a member of a limited liability company, if the member owns 25 percent or more of the employer limited liability company;

~~(29)~~ (30) employment as a real estate salesperson, by other than a corporate officer, if all the wages from the employment is solely by way of commission;

~~(30)~~ (31) employment as a direct seller as defined in United States Code, title 26, section 3508;

~~(31)~~ (32) employment of an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

~~(32)~~ (33) casual employment performed for an individual, other than domestic employment under clause (17), that does not promote or advance that employer's trade or business;

~~(33)~~ (34) employment in "agricultural employment" unless considered "covered agricultural employment" under subdivision 11; or

~~(34)~~ (35) if employment during one-half or more of any pay period was covered employment, all the employment for the pay period is considered covered employment; but if during more than one-half of any pay period the employment was noncovered employment, then all of the employment for the pay period is considered noncovered employment. "Pay period" means a period of not more than a calendar month for which a payment or compensation is ordinarily made to the employee by the employer."

Page 4, line 27, strike "shall" and insert "must"

Page 5, line 1, delete "last" and insert "most recent"

Page 7, line 3, strike "shall" and insert "must"

Page 10, delete lines 5 to 6

Page 10, after line 10, insert:

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

Page 11, line 11, reinstate the stricken language

Page 11, line 12, reinstate the stricken language and after "paid" insert "in covered employment"

Page 11, line 13, reinstate the stricken language

Page 11, line 14, reinstate the stricken language and after "account" insert "and all taxes due on those wages have been paid"

Page 12, delete lines 15 to 17

Page 12, delete subdivision 1 and insert:

"Subdivision 1. **Eligibility.** (a) Special state extended unemployment insurance benefits are payable under this section to an applicant who does not qualify for extended unemployment insurance benefits under Minnesota Statutes, section 268.115, solely because the applicant does not have wage credits of at least 40 times the applicant's weekly benefit amount.

(b) Except as provided in paragraph (a), all requirements for extended unemployment benefits under Minnesota Statutes, section 268.115, and all other requirements of Minnesota Statutes, chapter 268, must be met in order for an applicant to be eligible for special state extended unemployment insurance benefits under this section.

(c) Except as provided for in paragraph (d), special state extended unemployment insurance benefits are payable in the same amounts, for the same duration, and for the same time period as provided for under Minnesota Statutes, section 268.115.

(d) The maximum amount of special state extended unemployment insurance benefits under this section available to an applicant is reduced by the amount of special state emergency unemployment insurance benefits paid the applicant under Laws 2009, chapter 1, sections 2 and 11."

Page 13, after line 8, insert:

"Sec. 14. **LEAVES OF ABSENCE.**

Minnesota Statutes, section 268.088, applies to leaves of absence taken by workers at the New Ulm location of 3M during 2009. The department must, notwithstanding any prior determination or appeal decision, redetermine an applicant's entitlement to unemployment benefits under this section.

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

Page 13, line 14, after the first "applicant" insert "under that law"

Page 13, line 15, after "compensation" insert "under that law" and after "maximum" insert "under that law"

Page 13, line 16, after "paid" insert "pursuant to this section"

Page 13, after line 17, insert:

"Sec. 16. **NEW BENEFIT ACCOUNTS.**

If an applicant establishes a new benefit account under Minnesota Statutes, section 268.07, subdivision 2, paragraph (b), within 39 weeks of the expiration of the benefit year on a prior benefit account, notwithstanding Minnesota Statutes, section 268.07, subdivision 2a, paragraph (a), the weekly benefit amount on the new benefit account will not be less than 80 percent of the weekly benefit amount on the prior benefit account.

EFFECTIVE DATE. This section applies to benefit accounts effective on or after the first Sunday following enactment and expires the earlier of (1) the effective date of any federal legislation allowing an applicant to continue to collect federal emergency unemployment compensation, notwithstanding the applicant qualifying for a new regular state benefit account under Minnesota Statutes, section 268.07, subdivision 2, paragraph (b), or (2) June 30, 2011.

Re-number 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 Ways and Means.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3279, A bill for an act relating to health; amending provisions for electronic health record technology; providing for administrative penalties; appropriating money; amending Minnesota Statutes 2009 Supplement, section 62J.495, subdivisions 1a, 3; proposing coding for new law in Minnesota Statutes, chapter 62J.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2009 Supplement, section 62J.495, subdivision 1a, is amended to read:

Subd. 1a. **Definitions.** (a) "Certified electronic health record technology" means an electronic health record that is certified pursuant to section 3001(c)(5) of the HITECH Act to meet the standards and implementation specifications adopted under section 3004 as applicable.

(b) "Commissioner" means the commissioner of health.

(c) "Pharmaceutical electronic data intermediary" means any entity that provides the infrastructure to connect computer systems or other electronic devices utilized by prescribing practitioners with those used by pharmacies, health plans, third-party administrators, and pharmacy benefit managers in order to facilitate the secure transmission of electronic prescriptions, refill authorization requests, communications, and other prescription-related information between such entities.

(d) "HITECH Act" means the Health Information Technology for Economic and Clinical Health Act in division A, title XIII and division B, title IV of the American Recovery and Reinvestment Act of 2009, including federal regulations adopted under that act.

(e) "Interoperable electronic health record" means an electronic health record that securely exchanges health information with another electronic health record system that meets requirements specified in subdivision 3, and national requirements for certification under the HITECH Act.

(f) "Qualified electronic health record" means an electronic record of health-related information on an individual that includes patient demographic and clinical health information and has the capacity to:

- (1) provide clinical decision support;
- (2) support physician order entry;
- (3) capture and query information relevant to health care quality; and
- (4) exchange electronic health information with, and integrate such information from, other sources.

Sec. 2. Minnesota Statutes 2009 Supplement, section 62J.495, subdivision 3, is amended to read:

Subd. 3. **Interoperable electronic health record requirements.** To meet the requirements of subdivision 1, hospitals and health care providers must meet the following criteria when implementing an interoperable electronic health records system within their hospital system or clinical practice setting.

(a) The electronic health record must be a qualified electronic health record.

(b) The electronic health record must be certified by the Office of the National Coordinator pursuant to the HITECH Act. This criterion only applies to hospitals and health care providers ~~only~~ if a certified electronic health record product for the provider's particular practice setting is available. This criterion shall be considered met if a hospital or health care provider is using an electronic health records system that has been certified within the last three years, even if a more current version of the system has been certified within the three-year period.

(c) The electronic health record must meet the standards established according to section 3004 of the HITECH Act as applicable.

(d) The electronic health record must have the ability to generate information on clinical quality measures and other measures reported under sections 4101, 4102, and 4201 of the HITECH Act.

(e) The electronic health record system must be connected to a state-certified health information organization either directly or through a connection facilitated by a state-certified health data intermediary as defined in section 62J.498.

~~(e)~~ (f) A health care provider who is a prescriber or dispenser of legend drugs must have an electronic health record system that meets the requirements of section 62J.497.

Sec. 3. Minnesota Statutes 2009 Supplement, section 62J.495, is amended by adding a subdivision to read:

Subd. 6. **State agency information system.** Development of state agency information systems necessary to implement this section is subject to the authority of the Office of Enterprise Technology in chapter 16E, including, but not limited to:

(1) evaluation and approval of the system as specified in section 16E.03, subdivisions 3 and 4;

(2) review of the system to ensure compliance with security policies, guidelines, and standards as specified in section 16E.03, subdivision 7; and

(3) assurance that the system complies with accessibility standards developed under section 16E.03, subdivision 9.

Sec. 4. **[62J.498] HEALTH INFORMATION EXCHANGE.**

Subdivision 1. **Definitions.** The following definitions apply to sections 62J.498 to 62J.4982:

(a) "Clinical transaction" means any meaningful use transaction that is not covered by section 62J.536.

(b) "Commissioner" means the commissioner of health.

(c) "Direct health information exchange" means the electronic transmission of health-related information through a direct connection between the electronic health record systems of health care providers without the use of a health data intermediary.

(d) "Health care provider" or "provider" means a health care provider or provider as defined in section 62J.03, subdivision 8.

(e) "Health data intermediary" means an entity that provides the infrastructure to connect computer systems or other electronic devices used by health care providers, laboratories, pharmacies, health plans, third-party administrators, or pharmacy benefit managers to facilitate the secure transmission of health information, including pharmaceutical electronic data intermediaries as defined in section 62J.495. This does not include health care providers engaged in direct health information exchange.

(f) "Health information exchange" means the electronic transmission of health-related information between organizations according to nationally recognized standards.

(g) "Health information exchange service provider" means a health data intermediary or health information organization that has been issued a certificate of authority by the commissioner under section 62J.4981.

(h) "Health information organization" means an organization that oversees, governs, and facilitates the exchange of health-related information among organizations according to nationally recognized standards.

(i) "HITECH Act" means the Health Information Technology for Economic and Clinical Health Act as defined in section 62J.495.

(j) "Major participating entity" means:

(1) a participating entity that receives compensation for services that is greater than 30 percent of the health information organization's gross annual revenues from the health information exchange service provider;

(2) a participating entity providing administrative, financial, or management services to the health information organization, if the total payment for all services provided by the participating entity exceeds three percent of the gross revenue of the health information organization; and

(3) a participating entity that nominates or appoints 30 percent or more of the board of directors of the health information organization.

(k) "Meaningful use" means use of certified electronic health record technology that includes e-prescribing, and is connected in a manner that provides for the electronic exchange of health information and used for the submission of clinical quality measures as established by the Center for Medicare and Medicaid Services and the Minnesota Department of Human Services pursuant to sections 4101, 4102, and 4201 of the HITECH Act.

(l) "Meaningful use transaction" means an electronic transaction that a health care provider must exchange to receive Medicare or Medicaid incentives or avoid Medicare penalties pursuant to sections 4101, 4102, and 4201 of the HITECH Act.

(m) "Participating entity" means any of the following persons, health care providers, companies, or other organizations with which a health information organization or health data intermediary has contracts or other agreements for the provision of health information exchange service providers:

(1) a health care facility licensed under sections 144.50 to 144.56, a nursing home licensed under sections 144A.02 to 144A.10, and any other health care facility otherwise licensed under the laws of this state or registered with the commissioner;

(2) a health care provider, and any other health care professional otherwise licensed under the laws of this state or registered with the commissioner;

(3) a group, professional corporation, or other organization that provides the services of individuals or entities identified in clause (2), including but not limited to a medical clinic, a medical group, a home health care agency, an urgent care center, and an emergent care center;

(4) a health plan as defined in section 62A.011, subdivision 3; and

(5) a state agency as defined in section 13.02, subdivision 17.

(n) "Reciprocal agreement" means an arrangement in which two or more health information exchange service providers agree to share in-kind services and resources to allow for the pass-through of meaningful use transactions.

(o) "State-certified health data intermediary" means a health data intermediary that:

(1) provides a subset of the meaningful use transaction capabilities necessary for hospitals and providers to achieve meaningful use of electronic health records;

(2) is not exclusively engaged in the exchange of meaningful use transactions covered by section 62J.536; and

(3) has been issued a certificate of authority to operate in Minnesota.

(p) "State-certified health information organization" means a nonprofit health information organization that provides transaction capabilities necessary to fully support clinical transactions required for meaningful use of electronic health records that has been issued a certificate of authority to operate in Minnesota.

Subd. 2. **Health information exchange oversight.** (a) The commissioner shall protect the public interest on matters pertaining to health information exchange. The commissioner shall:

(1) review and act on applications from health data intermediaries and health information organizations for certificates of authority to operate in Minnesota;

(2) provide ongoing monitoring to ensure compliance with criteria established under sections 62J.498 to 62J.4982;

(3) respond to public complaints related to health information exchange services;

(4) take enforcement actions as necessary, including the imposition of fines, suspension, or revocation of certificates of authority as outlined in section 62J.4982;

(5) provide a biannual report on the status of health information exchange services that includes but is not limited to:

(i) recommendations on actions necessary to ensure that health information exchange services are adequate to meet the needs of Minnesota citizens and providers statewide;

(ii) recommendations on enforcement actions to ensure that health information exchange service providers act in the public interest without causing disruption in health information exchange services;

(iii) recommendations on updates to criteria for obtaining certificates of authority under this section; and

(iv) recommendations on standard operating procedures for health information exchange, including but not limited to the management of consumer preferences;

(6) other duties necessary to protect the public interest.

(b) As part of the application review process for certification under paragraph (a), prior to issuing a certificate of authority, the commissioner shall:

(1) hold public hearings that provide an adequate opportunity for participating entities and consumers to provide feedback and recommendations on the application under consideration. The commissioner shall make all portions of the application classified as public data available to the public at least ten days in advance of the hearing. The applicant shall participate in the hearing by presenting an overview of their application and responding to questions from interested parties;

(2) make available all feedback and recommendations from the hearing available to the public prior to issuing a certificate of authority; and

(3) consult with hospitals, physicians, and other professionals eligible to receive meaningful use incentive payments or subject to penalties as established in the HITECH Act, and their respective statewide associations, prior to issuing a certificate of authority.

(c)(1) When the commissioner is actively considering a suspension or revocation of a certificate of authority as described in section 62J.4982, subdivision 3, all investigatory data that are collected, created, or maintained related to the suspension or revocation are classified as confidential data on individuals and as protected nonpublic data in the case of data not on individuals.

(2) The commissioner may disclose data classified as protected nonpublic or confidential under this paragraph if disclosing the data will protect the health or safety of patients.

(d) After the commissioner makes a final determination regarding a suspension or revocation of a certificate of authority, all minutes, orders for hearing, findings of fact, conclusions of law, and the specification of the final disciplinary action, are classified as public data.

Sec. 5. [62J.4981] CERTIFICATE OF AUTHORITY TO PROVIDE HEALTH INFORMATION EXCHANGE SERVICES.

Subdivision 1. Authority to require organizations to apply. The commissioner shall require an entity providing health information exchange services to apply for a certificate of authority under this section. An applicant may continue to operate until the commissioner acts on the application. If the application is denied, the applicant is considered a health information organization whose certificate of authority has been revoked under section 62J.4982, subdivision 2, paragraph (d).

Subd. 2. Certificate of authority for health data intermediaries. (a) A health data intermediary that provides health information exchange services for the transmission of one or more clinical transactions necessary for hospitals, providers, or eligible professionals to achieve meaningful use must be registered with the state and comply with requirements established in this section.

(b) Notwithstanding any law to the contrary, any corporation organized to do so may apply to the commissioner for a certificate of authority to establish and operate as a health data intermediary in compliance with this section. No person shall establish or operate a health data intermediary in this state, nor sell or offer to sell, or solicit offers to purchase or receive advance or periodic consideration in conjunction with a health data intermediary contract unless the organization has a certificate of authority or has an application under active consideration under this section.

(c) In issuing the certificate of authority, the commissioner shall determine whether the applicant for the certificate of authority has demonstrated that the applicant meets the following minimum criteria:

(1) interoperate with at least one state-certified health information organization;

(2) provide an option for Minnesota entities to connect to their services through at least one state-certified health information organization;

(3) have a record locator service as defined in section 144.291, subdivision 2, paragraph (i), that is compliant with the requirements of section 144.293, subdivision 8, when conducting meaningful use transactions; and

(4) hold reciprocal agreements with at least one state-certified health information organization to enable access to record locator services to find patient data, and for the transmission and receipt of meaningful use transactions consistent with the format and content required by national standards established by Centers for Medicare and Medicaid Services. Reciprocal agreements must meet the requirements established in subdivision 5.

Subd. 3. Certificate of authority for health information organizations. (a) A health information organization that provides all electronic capabilities for the transmission of clinical transactions necessary for meaningful use of electronic health records must obtain a certificate of authority from the commissioner and demonstrate compliance with the criteria in paragraph (c).

(b) Notwithstanding any law to the contrary, a nonprofit corporation organized to do so may apply for a certificate of authority to establish and operate a health information organization under this section. No person shall establish or operate a health information organization in this state, nor sell or offer to sell, or solicit offers to purchase or receive advance or periodic consideration in conjunction with a health information organization or health information contract unless the organization has a certificate of authority under this section.

(c) In issuing the certificate of authority, the commissioner shall determine whether the applicant for the certificate of authority has demonstrated that the applicant meets the following minimum criteria:

(1) the entity is a legally established, nonprofit organization;

(2) appropriate insurance, including liability insurance, for the operation of the health information organization is in place and sufficient to protect the interest of the public and participating entities;

(3) strategic and operational plans clearly address how the organization will expand technical capacity of the health information organization to support providers in achieving meaningful use of electronic health records over time;

(4) the entity addresses the parameters to be used with participating entities and other health information organizations for meaningful use transactions, compliance with Minnesota law, and interstate health information exchange in trust agreements;

(5) the entity's board of directors is comprised of members that broadly represent the health information organization's participating entities and consumers;

(6) the entity maintains a professional staff responsible to the board of directors with the capacity to ensure accountability to the organization's mission;

(7) the organization is compliant with criteria established under the Health Information Exchange Accreditation Program of the Electronic Healthcare Network Accreditation Commission (EHNAC) or equivalent criteria established by the commissioner;

(8) the entity maintains a record locator service as defined in section 144.291, subdivision 2, paragraph (i), that is compliant with the requirements of section 144.293, subdivision 8, when conducting meaningful use transactions;

(9) the organization demonstrates interoperability with all other state-certified health information organizations using nationally recognized standards;

(10) the organization demonstrates compliance with all privacy and security requirements required by state and federal law; and

(11) the organization uses financial policies and procedures consistent with generally accepted accounting principles and has an independent audit of the organization's financials on an annual basis.

(d) Health information organizations that have obtained a certificate of authority must:

(1) meet the requirements established for connecting to the Nationwide Health Information Network (NHIN) within the federally mandated timeline or within a time frame established by the commissioner and published in the State Register. If the state timeline for implementation varies from the federal timeline, the State Register notice shall include an explanation for the variation;

(2) annually submit strategic and operational plans for review by the commissioner that address:

(i) increasing adoption rates to include a sufficient number of participating entities to achieve financial sustainability; and

(ii) progress in achieving objectives included in previously submitted strategic and operational plans across the following domains: business and technical operations, technical infrastructure, legal and policy issues, finance, and organizational governance;

(3) develop and maintain a business plan that addresses:

(i) plans for ensuring the necessary capacity to support meaningful use transactions;

(ii) approach for attaining financial sustainability, including public and private financing strategies, and rate structures;

(iii) rates of adoption, utilization, and transaction volume, and mechanisms to support health information exchange; and

(iv) an explanation of methods employed to address the needs of community clinics, critical access hospitals, and free clinics in accessing health information exchange services;

(4) annually submit a rate plan outlining fee structures for health information exchange services for approval by the commissioner. The commissioner shall approve the rate plan if it:

(i) distributes costs equitably among users of health information services;

(ii) provides predictable costs for participating entities;

(iii) covers all costs associated with conducting the full range of meaningful use clinical transactions, including access to health information retrieved through other state-certified health information exchange service providers; and

(iv) provides for a predictable revenue stream for the health information organization and generates sufficient resources to maintain operating costs and develop technical infrastructure necessary to serve the public interest;

(5) enter into reciprocal agreements with all other state-certified health information organizations to enable access to record locator services to find patient data, and transmission and receipt of meaningful use transactions consistent with the format and content required by national standards established by Centers for Medicare and Medicaid Services. Reciprocal agreements must meet the requirements in subdivision 5; and

(6) comply with additional requirements for the certification or recertification of health information organizations that may be established by the commissioner.

