

## STATE OF MINNESOTA

## EIGHTY-SIXTH SESSION — 2010

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EIGHTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 13, 2010

The House of Representatives convened at 12:30 p.m. and was called to order by Melissa Hortman, Speaker pro tempore.

Prayer was offered by the Very Reverend Joseph Johnson, Cathedral of St. Paul, St. Paul, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Dill was excused.

Kelliher was excused until 1:25 p.m. Knuth was excused until 4:25 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Anderson, B., 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**

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 1467, A bill for an act relating to railroads; directing commissioner to apply for federal grants for rail safety technology; amending Minnesota Statutes 2008, section 219.01.

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 2848, A bill for an act relating to public safety; modifying allocation of certain state fines and forfeitures; amending Minnesota Statutes 2009 Supplement, section 299D.03, subdivision 5.

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

The report was adopted.

Solberg from the Committee on Ways and Means 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 268.035, subdivision 20; 268.046, subdivision 1; 268.051, subdivisions 2, 5, 7; 268.07, as amended; 268.085, subdivision 9; Minnesota Statutes 2009 Supplement, sections 268.035, subdivision 19a; 268.052, subdivision 2; 268.053, subdivision 1; 268.085, subdivision 1; 268.136, subdivision 1.

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

The report was adopted.

Solberg from the Committee on Ways and Means 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, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62J.

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

The report was adopted.

Solberg from the Committee on Ways and Means 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, 4.

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 3386, A bill for an act relating to real property; requiring performance guidelines for certain residential contracts; modifying statutory warranties; requiring notice and opportunity to repair; providing for dispute resolution procedures; requiring a report; amending Minnesota Statutes 2008, sections 302A.781, subdivision 4; 326B.809; 327A.01, by adding a subdivision; 327A.02, subdivision 4, by adding subdivisions; 327A.03; proposing coding for new law in Minnesota Statutes, chapter 327A.

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

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

S. F. No. 2846, A bill for an act relating to transportation; modifying provisions governing movement of large vehicles on public streets and highways; making technical changes; repealing certain rules related to motor carriers; amending Minnesota Statutes 2008, sections 169.801, subdivision 5; 169.823, as amended; 169.826, as amended; 169.828, subdivision 1; 169.829; 169.851, subdivision 5; 169.86, subdivisions 1a, 5; 169.862, subdivision 1; 169.863, subdivision 1; 169.864, subdivision 4; 169.871, subdivisions 1, 1a, 1b; Minnesota Statutes 2009 Supplement, sections 169.801, subdivision 10; 169.81, subdivision 3; 169.824, subdivisions 1, 2; 169.8261, subdivisions 1, 2; 169.85, subdivision 2; 169.862, subdivision 2; 169.864, subdivision 2; 169.865, subdivision 1; 169.87, subdivision 2; 221.025; 221.031, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Statutes 2008, section 169.826, subdivision 6; Minnesota Rules, parts 7800.0100, subparts 4, 6, 7, 8, 11, 12, 13, 14; 7800.0200; 7800.0400; 7800.0800; 7800.0900; 7800.1000; 7800.3200, subpart 2; 7800.3300; 7805.0500; 7805.0900; 7805.1300; 8850.7950; 8850.8000; 8850.8050, subpart 2; 8850.8100; 8850.8250; 8850.8300; 8850.8350; 8850.8800; 8850.8850; 8850.9050, subpart 3; 8855.0410; 8855.0600; 8855.0850; 8920.0100; 8920.0150; 8920.0200; 8920.0300; 8920.0400; 8920.0500; 8920.0600; 8920.0700; 8920.0800; 8920.0900; 8920.1000; 8920.1100; 8920.1200; 8920.1300; 8920.1400; 8920.1500; 8920.1550; 8920.1600; 8920.1700; 8920.1800; 8920.1900; 8920.2000; 8920.2100; 8920.2200; 8920.2300; 8920.2400; 8920.2500; 8920.2600; 8920.2700; 8920.2800; 8920.2900; 8920.3000; 8920.3100; 8920.3200; 8920.3300; 8920.3400; 8920.3500; 8920.3600; 8920.3700; 8920.3800; 8920.3900; 8920.4000; 8920.4100; 8920.4200; 8920.4300; 8920.4400; 8920.4500.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

#### VEHICLE WEIGHTS AND DIMENSIONS

Section 1. Minnesota Statutes 2008, section 169.801, subdivision 5, is amended to read:

Subd. 5. **Height and width.** A person operating, ~~or towing, or transporting~~ an implement of husbandry that is higher than 13 feet six inches or wider than allowed under section 169.80, subdivision 2, must ensure that the operation or transportation does not damage a highway structure, utility line or structure, or other fixture adjacent to or over a public highway.

Sec. 2. Minnesota Statutes 2009 Supplement, section 169.801, subdivision 10, is amended to read:

Subd. 10. **Brakes.** Notwithstanding section 169.67:

(a) A self-propelled implement of husbandry must be equipped with brakes adequate to control its movement and to stop and hold it and any vehicle it is towing.

(b) A towed implement of husbandry must be equipped with brakes adequate to control its movement and to stop and hold it if:

(1) it has a gross vehicle weight of more than 24,000 pounds and was manufactured and sold after January 1, 1994;

(2) it has a gross vehicle weight of more than 12,000 pounds and is towed by a vehicle other than a self-propelled implement of husbandry; or

(3) it has a gross vehicle weight of more than 3,000 pounds and is being towed by a registered passenger automobile other than a pickup truck as defined in section 168.002, subdivision 26.

(c) If a towed implement of husbandry with a gross vehicle weight of more than 6,000 pounds, or more than 3,000 pounds if manufactured after January 1, 2011, is required under paragraph (b) to have brakes and was manufactured after January 1, 2011, it must also be equipped with brakes as required in section 169.67, subdivision 3, paragraph (b) adequate to stop and hold it if it becomes detached from the towing vehicle.

Sec. 3. Minnesota Statutes 2009 Supplement, section 169.81, subdivision 3, is amended to read:

Subd. 3. **Length of vehicle combinations.** (a) Statewide, except on the highways identified under provisions in paragraph (c), no combination of vehicles may exceed a total length of 75 feet.

(b) However, the total length limitation does not apply to combinations of vehicles transporting:

(1) telephone poles, electric light and power poles, piling, or pole-length pulpwood; or

(2) pipe or other objects by a public utility when required for emergency or repair of public service facilities or when operated under special permits as provided in section 169.86.

These combinations of vehicles must be equipped with sufficient clearance markers, or lamps for night transportation, on both sides and upon the extreme ends of a projecting load to clearly mark the dimensions of the load.

(c) The following combination of vehicles regularly engaged in the transportation of commodities may operate only on divided highways having four or more lanes of travel, and on other highways as may be designated by the commissioner of transportation subject to section 169.87, subdivision 1, and subject to the approval of the authority having jurisdiction over the highway, for the purpose of providing reasonable access between the divided highways of four or more lanes of travel and terminals, facilities for food, fuel, repair, and rest, and points of loading and unloading for household goods carriers, livestock carriers, or for the purpose of providing continuity of route:

- (1) a truck-tractor and semitrailer exceeding 75 feet in length;
- (2) a combination of vehicles including a truck-tractor and semitrailer drawing one additional semitrailer which may be equipped with an auxiliary dolly;
- (3) a combination of vehicles including a truck-tractor and semitrailer drawing one full trailer;
- (4) a truck-tractor and semitrailer designed and used exclusively for the transportation of motor vehicles or boats and exceeding an overall length of 75 feet including the load; and
- (5) a truck or truck-tractor transporting similar vehicles by having the front axle of the transported vehicle mounted onto the center or rear part of the preceding vehicle, defined in Code of Federal Regulations, title 49, sections 390.5 and 393.5 as drive-away saddlemount combinations or drive-away saddlemount vehicle transporter combinations, when the overall length exceeds 75 feet but does not exceed 97 feet.