Subd. 4. Application for certificate of authority for health information exchange service providers. (a) Each application for a certificate of authority shall be in a form prescribed by the commissioner and verified by an officer or authorized representative of the applicant. Each application shall include the following:

(1) a copy of the basic organizational document, if any, of the applicant and of each major participating entity, such as the articles of incorporation, or other applicable documents, and all amendments to it;

(2) a list of the names, addresses, and official positions of the following:

(i) all members of the board of directors, and the principal officers and, if applicable, shareholders of the applicant organization; and

(ii) all members of the board of directors, and the principal officers of each major participating entity and, if applicable, each shareholder beneficially owning more than ten percent of any voting stock of the major participating entity;

(3) the name and address of each participating entity and the agreed-upon duration of each contract or agreement if applicable;

(4) a copy of each standard agreement or contract intended to bind the participating entities and the health information organization. Contractual provisions shall be consistent with the purposes of this section, in regard to the services to be performed under the standard agreement or contract, the manner in which payment for services is determined, the nature and extent of responsibilities to be retained by the health information organization, and contractual termination provisions;

(5) a copy of each contract intended to bind major participating entities and the health information organization. Contract information filed with the commissioner under this section shall be nonpublic as defined in section 13.02, subdivision 9;

(6) a statement generally describing the health information organization, its health information exchange contracts, facilities, and personnel, including a statement describing the manner in which the applicant proposes to provide participants with comprehensive health information exchange services;

(7) financial statements showing the applicant's assets, liabilities, and sources of financial support, including a copy of the applicant's most recent certified financial statement;

(8) strategic and operational plans that specifically address how the organization will expand technical capacity of the health information organization to support providers in achieving meaningful use of electronic health records over time, a description of the proposed method of marketing the services, a schedule of proposed charges, and a financial plan that includes a three-year projection of the expenses and income and other sources of future capital;

(9) a statement reasonably describing the geographic area or areas to be served and the type or types of participants to be served;

(10) a description of the complaint procedures to be used as required under this section;

(11) a description of the mechanism by which participating entities will have an opportunity to participate in matters of policy and operation;

(12) a copy of any pertinent agreements between the health information organization and insurers, including liability insurers, demonstrating coverage is in place;

(13) a copy of the conflict of interest policy that applies to all members of the board of directors and the principal officers of the health information organization; and

(14) other information as the commissioner may reasonably require to be provided.

(b) Thirty days after the receipt of the application for a certificate of authority, the commissioner shall determine whether or not the application submitted meets the requirements for completion in paragraph (a), and notify the applicant of any further information required for the application to be processed.

(c) Ninety days after the receipt of a complete application for a certificate of authority, the commissioner shall issue a certificate of authority to the applicant if the commissioner determines that the applicant meets the minimum criteria requirements of subdivision 2 for health data intermediaries or subdivision 3 for health information organizations. If the commissioner determines that the applicant is not qualified, the commissioner shall notify the applicant and specify the reasons for disqualification.

(d) Upon being granted a certificate of authority to operate as a health information organization, the organization must operate in compliance with the provisions of this section. Noncompliance may result in the imposition of a fine or the suspension or revocation of the certificate of authority according to section 62J.4982.

Subd. 5. Reciprocal agreements between health information exchange entities. (a) Reciprocal agreements between two health information organizations or between a health information organization and a health data intermediary must include a fair and equitable model for charges between the entities that:

(1) does not impede the secure transmission of transactions necessary to achieve meaningful use;

(2) does not charge a fee for the exchange of meaningful use transactions transmitted according to nationally recognized standards where no additional value-added service is rendered to the sending or receiving health information organization or health data intermediary either directly or on behalf of the client;

(3) is consistent with fair market value and proportionately reflects the value-added services accessed as a result of the agreement; and

(4) prevents health care stakeholders from being charged multiple times for the same service.

(b) Reciprocal agreements must include comparable quality of service standards that ensure equitable levels of services.

(c) Reciprocal agreements are subject to review and approval by the commissioner.

(d) Nothing in this section precludes a state-certified health information organization or state-certified health data intermediary from entering into contractual agreements for the provision of value-added services beyond meaningful use.

(e) The commissioner of human services or health, when providing access to data or services through a certified health information organization, must offer the same data or services directly through any certified health information organization at the same pricing, if the health information organization pays for all connection costs to the state data or service. For all external connectivity to the respective agencies through existing or future information exchange implementations, the respective agency shall establish the required connectivity methods as well as protocol standards to be utilized.

Subd. 6. State participation in health information exchange. A state agency that connects to a health information exchange service provider for the purpose of exchanging meaningful use transactions must ensure that the contracted health information exchange service provider has reciprocal agreements in place as required by this section. The reciprocal agreements must provide equal access to information supplied by the agency and necessary for meaningful use by the participating entities of the other health information service providers.

Sec. 6. [62J.4982] ENFORCEMENT AUTHORITY; COMPLIANCE.

Subdivision 1. Penalties and enforcement. (a) The commissioner may, for any violation of statute or rule applicable to a health information exchange service provider, levy an administrative penalty in an amount up to \$25,000 for each violation. In determining the level of an administrative penalty, the commissioner shall consider the following factors:

- (1) the number of participating entities affected by the violation;
- (2) the effect of the violation on participating entities' access to health information exchange services;
- (3) if only one participating entity is affected, the effect of the violation on the patients of that entity;
- (4) whether the violation is an isolated incident or part of a pattern of violations;
- (5) the economic benefits derived by the health information organization or a health data intermediary by virtue of the violation;
- (6) whether the violation hindered or facilitated an individual's ability to obtain health care;
- (7) whether the violation was intentional;
- (8) whether the violation was beyond the direct control of the health information exchange service provider;
- (9) any history of prior compliance with the provisions of this section, including violations;
- (10) whether and to what extent the health information exchange service provider attempted to correct previous violations;
- (11) how the health information exchange service provider responded to technical assistance from the commissioner provided in the context of a compliance effort; and
- (12) the financial condition of the health information exchange service provider including, but not limited to, whether the health information exchange service provider had financial difficulties that affected its ability to comply or whether the imposition of an administrative monetary penalty would jeopardize the ability of the health information exchange service provider to continue to deliver health information exchange services.

Reasonable notice in writing to the health information exchange service provider shall be given of the intent to levy the penalty and the reasons for them. A health information exchange service provider may have 15 days within which to contest whether the finding of facts constitute a violation of sections 62J.4981 and 62J.4982, according to the contested case and judicial review provisions of sections 14.57 to 14.69.

(b) If the commissioner has reason to believe that a violation of section 62J.4981 or 62J.4982 has occurred or is likely, the commissioner may confer with the persons involved before commencing action under subdivision 2. The commissioner may notify the health information exchange service provider and the representatives, or other persons who appear to be involved in the suspected violation, to arrange a voluntary conference with the alleged violators or their authorized representatives. The purpose of the conference is to attempt to learn the facts about the suspected violation and, if it appears that a violation has occurred or is threatened, to find a way to correct or prevent it. The conference is not governed by any formal procedural requirements, and may be conducted as the commissioner considers appropriate.

(c) The commissioner may issue an order directing a health information exchange service provider or a representative of a health information exchange service provider to cease and desist from engaging in any act or practice in violation of sections 62J.4981 and 62J.4982.

(d) Within 20 days after service of the order to cease and desist, a health information exchange service provider may contest whether the finding of facts constitutes a violation of sections 62J.4981 and 62J.4982 according to the contested case and judicial review provisions of sections 14.57 to 14.69.

(e) In the event of noncompliance with a cease and desist order issued under this subdivision, the commissioner may institute a proceeding to obtain injunctive relief or other appropriate relief in Ramsey County District Court.

Subd. 2. **Suspension or revocation of certificates of authority.** (a) The commissioner may suspend or revoke a certificate of authority issued to a health data intermediary or health information organization under section 62J.4981 if the commissioner finds that:

(1) the health information exchange service provider is operating significantly in contravention of its basic organizational document, or in a manner contrary to that described in and reasonably inferred from any other information submitted under section 62J.4981, unless amendments to the submissions have been filed with and approved by the commissioner;

(2) the health information exchange service provider is unable to fulfill its obligations to furnish comprehensive health information exchange services as required under its health information exchange contract;

(3) the health information exchange service provider is no longer financially solvent or may not reasonably be expected to meet its obligations to participating entities;

(4) the health information exchange service provider has failed to implement the complaint system in a manner designed to reasonably resolve valid complaints;

(5) the health information exchange service provider, or any person acting with its sanction, has advertised or merchandised its services in an untrue, misleading, deceptive, or unfair manner;

(6) the continued operation of the health information exchange service provider would be hazardous to its participating entities or the patients served by the participating entities; or

(7) the health information exchange service provider has otherwise failed to substantially comply with section 62J.4981 or with any other statute or administrative rule applicable to health information exchange service providers, or has submitted false information in any report required under sections 62J.498 to 62J.4982.

(b) A certificate of authority shall be suspended or revoked only after meeting the requirements of subdivision 3.

(c) If the certificate of authority of a health information exchange service provider is suspended, the health information exchange service provider shall not, during the period of suspension, enroll any additional participating entities, and shall not engage in any advertising or solicitation.

(d) If the certificate of authority of a health information exchange service provider is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs, and shall conduct no further business except as necessary to the orderly conclusion of the affairs of the organization. The organization shall engage in no further advertising or solicitation. The commissioner may, by written order, permit further operation of the organization as the commissioner finds to be in the best interest of participating entities, to the end that participating entities will be given the greatest practical opportunity to access continuing health information exchange services.

Subd. 3. **Denial, suspension, and revocation; administrative procedures.** (a) When the commissioner has cause to believe that grounds for the denial, suspension, or revocation of a certificate of authority exists, the commissioner shall notify the health information exchange service provider in writing stating the grounds for denial, suspension, or revocation and setting a time within 20 days for a hearing on the matter.

(b) After a hearing before the commissioner at which the health information exchange service provider may respond to the grounds for denial, suspension, or revocation, or upon the failure of the health information exchange service provider to appear at the hearing, the commissioner shall take action as deemed necessary and shall issue written findings that shall be mailed to the health information exchange service provider.

(c) If suspension, revocation, or an administrative penalty is proposed according to this section, the commissioner must deliver, or send by certified mail with return receipt requested, to the health information exchange service provider written notice of the commissioner's intent to impose a penalty. This notice of proposed determination must include:

(1) a reference to the statutory basis for the penalty;

(2) a description of the findings of fact regarding the violations with respect to which the penalty is proposed;

(3) the nature and/or amount of the proposed penalty;

(4) any circumstances described in subdivision 1, paragraph (a), that were considered in determining the amount of the proposed penalty;

(5) instructions for responding to the notice, including a statement of the health information exchange service provider's right to a contested case proceeding and a statement that failure to request a contested case proceeding within 30 calendar days permits the imposition of the proposed penalty; and

(6) the address to which the contested case proceeding request must be sent.

Subd. 4. **Coordination.** (a) The commissioner shall, to the extent possible, seek the advice of the Minnesota e-Health Advisory Committee, in the review and update of criteria for the certification and recertification of health information exchange service providers when implementing sections 62J.498 to 62J.4982.

(b) By January 1, 2011, the commissioner shall report to the governor and the chairs of the senate and house of representatives committees having jurisdiction over health information policy issues on the status of health information exchange in Minnesota, and provide recommendations on further action necessary to facilitate the secure electronic movement of health information among health providers that will enable Minnesota providers and hospitals to meet meaningful use exchange requirements.

Subd. 5. **Fees and monetary penalties.** (a) Every health information exchange service provider subject to sections 62J.4981 and 62J.4982 shall be assessed fees as follows:

(1) filing an application for certificate of authority to operate as a health information organization, \$10,500;

(2) filing an application for certificate of authority to operate as a health data intermediary, \$7,000;

(3) annual health information organization certificate fee, \$14,000;

(4) annual health data intermediary certificate fee, \$7,000; and

(5) fees for other filings, as specified by rule.

(b) Administrative monetary penalties imposed under this subdivision shall be deposited into a revolving fund and are appropriated to the commissioner for the purposes of sections 62J.498 to 62J.4982.

Sec. 7. **APPLICATION PROCESS FOR HEALTH INFORMATION EXCHANGE.**

To the extent that the commissioner of health applies for additional federal funding to support the commissioner's responsibilities of developing and maintaining state level health information exchange under section 3013 of the HITECH Act, the commissioner of health shall ensure that applications are made through an open process that provides health information exchange service providers equal opportunity to receive funding.

Sec. 8. **APPROPRIATION; HEALTH INFORMATION EXCHANGE OVERSIGHT.**

\$104,000 in fiscal year 2011 is appropriated from the state government special revenue fund to the commissioner of health for the duties required under sections 62J.498 to 62J.4982. Base funding shall be \$97,000 in fiscal year 2012 and \$97,000 in fiscal year 2013."

Delete the title and insert:

"A bill for an act relating to health; amending provisions for electronic health record technology; providing for administrative penalties; appropriating money; amending Minnesota Statutes 2009 Supplement, section 62J.495, subdivisions 1a, 3, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62J."

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.

Carlson from the Committee on Finance to which was referred:

H. F. No. 3310, A bill for an act relating to transportation; appropriating funds for State Patrol tax compliance and vehicle crimes investigations; amending Laws 2009, chapter 36, article 1, sections 1; 5, subdivisions 1, 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Laws 2009, chapter 36, article 1, section 1, is amended to read:

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	2010	2011	Total
General	\$98,385,000	\$95,885,000	\$194,270,000
Airports	21,909,000	19,659,000	41,568,000
C.S.A.H.	496,786,000	524,478,000	1,021,264,000
M.S.A.S.	134,003,000	141,400,000	275,403,000

9846	JOURNAL OF THE HOUSE		[85TH DAY
Special Revenue	49,038,000	49,038,000 49,088,000	98,076,000 98,126,000
H.U.T.D.	9,538,000	9,838,000	19,376,000
Trunk Highway	1,264,921,000	1,372,687,000 1,372,878,000	2,637,608,000 2,637,799,000
Total	\$2,074,580,000	\$ 2,212,985,000 2,213,226,000	\$ 4,287,565,000 4,287,806,000

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

Sec. 2. Laws 2009, chapter 36, article 1, section 5, subdivision 1, is amended to read:

Subdivision 1. Total Appropriation	\$152,478,000	\$ 152,578,000 152,819,000
---	----------------------	--

Appropriations by Fund

	2010	2011
General	7,959,000	7,959,000
Special Revenue	49,038,000	49,038,000 49,088,000
H.U.T.D.	9,413,000	9,713,000
Trunk Highway	86,068,000	85,868,000 86,059,000

The amounts that may be spent for each purpose are specified in the following subdivisions.

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

Sec. 3. Laws 2009, chapter 36, article 1, section 5, subdivision 3, is amended to read:

Subd. 3. **State Patrol**

(a) Patrolling Highways	71,522,000	71,522,000
--------------------------------	------------	------------

Appropriations by Fund

General	37,000	37,000
H.U.T.D.	92,000	92,000
Trunk Highway	71,393,000	71,393,000

(b) **Commercial Vehicle Enforcement** 7,996,000 7,796,000

This appropriation is from the trunk highway fund.

\$800,000 the first year and \$600,000 the second year are for the Office of Pupil Transportation Safety.

(c) **Capitol Security** 3,113,000 3,113,000

This appropriation is from the general fund.

The commissioner may not: (1) spend any money from the trunk highway fund for capitol security; or (2) permanently transfer any state trooper from the patrolling highways activity to capitol security.

The commissioner may not transfer any money: (1) appropriated for Department of Public Safety administration, the patrolling of highways, commercial vehicle enforcement, or driver and vehicle services to capitol security; or (2) from capitol security.

(d) **Vehicle Crimes Unit** 191,000

This appropriation is to investigate (1) registration tax and motor vehicle sales tax liabilities from individuals and businesses that currently do not pay all taxes owed; and (2) illegal or improper activity related to sale, transfer, titling, and registration of motor vehicles. This initiative is expected to result in new revenues for the biennium as follows:

(1) \$454,000 for the highway user tax distribution fund;

(2) \$303,000 for the transit assistance fund; and

(3) \$50,000 for the general fund.

The base for this program is \$693,000 in fiscal year 2012 and \$693,000 in fiscal year 2013.

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

Sec. 4. Laws 2009, chapter 36, article 1, section 5, subdivision 4, is amended to read:

Subd. 4. **Driver and Vehicle Services**

(a) **Vehicle Services** 26,909,000 27,209,000
27,259,000

Appropriations by Fund

Special Revenue 18,973,000 ~~18,973,000~~
19,023,000

Carlson from the Committee on Finance to which was referred:

H. F. No. 3524, A bill for an act relating to transportation; amending provisions governing authorization and discontinuance of special plates; amending Minnesota Statutes 2008, sections 168.002, by adding a subdivision; 168.1293.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 168.002, is amended by adding a subdivision to read:

Subd. 31a. **Special plates.** Unless otherwise specified, "special plates" or "special plate" means plates, or a single motorcycle plate, that are designed with wording or graphics that differ from a regular Minnesota passenger automobile plate or motorcycle plate.

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

Sec. 2. Minnesota Statutes 2008, section 168.123, is amended by adding a subdivision to read:

Subd. 2b. **Eligibility; combat wounded plate.** A member of the United States armed forces who is serving actively in the military and who is a recipient of the purple heart medal is also eligible for the license plate under subdivision 2, paragraph (e). The commissioner of public safety shall ensure that information regarding the required proof of eligibility for any applicant under this subdivision who has not yet been issued military discharge papers is distributed to the public officials responsible for administering this section.

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

Sec. 3. Minnesota Statutes 2008, section 168.1293, is amended to read:

168.1293 CERTAIN SPECIAL PLATES; AUTHORIZATION, DISCONTINUANCE.

Subdivision 1. **Definition.** For purposes of this section ~~and section 168.1297~~, the following terms have the meanings given them:

(1) "new special plate" or "proposed special plate" means a special plate authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129, to have wording and graphics that differ from a Minnesota passenger vehicle plate, that is not authorized under this chapter and for which legislation authorizing the plate, including but not limited to a bill or amendment, is introduced or presented to the legislature; and

(2) "proximate special plate" means a special plate (i) authorized under section 168.12, subdivisions 2b and 2e; 168.1235; or 168.129; or (ii) authorized in law on or after August 1, 2010.

Subd. 1a. **Establishment of plate.** The commissioner may only establish a special plate as authorized under this chapter. This requirement does not apply to alternative or additional designs for a special plate.

Subd. 2. **Submissions to commissioner.** (a) A person, legal entity, or other requester, however organized, that plans to seek legislation establishing a new special plate, or is a proponent of a new special plate, shall submit the following information and fee to the commissioner:

(1) The requester shall submit a request for the special plate being sought, describing the ~~proposed~~ special plate in general terms, the purpose of the plate, and the proposed fee or minimum contribution required for the plate.

(2) The requester shall submit the results of a scientific sample survey of Minnesota motor vehicle owners that indicates that at least 10,000 motor vehicle owners intend to purchase the proposed plate with the proposed fee or minimum contribution. The requester's plan to undertake the survey must be reported to the commissioner before the survey is undertaken. The survey must be performed independently of the requester by another person or legal entity, however organized, that conducts similar sample surveys in the normal course of business.

(3) The requester shall submit an application fee of \$20,000, to cover the cost of reviewing the application for a new plate and developing the new special plate if authorized by law. State funds may not be used to pay the application fee. This requirement does not apply if legislation or a bill introduced to the legislature proposing the new special plate contains a mechanism by which all costs incurred by the commissioner for development and implementation of the plate are covered, provided that the application fee subsequently does apply if such a mechanism is not enacted in the law authorizing the new special plate.

(4) The requester shall submit a marketing strategy that contains (i) short-term and long-term marketing plans for the requested plate, and (ii) a financial analysis showing the anticipated revenues and the planned expenditures of any fee or contribution derived from the requested plate.

(b) The requester shall submit the information required under paragraph (a) to the commissioner at least 120 days before the convening of the next regular legislative session at which the requester will submit the proposal.

Subd. 2a. Information for legislature. (a) Within 15 days of the introduction of a bill proposing a new special plate, the commissioner shall submit a briefing to the chairs and ranking minority members of the house of representatives and senate committees to which the bill was referred. At a minimum, the briefing must:

(1) summarize the requirements for a special plate under this section; and

(2) identify which of the requirements have been met for the proposed special plate.

(b) If a proposed special plate is a topic of discussion at a legislative committee hearing, the commissioner shall make every reasonable effort to provide testimony. The testimony must include the information required in the briefing under paragraph (a).

(c) Notwithstanding section 3.195, the commissioner may submit the briefing under paragraph (a) by submitting an electronic version rather than a printed version.

Subd. 3. Design; redesign. (a) If the proposed ~~new~~ special plate sought by the requester is approved by law, the requester shall submit the proposed design for the plate to the commissioner as soon as practicable, but not later than 120 days after the effective date of the law authorizing issuance of the plate. The commissioner is responsible for selecting the final design for the special plate.

(b) The requester that originally requested a new special plate subsequently approved by law may not submit a new design for the plate within the five years following the date of first issuance of the plate unless the inventory of those plates has been exhausted. The requester may deplete the remaining inventory of the plates by reimbursing the commissioner for the cost of the plates.

Subd. 4. Refund of fee. If the special plate requested is not authorized in the legislative session at which authorization was sought, the commissioner shall, if applicable, refund \$17,500 of the application fee to the requester.

Subd. 5. **Discontinuance of plate.** (a) The commissioner shall discontinue the issuance or renewal of any proximate special plate ~~authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129,~~ if (1) fewer than 1,000 sets of those plates are currently registered at the end of the first six years during which the plates are available, or (2) fewer than 1,000 sets of those plates are currently registered at the end of any subsequent two-year period following the first six years of availability.

(b) The commissioner shall discontinue the issuance or renewal of any proximate special plate ~~authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129,~~ and distribution of any contributions resulting from that plate, if the commissioner determines that (1) the fund or requester receiving the contributions no longer exists, (2) the requester has stopped providing services that are authorized to be funded from the contribution proceeds, (3) the requester has requested discontinuance, or (4) contributions have been used in violation of subdivision 6.

(c) Nothing in this subdivision applies to plates issued under section 168.123, 168.124, 168.125, 168.1251, or 168.1255.

(d) Upon commencing discontinuance of a proximate special plate under this subdivision, the commissioner (1) shall not issue the plate, including as a duplicate; and (2) shall allow retention of any existing plate for the regular period. For purposes of this paragraph, "regular period" may be, as appropriate, the period specified under section 168.12, subdivision 1; the time until issuance of a duplicate plate for that vehicle; or as otherwise provided by law.

Subd. 6. **Use of contributions.** Contributions made as a condition of obtaining a proximate special plate ~~authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129,~~ and interest earned on the contributions, may not be spent for commercial or for-profit purposes.

Subd. 7. **Deposit of fee; appropriation.** The commissioner shall deposit the application fee under subdivision 2, paragraph (a), clause (3), in the vehicle services operating account of the special revenue fund under section 299A.705. An amount sufficient to pay the department's cost in implementing and administering this section, including payment of refunds under subdivision 4, is appropriated to the commissioner."

Delete the title and insert:

"A bill for an act relating to transportation; amending provisions governing authorization and discontinuance of special plates; amending Minnesota Statutes 2008, sections 168.002, by adding a subdivision; 168.123, by adding a subdivision; 168.1293."

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

S. F. No. 2844, A bill for an act relating to labor and industry; modifying elevator provisions; amending Minnesota Statutes 2008, section 326B.184, subdivision 2; Minnesota Statutes 2009 Supplement, section 326B.163, subdivision 5.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2470, 3024 and 3524 were read for the second time.

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, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

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.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Nelson moved that the House refuse to concur in the Senate amendments to H. F. No. 2231, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 212, A bill for an act relating to courts; eliminating the prerequisite of pretrial filing of a transcript for admission into evidence of law enforcement vehicle recordings; proposing coding for new law in Minnesota Statutes, chapter 634.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Simon moved that the House concur in the Senate amendments to H. F. No. 212 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 212, A bill for an act relating to courts; eliminating the prerequisite of pretrial filing of a transcript for admission into evidence of law enforcement vehicle recordings; proposing coding for new law in Minnesota Statutes, chapter 634.

The bill was read for the third time, as amended by the Senate, 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 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2616, A bill for an act relating to traffic regulations; allowing bicyclist to stop and proceed through red light under limited circumstances; amending Minnesota Statutes 2008, section 169.06, subdivision 9.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kahn moved that the House concur in the Senate amendments to H. F. No. 2616 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2616, A bill for an act relating to traffic regulations; allowing bicyclist to stop and proceed through red light under limited circumstances; amending Minnesota Statutes 2008, section 169.06, subdivision 9.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 97 yeas and 32 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dean	Garofalo	Mack	Scott	Westrom
Anderson, P.	Dettmer	Hackbarth	McNamara	Seifert	Zellers
Anderson, S.	Downey	Kath	Murdock	Shimanski	
Beard	Drazkowski	Kelly	Nornes	Smith	
Buesgens	Eastlund	Kiffmeyer	Peppin	Sterner	
Cornish	Emmer	Lanning	Sanders	Urdahl	

The bill was repassed, as amended by the Senate, and its title agreed to.

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2823, A bill for an act relating to real property; clarifying certain definitions relating to filing contracts for deed; making changes relating to common interest community certificates; amending Minnesota Statutes 2009 Supplement, sections 507.235, subdivision 1a; 508.351, subdivisions 1, 5, 7; 508A.351, subdivisions 1a, 5, 7.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Jackson moved that the House concur in the Senate amendments to H. F. No. 2823 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2823, A bill for an act relating to real property; clarifying a definition; making changes relating to common interest community certificates; amending Minnesota Statutes 2009 Supplement, sections 507.235, subdivision 1a; 508.351, subdivisions 1, 5, 7; 508A.351, subdivisions 1a, 5, 7.

The bill was read for the third time, as amended by the Senate, 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 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3065, A bill for an act relating to local government; providing for securities lending agreements and holding of municipal funds; amending Minnesota Statutes 2008, sections 118A.05, subdivision 3; 118A.06.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Simon moved that the House concur in the Senate amendments to H. F. No. 3065 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3065, A bill for an act relating to local government; providing for securities lending agreements and holding of municipal funds; amending Minnesota Statutes 2008, sections 118A.05, subdivision 3; 118A.06.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

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

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Hosch was excused between the hours of 1:35 p.m. and 4:10 p.m.

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3277, A bill for an act relating to commerce; specifying that advertising of deceptive local telephone numbers for businesses is a deceptive trade practice; amending Minnesota Statutes 2008, section 325D.46, by adding a subdivision.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Simon moved that the House concur in the Senate amendments to H. F. No. 3277 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3277, A bill for an act relating to commerce; specifying that advertising of deceptive local telephone numbers for businesses is a deceptive trade practice; amending Minnesota Statutes 2008, section 325D.46, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 118 yeas and 12 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dean	Doepke	Draskowski	Emmer	Severson
Buesgens	Dettmer	Downey	Eastlund	Peppin	Shimanski

The bill was repassed, as amended by the Senate, and its title agreed to.

CALENDAR FOR THE DAY

S. F. No. 2722 was reported to the House.

Marquart moved to amend S. F. No. 2722, the first engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3085, the first engrossment:

"Section 1. Minnesota Statutes 2009 Supplement, section 549.09, subdivision 1, is amended to read:

Subdivision 1. **When owed; rate.** (a) When a judgment or award is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict, award, or report until judgment is finally entered shall be computed by the court administrator or arbitrator as provided in paragraph (c) and added to the judgment or award.

(b) Except as otherwise provided by contract or allowed by law, preverdict, preaward, or prereport interest on pecuniary damages shall be computed as provided in paragraph (c) from the time of the commencement of the action or a demand for arbitration, or the time of a written notice of claim, whichever occurs first, except as provided herein. The action must be commenced within two years of a written notice of claim for interest to begin to accrue from the time of the notice of claim. If either party serves a written offer of settlement, the other party may serve a written acceptance or a written counteroffer within 30 days. After that time, interest on the judgment or award shall be calculated by the judge or arbitrator in the following manner. The prevailing party shall receive interest on any judgment or award from the time of commencement of the action or a demand for arbitration, or the time of a written notice of claim, or as to special damages from the time when special damages were incurred, if later, until the time of verdict, award, or report only if the amount of its offer is closer to the judgment or award than the amount of the opposing party's offer. If the amount of the losing party's offer was closer to the judgment or award than the prevailing party's offer, the prevailing party shall receive interest only on the amount of the settlement offer or the judgment or award, whichever is less, and only from the time of commencement of the action or a demand for arbitration, or the time of a written notice of claim, or as to special damages from when the special damages were incurred, if later, until the time the settlement offer was made. Subsequent offers and counteroffers supersede the legal effect of earlier offers and counteroffers. For the purposes of clause (2), the amount of settlement offer must be allocated between past and future damages in the same proportion as determined by the trier of fact. Except as otherwise provided by contract or allowed by law, preverdict, preaward, or prereport interest shall not be awarded on the following:

- (1) judgments, awards, or benefits in workers' compensation cases, but not including third-party actions;
- (2) judgments or awards for future damages;
- (3) punitive damages, fines, or other damages that are noncompensatory in nature;
- (4) judgments or awards not in excess of the amount specified in section 491A.01; and
- (5) that portion of any verdict, award, or report which is founded upon interest, or costs, disbursements, attorney fees, or other similar items added by the court or arbitrator.

(c)(1) For a judgment or award of \$50,000 or less or a judgment or award for or against the state or a political subdivision of the state, regardless of the amount, the interest shall be computed as simple interest per annum. The rate of interest shall be based on the secondary market yield of one year United States Treasury bills, calculated on a bank discount basis as provided in this section.

On or before the 20th day of December of each year the state court administrator shall determine the rate from the one-year constant maturity treasury yield for the most recent calendar month, reported on a monthly basis in the latest statistical release of the board of governors of the Federal Reserve System. This yield, rounded to the nearest one percent, or four percent, whichever is greater, shall be the annual interest rate during the succeeding calendar year. The state court administrator shall communicate the interest rates to the court administrators and sheriffs for use in computing the interest on verdicts and shall make the interest rates available to arbitrators.

This clause applies to any section that references section 549.09 by citation for the purposes of computing an interest rate on any amount owed to or by the state or a political subdivision of the state, regardless of if the amount is greater than or less than \$50,000.

(2) For a judgment or award over \$50,000, other than a judgment or award for or against the state or a political subdivision of the state, the interest rate shall be ten percent per year until paid.

(3) When a judgment creditor, or the judgment creditor's attorney or agent, has received a payment after entry of judgment, whether the payment is made voluntarily by or on behalf of the judgment debtor, or is collected by legal process other than execution levy where a proper return has been filed with the court administrator, the judgment creditor, or the judgment creditor's attorney, before applying to the court administrator for an execution shall file with the court administrator an affidavit of partial satisfaction. The affidavit must state the dates and amounts of payments made upon the judgment after the most recent affidavit of partial satisfaction filed, if any; the part of each payment that is applied to taxable disbursements and to accrued interest and to the unpaid principal balance of the judgment; and the accrued, but the unpaid interest owing, if any, after application of each payment.

(d) This section does not apply to arbitrations between employers and employees under chapter 179 or 179A. An arbitrator is neither required to nor prohibited from awarding interest under chapter 179 or under section 179A.16 for essential employees.

(e) For purposes of this subdivision:

(1) "state" includes a department, board, agency, commission, court, or other entity in the executive, legislative, or judicial branch of the state; and

(2) "political subdivision" includes a town, statutory or home rule charter city, county, school district, or any other political subdivision of the state.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to judgments and awards finally entered on or after that date.

Delete the title and insert:

"A bill for an act relating to civil actions; exempting the state and political subdivisions and others from increased interest rates on certain judgments and awards; amending Minnesota Statutes 2009 Supplement, section 549.09, subdivision 1."

The motion prevailed and the amendment was adopted.

The Speaker called Liebling to the Chair.

Kohls moved to amend S. F. No. 2722, the first engrossment, as amended, as follows:

Page 2, line 21, strike "of \$50,000 or less" and delete the new language

Page 2, lines 22 to 36, delete the new language

Page 3, lines 1 to 3, delete the new language and strike the old language

Page 3, line 4, strike "(3)" and insert "(2)"

Page 3, lines 18 to 22, delete the new language

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kohls amendment and the roll was called. There were 50 yeas and 80 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

S. F. No. 2722, A bill for an act relating to interest rates; exempting eminent domain awards and property tax adjustments and refunds from increased interest rates on certain judgments; amending Minnesota Statutes 2008, sections 117.195, subdivision 1; 278.08.

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

The question was taken on the passage of the bill and the roll was called. There were 87 yeas and 43 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dettmer	Gunther	Kohls	Peppin	Westrom
Anderson, P.	Doepke	Hackbarth	Loon	Sanders	Winkler
Anderson, S.	Downey	Hamilton	Mack	Scott	Zellers
Buesgens	Draskowski	Holberg	Magnus	Seifert	
Cornish	Eastlund	Hoppe	McNamara	Severson	
Davids	Emmer	Howes	Murdock	Shimanski	
Dean	Garofalo	Kelly	Nornes	Torkelson	
Demmer	Gottwalt	Kiffmeyer	Paymar	Urdahl	

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

S. F. No. 2616 was reported to the House.

Juhnke moved to amend S. F. No. 2616, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3097, the first engrossment:

"Section 1. Minnesota Statutes 2008, section 237.411, subdivision 3, is amended to read:

Subd. 3. **Reduced rate regulation.** The rates, prices, tariffs, or charges to a business customer in a competitive area by a telephone company or a telecommunications carrier offering local service are only subject to sections 237.07, subdivision 1; 237.66; and 237.663, and are not subject to any rules imposing rate or price restrictions beyond those sections or to other order or investigation of local rates under section 237.081. A telephone company or telecommunications carrier subject to this subdivision is not required to file specific price information. However, upon request of the department, the commission, or the Office of Attorney General, a telephone company or telecommunications carrier must demonstrate that its pricing complies with subdivision 4.

EFFECTIVE DATE. This section is effective retroactively from May 12, 2009.

Sec. 2. Minnesota Statutes 2008, section 237.74, subdivision 9, is amended to read:

Subd. 9. **Discontinuance.** If a physical connection exists between a telephone exchange system operated by a telephone company and the toll line or lines operated by a telecommunications carrier, neither of the companies shall have the connection severed or the service between the companies discontinued without first obtaining an order from the commission upon an application for permission to discontinue the physical connection. Upon the filing of an application for discontinuance of the connection, the department shall investigate and ascertain whether public convenience requires the continuance of the physical connection, and if the department so finds, the commission shall fix the compensation, terms, and conditions of the continuance of the physical connection and service between the telephone company and the telecommunications carrier. Prior commission approval is not required for severing connections where multiple local exchange companies are authorized to provide service. However, the commission may require the connections if it finds that the connections are in the public interest, but may not require connections with a telecommunications carrier certified to provide only interexchange service.

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

Sec. 3. **[237.681] PRIVATE SHARED SERVICES.**

Subdivision 1. Definitions. For the purposes of this section:

(1) "private shared services" means the provision of telephone services and equipment, the provision of video programming services, or the provision of broadband services within a user group located in discrete private premises, in building complexes, campuses, or high-rise buildings, by a commercial shared services provider or by a user association, through privately owned customer premises equipment and associated data processing and information management services and includes the provision of connections to the facilities of a local exchange and to long-distance telephone companies; and

(2) "property owner" means a person who owns or, under a contract with the owner, manages a building, property, complex, or other facility where private shared services are provided.

Subd. 2. **Requirements.** A property owner shall establish a single demarcation point for services and facilities provided by a telephone company providing local exchange service in the area that is mutually agreeable to the property owner, commercial shared services provider, and the telephone company. The obligation of a telephone company to provide service to a customer at a location where private shared services are operating is limited to providing telephone company service and facilities up to the demarcation point established for the property where the private shared services are operating. The property owner may not (1) impose unreasonable restrictions on access to the demarcation point on the premises by a telephone company or (2) discriminate against or in favor of an occupant in any manner, including charging the occupant higher or lower rental charges, because of the occupant's choice of telephone company.

Subd. 3. **Access to alternative provider.** A tenant of a building, property, complex, or other facility where private shared services are operating may establish a direct connection to and receive telephone service from a telephone company providing local exchange service in the area where the private shared services are operating. At the request of a tenant where a private shared system is operated, the property owner shall make its facilities or conduit space available to the tenant to allow the tenant to make separate connection to and to receive telephone service directly from the telephone company operating local exchange service in the area. The tenant has the choice of installing the tenant's own facilities or using the property owner's existing facilities. The property owner must provide its facilities or conduit space to the tenant at a reasonable rate and on reasonable terms and conditions. It is the obligation of the tenant to arrange for premises wire, cable, or other equipment necessary to connect the tenant's telephone equipment with the facilities of the telephone company operating local exchange service at the location of the demarcation point.

Subd. 4. **Enforcement.** If the commission finds that a property owner has failed to comply with a request under this section, the commission may order the property owner to make its facilities or conduit space available sufficient to allow the tenant to make separate connection with the telephone company, and provide the services at reasonable prices and on reasonable terms and conditions.

Subd. 5. **Exemption.** A commercial shared services provider is exempt from section 237.16 if the private shared services are only provided to tenants or for the provider's own use.

Subd. 6. **Service by local telephone company.** A telephone company providing local exchange service shall provide service to any person in a property served by a commercial shared services provider at the demarcation point within a reasonable time upon request.

Subd. 7. **Obligation of property owners.** Nothing in this section requires a commercial shared services provider to share its wiring, cabling, or other facilities unless the commercial shared services provider is the property owner.

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

Delete the title and insert:

"A bill for an act relating to telecommunications; regulating private shared services; modifying regulatory provisions; amending Minnesota Statutes 2008, sections 237.411, subdivision 3; 237.74, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 237."

The motion prevailed and the amendment was adopted.

Beard moved to amend S. F. No. 2616, the second engrossment, as amended, as follows:

Page 3, after line 30, insert:

"Sec. 4. Minnesota Statutes 2008, section 238.08, subdivision 1, is amended to read:

Subdivision 1. **Requirement; conditions.** (a) A municipality shall require a franchise or extension permit of any cable communications system providing service within the municipality.

(b) No municipality shall grant an additional franchise for cable service for an area included in an existing franchise on terms and conditions more favorable or less burdensome than those in the existing franchise pertaining to: (1) the area served; (2) public, educational, or governmental access requirements; or (3) franchise fees. The provisions of this paragraph shall not apply when the area in which the additional franchise is being sought is not actually being served by any existing cable communications system holding a franchise for the area. Nothing in this paragraph prevents a municipality from imposing additional terms and conditions on any additional franchises.

(c) An area for an additional cable franchise is not more favorable or less burdensome if the franchisee is a telephone company, as defined in section 237.01, subdivision 7, and the area of the franchise is no less than the area within the municipality in which the telephone company offers local exchange telephone service. This paragraph is in addition to and not a limit to the authority of a municipality to grant an additional franchise for cable service."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Beard moved to amend the Beard amendment to S. F. No. 2616, the second engrossment, as amended, as follows:

Page 1, after line 21, insert:

"EFFECTIVE DATE. This section is effective August 1, 2010, and does not affect any litigation pending on that date."