(d) Vehicles operated under the provisions of this section must conform to the standards for those vehicles prescribed by the United States Department of Transportation, Federal Highway Administration, Bureau of Motor Carrier Safety, as amended.

(e) For purposes of this paragraph, "total length" means the overall length of the motor vehicle including (1) bumpers and load; and (2) the length of any semitrailer, as defined in section 168.002, subdivision 30, and any trailer, as defined in section 168.002, subdivision 35. The maximum allowable total length of a commercial vehicle combination is 55 feet on that portion of marked Trunk Highway 36 from the intersection with marked Trunk Highway 95 and Washington County State-Aid Highway 23 in Stillwater, to the Stillwater lift bridge, located on marked Trunk Highway 36 over the St. Croix River in Stillwater. This paragraph does not apply to emergency vehicles; motor vehicles while engaged in work on the bridge or on the portion of highway described in this paragraph, including snow and ice removal and flood control; a vehicle carrying an oversize permit issued under section 169.86, subdivision 5, paragraph (d); and vehicles on the Stillwater lift bridge.

Sec. 4. Minnesota Statutes 2009 Supplement, section 169.824, subdivision 1, is amended to read:

Subdivision 1. **Table of axle weight limits.** (a) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state where the total gross weight on any group of two or more consecutive axles of any vehicle or combination of vehicles exceeds that given in the following axle weight limits table for the distance between the centers of the first and last axles of any group of two or more consecutive axles under consideration; ~~Unless otherwise noted, the distance between axles being~~ must be measured longitudinally to the nearest even foot, and when the measurement is a fraction of exactly one-half foot the next largest whole number in feet shall be used, except that when the distance between axles is more than three feet four inches and less than three feet six inches the distance of four feet shall be used;.

<u>Axle Weight Limits</u>			
Maximum gross weight in pounds on a group of			
	2	3	4
Distances in feet between centers of foremost and rearmost axles of a group	consecutive axles of a 2-axle vehicle or any combination of vehicles having a total of 2 or more axles	consecutive axles of a 3-axle vehicle or any combination of vehicles having a total of 3 or more axles	consecutive axles of a 4-axle vehicle or any combination of vehicles having a total of 4 or more axles
4	34,000		
5	34,000		

6	34,000		
7	34,000	<del>37,000</del>	<u>34,000</u>
8	34,000	<del>38,500</del>	<u>34,000</u>
8 plus	34,000		42,000
	(38,000)		
9	35,000		43,000
	(39,000)		
10	36,000		43,500
	(40,000)		
11	36,000		44,500
12			45,000
13			46,000
14			46,500
15			47,500
16			48,000
17			49,000
18			49,500
19			50,500
20			51,000
21			52,000
22			52,500
23			53,500
24			54,000
25		(55,000)	59,000
26		(55,500)	59,500
27		(56,500)	60,000
28		(57,000)	61,000
29		(58,000)	61,500
30		(58,500)	62,000
31		(59,500)	63,000
32		(60,000)	63,500
33			64,000
34			65,000
35			65,500
36			66,000
37			67,000
38			67,500
39			68,000
40			69,000
41			69,500
42			70,000
43			71,000
44			71,500
45			72,000
46			72,500
47			(73,500)
48			(74,000)
49			(74,500)
50			(75,500)
51			(76,000)
52			(76,500)

53	(77,500)
54	(78,000)
55	(78,500)
56	(79,500)
57	(80,000)

(b) The maximum gross weight on a group of three consecutive axles, where the distance between centers of foremost and rearmost axles is listed as of any axle group is seven feet or eight feet applies only to, is 34,000 pounds, except for vehicles manufactured before August 1, 1991. Notwithstanding any lesser weight shown in the axle weight limits table, for vehicles manufactured before August 1, 1991:

(1) the maximum gross weight on a group of three consecutive axles, where the distance between centers of the foremost and rearmost axles of any axle group is seven feet, is 37,000 pounds; and

(2) the maximum gross weight on a group of three consecutive axles, where the distance between centers of foremost and rearmost axle groups is eight feet, is 38,500 pounds.

(c) "8 plus" refers to any distance greater than eight feet but less than nine feet.

Axle Weight Limits (continued)  
Maximum gross weight in pounds on a group of

	5	6	7	8
Distances in feet between centers of foremost and rearmost axles of a group	consecutive axles of a 5-axle vehicle or any combination of vehicles having a total of 5 or more axles	consecutive axles of a 6-axle vehicle or any combination of vehicles having a total of 6 or more axles	consecutive axles of a 7-axle vehicle or any combination of vehicles having a total of 7 or more axles	consecutive axles of a 8-axle vehicle or any combination of vehicles having a total of 8 or more axles
14	57,000			
15	57,500			
16	58,000			
17	59,000			
18	59,500			
19	60,000			
20	60,500	66,000	72,000	
21	61,500	67,000	72,500	
22	62,000	67,500	73,000	
23	62,500	68,000	73,500	
24	63,000	68,500	74,000	
25	64,000	69,000	75,000	
26	64,500	70,000	75,500	
27	65,000	70,500	76,000	
28	65,500	71,000	76,500	
29	66,500	71,500	77,000	
30	67,000	72,000	77,500	
31	67,500	73,000	78,500	
32	68,000	73,500	79,000	

33	69,000	74,000	79,500	
34	69,500	74,500	80,000	
35	70,000	75,000	(80,500)	(86,000)
36	70,500	76,000	(81,000)	(86,500)
37	71,500	76,500	(81,500)	(87,000)
38	72,000	77,000	(82,000)	(87,500)
39	72,500	77,500	(82,500)	(88,500)
40	73,000	78,000	(83,500)	(89,000)
41	74,000	79,000	(84,000)	(89,500)
42	74,500	79,500	(84,500)	(90,000)
43	75,000	80,000	(85,000)	(90,500)
44	75,500	(80,500)	(85,500)	(91,000)
45	76,500	(81,000)	(86,000)	(91,500)
46	77,000	(81,500)	(87,000)	(92,500)
47	77,500	(82,000)	(87,500)	(93,000)
48	78,000	(83,000)	(88,000)	(93,500)
49	79,000	(83,500)	(88,500)	(94,000)
50	79,500	(84,000)	(89,000)	(94,500)
51	80,000	(84,500)	(89,500)	(95,000)
52	(80,500)	(85,000)	(90,500)	(95,500)
53	(81,000)	(86,000)	(91,000)	(96,500)
54	(81,500)	(86,500)	(91,500)	(97,000)
55	(82,500)	(87,000)	(92,000)	(97,500)
56	(83,000)	(87,500)	(92,500)	(98,000)
57	(83,500)	(88,000)	(93,000)	(98,500)
58	(84,000)	(89,000)	(94,000)	(99,000)
59	(85,000)	(89,500)	(94,500)	(99,500)
60	(85,500)	(90,000)	(95,000)	(100,500)
61			(95,500)	(101,000)
62			(96,000)	(101,500)
63			(96,500)	(102,000)
64			(97,000)	(102,500)
65				(103,000)
66				(103,500)
67				(104,500)
68				(105,000)
69				(105,500)
70				(106,000)
71				(106,500)
72				(107,000)
73				(107,500)
74				(108,000)

(d) The gross weights shown without parentheses in ~~this~~ the axle weight limits table are allowed on unpaved streets and highways, unless posted to a lesser weight under section 169.87, subdivision 1. The gross weights shown in this table, whether within or without parentheses, are allowed on paved streets and highways, unless posted to a lesser weight under section 169.87, subdivision 1. Gross weights in excess of 80,000 pounds require an overweight permit under this chapter, unless otherwise allowed under section 169.826.