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Beard amendment, as amended, to S. F. No. 2616, the second engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

S. F. No. 2616, A bill for an act relating to telecommunications; regulating private shared services; clarifying reduced-rate regulation of certain competitive business telecommunication services; authorizing municipalities to grant additional franchise for cable services in certain cases; amending Minnesota Statutes 2008, sections 237.411, subdivision 3; 238.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 237.

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

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

Those who voted in the affirmative were:

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

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

S. F. No. 2755 was reported to the House.

Mullery and Anderson, B., moved to amend S. F. No. 2755, the first engrossment, as follows:

Page 2, after line 16, insert:

"Sec. 2. **[611.015] RIGHT TO ARRANGE CARE OF MINOR CHILDREN.**

If, upon questioning during the booking process, the arrested person is identified as a custodial parent with responsibility for a minor child, the arrested person shall be entitled to make two calls at no expense if the calls are completed to telephone numbers within the local calling area to a relative or other person for the purpose of arranging for the care of the minor child or children in the parent's absence. Calls authorized under this section are in addition to calls authorized by any other law or rule.

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

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2755, A bill for an act relating to public safety; clarifying detention placement options for extended jurisdiction juveniles pending revocation hearings; amending Minnesota Statutes 2008, section 260B.130, subdivision 5.

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

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

Those who voted in the affirmative were:

Abeler	Clark	Faust	Hornstein	Lenczewski	Mullery
Anderson, B.	Cornish	Fritz	Hortman	Lesch	Murdock
Anderson, P.	Davids	Gardner	Howes	Liebling	Murphy, E.
Anderson, S.	Davnie	Garofalo	Huntley	Lieder	Murphy, M.
Anzelc	Dean	Gottwalt	Jackson	Lillie	Nelson
Atkins	Demmer	Greiling	Johnson	Loeffler	Newton
Beard	Dettmer	Gunther	Juhnke	Loon	Nornes
Benson	Dill	Hackbarth	Kahn	Mack	Norton
Bigham	Dittrich	Hamilton	Kalin	Magnus	Obermueller
Bly	Doepke	Hansen	Kath	Mahoney	Olin
Brod	Doty	Hausman	Kelly	Mariani	Otremba
Brown	Downey	Haws	Kiffmeyer	Marquart	Paymar
Brynaert	Drazkowski	Hayden	Knuth	Masin	Pelowski
Buesgens	Eastlund	Hilstrom	Koenen	McFarlane	Peppin
Bunn	Eken	Hilty	Kohls	McNamara	Peterson
Carlson	Emmer	Holberg	Laine	Morgan	Poppe
Champion	Falk	Hoppe	Lanning	Morrow	Reinert

Rosenthal	Scalze	Shimanski	Solberg	Tillberry	Welti
Rukavina	Scott	Simon	Sterner	Torkelson	Westrom
Ruud	Seifert	Slawik	Swails	Urdahl	Winkler
Sailer	Sertich	Slocum	Thao	Wagenius	Zellers
Sanders	Severson	Smith	Thissen	Ward	Spk. Kelliher

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

S. F. No. 2855 was reported to the House.

Hayden moved to amend S. F. No. 2855, the first engrossment, as follows:

Page 10, line 34, reinstate the stricken "meet" and delete "be referred to" and insert "with an"

Page 11, line 1, after "services" insert "job counselor"

Page 13, line 6, strike "within ten working days after" and insert "in the month after the month"

Page 13, line 10, reinstate the stricken "must be tailored to recognize"

Page 13, line 11, reinstate the stricken "the caregiving needs of the parent"

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Seifert moved to amend S. F. No. 2855, the first engrossment, as amended, as follows:

Page 1, after line 18, insert:

"Section 1. Minnesota Statutes 2008, section 256.01, subdivision 18, is amended to read:

Subd. 18. **Immigration status verifications.** (a) Notwithstanding any waiver of this requirement by the secretary of the United States Department of Health and Human Services, effective July 1, 2001, the commissioner shall utilize the Systematic Alien Verification for Entitlements (SAVE) program to conduct immigration status verifications:

(1) as required under United States Code, title 8, section 1642;

(2) for all applicants for food assistance benefits, whether under the federal food stamp program, the MFIP or work first program, or the Minnesota food assistance program;

(3) for all applicants for general assistance medical care, except assistance for an emergency medical condition, for immunization with respect to an immunizable disease, or for testing and treatment of symptoms of a communicable disease; and

(4) for all applicants for general assistance, Minnesota supplemental aid, MinnesotaCare, or group residential housing, when the benefits provided by these programs would fall under the definition of "federal public benefit" under United States Code, title 8, section 1642, if federal funds were used to pay for all or part of the benefits.

(b) The commissioner shall comply with the reporting requirements under United States Code, title 42, section 611a, and any federal regulation or guidance adopted under that law.

(c) Counties must verify that all applications for MFIP include verification of citizen eligibility status for both applicants and recipients."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Seifert amendment and the roll was called. There were 82 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hackbarth	Lanning	Olin	Shimanski
Anderson, B.	Dittrich	Hamilton	Lenczewski	Otremba	Simon
Anderson, P.	Doepke	Hansen	Lillie	Pelowski	Smith
Anderson, S.	Doty	Holberg	Loon	Peppin	Sterner
Beard	Downey	Hoppe	Mack	Peterson	Swails
Brod	Drazkowski	Hortman	Magnus	Poppe	Torkelson
Brown	Eastlund	Howes	Marquart	Rosenthal	Urdahl
Buesgens	Eken	Huntley	McFarlane	Ruud	Ward
Bunn	Emmer	Jackson	McNamara	Sailer	Welti
Cornish	Faust	Kath	Morgan	Sanders	Westrom
Davids	Gardner	Kelly	Morrow	Scalze	Zellers
Dean	Garofalo	Kiffmeyer	Murdock	Scott	Spk. Kelliher
Demmer	Gottwalt	Knuth	Nornes	Seifert	
Dettmer	Gunther	Kohls	Obermueller	Severson	

Those who voted in the negative were:

Anzelc	Davnie	Hornstein	Lieder	Newton	Thao
Atkins	Falk	Johnson	Loeffler	Norton	Thissen
Benson	Fritz	Juhnke	Mahoney	Paymar	Tillberry
Bigham	Greiling	Kahn	Mariani	Reinert	Wagenius
Bly	Hausman	Kalin	Masin	Rukavina	Winkler
Brynaert	Haws	Koenen	Mullery	Sertich	
Carlson	Hayden	Laine	Murphy, E.	Slawik	
Champion	Hilstrom	Lesch	Murphy, M.	Slocum	
Clark	Hilty	Liebling	Nelson	Solberg	

The motion prevailed and the amendment was adopted.

S. F. No. 2855, A bill for an act relating to human services; making changes to children and family services technical and policy provisions; Minnesota family investment program and adult supports; early childhood development; child welfare; amending Minnesota Statutes 2008, sections 119B.189, by adding subdivisions; 119B.19, subdivision 7; 119B.21, as amended; 245A.04, subdivision 11; 256.01, by adding a subdivision; 256.046, subdivision 1; 256.82, subdivision 3; 256.98, subdivision 8; 256J.24, subdivisions 3, 5a, 10; 256J.37, subdivision 3a; 256J.425, subdivision 5; 260C.007, subdivision 4; 260C.193, subdivision 6; 260C.201, subdivision 10; 260C.451; 626.556, subdivision 10; Minnesota Statutes 2009 Supplement, sections 256D.44, subdivision 3; 256J.24, subdivision 5; 256J.425, subdivision 2; 256J.521, subdivision 2; 256J.561, subdivision 3; 256J.66, subdivision 1; 256J.95, subdivisions 3, 11; 260.012; 260C.212, subdivision 7; repealing Minnesota Statutes 2008, section 256.82, subdivision 5; Minnesota Rules, part 9560.0660.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens

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

S. F. No. 3147 was reported to the House.

Jackson moved to amend S. F. No. 3147, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3634, the second engrossment:

"Section 1. Minnesota Statutes 2008, section 214.10, is amended by adding a subdivision to read:

Subd. 1a. **Conviction of a felony-level criminal sexual conduct offense.** (a) A health-related licensing board listed in section 214.01, subdivision 2, shall not grant a credential to any person who has been convicted of a felony-level criminal sexual conduct offense.

(b) A license to practice is automatically revoked if the licensee is convicted of a felony-level criminal sexual conduct offense.

(c) A license that has been denied or revoked under this subdivision is not subject to chapter 364.

(d) For purposes of this subdivision, "conviction" means a plea of guilty, a verdict of guilty by a jury, or a finding of guilty by the court, and "criminal sexual conduct offense" means a violation of sections 609.342 to 609.345 or a similar statute in another jurisdiction.

Sec. 2. Minnesota Statutes 2008, section 364.09, is amended to read:

364.09 EXCEPTIONS.

(a) This chapter does not apply to the licensing process for peace officers; to law enforcement agencies as defined in section 626.84, subdivision 1, paragraph (f); to fire protection agencies; to eligibility for a private detective or protective agent license; to the licensing and background study process under chapters 245A and 245C; to eligibility for school bus driver endorsements; to eligibility for special transportation service endorsements; to eligibility for a commercial driver training instructor license, which is governed by section 171.35 and rules adopted under that section; to emergency medical services personnel, or to the licensing by political subdivisions of taxicab drivers, if the applicant for the license has been discharged from sentence for a conviction within the ten years immediately preceding application of a violation of any of the following:

(1) sections 609.185 to 609.21, 609.221 to 609.223, 609.342 to 609.3451, or 617.23, subdivision 2 or 3;

(2) any provision of chapter 152 that is punishable by a maximum sentence of 15 years or more; or

(3) a violation of chapter 169 or 169A involving driving under the influence, leaving the scene of an accident, or reckless or careless driving.

This chapter also shall not apply to eligibility for juvenile corrections employment, where the offense involved child physical or sexual abuse or criminal sexual conduct.

(b) This chapter does not apply to a school district or to eligibility for a license issued or renewed by the Board of Teaching or the commissioner of education.

(c) Nothing in this section precludes the Minnesota Police and Peace Officers Training Board or the state fire marshal from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement or fire protection agencies.

(d) This chapter does not apply to a ~~license to practice medicine credential~~ that has been denied or revoked by ~~the Board of Medical Practice pursuant to section 147.091, subdivision 1a~~ any of the health-related licensing boards listed in section 214.01, subdivision 2."

Delete the title and insert:

"A bill for an act relating to health occupations; requiring license revocation and license denial for any health-related licensed professional convicted of a felony-level criminal sexual conduct offense; amending Minnesota Statutes 2008, sections 214.10, by adding a subdivision; 364.09."

The motion prevailed and the amendment was adopted.

Scott moved to amend S. F. No. 3147, the second engrossment, as amended, as follows:

Page 1, line 14, after the period, insert "This revocation is permanent, and the licensee shall not be eligible to reapply for a license."

A roll call was requested and properly seconded.

The question was taken on the Scott amendment and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed and the amendment was adopted.

S. F. No. 3147, A bill for an act relating to health occupation; requiring license revocation for chiropractors convicted of a felony-level criminal sexual conduct offense; amending Minnesota Statutes 2008, sections 148.10, by adding a subdivision; 364.09.

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

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

Those who voted in the affirmative were:

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

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

Abeler was excused between the hours of 2:55 p.m. and 3:45 p.m.

S. F. No. 987, A bill for an act relating to public safety; eliminating mandate that certain presentence investigations include a description of any adverse social or economic effects the offense has had on persons who reside in the neighborhood where the offense was committed; amending Minnesota Statutes 2008, section 609.115, subdivision 1.

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

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

Those who voted in the affirmative were:

Anderson, B.	Anzelc	Benson	Brod	Buesgens	Champion
Anderson, P.	Atkins	Bigham	Brown	Bunn	Clark
Anderson, S.	Beard	Bly	Brynaert	Carlson	Cornish

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

The bill was passed and its title agreed to.

S. F. No. 2713 was reported to the House.

Morrow moved to amend S. F. No. 2713, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3300, the third engrossment:

"Section 1. Minnesota Statutes 2009 Supplement, section 246B.01, subdivision 1a, is amended to read:

Subd. 1a. ~~Client~~ **Civily committed sex offender.** "~~Client~~" "Civily committed sex offender" means a person who is admitted to the Minnesota sex offender program ~~or subject to a court hold order~~ under section 253B.185 for the purpose of assessment, diagnosis, care, treatment, supervision, or other services provided by the Minnesota sex offender program.

Sec. 2. Minnesota Statutes 2009 Supplement, section 246B.01, subdivision 1b, is amended to read:

Subd. 1b. ~~Client's~~ **Civily committed sex offender's county.** "~~Client's~~" "Civily committed sex offender's county" means the county of the ~~client's~~ civily committed sex offender's legal settlement for poor relief purposes at the time of commitment. If the ~~client~~ civily committed sex offender has no legal settlement for poor relief in this state, it means the county of commitment, except that when a ~~client~~ civily committed sex offender with no legal settlement for poor relief is committed while serving a sentence at a penal institution, it means the county from which the ~~client~~ civily committed sex offender was sentenced.

Sec. 3. Minnesota Statutes 2009 Supplement, section 246B.01, subdivision 2a, is amended to read:

Subd. 2a. **Community preparation services.** Community preparation services are specialized residential services or programs operated or administered by the Minnesota sex offender program outside of a secure treatment facility. Community preparation services are designed to assist ~~clients~~ civily committed sex offenders in developing the appropriate skills and resources necessary for an eventual successful reintegration into a community. A ~~client~~ civily committed sex offender may be placed in community preparation services only upon an order of the judicial appeal panel under section 253B.19.

Sec. 4. Minnesota Statutes 2009 Supplement, section 246B.01, subdivision 2d, is amended to read:

Subd. 2d. **Local social services agency.** "Local social services agency" means the local social services agency of the ~~client's~~ civily committed sex offender's county as defined in subdivision 1b and of the county of commitment, and any other local social services agency possessing information regarding, or requested by the commissioner to investigate, the financial circumstances of a ~~client~~ civily committed sex offender.

Sec. 5. Minnesota Statutes 2009 Supplement, section 246B.02, is amended to read:

246B.02 ESTABLISHMENT OF MINNESOTA SEX OFFENDER PROGRAM.

The commissioner of human services shall establish and maintain the Minnesota sex offender program. The program shall provide specialized sex offender assessment, diagnosis, care, treatment, supervision, and other services to ~~clients~~ civily committed sex offenders as defined in section 246B.01, subdivision 1a. Services may include specialized programs at secure treatment facilities as defined in section 253B.02, subdivision 18a, consultative services, aftercare services, community-based services and programs, transition services, or other services consistent with the mission of the Department of Human Services.

Sec. 6. Minnesota Statutes 2009 Supplement, section 246B.03, subdivision 2, is amended to read:

Subd. 2. **Minnesota sex offender program evaluation.** (a) The commissioner shall contract with national sex offender experts to evaluate the sex offender treatment program. The consultant group shall consist of four national experts, including:

(1) three experts who are licensed psychologists, psychiatrists, clinical therapists, or other mental health treatment providers with established and recognized training and experience in the assessment and treatment of sexual offenders; and

(2) one nontreatment professional with relevant training and experience regarding the oversight or licensing of sex offender treatment programs or other relevant mental health treatment programs.

(b) These experts shall, in consultation with the executive clinical director of the sex offender treatment program:

(1) review and identify relevant information and evidence-based best practices and methodologies for effectively assessing, diagnosing, and treating ~~clients~~ civily committed sex offenders;

(2) on at least an annual basis, complete a site visit and comprehensive program evaluation that may include a review of program policies and procedures to determine the program's level of compliance, address specific areas of concern brought to the panel's attention by the executive clinical director or executive director, offer recommendations, and complete a written report of its findings to the executive director and clinical director; and

(3) in addition to the annual site visit and review, provide advice, input, and assistance as requested by the executive clinical director or executive director.

(c) The commissioner or commissioner's designee shall enter into contracts as necessary to fulfill the responsibilities under this subdivision.

Sec. 7. Minnesota Statutes 2009 Supplement, section 246B.03, subdivision 3, is amended to read:

Subd. 3. **~~Client~~ Civily committed sex offender grievance resolution process.** (a) The executive director shall establish a grievance policy and related procedures that address and attempt to resolve ~~client~~ civily committed sex offender concerns and complaints. The grievance resolution process must include procedures for assessing or investigating a ~~client's~~ civily committed sex offender's concerns or complaints, for attempting to resolve issues informally, and for appealing for a review and determination by the executive director or designee.

(b) Any ~~client~~ civily committed sex offender who believes a right that is applicable to a ~~client~~ an individual under section 144.651 has been violated may file a grievance under paragraph (a) and attempt to resolve the issue internally, or by a complaint with the Minnesota Department of Health, Office of Health Facility Complaints, or both. Complaints filed with the Office of Health Facility Complaints under this paragraph must be processed according to section 144.652.

Sec. 8. Minnesota Statutes 2009 Supplement, section 246B.04, subdivision 3, is amended to read:

Subd. 3. **Access to data.** The Minnesota sex offender program shall have access to private data contained in the statewide supervision system under section 241.065, as necessary for the administration and management of current ~~Minnesota sex offender clients~~ civily committed sex offenders for the purposes of admissions, treatment, security, and supervision. The program shall develop a policy to allow individuals who conduct assessment, develop treatment plans, oversee security, or develop reintegration plans to have access to the data. The commissioner of corrections shall conduct periodic audits to determine whether the policy is being followed.

Sec. 9. Minnesota Statutes 2009 Supplement, section 246B.05, subdivision 1, is amended to read:

Subdivision 1. **Vocational work program option.** The commissioner of human services shall develop a vocational work program for persons admitted to the Minnesota sex offender program. The ~~vocation~~ vocational work program is an extension of therapeutic treatment in order for ~~clients~~ civily committed sex offenders to learn valuable work skills and work habits while contributing to their cost of care. The vocational work program may include work maintaining the center or work that is brought to the center by an outside source. The earnings generated from the vocational work program must be deposited into the account created in subdivision 2.

Sec. 10. Minnesota Statutes 2009 Supplement, section 246B.06, subdivision 1, is amended to read:

Subdivision 1. **Establishment; purpose.** (a) The commissioner of human services may establish, equip, maintain, and operate a vocational work program at any Minnesota sex offender program facility under this chapter. The commissioner may establish vocational activities for sex offender treatment ~~clients~~ for civily committed sex offenders as the commissioner deems necessary and suitable to the meaningful work skills training, educational training, and development of proper work habits and extended treatment services for ~~clients~~ civily committed sex offenders consistent with the requirements in section 246B.05. The industrial and commercial activities authorized by this section are designated Minnesota State Industries and must be for the primary purpose of sustaining and ensuring Minnesota State Industries' self-sufficiency, providing educational training, meaningful employment, and the teaching of proper work habits to the ~~patients of individuals in~~ the Minnesota sex offender program under this chapter, and not solely as competitive business ventures.

(b) The net profits from the vocational work program must be used for the benefit of the ~~clients~~ civily committed sex offenders as it relates to building education and self-sufficiency skills. Prior to the establishment of any vocational activity, the commissioner of human services shall consult with stakeholders including representatives of business, industry, organized labor, the commissioner of education, the state Apprenticeship Council, the commissioner of labor and industry, the commissioner of employment and economic development, the commissioner of administration, and other stakeholders the commissioner deems qualified. The purpose of the stakeholder consultation is to determine the quantity and nature of the goods, wares, merchandise, and services to be made or provided, and the types of processes to be used in their manufacture, processing, repair, and production consistent with the greatest opportunity for the reform and educational training of the ~~clients~~ civily committed sex offenders, and with the best interests of the state, business, industry, and labor.

(c) The commissioner of human services shall, at all times in the conduct of any vocational activity authorized by this section, utilize ~~client~~ civily committed sex offender labor to the greatest extent feasible, provided that the commissioner may employ all administrative, supervisory, and other skilled workers necessary to the proper instruction of the ~~clients~~ civily committed sex offenders and the efficient operation of the vocational activities authorized by this section.

(d) The commissioner of human services may authorize the director of any Minnesota sex offender treatment facility under the commissioner's control to accept work projects from outside sources for processing, fabrication, or repair, provided that preference is given to the performance of work projects for state departments and agencies.

Sec. 11. Minnesota Statutes 2009 Supplement, section 246B.06, subdivision 6, is amended to read:

Subd. 6. **Wages.** Notwithstanding section 177.24 or any other law to the contrary, the commissioner of human services has the discretion to set the pay rate for clients individuals participating in the vocational work program. The commissioner has the authority to retain up to 50 percent of any payments made to ~~a client~~ an individual participating in the vocational work program for the purpose of reducing state costs associated with operating the Minnesota sex offender program.

Sec. 12. Minnesota Statutes 2009 Supplement, section 246B.06, subdivision 7, is amended to read:

Subd. 7. **Status of clients civilly committed sex offenders.** Clients Civilly committed sex offenders participating in the vocational work program are not employees of the Minnesota sex offender program, the Department of Human Services, or the state, and are not subject to fair labor standards under sections 177.21 to 177.35; workers compensation under sections 176.011 to 176.862; the Minnesota Human Rights Act under sections 363A.001 to 363A.41; laws governing state employees under chapter 43A; labor relations under chapter 179A; or the successors to any of these sections and any other laws pertaining to employees and employment.

Sec. 13. Minnesota Statutes 2009 Supplement, section 246B.06, subdivision 8, is amended to read:

Subd. 8. **Claims.** Claims and demands arising out of injury to or death of a client civilly committed sex offender while that client individual is participating in the vocational work program or performing a work assignment maintaining the facility must be presented to, heard, and determined exclusively by the legislature as provided in section 3.738.

Sec. 14. Minnesota Statutes 2009 Supplement, section 246B.07, subdivision 1, is amended to read:

Subdivision 1. **Procedures.** The commissioner shall determine or redetermine, if necessary, what amount of the cost of care, if any, the client civilly committed sex offender is able to pay. The client civilly committed sex offender shall provide to the commissioner documents and proof necessary to determine the ability to pay. Failure to provide the commissioner with sufficient information to determine ability to pay may make the client civilly committed sex offender liable for the full cost of care until the time when sufficient information is provided.

Sec. 15. Minnesota Statutes 2009 Supplement, section 246B.07, subdivision 2, is amended to read:

Subd. 2. **Rules.** The commissioner shall use the standards in section 246.51, subdivision 2, to determine the client's civilly committed sex offender's liability for the care provided by the Minnesota sex offender program.

Sec. 16. Minnesota Statutes 2009 Supplement, section 246B.08, is amended to read:

246B.08 PAYMENT FOR CARE; ORDER; ACTION.

The commissioner shall issue an order to the client civilly committed sex offender or the guardian of the estate, if there is one, requiring the client civilly committed sex offender or guardian to pay to the state the amounts determined, the total of which must not exceed the full cost of care. The order must specifically state the commissioner's determination and must be conclusive, unless appealed. If a client civilly committed sex offender fails to pay the amount due, the attorney general, upon request of the commissioner, may institute, or direct the appropriate county attorney to institute, a civil action to recover the amount.

Sec. 17. Minnesota Statutes 2009 Supplement, section 246B.09, is amended to read:

246B.09 CLAIM AGAINST ESTATE OF DECEASED ~~CLIENT~~ CIVILLY COMMITTED SEX OFFENDER.

Subdivision 1. **Client's Estate of a civilly committed sex offender.** Upon the death of a ~~client~~ civilly committed sex offender, or a former ~~client~~ civilly committed sex offender, the total cost of care provided to the ~~client~~ individual, less the amount actually paid toward the cost of care by the ~~client~~ civilly committed sex offender, must be filed by the commissioner as a claim against the estate of the ~~client~~ civilly committed sex offender with the court having jurisdiction to probate the estate, and all proceeds collected by the state in the case must be divided between the state and county in proportion to the cost of care each has borne.

Subd. 2. **Preferred status.** An estate claim in subdivision 1 must be considered an expense of the last illness for purposes of section 524.3-805.

If the commissioner determines that the property or estate of a ~~client~~ civilly committed sex offender is not more than needed to care for and maintain the spouse and minor or dependent children of a deceased ~~client~~ civilly committed sex offender, the commissioner has the power to compromise the claim of the state in a manner deemed just and proper.

Subd. 3. **Exception from statute of limitations.** Any statute of limitations that limits the commissioner in recovering the cost of care obligation incurred by a ~~client~~ civilly committed sex offender or former ~~client~~ civilly committed sex offender must not apply to any claim against an estate made under this section to recover cost of care.

Sec. 18. Minnesota Statutes 2009 Supplement, section 246B.10, is amended to read:

246B.10 LIABILITY OF COUNTY; REIMBURSEMENT.

The ~~client's~~ civilly committed sex offender's county shall pay to the state a portion of the cost of care provided in the Minnesota sex offender program to a ~~client~~ civilly committed sex offender who has legally settled in that county. A county's payment must be made from the county's own sources of revenue and payments must equal ten percent of the cost of care, as determined by the commissioner, for each day or portion of a day, that the ~~client~~ civilly committed sex offender spends at the facility. If payments received by the state under this chapter exceed 90 percent of the cost of care, the county is responsible for paying the state the remaining amount. The county is not entitled to reimbursement from the ~~client~~ civilly committed sex offender, the ~~client's~~ civilly committed sex offender's estate, or from the ~~client's~~ civilly committed sex offender's relatives, except as provided in section 246B.07.

Sec. 19. Minnesota Statutes 2008, section 253B.05, subdivision 1, is amended to read:

Subdivision 1. **Emergency hold.** (a) Any person may be admitted or held for emergency care and treatment in a treatment facility, except to a facility operated by the Minnesota sex offender program, with the consent of the head of the treatment facility upon a written statement by an examiner that:

- (1) the examiner has examined the person not more than 15 days prior to admission;
- (2) the examiner is of the opinion, for stated reasons, that the person is mentally ill, developmentally disabled, or chemically dependent, and is in danger of causing injury to self or others if not immediately detained; and
- (3) an order of the court cannot be obtained in time to prevent the anticipated injury.

(b) If the proposed patient has been brought to the treatment facility by another person, the examiner shall make a good faith effort to obtain a statement of information that is available from that person, which must be taken into consideration in deciding whether to place the proposed patient on an emergency hold. The statement of information must include, to the extent available, direct observations of the proposed patient's behaviors, reliable knowledge of recent and past behavior, and information regarding psychiatric history, past treatment, and current mental health providers. The examiner shall also inquire into the existence of health care directives under chapter 145, and advance psychiatric directives under section 253B.03, subdivision 6d.

(c) The examiner's statement shall be: (1) sufficient authority for a peace or health officer to transport a patient to a treatment facility, (2) stated in behavioral terms and not in conclusory language, and (3) of sufficient specificity to provide an adequate record for review. If danger to specific individuals is a basis for the emergency hold, the statement must identify those individuals, to the extent practicable. A copy of the examiner's statement shall be personally served on the person immediately upon admission and a copy shall be maintained by the treatment facility.

Sec. 20. Minnesota Statutes 2008, section 253B.07, subdivision 2b, is amended to read:

Subd. 2b. **Apprehend and hold orders.** The court may order the treatment facility to hold the person in a treatment facility or direct a health officer, peace officer, or other person to take the proposed patient into custody and transport the proposed patient to a treatment facility for observation, evaluation, diagnosis, care, treatment, and, if necessary, confinement, when:

(1) there has been a particularized showing by the petitioner that serious physical harm to the proposed patient or others is likely unless the proposed patient is immediately apprehended;

(2) the proposed patient has not voluntarily appeared for the examination or the commitment hearing pursuant to the summons; or

(3) a person is held pursuant to section 253B.05 and a request for a petition for commitment has been filed.

The order of the court may be executed on any day and at any time by the use of all necessary means including the imposition of necessary restraint upon the proposed patient. Where possible, a peace officer taking the proposed patient into custody pursuant to this subdivision shall not be in uniform and shall not use a motor vehicle visibly marked as a police vehicle. Except as provided in section 253B.045, subdivision 1a, in the case of an individual on a judicial hold due to a petition for civil commitment under section 253B.185, assignment of custody during the hold is to the commissioner of human services. The commissioner is responsible for determining the appropriate placement within a secure treatment facility under the authority of the commissioner.

Sec. 21. Minnesota Statutes 2008, section 253B.10, subdivision 5, is amended to read:

Subd. 5. **Transfer to voluntary status.** At any time prior to the expiration of the initial commitment period, a patient who has not been committed as mentally ill and dangerous to the public or as a sexually dangerous person or as a sexual psychopathic personality may be transferred to voluntary status upon the patient's application in writing with the consent of the head of the facility. Upon transfer, the head of the treatment facility shall immediately notify the court in writing and the court shall terminate the proceedings.

Sec. 22. Minnesota Statutes 2009 Supplement, section 253B.14, is amended to read:

253B.14 TRANSFER OF COMMITTED PERSONS.

The commissioner may transfer any committed person, other than a person committed as mentally ill and dangerous to the public, or as a sexually dangerous person or as a sexual psychopathic personality, from one regional treatment center to any other treatment facility under the commissioner's jurisdiction which is capable of

providing proper care and treatment. When a committed person is transferred from one treatment facility to another, written notice shall be given to the committing court, the county attorney, the patient's counsel, and to the person's parent, health care agent, or spouse or, if none is known, to an interested person, and the designated agency.

Sec. 23. Minnesota Statutes 2008, section 253B.15, subdivision 1, is amended to read:

Subdivision 1. **Provisional discharge.** The head of the treatment facility may provisionally discharge any patient without discharging the commitment, unless the patient was found by the committing court to be a person who is mentally ill and dangerous to the public, or a sexually dangerous person or a sexual psychopathic personality.

Each patient released on provisional discharge shall have a written aftercare plan developed which specifies the services and treatment to be provided as part of the aftercare plan, the financial resources available to pay for the services specified, the expected period of provisional discharge, the precise goals for the granting of a final discharge, and conditions or restrictions on the patient during the period of the provisional discharge. The aftercare plan shall be provided to the patient, the patient's attorney, and the designated agency.

The aftercare plan shall be reviewed on a quarterly basis by the patient, designated agency and other appropriate persons. The aftercare plan shall contain the grounds upon which a provisional discharge may be revoked. The provisional discharge shall terminate on the date specified in the plan unless specific action is taken to revoke or extend it.

Sec. 24. Minnesota Statutes 2008, section 253B.18, subdivision 4a, is amended to read:

Subd. 4a. **Release on pass; notification.** A patient who has been committed as a person who is mentally ill and dangerous and who is confined at a secure treatment facility or has been transferred out of a state-operated services facility according to section 253B.18, subdivision 6, shall not be released on a pass unless the pass is part of a pass plan that has been approved by the medical director of the secure treatment facility. The pass plan must have a specific therapeutic purpose consistent with the treatment plan, must be established for a specific period of time, and must have specific levels of liberty delineated. The county case manager must be invited to participate in the development of the pass plan. At least ten days prior to a determination on the plan, the medical director shall notify the designated agency, the committing court, the county attorney of the county of commitment, an interested person, the local law enforcement agency where the facility is located, the county attorney and the local law enforcement agency in the location where the pass is to occur, the petitioner, and the petitioner's counsel of the plan, the nature of the passes proposed, and their right to object to the plan. If any notified person objects prior to the proposed date of implementation, the person shall have an opportunity to appear, personally or in writing, before the medical director, within ten days of the objection, to present grounds for opposing the plan. The pass plan shall not be implemented until the objecting person has been furnished that opportunity. Nothing in this subdivision shall be construed to give a patient an affirmative right to a pass plan.

Sec. 25. Minnesota Statutes 2008, section 253B.18, subdivision 5a, is amended to read:

Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a) As used in this subdivision:

(1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes criminal sexual conduct in the fifth degree and offenses within the definition of "crime against the person" in section 253B.02, subdivision 4a, and also includes offenses listed in section 253B.02, subdivision 7a, paragraph (b), regardless of whether they are sexually motivated;

(2) "victim" means a person who has incurred loss or harm as a result of a crime the behavior for which forms the basis for a commitment under this section or section 253B.185; and

(3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved, and findings in commitment cases under this section or section 253B.185 that an act or acts constituting a crime occurred.

(b) A county attorney who files a petition to commit a person under this section or section 253B.185 shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted. In addition, the county attorney shall make a reasonable effort to promptly notify the victim of the resolution of the petition.

(c) Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this section ~~or section 253B.185~~ from a treatment facility, the head of the treatment facility shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the medical director, special review board, or commissioner with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4.

(d) This subdivision applies only to victims who have requested notification by contacting, in writing, the county attorney in the county where the conviction for the crime occurred. A county attorney who receives a request for notification under this paragraph shall promptly forward the request to the commissioner of human services.

(e) The rights under this subdivision are in addition to rights available to a victim under chapter 611A. This provision does not give a victim all the rights of a "notified person" or a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253B.185, subdivision 10.

Sec. 26. Minnesota Statutes 2008, section 253B.185, is amended to read:

253B.185 SEXUAL PSYCHOPATHIC PERSONALITY; SEXUALLY DANGEROUS.

Subdivision 1. **Commitment generally.** (a) Except as otherwise provided in this section, the provisions of this chapter pertaining to persons who are mentally ill and dangerous to the public apply with like force and effect to persons who are alleged or found to be sexually dangerous persons or persons with a sexual psychopathic personality. For purposes of this section, "sexual psychopathic personality" includes any individual committed as a "psychopathic personality" under Minnesota Statutes 1992, section 526.10.

(b) Before commitment proceedings are instituted, the facts shall first be submitted to the county attorney, who, if satisfied that good cause exists, will prepare the petition. The county attorney may request a prepetition screening report. The petition is to be executed by a person having knowledge of the facts and filed with the committing court of the county in which the patient has a settlement or is present. If the patient is in the custody of the commissioner of corrections, the petition may be filed in the county where the conviction for which the person is incarcerated was entered.

(c) Upon the filing of a petition alleging that a proposed patient is a sexually dangerous person or is a person with a sexual psychopathic personality, the court shall hear the petition as provided in section 253B.18.

(d) In commitments under this section, the court shall commit the patient to a secure treatment facility unless the patient establishes by clear and convincing evidence that a less restrictive treatment program is available that is consistent with the patient's treatment needs and the requirements of public safety.

Subd. 1a. **Temporary confinement.** During any hearing held under this section, or pending emergency revocation of a provisional discharge, the court may order the patient or proposed patient temporarily confined in a jail or lockup but only if:

(1) there is no other feasible place of confinement for the patient within a reasonable distance;

(2) the confinement is for less than 24 hours or, if during a hearing, less than 24 hours prior to commencement and after conclusion of the hearing; and

(3) there are protections in place, including segregation of the patient, to ensure the safety of the patient.

Subd. 1b. **County attorney access to data.** Notwithstanding sections 144.291 to 144.298; 245.467, subdivision 6; 245.4876, subdivision 7; 260B.171; 260B.235, subdivision 8; 260C.171; and 609.749, subdivision 6, or any provision of chapter 13 or other state law, prior to filing a petition for commitment as a sexual psychopathic personality or as a sexually dangerous person, and upon notice to the proposed patient, the county attorney or the county attorney's designee may move the court for an order granting access to any records or data, to the extent it relates to the proposed patient, for the purpose of determining whether good cause exists to file a petition and, if a petition is filed, to support the allegations set forth in the petition.

The court may grant the motion if: (1) the Department of Corrections refers the case for commitment as a sexual psychopathic personality or a sexually dangerous person; or (2) upon a showing that the requested category of data or records may be relevant to the determination by the county attorney or designee. The court shall decide a motion under this subdivision within 48 hours after a hearing on the motion. Notice to the proposed patient need not be given upon a showing that such notice may result in harm or harassment of interested persons or potential witnesses.

Notwithstanding any provision of chapter 13 or other state law, a county attorney considering the civil commitment of a person under this section may obtain records and data from the Department of Corrections or any probation or parole agency in this state upon request, without a court order, for the purpose of determining whether good cause exists to file a petition and, if a petition is filed, to support the allegations set forth in the petition. At the time of the request for the records, the county attorney shall provide notice of the request to the person who is the subject of the records.

Data collected pursuant to this subdivision shall retain their original status and, if not public, are inadmissible in any court proceeding unrelated to civil commitment, unless otherwise permitted.

Subd. 2. **Transfer to correctional facility.** (a) If a person has been committed under this section and later is committed to the custody of the commissioner of corrections for any reason, including but not limited to, being sentenced for a crime or revocation of the person's supervised release or conditional release under section 244.05; 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, the person shall be transferred to a facility designated by the commissioner of corrections without regard to the procedures provided in ~~section 253B.18~~ subdivision 11.

(b) If a person is committed under this section after a commitment to the commissioner of corrections, the person shall first serve the sentence in a facility designated by the commissioner of corrections. After the person has served the sentence, the person shall be transferred to a treatment program designated by the commissioner of human services.

Subd. 3. **Not to constitute defense.** The existence in any person of a condition of a sexual psychopathic personality or the fact that a person is a sexually dangerous person shall not in any case constitute a defense to a charge of crime, nor relieve such person from liability to be tried upon a criminal charge.

Subd. 4. **Statewide judicial panel; commitment proceedings.** (a) The Supreme Court may establish a panel of district judges with statewide authority to preside over commitment proceedings of sexual psychopathic personalities and sexually dangerous persons. Only one judge of the panel is required to preside over a particular commitment proceeding. Panel members shall serve for one-year terms. One of the judges shall be designated as the chief judge of the panel, and is vested with the power to designate the presiding judge in a particular case, to set the proper venue for the proceedings, and to otherwise supervise and direct the operation of the panel. The chief judge shall designate one of the other judges to act as chief judge whenever the chief judge is unable to act.

(b) If the Supreme Court creates the judicial panel authorized by this section, all petitions for civil commitment brought under subdivision 1 shall be filed with the supreme court instead of with the district court in the county where the proposed patient is present, notwithstanding any provision of subdivision 1 to the contrary. Otherwise, all of the other applicable procedures contained in this chapter apply to commitment proceedings conducted by a judge on the panel.

Subd. 5. **Financial responsibility.** (a) For purposes of this subdivision, "state facility" has the meaning given in section 246.50 and also includes a Department of Corrections facility when the proposed patient is confined in such a facility pursuant to section 253B.045, subdivision 1a.

(b) Notwithstanding sections 246.54, 253B.045, and any other law to the contrary, when a petition is filed for commitment under this section pursuant to the notice required in section 244.05, subdivision 7, the state and county are each responsible for 50 percent of the cost of the person's confinement at a state facility or county jail, prior to commitment.

(c) The county shall submit an invoice to the state court administrator for reimbursement of the state's share of the cost of confinement.

(d) Notwithstanding paragraph (b), the state's responsibility for reimbursement is limited to the amount appropriated for this purpose.