~~(b)~~ (e) Notwithstanding any lesser weight ~~in pounds~~ shown in ~~this~~ the axle weight limits table, but subject to the restrictions on gross vehicle weights in subdivision 2, paragraph (a), two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each and a combined gross load of 68,000 pounds provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.



Sec. 5. Minnesota Statutes 2009 Supplement, section 169.824, subdivision 2, is amended to read:

Subd. 2. **Gross vehicle weight of all axles; credit for idle reduction technology.** (a) The gross vehicle weight of all axles of a vehicle or combination of vehicles must not exceed:

(1) 80,000 pounds for any vehicle or combination of vehicles on all streets and highways, unless posted at a lower axle weight under section 169.87, subdivision 1; and

(2) 88,000 pounds for any vehicle or combination of vehicles with six or more axles while exclusively engaged in hauling livestock on all state trunk highways other than interstate highways, if the vehicle has a permit under section 169.86, subdivision 5, paragraph ~~(k)~~ (j).

(b) Notwithstanding the maximum weight provisions of this section, and in order to promote the reduction of fuel use and emissions, the maximum gross vehicle weight limits and the axle weight limits for any motor vehicle subject to sections 169.80 to 169.88 and equipped with idle reduction technology or emissions-reduction technology must be increased by the amount of weight necessary to compensate for the weight of the idle reduction technology or emissions-reduction technology, not to exceed 400 pounds. At the request of an authorized representative of the Department of Transportation or the Department of Public Safety, the vehicle operator shall provide proof that the vehicle is equipped with this technology through documentation or demonstration.

Sec. 6. Minnesota Statutes 2009 Supplement, section 169.8261, subdivision 2, is amended to read:

Subd. 2. **Conditions.** (a) A vehicle or combination of vehicles described in subdivision 1 must:

(1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2;

(2) comply with bridge load limits posted under section 169.84;

(3) be equipped and operated with six or more axles and brakes on all wheels;

(4) not exceed 90,000 pounds gross vehicle weight, or 99,000 pounds gross vehicle weight during the time when seasonal increases are authorized under section 169.826;

(5) not be operated on interstate highways;

(6) obtain an annual permit from the commissioner of transportation;

(7) obey all road postings; and

(8) not exceed 20,000 pounds gross weight on any single axle.

(b) A vehicle operated under this section may exceed the legal axle weight limits listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may be exceeded by not more than 23.75 percent during the time when seasonal increases are authorized under section 169.826, subdivision 1.

Sec. 7. Minnesota Statutes 2008, section 169.86, subdivision 5, is amended to read:

Subd. 5. **Fee; proceeds deposited; appropriation.** The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

- (1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;
- (2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;
- (3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;
- (4) special pulpwood vehicles described in section 169.863;
- (5) motor vehicles bearing snowplow blades not exceeding ten feet in width;
- (6) noncommercial transportation of a boat by the owner or user of the boat; and
- (7) motor vehicles carrying bales of agricultural products authorized under section 169.862.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

- (1) mobile cranes;
- (2) construction equipment, machinery, and supplies;
- (3) manufactured homes and manufactured storage buildings;
- (4) implements of husbandry ~~when the movement is not made according to the provisions of paragraph (i);~~
- (5) double-deck buses;
- (6) commercial boat hauling; ~~and~~
- (7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c); and

(8) vehicles operating on that portion of marked Trunk Highway 36 described in section 169.81, subdivision 3, paragraph (e).

(e) For vehicles which have axle weights exceeding the weight limitations of sections ~~169.822~~ 169.823 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

## Overweight Axle Group Cost Factors

## Cost Per Mile For Each Group Of:

Weight (pounds) exceeding weight limitations on axles	Two consecutive axles spaced within 8 feet or less	Three consecutive axles spaced within 9 feet or less	Four consecutive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, mobile cranes; construction equipment, machinery, and supplies; implements of husbandry; and commercial boat hauling. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

~~(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:~~

~~(1) the total width of the transporting vehicle, including load, does not exceed 14 feet;~~

~~(2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;~~

~~(3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;~~

~~(4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and~~

~~(5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.~~

~~A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.~~

~~(i) \$300 for a motor vehicle described in section 169.8261. The fee under this paragraph must be deposited as follows:~~

~~(1) in fiscal years 2005 through 2010:~~

~~(i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for costs related to administering the permit program and inspecting and posting bridges;~~

~~(ii) all remaining money in each fiscal year must be deposited in a bridge inspection and signing account in the special revenue fund. Money in the account is appropriated to the commissioner for:~~

~~(A) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and~~

~~(B) erection of weight-posting signs on local bridges; and~~

~~(2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway fund.~~

~~(j) Beginning August 1, 2006, \$200 for an annual permit for a vehicle operating under authority of section 169.824, subdivision 2, paragraph (a), clause (2).~~

Sec. 8. Minnesota Statutes 2008, section 169.862, subdivision 1, is amended to read:

Subdivision 1. **Annual permit authority; restrictions.** The commissioner of transportation with respect to highways under the commissioner's jurisdiction, and local authorities with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying bales of hay, straw, or cornstalks, with a total outside width of the vehicle or the load not exceeding 12 feet, and a total height of the loaded vehicle not exceeding ~~14-1/2~~ 15 feet, to be operated on public streets and highways. Loaded vehicles operating on interstate highways within the seven-county metropolitan area may not exceed a total height of 14 1/2 feet.

Sec. 9. Minnesota Statutes 2009 Supplement, section 169.862, subdivision 2, is amended to read:

Subd. 2. **Additional restrictions.** Permits issued under this section are governed by the applicable provisions of section 169.86 except as otherwise provided herein and, in addition, carry the following restrictions:

(a) The vehicles may not be operated between sunset and sunrise, when visibility is impaired by weather, fog, or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Sunday from noon until sunset, or on the days the following holidays are observed: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(b) The vehicles may not be operated on a trunk highway with a pavement less than 24 feet wide.

(c) A vehicle operated under the permit must be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle.

(d) A vehicle operated under the permit must display red, orange, or yellow flags, 18 inches square, as markers at the front and rear and on both sides of the load. The load must be securely bound to the transporting vehicle.

(e) Farm vehicles not for hire carrying ~~round~~ baled hay, straw, or cornstalks less than 20 miles are exempt from the requirement to obtain a permit. All other requirements of this section apply to vehicles transporting ~~round~~ baled hay, straw, or cornstalks.

Sec. 10. Minnesota Statutes 2008, section 169.863, subdivision 1, is amended to read:

Subdivision 1. **Special vehicle.** The commissioner may issue a permit for a vehicle that meets the following requirements:

(a) There must be no more than two support points for the vehicle or for each vehicle of a vehicle combination. The support point of each axle group must be capable of distributing the load equally to each axle of the group with a variance of no more than 3,000 pounds between any two axles of the group.

(b) The maximum wheel load may not exceed the tire manufacturer's recommended load or the following weight limits, whichever is less:

(1) front steering axles, 550 pounds per inch;

(2) other single axles, 500 pounds per inch;

(3) tandem axles, 450 pounds per inch; and

(4) tridem or quad axle groups, 425 pounds per inch.

(c) The axle group weights must comply with the limitations of section 169.824.

(d) The vehicle may not be equipped with a variable load axle, unless the variable load axle cannot be operated from the cab of the vehicle.

(e) The vehicle transports pole-length pulpwood, carries a gross vehicle weight of not more than 82,000 pounds, and has six or more axles.

Sec. 11. Minnesota Statutes 2009 Supplement, section 169.864, subdivision 2, is amended to read:

Subd. 2. **Special two-unit vehicle permit.** The commissioner may issue a permit for a vehicle that meets the following requirements:

(1) is a combination of vehicles consisting of a truck-tractor and a single semitrailer that may exceed 48 feet, but not 53 feet, if the distance from the kingpin to the centerline of the rear axle group of the semitrailer does not exceed 43 feet;

(2) has a maximum gross vehicle weight of 90,000 pounds if the vehicle combination has a total of six or more axles or 97,000 pounds if the ~~truck~~ vehicle combination has a total of seven or more axles;

(3) has a maximum gross vehicle weight of 99,000 pounds during the time when seasonal weight increases authorized under section 169.826, subdivision 1, are in effect;

(4) complies with the axle weight limits in section 169.824;

(5) complies with the tire weight limits in section 169.823 or the tire manufacturers' recommended load, whichever is less; and

(6) is operated only on the highways specified in subdivision 1, clause (5).

Sec. 12. Minnesota Statutes 2008, section 169.864, subdivision 4, is amended to read:

Subd. 4. **Permit fee; appropriation.** Vehicle permits issued under subdivision 1, clause (1), must be annual permits. The fee is \$850 for each vehicle combination and must be deposited in the trunk highway fund. The fee for annual permits issued under subdivision 2 is \$300 for a 90,000-pound vehicle combination or \$500 for a 97,000-pound vehicle combination. An amount sufficient to administer the permit program is appropriated from the trunk highway fund to the commissioner for the costs of administering the permit program.

Sec. 13. Minnesota Statutes 2009 Supplement, section 169.865, subdivision 1, is amended to read:

Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles with a total of six or more axles to haul raw or unprocessed agricultural products and be operated with a gross vehicle weight of up to:

(1) 90,000 pounds; and

(2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Notwithstanding subdivision 4.3, paragraph (a), clause (4), a vehicle or combination of vehicles operated under this subdivision and transporting only sealed intermodal containers may be operated on an interstate highway if allowed by the United States Department of Transportation.

(c) The fee for a permit issued under this subdivision is \$300.

Sec. 14. Minnesota Statutes 2008, section 169.871, subdivision 1, is amended to read:

Subdivision 1. **Civil liability.** (a) The owner or lessee of a vehicle that is operated with a gross weight in excess of a weight limit imposed under sections ~~169.822~~ 169.823 to 169.829, ~~169.832~~ 169.84 to 169.851, and 169.87 or a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds a weight limit imposed under sections ~~169.822~~ 169.823 to 169.829, ~~169.832~~ 169.84 to 169.851, and 169.87 is liable for a civil penalty as follows:

(1) if the total gross excess weight is not more than 1,000 pounds, one cent per pound for each pound in excess of the legal limit;

(2) if the total gross excess weight is more than 1,000 pounds but not more than 3,000 pounds, \$10 plus five cents per pound for each pound in excess of 1,000 pounds;

(3) if the total gross excess weight is more than 3,000 pounds but not more than 5,000 pounds, \$110 plus ten cents per pound for each pound in excess of 3,000 pounds;

(4) if the total gross excess weight is more than 5,000 pounds but not more than 7,000 pounds, \$310 plus 15 cents per pound for each pound in excess of 5,000 pounds;

(5) if the total gross excess weight is more than 7,000 pounds, \$610 plus 20 cents per pound for each pound in excess of 7,000 pounds.

(b) Notwithstanding any other law to the contrary, if a person found guilty of a violation of a weight limit imposed under this section or sections ~~169.822~~ 169.823 to 169.829, ~~169.832~~ 169.84 to 169.851, or 169.87 is also found by the court to have knowingly and contemporaneously attempted to evade a fixed weigh station or to otherwise avoid weighing by means of stationary scales under section 169.85 or other law, the court shall impose a penalty of twice the amount otherwise authorized under paragraph (a).

(c) Any penalty imposed upon a defendant under this subdivision shall not exceed the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation shall be applied toward payment of the civil penalty under this subdivision. A peace officer or Department of Public Safety employee described in section 299D.06 who cites a driver for a violation of the weight limitations established by sections 169.81 to 169.851 and 169.87 shall give written notice to the driver that the driver or another may also be liable for the civil penalties provided herein in the same or separate proceedings.

(d) A penalty imposed upon the owner or lessee of a vehicle that is based on violations identified by the use of shippers' weight records under section 169.872 must not exceed an aggregate of \$10,000.

Sec. 15. Minnesota Statutes 2008, section 169.871, subdivision 1a, is amended to read:

Subd. 1a. **Special permit violations.** (a) The owner or lessee of a vehicle that is operated with a gross weight in excess of ~~a an adjusted weight limit imposed by permit under sections 169.86 and 169.862~~ and a shipper who ships or tenders goods for shipment in a single truck or combination vehicle that exceeds ~~a an adjusted weight limit permitted under section 169.86 or 169.862~~ is liable for a civil penalty. The civil penalty is the greater of (1) as calculated at a rate of five cents per pound for each pound in excess of the highest weight permitted under section 169.86 or 169.862 allowed by the permit or under section 169.826, subdivision 1, or (2) \$100, whichever is greater.

(b) Any penalty imposed upon a defendant under this subdivision shall not exceed the penalty prescribed by this subdivision. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation may not be applied toward payment of the civil penalty under this subdivision. A peace officer or Department of Public Safety employee described in section 299D.06 who cites a driver for a violation of the ~~adjusted weight limitations established by permit pursuant to section 169.86 or 169.862~~ limit shall give written notice to the driver that the driver or another may also be liable for the civil penalty provided in this subdivision in the same or separate proceedings.

(c) For purposes of this subdivision, "adjusted weight limit" means a weight limit (1) imposed by a permit issued under this chapter, or (2) imposed under section 169.826, subdivision 1.

Sec. 16. Minnesota Statutes 2008, section 169.871, subdivision 1b, is amended to read:

Subd. 1b. **Civil penalty for first two violations.** Notwithstanding subdivision 1, paragraph (a), clauses (1) to (5), a civil penalty under subdivision 1 for a violation in a motor vehicle in the course of a first haul as defined in section 168.013, subdivision 3, paragraph (d)(3), of a weight limit imposed under sections ~~169.822~~ 169.823 to 169.829, ~~169.832~~ 169.84 to 169.851, and 169.87 that is not preceded by two or more violations of the gross weight limits in those sections in that motor vehicle within the previous 12 months, may not exceed \$150.