~~Subd. 6. **Aftercare and case management.** The state, in collaboration with the designated agency, is responsible for arranging and funding the aftercare and case management services for persons under commitment as sexual psychopathic personalities and sexually dangerous persons discharged after July 1, 1999.~~

Subd. 7. **Rights of patients committed under this section.** (a) The commissioner or the commissioner's designee may limit the statutory rights described in paragraph (b) for patients committed to the Minnesota sex offender program under this section or with the commissioner's consent under section 246B.02. The statutory rights described in paragraph (b) may be limited only as necessary to maintain a therapeutic environment or the security of the facility or to protect the safety and well-being of patients, staff, and the public.

(b) The statutory rights that may be limited in accordance with paragraph (a) are those set forth in section 144.651, subdivision 19, personal privacy; section 144.651, subdivision 21, private communications; section 144.651, subdivision 22, retain and use of personal property; section 144.651, subdivision 25, manage personal financial affairs; section 144.651, subdivision 26, meet with visitors and participate in groups; section 253B.03, subdivision 2, correspond with others; and section 253B.03, subdivision 3, receive visitors and make telephone calls. Other statutory rights enumerated by sections 144.651 and 253B.03, or any other law, may be limited as provided in those sections.

Subd. 8. **Petition and report required.** (a) Within 120 days of receipt of a preliminary determination from a court under section 609.1351, or a referral from the commissioner of corrections pursuant to section 244.05, subdivision 7, a county attorney shall determine whether good cause under this section exists to file a petition, and if good cause exists, the county attorney or designee shall file the petition with the court.

(b) Failure to meet the requirements of paragraph (a) does not bar filing a petition under subdivision 1 any time the county attorney determines pursuant to subdivision 1 that good cause for such a petition exists.

~~(c) By February 1 of each year, the commissioner of human services shall annually report to the respective chairs of the divisions or committees of the senate and house of representatives that oversee human services finance regarding compliance with this subdivision.~~

Subd. 9. **Petition for reduction in custody.** (a) This subdivision applies only to committed persons as defined in paragraph (b). The procedures in ~~section 253B.18, subdivision 5a,~~ subdivision 10 for victim notification and right to submit a statement ~~under section 253B.18~~ apply to petitions filed and reductions in custody recommended under this subdivision.

(b) As used in this subdivision:

(1) "committed person" means an individual committed under this section, or under this section and under section 253B.18, as mentally ill and dangerous. It does not include persons committed only as mentally ill and dangerous under section 253B.18; and

(2) "reduction in custody" means transfer out of a secure treatment facility, a provisional discharge, or a discharge from commitment. A reduction in custody is considered to be a commitment proceeding under section 8.01.

(c) A petition for a reduction in custody or an appeal of a revocation of provisional discharge may be filed by either the committed person or by the head of the treatment facility and must be filed with and considered by a panel of the special review board authorized under section 253B.18, subdivision 4c. A committed person may not petition the special review board any sooner than six months following either:

(1) the entry of judgment in the district court of the order for commitment issued under section 253B.18, subdivision 3, or upon the exhaustion of all related appeal rights in state court relating to that order, whichever is later; or

(2) any recommendation of the special review board or order of the judicial appeal panel, or upon the exhaustion of all appeal rights in state court, whichever is later. ~~The medical director~~ head of the treatment facility may petition at any time. The special review board proceedings are not contested cases as defined in chapter 14.

(d) The special review board shall hold a hearing on each petition before issuing a recommendation under paragraph (f). Fourteen days before the hearing, the committing ~~court, the county attorney of the county of commitment, the designated agency, an interested person, the petitioner and the petitioner's counsel, and the committed person~~ court; the county attorneys of the counties of commitment, financial responsibility, and proposed placement; the designated agency; an interested person; the petitioner and the petitioner's counsel; and the committed person and the committed person's counsel must be given written notice by the commissioner of the time and place of the hearing before the special review board. Only those entitled to statutory notice of the hearing or those administratively required to attend may be present at the hearing. The patient may designate interested persons to receive notice by providing the names and addresses to the commissioner at least 21 days before the hearing.

(e) ~~A person or agency receiving notice that submits documentary evidence to the special review board before the hearing must also provide copies to the committed person, the committed person's counsel, the county attorney of the county of commitment, the case manager, and the commissioner. The special review board must consider any statements~~ special review board before the hearing must also provide copies to the committed person; the committed person's counsel; the county attorneys of the counties of commitment, financial responsibility, and proposed placement; the case manager; and the commissioner. The special review board must consider any statements received from victims under section 253B.18, subdivision 5a subdivision 10.

(f) Within 30 days of the hearing, the special review board shall issue written findings of fact and shall recommend denial or approval of the petition to the judicial appeal panel established under section 253B.19. The commissioner shall forward the recommendation of the special review board to the judicial appeal panel and to every person entitled to statutory notice. No reduction in custody or reversal of a revocation of provisional discharge recommended by the special review board is effective until it has been reviewed by the judicial appeal panel and until 15 days after an order from the judicial appeal panel affirming, modifying, or denying the recommendation.

Subd. 10. Victim notification of petition and release; right to submit statement. (a) As used in this subdivision:

(1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes criminal sexual conduct in the fifth degree and offenses within the definition of "crime against the person" in section 253B.02, subdivision 4a, and also includes offenses listed in section 253B.02, subdivision 7a, paragraph (b), regardless of whether they are sexually motivated;

(2) "victim" means a person who has incurred loss or harm as a result of a crime, the behavior for which forms the basis for a commitment under this section or section 253B.18; and

(3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved, and findings in commitment cases under this section or section 253B.18, that an act or acts constituting a crime occurred.

(b) A county attorney who files a petition to commit a person under this section shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted. In addition, the county attorney shall make a reasonable effort to promptly notify the victim of the resolution of the petition.

(c) Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this section from a treatment facility, the head of the treatment facility shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the head of the treatment facility or designee, or special review board, with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4.

(d) This subdivision applies only to victims who have requested notification by contacting, in writing, the county attorney in the county where the criminal conviction occurred or where the civil commitment was filed or, following commitment, the head of the treatment facility. A county attorney who receives a request for notification under this paragraph shall promptly forward the request to the commissioner of human services.

(e) Rights under this subdivision are in addition to rights available to a victim under chapter 611A. This provision does not give a victim all the rights of a "notified person" or a person "entitled to statutory notice" under subdivision 12 or 13 or section 253B.18, subdivision 4a, 4b, or 5.

Subd. 11. **Transfer.** (a) A patient who is committed as a sexually dangerous person or sexual psychopathic personality shall not be transferred out of a secure treatment facility unless it appears to the satisfaction of the judicial appeal panel, after a hearing and recommendation by a majority of the special review board, that the transfer is appropriate. Transfer may be to other treatment programs under the commissioner's control.

(b) The following factors must be considered in determining whether a transfer is appropriate:

(1) the person's clinical progress and present treatment needs;

(2) the need for security to accomplish continuing treatment;

(3) the need for continued institutionalization;

(4) which facility can best meet the person's needs; and

(5) whether transfer can be accomplished with a reasonable degree of safety for the public.

Subd. 12. **Provisional discharge.** A patient who is committed as a sexual psychopathic personality or sexually dangerous person shall not be provisionally discharged unless it appears to the satisfaction of the judicial appeal panel, after a hearing and a recommendation by a majority of the special review board, that the patient is capable of making an acceptable adjustment to open society.

The following factors are to be considered in determining whether a provisional discharge shall be recommended:

(1) whether the patient's course of treatment and present mental status indicate there is no longer a need for treatment and supervision in the patient's current treatment setting; and

(2) whether the conditions of the provisional discharge plan will provide a reasonable degree of protection to the public and will enable the patient to adjust successfully to the community.

Subd. 13. **Provisional discharge plan.** A provisional discharge plan shall be developed, implemented, and monitored by the head of the treatment facility or designee in conjunction with the patient and other appropriate persons. The head of the treatment facility or designee shall, at least quarterly, review the plan with the patient and submit a written report to the designated agency concerning the patient's status and compliance with each term of the plan.

Subd. 14. **Provisional discharge; review.** A provisional discharge pursuant to this section shall not automatically terminate. A full discharge shall occur only as provided in subdivision 18. The commissioner shall notify the patient that the terms of a provisional discharge continue unless the patient requests and is granted a change in the conditions of provisional discharge or unless the patient petitions the special review board for a full discharge and the discharge is granted by the judicial appeal panel.

Subd. 15. **Provisional discharge; revocation.** (a) The head of the treatment facility may revoke a provisional discharge if either of the following grounds exist:

(1) the patient has departed from the conditions of the provisional discharge plan; or

(2) the patient is exhibiting behavior which may be dangerous to self or others.

(b) The head of the treatment facility may revoke the provisional discharge and, either orally or in writing, order that the patient be immediately returned to the treatment facility. A report documenting reasons for revocation shall be issued by the head of the treatment facility within seven days after the patient is returned to the treatment facility. Advance notice to the patient of the revocation is not required.

(c) The patient must be provided a copy of the revocation report and informed, orally and in writing, of the rights of a patient under this section. The revocation report shall be served upon the patient, the patient's counsel, and the designated agency. The report shall outline the specific reasons for the revocation, including but not limited to the specific facts upon which the revocation recommendation is based.

(d) An individual who is revoked from provisional discharge must successfully re-petition the special review board and judicial appeal panel prior to being placed back on provisional discharge.

Subd. 16. **Return of absent patient.** If the patient is absent without authorization, the head of the treatment facility or designee may request a peace officer to return the patient to the treatment facility. The head of the treatment facility shall inform the committing court of the revocation or absence, and the court shall direct a peace officer in the county where the patient is located to return the patient to the treatment facility or to another treatment facility. The expense of returning the patient to a treatment facility shall be paid by the commissioner unless paid by the patient or other persons on the patient's behalf.

Subd. 17. **Appeal.** Any patient aggrieved by a revocation decision or any interested person may petition the special review board within seven days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the revocation report for a review of the revocation. The matter shall be scheduled within 30 days. The special review board shall review the circumstances leading to the revocation and shall recommend to the judicial appeal panel whether or not the revocation shall be upheld. The special review board may also recommend a new provisional discharge at the time of the revocation hearing.

Subd. 18. **Discharge.** A patient who is committed as a sexual psychopathic personality or sexually dangerous person shall not be discharged unless it appears to the satisfaction of the judicial appeal panel, after a hearing and recommendation by a majority of the special review board, that the patient is capable of making an acceptable adjustment to open society, is no longer dangerous to the public, and is no longer in need of inpatient treatment and supervision.

In determining whether a discharge shall be recommended, the special review board and judicial appeal panel shall consider whether specific conditions exist to provide a reasonable degree of protection to the public and to assist the patient in adjusting to the community. If the desired conditions do not exist, the discharge shall not be granted.

Subd. 19. **Aftercare services.** The Minnesota sex offender program shall provide the supervision, aftercare, and case management services for a person under commitment as sexual psychopathic personalities and sexually dangerous persons discharged after July 1, 1999. The designated agency shall assist with client eligibility for public welfare benefits and will provide those services that are currently available exclusively through county government.

Prior to the date of discharge or provisional discharge of any patient committed as a sexual psychopathic personality or sexually dangerous person, the head of the treatment facility or designee shall establish a continuing plan of aftercare services for the patient, including a plan for medical and behavioral health services, financial sustainability, housing, social supports, or other assistance the patient needs. The Minnesota sex offender program shall provide case management services and shall assist the patient in finding employment, suitable shelter, and adequate medical and behavioral health services and otherwise assist in the patient's readjustment to the community.

Sec. 27. Minnesota Statutes 2008, section 253B.19, subdivision 2, is amended to read:

Subd. 2. **Petition; hearing.** (a) A person committed as mentally ill and dangerous to the public under section 253B.18, or the county attorney of the county from which the person was committed or the county of financial responsibility, may petition the judicial appeal panel for a rehearing and reconsideration of a decision by the commissioner under section 253B.18, subdivision 5. The judicial appeal panel must not consider petitions for relief other than those considered by the commissioner from which the appeal is taken. The petition must be filed with the Supreme Court within 30 days after the decision of the commissioner is signed. The hearing must be held within 45 days of the filing of the petition unless an extension is granted for good cause.

(b) A person committed as a sexual psychopathic personality or as a sexually dangerous person under section 253B.185, or committed as both mentally ill and dangerous to the public under section 253B.18 and as a sexual psychopathic personality or as a sexually dangerous person under section 253B.185; the county attorney of the county ~~from which the person was committed or the county of~~ commitment, financial responsibility, or proposed placement; or the commissioner may petition the judicial appeal panel for a rehearing and reconsideration of a decision of the special review board under section 253B.185, subdivision 9. The petition must be filed with the Supreme Court within 30 days after the decision is mailed by the commissioner as required in section 253B.185, subdivision 9, paragraph (f). The hearing must be held within 180 days of the filing of the petition unless an extension is granted for good cause. If no party petitions the judicial appeal panel for a rehearing or reconsideration within 30 days, the judicial appeal panel shall either issue an order adopting the recommendations of the special review board or set the matter on for a hearing pursuant to this paragraph.

(c) For an appeal under paragraph (a) or (b), the Supreme Court shall refer the petition to the chief judge of the judicial appeal panel. The chief judge shall notify the ~~patient, the county attorney of the county of commitment, the designated agency, the commissioner, the head of the treatment facility, any interested person, and other persons~~ patient; the county attorneys of the counties of commitment, financial responsibility, and proposed placement; the designated agency; the commissioner; the head of the treatment facility; any interested persons; and other persons the chief judge designates, of the time and place of the hearing on the petition. The notice shall be given at least 14 days prior to the date of the hearing.

(d) Any person may oppose the petition. ~~The patient, the patient's counsel, the county attorney of the committing county or the county of financial responsibility, and the~~ The patient; the patient's counsel; any of the county attorneys of the committing county, or the county of financial responsibility and county of placement, and the commissioner shall participate as parties to the proceeding pending before the judicial appeal panel and, except when the patient is solely committed as mentally ill and dangerous, shall, no later than 20 days before the hearing on the petition, inform the judicial appeal panel and the opposing party in writing whether they support or oppose the petition and provide a summary of facts in support of their position. The judicial appeal panel may appoint examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The patient, the patient's counsel, and the county attorney of the committing county or the county of financial responsibility attorneys have the right to be present and may present and cross-examine all witnesses and offer a factual and legal basis in support of their positions. The petitioning party seeking discharge or provisional discharge bears the burden of going forward with the evidence which means presenting a prima facie case with competent evidence to show that the person is entitled to the requested relief. If the petitioning party has met this burden, then the party opposing discharge bears the burden of proof by clear and convincing evidence that the respondent is in need of commitment discharge or provisional discharge should be denied. A party seeking a transfer pursuant to section 253B.18, subdivision 6, or 253B.185, subdivision 11, must establish by a preponderance of the evidence that transfer is appropriate."

Delete the title and insert:

"A bill for an act relating to human services; modifying provisions relating to civilly committed sex offenders, sexually dangerous persons, and sexual psychopathic personalities; amending provisions relating to judicial holds in commitment cases; amending Minnesota Statutes 2008, sections 253B.05, subdivision 1; 253B.07, subdivision 2b; 253B.10, subdivision 5; 253B.15, subdivision 1; 253B.18, subdivisions 4a, 5a; 253B.185; 253B.19, subdivision 2; Minnesota Statutes 2009 Supplement, sections 246B.01, subdivisions 1a, 1b, 2a, 2d; 246B.02; 246B.03, subdivisions 2, 3; 246B.04, subdivision 3; 246B.05, subdivision 1; 246B.06, subdivisions 1, 6, 7, 8; 246B.07, subdivisions 1, 2; 246B.08; 246B.09; 246B.10; 253B.14."

The motion prevailed and the amendment was adopted.

S. F. No. 2713, A bill for an act relating to human services; amending provisions relating to judicial holds in commitment cases; amending Minnesota Statutes 2008, section 253B.07, subdivision 2b.

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

The question was taken on the passage of the bill and the roll was called. There were 109 yeas and 22 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dean	Eastlund	Hackbarth	Mack	Severson
Brod	Dettmer	Emmer	Hoppe	Peppin	Shimanski
Buesgens	Downey	Garofalo	Kiffmeyer	Sanders	
Davids	Draskowski	Gottwalt	Kohls	Seifert	

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

S. F. No. 2559, A bill for an act relating to real estate; making a conforming change to provide for the right of the borrower to obtain a postponement of a foreclosure sale that has a 12-month redemption period, as is now available for a six-month redemption period; amending Minnesota Statutes 2009 Supplement, section 580.07, subdivisions 2, 3.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 3137 was reported to the House.

Kohls and Buesgens moved to amend H. F. No. 3137, the first engrossment, as follows:

Page 2, line 9, delete the second comma

Page 2, line 10, delete "in consultation with the child's family." and after "shall" insert ", if the child's parent or legal guardian consents."

A roll call was requested and properly seconded.

The question was taken on the Kohls and Buesgens amendment and the roll was called. There were 64 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Fritz	Kelly	McNamara	Shimanski
Anderson, P.	Dettmer	Garofalo	Kiffmeyer	Morgan	Smith
Anderson, S.	Dill	Gottwalt	Knuth	Murdock	Solberg
Anzelc	Doepke	Gunther	Kohls	Nornes	Swails
Beard	Doty	Hackbarth	Lanning	Peppin	Torkelson
Brod	Downey	Hamilton	Liebling	Peterson	Urdahl
Buesgens	Drazkowski	Holberg	Loon	Sanders	Ward
Bunn	Eastlund	Hoppe	Mack	Scalze	Westrom
Champion	Eken	Howes	Magnus	Scott	Zellers
Davids	Emmer	Jackson	Marquart	Seifert	
Dean	Faust	Kath	McFarlane	Severson	

Those who voted in the negative were:

Atkins	Falk	Huntley	Loeffler	Obermueller	Sertich
Benson	Gardner	Johnson	Mahoney	Olin	Simon
Bigham	Greiling	Juhnke	Mariani	Otremba	Slawik
Bly	Hansen	Kahn	Masin	Paymar	Slocum
Brown	Hausman	Kalin	Morrow	Pelowski	Sterner
Brynaert	Haws	Koenen	Mullery	Poppe	Thao
Carlson	Hayden	Laine	Murphy, E.	Reinert	Tillberry
Clark	Hilstrom	Lenczewski	Murphy, M.	Rosenthal	Wagenius
Cornish	Hilty	Lesch	Nelson	Rukavina	Welti
Davnie	Hornstein	Lieder	Newton	Ruud	Winkler
Dittrich	Hortman	Lillie	Norton	Sailer	Spk. Kelliher

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

H. F. No. 3137, A bill for an act relating to public safety; requiring chemical use screen of juvenile offenders; amending Minnesota Statutes 2008, sections 260B.157, subdivision 1; 260B.176, subdivision 2.

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

The question was taken on the passage of the bill and the roll was called. There were 84 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Anzelc	Champion	Faust	Hilty	Knuth	Mahoney
Atkins	Clark	Fritz	Hornstein	Koenen	Mariani
Benson	Cornish	Gardner	Hortman	Laine	Marquart
Bigham	Davnie	Greiling	Huntley	Lenczewski	Masin
Bly	Dill	Hansen	Jackson	Lesch	Morgan
Brown	Dittrich	Hausman	Johnson	Liebling	Morrow
Brynaert	Doty	Haws	Kahn	Lieder	Mullery
Bunn	Eken	Hayden	Kalin	Lillie	Murphy, E.
Carlson	Falk	Hilstrom	Kath	Loeffler	Murphy, M.

Nelson	Otremba	Reinert	Sertich	Solberg	Wagenius
Newton	Paymar	Rosenthal	Simon	Sterner	Ward
Norton	Pelowski	Ruud	Slawik	Swails	Welti
Obermueller	Peterson	Sailer	Slocum	Thao	Winkler
Olin	Poppe	Scalze	Smith	Tillberry	Spk. Kelliher

Those who voted in the negative were:

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

The bill was passed and its title agreed to.