Sec. 17. Minnesota Statutes 2009 Supplement, section 221.025, is amended to read:

**221.025 EXEMPTIONS.**

The provisions of this chapter requiring a certificate or permit to operate as a motor carrier do not apply to the intrastate transportation described below:

(1) the transportation of students to or from school or school activities in a school bus inspected and certified under section 169.451 and the transportation of children or parents to or from a Head Start facility or Head Start activity in a Head Start bus inspected and certified under section 169.451;

(2) the transportation of solid waste, as defined in section 116.06, subdivision 22, including recyclable materials and waste tires, except that the term "hazardous waste" has the meaning given it in section 221.012, subdivision 18;

(3) a commuter van as defined in section 221.012, subdivision 9;

(4) authorized emergency vehicles as defined in section 169.011, subdivision 3, including ambulances; and tow trucks equipped with proper and legal warning devices when picking up and transporting (i) disabled or wrecked motor vehicles or (ii) vehicles towed or transported under a towing order issued by a public employee authorized to issue a towing order;

(5) the transportation of grain samples under conditions prescribed by the commissioner;

(6) the delivery of agricultural lime;

(7) the transportation of dirt and sod within an area having a 50-mile radius from the home post office of the person performing the transportation;

(8) the transportation of sand, gravel, bituminous asphalt mix, concrete ready mix, concrete blocks or tile and the mortar mix to be used with the concrete blocks or tile, or crushed rock to or from the point of loading or a place of gathering within an area having a 50-mile radius from that person's home post office or a 50-mile radius from the site of construction or maintenance of public roads and streets;

(9) the transportation of pulpwood, cordwood, mining timber, poles, posts, decorator evergreens, wood chips, sawdust, shavings, and bark from the place where the products are produced to the point where they are to be used or shipped;

(10) the transportation of fresh vegetables from farms to canneries or viner stations, from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, or transporting sugar beets, wild rice, or rutabagas from the field of production to the first place of delivery or unloading, including a processing plant, warehouse, or railroad siding;



~~(11) the transportation of property or freight, other than household goods and petroleum products in bulk, entirely within the corporate limits of a city or between contiguous cities;~~

~~(12)~~ (11) the transportation of unprocessed dairy products in bulk within an area having a 100-mile radius from the home post office of the person providing the transportation;

~~(13)~~ (12) the transportation of agricultural, horticultural, dairy, livestock, or other farm products within an area having a 100-mile radius from the person's home post office and the carrier may transport other commodities within the 100-mile radius if the destination of each haul is a farm;

(14) (13) the transportation of newspapers, as defined in section 331A.01, subdivision 5, telephone books, handbills, circulars, or pamphlets in a vehicle with a gross vehicle weight of 10,000 pounds or less; and

~~(15)~~ (14) transportation of potatoes from the field of production, or a storage site owned or otherwise controlled by the producer, to the first place of processing.

The exemptions provided in this section apply to a person only while the person is exclusively engaged in exempt transportation.

Sec. 18. Minnesota Statutes 2009 Supplement, section 221.031, subdivision 3, is amended to read:

Subd. 3. **Vehicle over 10,000 pounds not exempt.** (a) This subdivision applies to persons engaged in intrastate commerce who operate vehicles providing transportation described in section 221.025 with a gross vehicle weight in excess of 10,000 pounds, except school buses, commuter vans, and authorized emergency vehicles.

(b) Persons providing transportation described in section 221.025, clause (6), (10), ~~(12)~~ (11), or ~~(13)~~ (12), must comply with the rules for driving of motor vehicles and for parts and accessories necessary for safe operation.

(c) Persons providing transportation described in section 221.025, except for persons providing transportation described in clause (6), (10), ~~(12)~~ (11), or ~~(13)~~ (12), must comply with the rules for driving of motor vehicles; parts and accessories necessary for safe operation; and the rules for driver qualifications.

Sec. 19. **REPEALER.**

(a) Minnesota Statutes 2008, section 169.826, subdivision 6, is repealed.

(b) Minnesota Rules, parts 7800.0100, subparts 4, 6, 7, 8, 11, 12, 13, and 14; 7800.0200; 7800.0400; 7800.0800; 7800.0900; 7800.1000; 7800.3200, subpart 2; 7800.3300; 7805.0500; 7805.0900; 7805.1300; 8850.7950; 8850.8000; 8850.8050, subpart 2; 8850.8100; 8850.8250; 8850.8300; 8850.8350; 8850.8800; 8850.8850; 8850.9050, subpart 3; 8855.0410; 8855.0600; 8855.0850; 8920.0100; 8920.0150; 8920.0200; 8920.0300; 8920.0400; 8920.0500; 8920.0600; 8920.0700; 8920.0800; 8920.0900; 8920.1000; 8920.1100; 8920.1200; 8920.1300; 8920.1400; 8920.1500; 8920.1550; 8920.1600; 8920.1700; 8920.1800; 8920.1900; 8920.2000; 8920.2100; 8920.2200; 8920.2300; 8920.2400; 8920.2500; 8920.2600; 8920.2700; 8920.2800; 8920.2900; 8920.3000; 8920.3100; 8920.3200; 8920.3300; 8920.3400; 8920.3500; 8920.3600; 8920.3700; 8920.3800; 8920.3900; 8920.4000; 8920.4100; 8920.4200; 8920.4300; 8920.4400; and 8920.4500, are repealed.

## ARTICLE 2

### CROSS REFERENCES

Section 1. Minnesota Statutes 2008, section 169.823, as amended by Laws 2009, chapter 64, section 5, is amended to read:

**169.823 TIRE WEIGHT LIMITS.**

Subdivision 1. **Pneumatic-tired vehicle.** No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the highways of this state:

(1) where the gross weight on any wheel exceeds 9,000 pounds on an unpaved street or highway or 10,000 pounds on a paved street or highway, unless posted to a lesser weight under section 169.87, subdivision 1;

(2) where the gross weight on any single axle exceeds 18,000 pounds on an unpaved street or highway or 20,000 pounds on a paved street or highway, unless posted to a lesser weight under section 169.87, subdivision 1;

(3) where the maximum wheel load:

(i) on the foremost and rearmost steering axles, exceeds 600 pounds per inch of tire width or the manufacturer's recommended load, whichever is less; or

(ii) on other axles, exceeds 500 pounds per inch of tire width or the manufacturer's recommended load, whichever is less; or

(4) where the gross weight on any group of axles exceeds the weights permitted under sections ~~169.822~~ 169.823 to 169.829 with any or all of the interior axles disregarded, and with an exterior axle disregarded if the exterior axle is a variable load axle that is not carrying its intended weight, and their gross weights subtracted from the gross weight of all axles of the group under consideration.

Subd. 2. **Vehicle not equipped with pneumatic tires.** A vehicle or combination of vehicles not equipped with pneumatic tires shall be governed by the provisions of sections ~~169.822~~ 169.823 to 169.829, except that the gross weight limitations shall be reduced by 40 percent.

Sec. 2. Minnesota Statutes 2008, section 169.826, as amended by Laws 2009, chapter 64, section 57, is amended to read:

**169.826 GROSS WEIGHT SEASONAL INCREASES.**

Subdivision 1. **Winter increase amounts.** The limitations provided in sections ~~169.822~~ 169.823 to 169.829 are increased by ten percent between the dates set by the commissioner for each zone established by the commissioner based on a freezing index model each winter.

Subd. 1a. **Harvest season increase amount; permit.** The limitations provided in sections ~~169.822~~ 169.823 to 169.829 are increased by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets, carrots, and potatoes from the field of harvest to the point of the first unloading. Transfer of the product from a farm vehicle or small farm trailer, within the meaning of chapter 168, to another vehicle is not considered to be the first unloading. A permit issued under section 169.86, subdivision 1, paragraph (a), is required. The commissioner shall not issue permits under this subdivision if to do so will result in a loss of federal highway funding to the state.

Subd. 2. **Duration.** The duration of a ten percent increase in load limits is subject to limitation by order of the commissioner, subject to implementation of springtime load restrictions.

Subd. 3. **Excess weight permit.** When the ten percent increase is in effect, a permit is required for a motor vehicle, trailer, or semitrailer combination that has a gross weight in excess of 80,000 pounds, an axle group weight in excess of that prescribed in section 169.824, or a single axle weight in excess of 20,000 pounds and which travels on interstate routes.

Subd. 4. **Weight limits set by other law.** In cases where gross weights in an amount less than that set forth in sections ~~169.822~~ 169.823 to 169.829 are fixed, limited, or restricted on a highway or bridge by or under another section of this chapter, the lesser gross weight as fixed, limited, or restricted may not be exceeded and must control instead of the gross weights set forth in sections ~~169.822~~ 169.823 to 169.829.

Subd. 6. **Permit extension.** The commissioner may, after determining the ability of the highway structure and frost condition to support additional loads, grant a permit extending seasonal increases for vehicles using portions of routes falling within two miles of the southern boundary of the zone described under subdivision 1, clause (2).

Sec. 3. Minnesota Statutes 2009 Supplement, section 169.8261, subdivision 1, is amended to read:

Subdivision 1. **Exemption.** (a) For purposes of this section, "raw or unfinished forest products" include wood chips, paper, pulp, oriented strand board, laminated strand lumber, hardboard, treated lumber, untreated lumber, or barrel staves.

(b) In compliance with this section, a person may operate a vehicle or combination of vehicles to haul raw or unfinished forest products by the most direct route to the nearest paved highway on any highway with gross weights permitted under sections ~~169.822~~ 169.823 to 169.829.

Sec. 4. Minnesota Statutes 2008, section 169.828, subdivision 1, is amended to read:

Subdivision 1. **Consecutive axle weight and number of axles.** No vehicle alone nor any single vehicle of a combination of vehicles shall be equipped with more than four axles unless the additional axles are steering axles or castering axles; provided that the limitation on the number of axles as provided in sections ~~169.822~~ 169.823 to 169.829 shall not apply to any vehicle operated under permit pursuant to section 169.86. No vehicle alone nor any single vehicle of a combination of vehicles shall exceed the posted weight limit for a single vehicle.

Sec. 5. Minnesota Statutes 2008, section 169.829, is amended to read:

#### **169.829 WEIGHT LIMITS NOT APPLICABLE TO CERTAIN VEHICLES.**

Subdivision 1. **City vehicle except on trunk highway.** (a) The provisions of sections ~~169.822~~ 169.823 to 169.828 do not apply to vehicles operated exclusively in any city in this state which has in effect an ordinance regulating the gross weight of vehicles operated within that city.

(b) This subdivision does not apply to trunk highways.

Subd. 2. **Tow truck.** Sections ~~169.822~~ 169.823 to 169.828 do not apply to a tow truck or towing vehicle when towing a disabled or damaged vehicle, when the movement is urgent, and when the movement is for the purpose of removing the disabled vehicle from the roadway to a place of safekeeping or to a place of repair.

Subd. 3. **Utility vehicle.** Sections ~~169.822~~ 169.823 to 169.828 do not apply to a utility vehicle that does not exceed a weight of 20,000 pounds per axle and is owned by:

- (1) a public utility, as defined in section 216B.02;
- (2) a municipality or municipal utility that operates that vehicle for its municipal electric, gas, or water system; and
- (3) a cooperative electric association organized under chapter 308A.

Sec. 6. Minnesota Statutes 2009 Supplement, section 169.85, subdivision 2, is amended to read:

Subd. 2. **Unloading.** (a) Upon weighing a vehicle and load, as provided in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under either section 168.013, subdivision 3, paragraph (b), or sections ~~169.822~~ 169.823 to 169.829, whichever is the lesser violation, if any. A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule, or ordinance.

(b) Except as provided in paragraph (c), a driver may be required to unload a vehicle only if the weighing officer determines that (1) on routes subject to the provisions of sections ~~169.822~~ 169.823 to 169.829, the weight on an axle exceeds the lawful gross weight prescribed by sections ~~169.822~~ 169.823 to 169.829, by 2,000 pounds or more, or the weight on a group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by sections ~~169.822~~ 169.823 to 169.829, by 4,000 pounds or more; or (2) the weight is unlawful on an axle or group of consecutive axles on a road restricted in accordance with section 169.87. Material unloaded must be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

(c) If the gross weight of the vehicle does not exceed the vehicle's registered gross weight plus the weight allowance set forth in section 168.013, subdivision 3, paragraph (b), and plus, if applicable, the weight allowance permitted under section 169.826, then the driver is not required to unload under paragraph (b).

Sec. 7. Minnesota Statutes 2008, section 169.851, subdivision 5, is amended to read:

Subd. 5. **Exception for farm and forest products.** Subdivision 4 does not apply to the first haul of unprocessed or raw farm products and the transportation of raw and unfinished forest products, including wood chips, when the maximum weight limitations permitted under sections ~~169.822~~ 169.823 to 169.829 are not exceeded by more than ten percent.

Sec. 8. Minnesota Statutes 2008, section 169.86, subdivision 1a, is amended to read:

Subd. 1a. **Seasonal permits for certain haulers.** The commissioner of transportation, upon application in writing therefor, may issue special permits annually to any hauler authorizing the hauler to move vehicles or combinations of vehicles with weights exceeding by not more than ten percent the weight limitations contained in sections ~~169.822~~ 169.823 to 169.829, on interstate highways during the times and within the zones specified in sections ~~169.822~~ 169.823 to 169.829.

Sec. 9. Minnesota Statutes 2009 Supplement, section 169.87, subdivision 2, is amended to read:

Subd. 2. **Seasonal load restriction.** (a) Unless restricted as provided in subdivision 1, between the dates set by the commissioner of transportation each year, the weight on any single axle shall not exceed:

- (1) five tons on an unpaved street or highway; or
- (2) ten tons on a paved street or highway.

(b) The gross weight on consecutive axles on an unpaved street or highway shall not exceed the gross weight allowed in sections ~~169.822~~ 169.823 to 169.829 multiplied by a factor of five divided by nine. This reduction shall not apply to the gross vehicle weight."

Delete the title and insert:

"A bill for an act relating to transportation; modifying provisions governing movement of large vehicles on public streets and highways; making technical changes; repealing certain rules related to motor carriers; amending Minnesota Statutes 2008, sections 169.801, subdivision 5; 169.823, as amended; 169.826, as amended; 169.828, subdivision 1; 169.829; 169.851, subdivision 5; 169.86, subdivisions 1a, 5; 169.862, subdivision 1; 169.863, subdivision 1; 169.864, subdivision 4; 169.871, subdivisions 1, 1a, 1b; Minnesota Statutes 2009 Supplement, sections 169.801, subdivision 10; 169.81, subdivision 3; 169.824, subdivisions 1, 2; 169.8261, subdivisions 1, 2; 169.85, subdivision 2; 169.862, subdivision 2; 169.864, subdivision 2; 169.865, subdivision 1; 169.87, subdivision 2; 221.025; 221.031, subdivision 3; repealing Minnesota Statutes 2008, section 169.826, subdivision 6; Minnesota Rules, parts 7800.0100, subparts 4, 6, 7, 8, 11, 12, 13, 14; 7800.0200; 7800.0400; 7800.0800; 7800.0900; 7800.1000; 7800.3200, subpart 2; 7800.3300; 7805.0500; 7805.0900; 7805.1300; 8850.7950; 8850.8000; 8850.8050, subpart 2; 8850.8100; 8850.8250; 8850.8300; 8850.8350; 8850.8800; 8850.8850; 8850.9050, subpart 3; 8855.0410; 8855.0600; 8855.0850; 8920.0100; 8920.0150; 8920.0200; 8920.0300; 8920.0400; 8920.0500; 8920.0600; 8920.0700; 8920.0800; 8920.0900; 8920.1000; 8920.1100; 8920.1200; 8920.1300; 8920.1400; 8920.1500; 8920.1550; 8920.1600; 8920.1700; 8920.1800; 8920.1900; 8920.2000; 8920.2100; 8920.2200; 8920.2300; 8920.2400; 8920.2500; 8920.2600; 8920.2700; 8920.2800; 8920.2900; 8920.3000; 8920.3100; 8920.3200; 8920.3300; 8920.3400; 8920.3500; 8920.3600; 8920.3700; 8920.3800; 8920.3900; 8920.4000; 8920.4100; 8920.4200; 8920.4300; 8920.4400; 8920.4500."