Demmer was excused for the remainder of today's session.

S. F. No. 2562, A bill for an act relating to child support enforcement; updating provisions on access to certain information; authorizing certain actions by a public authority; requiring a notice; imposing certain duties; providing for survival of certain child support judgments; amending Minnesota Statutes 2008, sections 256.978, subdivision 2; 518A.46, subdivision 5, by adding a subdivision; 541.04; 548.09, subdivision 1; repealing Minnesota Statutes 2008, section 548.092.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Cornish	Gardner	Howes	Liebling	Murphy, E.
Anderson, P.	Davids	Garofalo	Huntley	Lieder	Murphy, M.
Anderson, S.	Davnie	Gottwalt	Jackson	Lillie	Nelson
Anzalc	Dean	Greiling	Johnson	Loeffler	Newton
Atkins	Dettmer	Gunther	Juhnke	Loon	Nornes
Beard	Dill	Hackbarth	Kahn	Mack	Norton
Benson	Dittrich	Hamilton	Kalin	Magnus	Obermueller
Bigham	Doepke	Hansen	Kath	Mahoney	Olin
Bly	Doty	Hausman	Kelly	Mariani	Otremba
Brod	Downey	Haws	Kiffmeyer	Marquart	Paymar
Brown	Drazkowski	Hayden	Knuth	Masin	Pelowski
Brynaert	Eastlund	Hilstrom	Koenen	McFarlane	Peppin
Buesgens	Eken	Hilty	Kohls	McNamara	Peterson
Bunn	Emmer	Holberg	Laine	Morgan	Poppe
Carlson	Falk	Hoppe	Lanning	Morrow	Reinert
Champion	Faust	Hornstein	Lenczewski	Mullery	Rosenthal
Clark	Fritz	Hortman	Lesch	Murdock	Rukavina

Ruud	Seifert	Slawik	Swails	Urdahl	Winkler
Sailer	Sertich	Slocum	Thao	Wagenius	Zellers
Sanders	Severson	Smith	Thissen	Ward	Spk. Kelliher
Scalze	Shimanski	Solberg	Tillberry	Welti	
Scott	Simon	Sterner	Torkelson	Westrom	

The bill was passed and its title agreed to.

S. F. No. 2517, A bill for an act relating to judiciary; authorizing the court to furnish copies of documents in CD Rom or DVD Rom disc to the public defender at no charge; amending Minnesota Statutes 2008, section 611.271.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Emmer	Hoppe
-------	-------

The bill was passed and its title agreed to.

S. F. No. 2705 was reported to the House.

Olin moved to amend S. F. No. 2705, the first engrossment, as follows:

Page 6, line 28, delete ", each consisting of one or more members of the committee."

Page 13, line 25, delete ", each consisting of one or more members of the committee."

Page 24, line 1, delete "corporation" and insert "business entity"

The motion prevailed and the amendment was adopted.

S. F. No. 2705, A bill for an act relating to business organizations; regulating the organization and operation of business corporations, nonprofit corporations, and limited liability companies; providing for consistent law relating to registered agents and offices of business entities; repealing the prohibition against certain business names; amending Minnesota Statutes 2008, sections 5.16, subdivision 1; 222.18, subdivision 1; 302A.011, subdivision 18; 302A.121; 302A.123; 302A.215, subdivision 3; 302A.311; 302A.341, subdivision 2; 302A.402, subdivisions 3, 4; 302A.429, subdivision 2; 302A.435, subdivision 1; 302A.461, subdivision 2; 302A.661, subdivision 1; 303.05, subdivision 1; 303.10; 308A.025; 308A.131, subdivision 1; 308B.115; 317A.011, subdivision 15; 317A.111, subdivisions 1, 3, 4, by adding a subdivision; 317A.121; 317A.123; 317A.133, subdivisions 1, 2, 3; 317A.181, subdivision 2, by adding a subdivision; 317A.203; 317A.227; 317A.231, subdivisions 1, 4; 317A.237; 317A.239, subdivisions 1, 3; 317A.241, subdivision 2, by adding a subdivision; 317A.255, subdivision 1; 317A.301; 317A.311; 317A.315; 317A.321; 317A.341, subdivision 2; 317A.521, subdivision 9; 317A.613, subdivision 2; 317A.661; 317A.721, subdivisions 1, 3; 321.0114; 321.0905; 322B.03, subdivision 29; 322B.13; 322B.135; 322B.34, subdivision 1; 322B.373, subdivision 2; 322B.676; 322B.686, subdivision 2; 322B.77, subdivision 1; 322B.935; 323A.1001; 323A.1102; 333.20, subdivision 1; 333.22, subdivisions 1, 3; Minnesota Statutes 2009 Supplement, sections 5.15; 5.34; 5.35; 303.06, subdivision 2; 321.0809; 321.0902; 321.0906; Laws 2008, chapter 233, article 3, section 8; proposing coding for new law in Minnesota Statutes, chapter 5; repealing Minnesota Statutes 2008, section 333.17.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Champion	Emmer	Hilstrom	Kiffmeyer	Mahoney
Anderson, P.	Clark	Falk	Hilty	Knuth	Mariani
Anderson, S.	Cornish	Faust	Holberg	Koenen	Marquart
Anzelc	Davids	Fritz	Hoppe	Kohls	Masin
Atkins	Davnie	Gardner	Hornstein	Laine	McFarlane
Beard	Dean	Garofalo	Hortman	Lanning	McNamara
Benson	Dettmer	Gottwalt	Howes	Lenczewski	Morgan
Bigham	Dill	Greiling	Huntley	Lesch	Morrow
Bly	Dittrich	Gunther	Jackson	Liebling	Mullery
Brod	Doepke	Hackbarth	Johnson	Lieder	Murdock
Brown	Doty	Hamilton	Juhnke	Lillie	Murphy, E.
Brynaert	Downey	Hansen	Kahn	Loeffler	Murphy, M.
Buesgens	Drazkowski	Hausman	Kalin	Loon	Nelson
Bunn	Eastlund	Haws	Kath	Mack	Newton
Carlson	Eken	Hayden	Kelly	Magnus	Nornes

Norton	Peterson	Sanders	Simon	Thao	Welti
Obermueller	Poppe	Scalze	Slawik	Thissen	Westrom
Olin	Reinert	Scott	Slocum	Tillberry	Winkler
Otremba	Rosenthal	Seifert	Smith	Torkelson	Zellers
Paymar	Rukavina	Sertich	Solberg	Urdahl	Spk. Kelliher
Pelowski	Ruud	Severson	Sterner	Wagenius	
Peppin	Sailer	Shimanski	Swails	Ward	

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

S. F. No. 2877 was reported to the House.

Simon moved to amend S. F. No. 2877, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 148B.54, is amended by adding a subdivision to read:

Subd. 3. **Relicensure following termination.** An individual whose license was terminated prior to August 1, 2010, and who can demonstrate completion of the graduate credit requirement in subdivision 2, does not need to comply with the continuing education requirement of Minnesota Rules, part 2150.2520, subpart 4, or with the continuing education requirements for relicensure following termination in Minnesota Rules, part 2150.0130, subpart 2. This section does not apply to an individual whose license has been canceled."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2877, A bill for an act relating to health-related occupations; providing an exception for continuing education requirements for licensed professional counselors; amending Minnesota Statutes 2008, section 148B.54, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Buesgens Peppin

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

H. F. No. 2899 was reported to the House.

Holberg, Pelowski and Paymar moved to amend H. F. No. 2899, the third engrossment, as follows:

Page 3, line 9, delete everything after the period

Page 3, delete line 10

The motion prevailed and the amendment was adopted.

Sanders moved to amend H. F. No. 2899, the third engrossment, as amended, as follows:

Page 6, after line 28, insert:

"Sec. 4. **REPORT TO LEGISLATURE.**

No later than January 15, 2012, the chief administrative law judge must report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over data practices issues on the statistics related to use of the Office of Administrative Hearings for data practices complaints, including the number and type of complaints filed, the government entities subject to complaints, the manner in which the complaints were resolved, and the actual costs incurred by the Office of Administrative Hearings in receiving complaints and conducting hearings as required by this act. The report may also include recommendations to address any issues arising related to implementation of this act by the office, if necessary."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

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

Mahoney was excused for the remainder of today's session.

Buesgens moved to amend H. F. No. 2899, the third engrossment, as amended, as follows:

Page 6, line 12, delete "less \$50."

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 49 yeas and 81 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Mack moved to amend H. F. No. 2899, the third engrossment, as amended, as follows:

Page 3, after line 19, insert:

"The office may waive the payment of the filing fee, if the individual seeking a waiver of the fee files with the office an affidavit stating that the individual is financially unable to pay the fee because the individual's annual income does not exceed 125 percent of the poverty line established under United States Code, title 42, section 9902(2)."

A roll call was requested and properly seconded.

The question was taken on the Mack amendment and the roll was called. There were 61 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Abeler	Doepke	Hamilton	Liebling	Paymar	Torkelson
Anderson, B.	Doty	Holberg	Loeffler	Peppin	Urdahl
Anderson, P.	Downey	Hoppe	Loon	Rukavina	Ward
Anderson, S.	Drazkowski	Howes	Mack	Sanders	Welti
Beard	Eastlund	Jackson	Magnus	Scott	Westrom
Brod	Emmer	Kalin	McFarlane	Seifert	Zellers
Buesgens	Falk	Kath	McNamara	Severson	
Cornish	Garofalo	Kelly	Murdock	Shimanski	
Davids	Gottwalt	Kiffmeyer	Murphy, M.	Smith	
Dean	Gunther	Kohls	Nornes	Sterner	
Dettmer	Hackbarth	Lanning	Olin	Thao	

Those who voted in the negative were:

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

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

H. F. No. 2899, A bill for an act relating to data practices; providing an administrative remedy for certain data practices law violations; providing civil penalties; appropriating money; amending Minnesota Statutes 2008, sections 13.072, subdivision 2; 13.08, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 13.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

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

S. F. No. 2322, A bill for an act relating to commerce; regulating business screening services; providing for the correction and deletion of certain criminal records; amending Minnesota Statutes 2008, section 332.70, subdivisions 1, 2, 3, 4.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 863 was reported to the House.

Mullery moved to amend S. F. No. 863, the unofficial engrossment, as follows:

Page 7, line 5, after the comma, insert "State Services for the Blind."

The motion prevailed and the amendment was adopted.

S. F. No. 863, A bill for an act relating to data practices; classifying government data; modifying provisions governing temporary classifications and personnel data; amending business screening services provisions; amending Minnesota Statutes 2008, sections 13.05, subdivision 4, by adding a subdivision; 13.06, subdivisions 1, 3, 4, 5, 7, by adding subdivisions; 13.43, subdivisions 1, 2, by adding subdivisions; 13.64; 13.643, by adding a subdivision; 13.7931, by adding a subdivision; 13.87, by adding a subdivision; 13.871, by adding a subdivision; 13D.05, subdivision 3; 16B.97, by adding a subdivision; 125A.21, subdivision 5; 270B.14, subdivision 16; 299C.156, subdivision 5; 332.70, subdivisions 1, 2, 3, 4; proposing coding for new law in Minnesota Statutes, chapters 13; 84; repealing Minnesota Statutes 2008, section 13.06, subdivision 2; Minnesota Rules, part 1205.1800.

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

The question was taken on the passage of the bill and the roll was called. There were 104 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hortman	Loeffler	Norton	Solberg
Anderson, P.	Dittrich	Howes	Loon	Obermueller	Sterner
Anderson, S.	Doty	Huntley	Mack	Olin	Swails
Anzelc	Eken	Jackson	Magnus	Otremba	Thao
Atkins	Falk	Johnson	Mariani	Paymar	Thissen
Beard	Faust	Juhnke	Marquart	Pelowski	Tillberry
Benson	Fritz	Kahn	Masin	Peterson	Torkelson
Bigham	Gardner	Kalin	McFarlane	Poppe	Urdahl
Bly	Gottwalt	Kath	McNamara	Reinert	Wagenius
Brod	Greiling	Kelly	Morgan	Rosenthal	Ward
Brown	Gunther	Knuth	Morrow	Ruud	Welti
Brynaert	Hamilton	Koenen	Mullery	Sailer	Westrom
Bunn	Hansen	Laine	Murdock	Scalze	Winkler
Carlson	Hausman	Lenczewski	Murphy, E.	Sertich	Spk. Kelliher
Champion	Haws	Lesch	Murphy, M.	Simon	
Clark	Hayden	Liebling	Nelson	Slawik	
Cornish	Hilstrom	Lieder	Newton	Slocum	
Davnie	Hilty	Lillie	Nornes	Smith	

Those who voted in the negative were:

Anderson, B.	Doepke	Garofalo	Kiffmeyer	Sanders	Zellers
Buesgens	Downey	Hackbarth	Kohls	Scott	
Davids	Drazkowski	Holberg	Lanning	Seifert	
Dean	Eastlund	Hoppe	Peppin	Severson	
Dettmer	Emmer	Hornstein	Rukavina	Shimanski	

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

S. F. No. 2866 was reported to the House.

Holberg moved to amend S. F. No. 2866, the second engrossment, as follows:

Page 3, line 17, before "Trauma" insert "(a)"

Page 3, after line 25, insert:

"(b) Notwithstanding paragraph (a) or any other law to the contrary, the commissioner and the trauma hospital are prohibited from collecting data on individuals regarding lawful firearm ownership in the state or data related to an individual's right to carry a weapon under section 624.714."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Holberg amendment and the roll was called. There were 92 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Gunther	Koenen	Obermueller	Smith
Anderson, B.	Dill	Hackbarth	Kohls	Olin	Solberg
Anderson, P.	Dittrich	Hamilton	Lanning	Otremba	Sterner
Anderson, S.	Doepke	Hansen	Lieder	Pelowski	Swails
Anzels	Doty	Haws	Lillie	Peppin	Tillberry
Atkins	Downey	Hilstrom	Loon	Peterson	Torkelson
Beard	Drazkowski	Holberg	Mack	Poppe	Urdahl
Bigham	Eastlund	Hoppe	Magnus	Reinert	Ward
Brod	Eken	Hosch	Marquart	Rukavina	Walti
Brown	Emmer	Howes	McFarlane	Sailer	Westrom
Brynaert	Falk	Jackson	McNamara	Sanders	Winkler
Buesgens	Faust	Juhnke	Morgan	Scott	Zellers
Bunn	Fritz	Kalin	Morrow	Seifert	
Cornish	Gardner	Kath	Murdock	Severson	
Davids	Garofalo	Kelly	Murphy, M.	Shimanski	
Dean	Gottwalt	Kiffmeyer	Nornes	Simon	

Those who voted in the negative were:

Benson	Hausman	Kahn	Mariani	Paymar	Thissen
Bly	Hayden	Knuth	Masin	Rosenthal	Wagenius
Carlson	Hilty	Laine	Mullery	Ruud	Spk. Kelliher
Champion	Hornstein	Lenczewski	Murphy, E.	Scalze	
Clark	Hortman	Lesch	Nelson	Slawik	
Davnie	Huntley	Liebling	Newton	Slocum	
Greiling	Johnson	Loeffler	Norton	Thao	

The motion prevailed and the amendment was adopted.

S. F. No. 2866, A bill for an act relating to health; modifying provisions for the statewide trauma system; amending Minnesota Statutes 2008, sections 13.3806, subdivision 13; 144.603; 144.605, subdivisions 2, 3, by adding a subdivision; 144.608, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2008, section 144.607.

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

The question was taken on the passage of the bill and the roll was called. There were 101 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Holberg	Lillie	Obermueller	Slawik
Anderson, P.	Doty	Hoppe	Loeffler	Olin	Smith
Anzels	Eken	Hosch	Loon	Otremba	Solberg
Atkins	Falk	Howes	Mack	Pelowski	Sterner
Beard	Faust	Huntley	Magnus	Peterson	Swails
Benson	Fritz	Jackson	Marquart	Poppe	Thao
Bigham	Gardner	Juhnke	Masin	Reinert	Thissen
Bly	Garofalo	Kahn	McFarlane	Rosenthal	Tillberry
Brown	Gottwalt	Kalin	McNamara	Rukavina	Urdahl
Brynaert	Gunther	Kath	Morgan	Ruud	Wagenius
Bunn	Hackbarth	Knuth	Morrow	Sailer	Ward
Carlson	Hamilton	Koene	Mullery	Sanders	Walti
Champion	Hansen	Laine	Murdock	Scalze	Westrom
Clark	Haws	Lanning	Murphy, M.	Scott	Winkler
Cornish	Hayden	Lenczewski	Nelson	Seifert	Zellers
Davnie	Hilstrom	Lesch	Nornes	Sertich	Spk. Kelliher
Dill	Hilty	Lieder	Norton	Simon	

Those who voted in the negative were:

Anderson, B.	Dean	Eastlund	Hortman	Liebling	Peppin
Anderson, S.	Dettmer	Emmer	Johnson	Mariani	Severson
Brod	Doepke	Greiling	Kelly	Murphy, E.	Shimanski
Buesgens	Downey	Hausman	Kiffmeyer	Newton	Slocum
Davids	Drazkowski	Hornstein	Kohls	Paymar	Torkelson

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

S. F. No. 2808 was reported to the House.

Atkins moved to amend S. F. No. 2808, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3186, the first engrossment:

"Section 1. Minnesota Statutes 2008, section 37.21, is amended to read:

37.21 SALE OF LIQUORS.

Subdivision 1. **Liquor prohibited.** Except as provided under ~~Laws 2003, chapter 126, section 29, as amended by Laws 2005, chapter 25, section 6 in subdivision 2,~~ no person may sell, barter, give away, or otherwise dispose of or introduce, have, or keep for barter, gift, or sale, any intoxicating liquors of any kind upon the State Fairgrounds,

or aid and abet any of those acts. The presence and possession of any kind of these liquors, in any quantity, upon the person or upon the premises leased or occupied by any person within these limits is a public nuisance and is prima facie evidence of the purpose of the person to barter, give away, or sell the liquor. Any person who violates this section is guilty of a misdemeanor.

Subd. 2. **Exceptions.** ~~Notwithstanding subdivision 1,~~ The following exceptions apply:

(a) The State Agricultural Society may ~~authorize issue,~~ under terms and conditions it chooses, licenses for the sale, possession, and consumption of intoxicating liquors at special events taking place on the fairgrounds at times other than during the annual fair including, but not limited to, family reunions, class reunions, weddings, conventions, and similar events. ~~This section does not authorize the society to issue retail licenses for the sale of alcoholic beverages. Notwithstanding subdivision 1,~~

(b) The State Agricultural Society may ~~also authorize issue,~~ under terms and conditions it chooses, consistent with state law, licenses for the sale, possession, and consumption of intoxicating malt liquors during the annual fair or at other times of their choosing, provided that at least one Minnesota brewed malt liquor is made available for sale at each allowed location within the grounds.

(c) ~~The State Agricultural Society may issue a license for the sale and consumption of wine to a holder of a state fair concession's contract with the State Agricultural Society which authorizes the licensee to sell Minnesota-produced wine by the glass at the state fair in connection with the sale of food by the concessionaire. For the purposes of this subdivision, "Minnesota-produced wine" means wine produced by a farm winery licensed under section 340A.315 and made from at least 75 percent Minnesota-grown grapes, grape juice, other fruit bases, other juices, or honey.~~

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

Sec. 2. Minnesota Statutes 2008, section 340A.404, subdivision 2, is amended to read:

Subd. 2. **Special provision; city of Minneapolis.** (a) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theater, the Cricket Theatre, the Orpheum Theatre, the State Theatre, and the Historic Pantages Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The licenses authorize sales on all days of the week to holders of tickets for performances presented by the theaters and to members of the nonprofit corporations holding the licenses and to their guests.