With the recommendation that when so amended the bill pass.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 1467, 2848, 3127, 3279, 3310 and 3386 were read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. No. 2846 was read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Hausman introduced:

H. F. No. 3768, A bill for an act relating to metropolitan government; authorizing the Metropolitan Council to acquire certain property interests of the University of Minnesota by condemnation proceedings; amending Minnesota Statutes 2008, section 473.405, subdivisions 3, 9.

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

Hausman; Clark; Slawik; Murphy, M.; Nelson and Newton introduced:

H. F. No. 3769, A bill for an act relating to capital investment; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; authorizing the sale of state bonds; modifying previous appropriations; appropriating money.

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

Hausman, Wagenius, Hansen, Poppe, Brown and Morrow introduced:

H. F. No. 3770, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; authorizing the sale of state bonds; modifying previous appropriations; appropriating money.

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

Westrom and Drazkowski introduced:

H. F. No. 3771, A bill for an act relating to education; allowing online publication of school board meeting minutes; amending Minnesota Statutes 2008, section 123B.09, subdivision 10.

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

Falk, Hilty, Bly and Wagenius introduced:

H. F. No. 3772, A bill for an act relating to energy; modifying renewable energy standard; amending Minnesota Statutes 2008, section 216B.1691, subdivisions 2a, 2b.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Liebling, Norton and Welti introduced:

H. F. No. 3773, A bill for an act relating to taxation; amending Rochester's lodging and food and beverage taxes; amending Laws 2002, chapter 377, article 3, section 25, as amended; Laws 2009, chapter 88, article 4, section 23, subdivision 4.

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

Emmer introduced:

H. F. No. 3774, A bill for an act relating to the legislature; placing limits on consecutive terms of office of the governor and of legislators; proposing amendments to the Minnesota Constitution, article IV, section 4, and article V, section 2.

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

Hoppe and Kohls introduced:

H. F. No. 3775, A bill for an act relating to state government; transferring oversight of the Metropolitan Council to the legislature; amending Minnesota Statutes 2008, section 3.8841.

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

Hoppe introduced:

H. F. No. 3776, A bill for an act relating to education; authorizing charter schools to borrow money; creating obligations for debt repayment; amending Minnesota Statutes 2008, sections 126C.52, by adding a subdivision; 126C.53; proposing coding for new law in Minnesota Statutes, chapter 126C.

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

Hausman, Champion, Thao, Mariani, Hayden, Sailer and Clark introduced:

H. F. No. 3777, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; modifying previous appropriations; authorizing the sale of state bonds; appropriating money.

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

### **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 Files, herewith returned:

H. F. No. 3128, A bill for an act relating to probate; clarifying the powers of health care agents, guardians, and others to make health care decisions for wards and protected persons; modifying provisions governing guardians and conservators; amending Minnesota Statutes 2008, sections 145C.09, subdivision 3; 524.5-303; 524.5-403; 525A.09; Minnesota Statutes 2009 Supplement, sections 524.5-120; 524.5-304; 524.5-309; 524.5-310; 524.5-315; 524.5-316; 524.5-406; 524.5-420.

H. F. No. 3143, A bill for an act relating to tourism; amending council membership requirements; amending Minnesota Statutes 2008, section 116U.25.

H. F. No. 3174, A bill for an act relating to public safety; amending the predatory offender registration law to address registrants living in homeless shelters and to clarify that the registration requirement for offenders who move out of state are suspended not terminated; amending Minnesota Statutes 2008, section 243.166, subdivisions 1a, 3.

H. F. No. 3460, A bill for an act relating to motor vehicles; changing definition to conform to International Registration Plan for commercial motor vehicles; amending Minnesota Statutes 2008, section 168.187, subdivision 5.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2231, A bill for an act relating to transportation; allowing road authorities to remove snow from certain roads in uncompleted subdivisions; amending Minnesota Statutes 2008, section 160.21, by adding a subdivision.

The Senate has appointed as such committee:

Senators Kelash, Olseen and Parry.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2668, A bill for an act relating to landlord and tenant; modifying certain procedures relating to expungement; providing procedures relating to the charging and recovery of various fees; providing certain rights to tenants of foreclosed properties; amending Minnesota Statutes 2008, sections 484.014, subdivision 3; 504B.111; 504B.173; 504B.178, subdivision 7; 504B.215, subdivision 4; 504B.271, subdivisions 1, 2; 504B.285, by adding subdivisions; 504B.291, subdivision 1; 504B.365, subdivision 4; Minnesota Statutes 2009 Supplement, section 504B.285, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 504B.

The Senate has appointed as such committee:

Senators Dibble, Higgins and Frederickson.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3048, A bill for an act relating to labor and industry; modifying construction codes and licensing provisions; modifying certain notice provisions; amending Minnesota Statutes 2008, sections 178.01; 178.03, subdivisions 3, 4; 178.06; 178.08; 178.11; 326.02, subdivision 5; 326B.04, subdivision 2; 326B.127, subdivision 3;



326B.13, subdivisions 3, 4, 5, 6; 326B.133, subdivision 5; 326B.139; 326B.142; 326B.148, subdivisions 2, 3; 326B.191; 326B.31, subdivision 28; 326B.33, subdivision 17; 326B.42, subdivisions 2, 6; 326B.435, subdivision 2; 326B.47; 326B.84; 326B.89, subdivisions 1, 5, 6, 7, 8, 10, 13, by adding subdivisions; 326B.921, subdivision 3; Minnesota Statutes 2009 Supplement, sections 14.14, subdivision 1a; 326B.145; Laws 2010, chapter 183, section 8; repealing Minnesota Statutes 2008, sections 299G.11; 299G.13, subdivisions 1, 6, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28; 299G.14; 299G.15; 299G.16; 299G.17; 299G.18; 326B.115; 326B.37, subdivision 13; Minnesota Rules, parts 5200.0020; 5200.0050; 5200.0080, subparts 2, 3, 4, 4a, 4b, 6, 7, 8.

The Senate has appointed as such committee:

Senators Saltzman, Senjem and Sparks.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3164, A bill for an act relating to higher education; regulating the transfer of credits within institutions belonging to the Minnesota State Colleges and Universities system; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 136F.

The Senate has appointed as such committee:

Senators Clark, Erickson Ropes and Robling.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3318, A bill for an act relating to judiciary; enacting the Uniform Unsworn Foreign Declarations Act proposed for adoption by the National Conference of Commissioners on Uniform State Laws; providing for penalties; amending Minnesota Statutes 2008, section 609.48, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 358.

The Senate has appointed as such committee:

Senators Moua; Olson, M., and Hann.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3327, A bill for an act relating to city and county employees; exempting employees of a city-owned or county-owned hospital from certain reporting requirements; amending Minnesota Statutes 2008, section 471.701.

The Senate has appointed as such committee:

Senators Kubly, Lynch and Gimse.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3391, A bill for an act relating to children; modifying certain provisions relating to children in need of protection and services; amending Minnesota Statutes 2008, sections 260C.007, subdivision 6; 260C.163, subdivision 2; Minnesota Statutes 2009 Supplement, section 260C.175, subdivision 1.

The Senate has appointed as such committee:

Senators Olson, M.; Higgins and Ortman.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 80, A bill for an act relating to elections; campaign finance; removing certain unconstitutional provisions governing independent expenditures in political campaigns; changing certain campaign expenditure and contribution limits and certain reporting requirements; authorizing electronic filing of certain items with the Campaign Finance and Public Disclosure Board; providing contribution limits for judicial candidates; increasing contribution limits for candidates for secretary of state, state auditor and the legislature; making certain reports filed with the Campaign Finance and Public Disclosure Board nonpublic data until certain conditions have been met; requiring the public subsidy for an eligible candidate be withheld until a required report has been filed; amending Minnesota Statutes 2008, sections 10A.01, subdivisions 9, 11, 18, 26; 10A.04, subdivision 5; 10A.071, subdivision 3; 10A.08; 10A.09, subdivision 7; 10A.14, subdivisions 2, 4, by adding a subdivision; 10A.20, subdivisions 1, 12,

13, by adding subdivisions; 10A.27, subdivision 1; 10A.31, subdivision 6, by adding a subdivision; 10A.322, subdivision 1; 10A.323; 10A.35; 13.607, by adding a subdivision; 211A.02, subdivision 2; 211A.05, subdivision 2; 211B.12; repealing Minnesota Statutes 2008, section 10A.20, subdivision 6b.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Rest, Sieben and Gerlach.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Simon moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 80. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

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 Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Lourey, Berglin and Dille.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Morrow moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2713. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2370, A bill for an act relating to motor vehicles; prohibiting vehicle dealers from selling vehicles that do not comply with vehicle equipment and material requirements; prohibiting sale of illegally tinted motor vehicle windows; amending Minnesota Statutes 2008, sections 168.27, by adding a subdivision; 169.71, by adding a subdivision; repealing Minnesota Statutes 2008, section 168.27, subdivision 30.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Pappas, Murphy and Robling.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Mariani moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2370. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

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 Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Torres Ray, Rosen and Erickson Ropes.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Hayden moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2855. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

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 Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Sheran, Erickson Ropes and Dille.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Loeffler moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2866. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2912, A bill for an act relating to human services; amending children's mental health policy provisions; making a technical change to community health workers; amending Minnesota Statutes 2008, sections 256B.761; 260C.157, subdivision 3; Minnesota Statutes 2009 Supplement, sections 245.4885, subdivisions 1, 1a; 256B.0625, subdivision 49; 256B.0943, subdivision 9.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Berglin, Koering and Lynch.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Hosch moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2912. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 364, 525, 2386, 2790, 2511, 2663, 2851 and 2934.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 364, A bill for an act relating to waters; modifying drainage system provisions; amending Minnesota Statutes 2008, sections 103B.101, by adding a subdivision; 103E.065; 103E.227; 103E.401, subdivision 3; 103E.505, subdivision 3; 103E.611, subdivision 1; 103E.735, subdivision 1; 103E.805; proposing coding for new law in Minnesota Statutes, chapter 103E.

The bill was read for the first time.

Hansen moved that S. F. No. 364 and H. F. No. 162, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 525, A bill for an act relating to health occupations; establishing a regulation system for technicians performing body art procedures and for body art establishments; adopting penalty fees; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 146B.

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

S. F. No. 2386, A bill for an act relating to state government; ratifying labor agreements and compensation plans.

The bill was read for the first time.

Lillie moved that S. F. No. 2386 and H. F. No. 2758, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2790, A bill for an act relating to public safety; modifying provisions related to certain juvenile records; authorizing the expungement of certain juvenile records; authorizing the commissioner of human services to grant set asides or variances for certain individuals disqualified from licensure because of an offense committed as a juvenile; requiring chemical use screen of juvenile offenders; changing penalties and prohibitions related to using or brandishing replica firearms and BB guns on school property; requiring the revisor of statutes to publish a table in Minnesota Statutes containing cross-references to collateral sanctions imposed on juveniles as a result of an adjudication of delinquency; clarifying detention placement options for extended jurisdiction juveniles pending revocation hearings; modifying certain provisions regarding juvenile delinquency to include stays of adjudication of delinquency; extending the duration of the continuance period allowed in a juvenile delinquency matter; amending Minnesota Statutes 2008, sections 121A.23, subdivision 1; 241.31, subdivision 1; 242.32, subdivision 2; 260B.125, subdivision 4; 260B.130, subdivision 5; 260B.157, subdivision 1; 260B.171, subdivision 5; 260B.176, subdivision 2; 260B.198, subdivision 7; 299C.105, subdivision 1; 299C.61, subdivision 8a; 609.117, subdivision 1; 609.344, subdivision 1; 609.66, subdivision 1d; 609A.02, subdivisions 2, 3; 609A.03, subdivisions 1, 2, 4, 5, 5a, 7; 624.713, subdivision 3; Minnesota Statutes 2009 Supplement, sections 245C.24, subdivision 2; 624.713, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609A.

The bill was read for the first time.

Lesch moved that S. F. No. 2790 and H. F. No. 3382, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2511, A bill for an act relating to state government; establishing a collaborative governance council; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 6.

The bill was read for the first time.

Swails moved that S. F. No. 2511 and H. F. No. 2840, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2663, A bill for an act relating to commerce; regulating motor vehicle sales and distribution; amending Minnesota Statutes 2008, sections 80E.03, by adding a subdivision; 80E.13; 80E.14, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 80E.12; 80E.135; 80E.14, subdivision 3.

The bill was read for the first time.

Atkins moved that S. F. No. 2663 and H. F. No. 2902, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2851, A bill for an act relating to health; making technical changes to licensing provisions; amending Minnesota Statutes 2008, sections 144.55, subdivision 2; 148.5193, subdivision 6; 148.5195, subdivision 3; 148.6418, subdivisions 1, 2; Minnesota Statutes 2009 Supplement, section 148.6405.

The bill was read for the first time.

Ruud moved that S. F. No. 2851 and H. F. No. 2969, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2934, A bill for an act relating to human services; modifying personal care assistant services; amending Minnesota Statutes 2008, sections 144A.071, subdivision 4b; 144A.161, subdivision 1a; 256B.0911, subdivision 4d; Minnesota Statutes 2009 Supplement, sections 256B.0653, subdivision 3; 256B.0659, subdivisions 1, 3, 4, 11, 13, 14, 18, 19, 20, 21, 27, 30; 256B.0911, subdivisions 1a, 2b, 3a.

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

## **FISCAL CALENDAR**

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 1320.

H. F. No. 1320 was reported to the House.

Buesgens moved to amend H. F. No. 1320, the first engrossment, as follows:

Page 3, after line 30, insert:

"(e) A rule adopted by the Board of Pharmacy under paragraph (d) is only effective until the end of the next regular legislative session."

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 35 yeas and 96 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Eastlund	Hoppe	Mack	Severson
Anderson, P.	Demmer	Emmer	Jackson	Obermueller	Shimanski
Anderson, S.	Dettmer	Fritz	Kath	Peppin	Smith
Beard	