(b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland Associates, a Minnesota cooperative, for use by a restaurant on the premises owned by 510 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter provision.

(c) The city of Minneapolis may issue an on-sale intoxicating liquor license to Zuhrah Shrine Temple for use on the premises owned by Zuhrah Shrine Temple at 2540 Park Avenue South in Minneapolis, and to the American Swedish Institute for use on the premises owned by the American Swedish Institute at 2600 Park Avenue South, notwithstanding limitations of law, or local ordinances, or charter provision relating to zoning or school or church distances.

(d) The city of Minneapolis may issue an on-sale intoxicating liquor license to the American Association of University Women, Minneapolis branch, for use on the premises owned by the American Association of University Women, Minneapolis branch, at 2115 Stevens Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provisions relating to zoning or school or church distances.

(e) The city of Minneapolis may issue an on-sale wine license and an on-sale 3.2 percent malt liquor license to a restaurant located at 5000 Penn Avenue South, and an on-sale wine license and an on-sale malt liquor license to a restaurant located at 1931 Nicollet Avenue South, notwithstanding any law or local ordinance or charter provision.

(f) The city of Minneapolis may issue an on-sale wine license and an on-sale malt liquor license to the Brave New Workshop Theatre located at 3001 Hennepin Avenue South, the Theatre de la Jeune Lune, the Illusion Theatre located at 528 Hennepin Avenue South, the Hollywood Theatre located at 2815 Johnson Street Northeast, the Loring Playhouse located at 1633 Hennepin Avenue South, the Jungle Theater located at 2951 Lyndale Avenue South, Brave New Institute located at 2605 Hennepin Avenue South, the Guthrie Lab located at 700 North First Street, and the Southern Theatre located at 1420 Washington Avenue South, notwithstanding any law or local ordinance or charter provision. The license authorizes sales on all days of the week.

(g) The city of Minneapolis may issue an on-sale intoxicating liquor license to University Gateway Corporation, a Minnesota nonprofit corporation, for use by a restaurant or catering operator at the building owned and operated by the University Gateway Corporation on the University of Minnesota campus, notwithstanding limitations of law, or local ordinance or charter provision. The license authorizes sales on all days of the week.

(h) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Walker Art Center's concessionaire or operator, for a restaurant and catering operator on the premises of the Walker Art Center, notwithstanding limitations of law, or local ordinance or charter provisions. The license authorizes sales on all days of the week.

(i) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theater's concessionaire or operator for a restaurant and catering operator on the premises of the Guthrie Theater, notwithstanding limitations of law, local ordinance, or charter provisions. The license authorizes sales on all days of the week.

(j) The city of Minneapolis may issue an on-sale wine license and an on-sale malt liquor license to the Minnesota Book and Literary Arts Building, Inc.'s concessionaire or operator for a restaurant and catering operator on the premises of the Minnesota Book and Literary Arts Building, Inc. (dba Open Book), notwithstanding limitations of law, or local ordinance or charter provision. The license authorizes sales on all days of the week.

(k) The city of Minneapolis may issue an on-sale intoxicating liquor license to a restaurant located at 5411 Penn Avenue South, notwithstanding any law or local ordinance or charter provision.

(l) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Museum of Russian Art's concessionaire or operator for a restaurant and catering operator on the premises of the Museum of Russian Art located at 5500 Stevens Avenue South, notwithstanding any law or local ordinance or charter provision.

EFFECTIVE DATE. This section is effective upon approval by the Minneapolis City Council in the manner provided by Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 3. Minnesota Statutes 2008, section 340A.404, subdivision 5, is amended to read:

Subd. 5. **Wine licenses.** (a) A municipality may issue an on-sale wine license with the approval of the commissioner to a restaurant having facilities for seating at least 25 guests at one time. A wine license permits the sale of wine of up to 14 percent alcohol by volume for consumption with the sale of food. A wine license authorizes the sale of wine on all days of the week unless the issuing authority restricts the license's authorization to the sale of wine on all days except Sundays.

(b) The governing body of a municipality may by ordinance authorize a holder of an on-sale wine license issued pursuant to paragraph (a) who is also licensed to sell 3.2 percent malt liquors at on-sale pursuant to section 340A.411, and whose gross receipts are at least 60 percent attributable to the sale of food, to sell intoxicating malt liquors at on-sale without an additional license.

(c) A municipality may issue an on-sale wine license with the approval of the commissioner to a licensed bed and breakfast facility. A license under this paragraph authorizes a bed and breakfast facility to furnish wine only to registered guests of the facility and, if the facility contains a licensed commercial kitchen, also to guests attending private events at the facility.

(d) The State Agricultural Society may issue an on-sale wine license to the holder of a state fair concession contract pursuant to section 37.21, subdivision 2.

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

Sec. 4. Minnesota Statutes 2008, section 340A.409, subdivision 1, is amended to read:

Subdivision 1. **Insurance required.** No retail license may be issued, maintained or renewed unless the applicant demonstrates proof of financial responsibility with regard to liability imposed by section 340A.801. The issuing authority must submit to the commissioner the applicant's proof of financial responsibility. This subdivision does not prohibit a local unit of government from requiring higher insurance or bond coverages, or a larger deposit of cash or securities. The minimum requirement for proof of financial responsibility may be given by filing:

(1) a certificate that there is in effect for the license period an insurance policy issued by an insurer required to be licensed under section 60A.07, subdivision 4, or by an insurer recognized as an eligible surplus lines carrier pursuant to section 60A.206 or pool providing at least \$50,000 of coverage because of bodily injury to any one person in any one occurrence, \$100,000 because of bodily injury to two or more persons in any one occurrence, \$10,000 because of injury to or destruction of property of others in any one occurrence, \$50,000 for loss of means of support of any one person in any one occurrence, ~~and \$100,000 for loss of means of support of two or more persons in any one occurrence,~~ \$50,000 for other pecuniary loss of any one person in any one occurrence, and \$100,000 for other pecuniary loss of two or more persons in any one occurrence;

(2) a bond of a surety company with minimum coverages as provided in clause (1); or

(3) a certificate of the commissioner of management and budget that the licensee has deposited with the commissioner of management and budget \$100,000 in cash or securities which may legally be purchased by savings banks or for trust funds having a market value of \$100,000.

This subdivision does not prohibit an insurer from providing the coverage required by this subdivision in combination with other insurance coverage.

An annual aggregate policy limit for dram shop insurance of not less than \$300,000 per policy year may be included in the policy provisions.

A liability insurance policy required by this section must provide that it may not be canceled for:

(1) any cause, except for nonpayment of premium, by either the insured or the insurer unless the canceling party has first given 30 days' notice in writing to the issuing authority of intent to cancel the policy; and

(2) nonpayment of premium unless the canceling party has first given ten days' notice in writing to the issuing authority of intent to cancel the policy.

All insurance policies which provide coverage with regard to any liability imposed by section 340A.801 must contain at least the minimum coverage required by this section.

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

Sec. 5. Minnesota Statutes 2008, section 340A.409, subdivision 4, is amended to read:

Subd. 4. **Insurance not required.** Subdivision 1 does not apply to licensees who by affidavit establish that:

(1) they are on-sale 3.2 percent malt liquor licensees with sales of less than \$25,000 of 3.2 percent malt liquor for the preceding year;

(2) they are off-sale 3.2 percent malt liquor licensees with sales of less than \$50,000 of 3.2 percent malt liquor for the preceding year;

(3) they are holders of on-sale wine licenses with sales of less than \$25,000 for wine for the preceding year; ~~or~~

(4) they are holders of temporary wine licenses issued under law; or

(5) they are wholesalers who donate wine to an organization for a wine tasting conducted under section 340A.418 or 340A.419.

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

Sec. 6. Minnesota Statutes 2008, section 340A.419, as amended by Laws 2009, chapter 120, section 12, is amended to read:

340A.419 WINE TASTINGS CONDUCTED BY EXCLUSIVE LIQUOR STORE.

Subdivision 1. **Definition.** For purposes of this section, a "~~wine~~ tasting" is an event of not more than four hours' duration at which persons pay a fee to participate and are allowed to consume wine, malt liquor, or spirits by the glass without paying a separate charge for each glass.

Subd. 2. **Tastings.** (a) Notwithstanding any other law, an exclusive liquor store may conduct a wine, malt liquor, or spirits tasting on the premises of a holder of an on-sale intoxicating liquor license that is not a temporary license or on the premises of a holder of a wine license under section 340A.404, subdivision 5, if the exclusive liquor store complies with this section.

(b) No wine ~~at a wine tasting~~, malt liquor, or spirits authorized for use under this section may be sold for off-premises consumption. A participant in the tasting may fill out a form indicating preferences for wine, malt liquor, or spirits. The form may be held on the premises of the exclusive liquor store to assist the participant in making an off-sale purchase at a later date.

(c) Notwithstanding any other law, an exclusive liquor store may purchase or otherwise obtain wine or spirits for a ~~wine~~ tasting conducted under this section from a wholesaler licensed to sell wine or spirits. The wholesaler may sell or give wine or spirits to an exclusive liquor store for a ~~wine~~ tasting conducted under this section and may provide personnel to assist in the ~~wine~~ tasting.

(d) An exclusive liquor store that conducts a ~~wine~~ tasting under this section must use any fees collected from participants in the tasting only to defray the cost of conducting the tasting.

(e) Notwithstanding section 340A.409, subdivision 4, the premises on which a wine tasting is conducted must be insured as required by section 340A.409, subdivision 1.

Subd. 3. **Malt liquor tastings.** An exclusive liquor store conducting a malt liquor tasting under this section must also comply with the requirements of section 340A.510, subdivision 2.

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

Sec. 7. Minnesota Statutes 2008, section 461.12, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** A town board or the governing body of a home rule charter or statutory city may license and regulate the retail sale of tobacco as defined in section 609.685, subdivision 1, and establish a license fee for sales to recover the estimated cost of enforcing this chapter. The county board shall license and regulate the sale of tobacco in unorganized territory of the county except on the State Fairgrounds and in a town or a home rule charter or statutory city if the town or city does not license and regulate retail tobacco sales. The State Agricultural Society shall license and regulate the sale of tobacco on the State Fairgrounds. Retail establishments licensed by a town or city to sell tobacco are not required to obtain a second license for the same location under the licensing ordinance of the county.

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

Sec. 8. Laws 2009, chapter 120, section 16, is amended to read:

Sec. 16. **CITY OF MINNEAPOLIS; LIQUOR LICENSE.**

Notwithstanding any law, ordinance, or charter provision to the contrary, the city of Minneapolis may issue an on-sale intoxicating liquor license to an establishment located at 2124 Como Avenue Southeast.

EFFECTIVE DATE. This section is effective on the effective date of Laws 2009, chapter 120, section 16.

Sec. 9. **UNIVERSITY OF ST. THOMAS; ON-SALE LICENSE.**

Notwithstanding any other law, local ordinance, or charter provision, the city of St. Paul and the city of Minneapolis may issue on-sale intoxicating liquor licenses to University of St. Thomas, or to an entity holding a caterer's permit and a contract with University of St. Thomas, for catering on the premises of the University of St. Thomas campus or campuses, or for any portion of the premises as described in the approved license application. The licenses authorized by this section may be issued for space that is not compact and contiguous, provided that all the space is within the boundaries of the University of St. Thomas campus or campuses and is included in the description of the licensed premises on the approved license application. The licenses authorize sales on all days of the week to persons attending events at the college. All other provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

EFFECTIVE DATE. This section is effective upon approval by the appropriate city councils, in the manner provided by Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 10. **BEMIDJI REGIONAL CENTER; ON-SALE LICENSE.**

Notwithstanding any other law, local ordinance, or charter provision to the contrary, the city of Bemidji may issue an on-sale intoxicating liquor license, or an on-sale wine and malt liquor license to the Bemidji Regional Event Center. Any license authorized by this section may be issued for space that is not compact and contiguous, provided that all the space is within the boundaries of the Bemidji Regional Event Center and is included in the description of

the licensed premises on the approved license application. A license issued under this paragraph authorizes sales on all days of the week to persons attending activities or events at the event center. All other provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

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

Sec. 11. **EXEMPTION; BEMIDJI STATE UNIVERSITY.**

Notwithstanding Minnesota Statutes 340A.410, subdivision 10, paragraph (b), Bemidji State University may be issued temporary liquor licenses for events at the university authorized under Minnesota Statutes, section 340A.412, subdivision 4, paragraph (a), clause (7), item (iv), on an as needed basis, provided that the combination of temporary licenses issued not exceed 12 events or a total of 12 days within a 12-month period.

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

Delete the title and insert:

"A bill for an act relating to liquor; authorizing and clarifying terms of various licenses; modifying certain insurance requirements; authorizing State Agricultural Society to license and regulate tobacco sales on State Fairgrounds; amending Minnesota Statutes 2008, sections 37.21; 340A.404, subdivisions 2, 5; 340A.409, subdivisions 1, 4; 340A.419, as amended; 461.12, subdivision 1; Laws 2009, chapter 120, section 16."

The motion prevailed and the amendment was adopted.

Atkins moved to amend S. F. No. 2808, the second engrossment, as amended, as follows:

Page 7, line 6, strike "wine"

The motion prevailed and the amendment was adopted.

Murphy, E., moved to amend S. F. No. 2808, the second engrossment, as amended, as follows:

Page 7, delete section 9

The motion prevailed and the amendment was adopted.

Kahn and Atkins moved to amend S. F. No. 2808, the second engrossment, as amended, as follows:

Page 7, after line 30, insert:

"Sec. 9. **MINNEAPOLIS CAMPUS OF ST. THOMAS UNIVERSITY; ON-SALE LICENSE.**

Notwithstanding any other law, local ordinance, or charter provision, the city of Minneapolis may issue an on-sale intoxicating liquor license to St. Thomas University, for catering on the premises of the Minneapolis campus of St. Thomas University, or for any portion of the premises as described in the approved license application. A

license authorized by this section may be issued for space that is not compact and contiguous, provided that all the space is within the boundaries of the Minneapolis campus of St. Thomas University and is included in the description of the licensed premises on the approved license application. The license authorizes sales on all days of the week to persons attending events at the college, subject to the hours and days of sale restrictions in Minnesota Statutes, 340A.504, and any reasonable license conditions or restrictions imposed by the licensing authority. All other provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

EFFECTIVE DATE. This section is effective upon approval by the Minneapolis City Council in the manner provided by Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kahn, Liebling, Rukavina, Drazkowski, McNamara, Anzelc, Kelly and Reinert moved to amend S. F. No. 2808, the second engrossment, as amended, as follows:

Page 7, after line 11, insert:

"Sec. 7. Minnesota Statutes 2008, section 340A.504, subdivision 4, is amended to read:

Subd. 4. **Intoxicating liquor; off-sale.** No sale of intoxicating liquor may be made by an off-sale licensee:

(1) ~~on Sundays;~~

(2) before 8:00 a.m. or after 10:00 p.m. on Monday through ~~Saturday~~ Sunday;

(3) (2) on Thanksgiving Day;

(4) (3) on Christmas Day, December 25; or

(5) (4) after 8:00 p.m. on Christmas Eve, December 24.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

Hansen was excused for the remainder of today's session.

The question was taken on the Kahn et al amendment and the roll was called. There were 20 yeas and 110 nays as follows:

Those who voted in the affirmative were:

Anzelc	Greiling	Kelly	Loon	Paymar
Buesgens	Hausman	Kohls	McNamara	Reinert
Drazkowski	Hilstrom	Lesch	Newton	Scalze
Falk	Kahn	Liebling	Norton	Thao

Those who voted in the negative were:

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

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

Kahn, Liebling, Rukavina, Drazkowski, McNamara and Anzelc moved to amend S. F. No. 2808, the second engrossment, as amended, as follows:

Page 7, after line 11, insert:

"Sec. 7. Minnesota Statutes 2008, section 340A.504, subdivision 4, is amended to read:

Subd. 4. **Intoxicating liquor; off-sale.** No sale of intoxicating liquor may be made by an off-sale licensee:

(1) on Sundays, except that sales are allowed on Sundays beginning the first Sunday before Thanksgiving day, and ending after the first Sunday after New Year's Day;

(2) before 8:00 a.m. or after 10:00 p.m. on Monday through Saturday;

(3) on Thanksgiving Day;

(4) on Christmas Day, December 25; or

(5) after 8:00 p.m. on Christmas Eve, December 24.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

The Speaker called Thissen to the Chair.

Juhnke moved to amend S. F. No. 2808, the second engrossment, as amended, as follows:

Page 2, line 13, delete everything after "340A.315"

Page 2, line 14, delete everything before the period

The motion prevailed and the amendment was adopted.

Anderson, P., and Buesgens offered an amendment to S. F. No. 2808, the second engrossment, as amended.

POINT OF ORDER

Atkins raised a point of order pursuant to rule 3.21 that the Anderson, P., and Buesgens amendment was not in order. Speaker pro tempore Thissen ruled the point of order well taken and the Anderson, P., and Buesgens amendment out of order.

Davnie was excused for the remainder of today's session.

Buesgens moved to amend S. F. No. 2808, the second engrossment, as amended, as follows:

Page 9, after line 1, insert:

"Sec. 12. **MUNICIPAL LIQUOR STORES; TRANSITION.**

Municipal liquor stores licensed under Minnesota Statutes 340A.601 shall cease business as of January 1, 2011. Municipalities closing municipal liquor stores in accordance with this section may choose whether to license privately owned liquor stores by ordinance."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 19 yeas and 109 nays as follows:

Those who voted in the affirmative were:

Beard	Downey	Kelly	McNamara	Severson
Buesgens	Draskowski	Kiffmeyer	Newton	Thao
Dean	Gottwalt	Kohls	Scalze	Zellers
Dettmer	Hoppe	Lenczewski	Seifert	

Those who voted in the negative were:

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

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

S. F. No. 2808, A bill for an act relating to liquor; clarifying a license provision for the city of Minneapolis; allowing the State Fair to issue liquor licenses; authorizing various on-sale licenses; amending Minnesota Statutes 2008, sections 37.21; 340A.404, subdivisions 2, 5; 340A.419, as amended; Laws 2009, chapter 120, section 16.

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

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 13 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Dean	Emmer	Kiffmeyer	Severson
Anderson, B.	Dettmer	Garofalo	Peppin	
Brod	Eastlund	Holberg	Seifert	

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

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Monday, April 12, 2010:

H. F. No. 162; and S. F. Nos. 2152, 2363, 2519, 2717, 2825, 2923, 2475 and 2580.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2231:

Nelson, Kalin and Gunther.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3327:

Koenen, Juhnke and Davids.

MOTIONS AND RESOLUTIONS

Lenczewski moved that the name of Dittrich be added as an author on H. F. No. 2695. The motion prevailed.

Norton moved that the name of Brynaert be added as an author on H. F. No. 2849. The motion prevailed.

Hansen moved that the names of Slocum, Fritz, Bly, Atkins, Mahoney and Lillie be added as authors on H. F. No. 3759. The motion prevailed.

Brod moved that the names of Westrom, Ward and Sterner be added as authors on H. F. No. 3766. The motion prevailed.

Clark moved that S. F. No. 1537, now on the General Register, be re-referred to the Committee on Finance. The motion prevailed.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 11:00 a.m., Monday, April 12, 2010. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and Speaker pro tempore Thissen declared the House stands adjourned until 11:00 a.m., Monday, April 12, 2010.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives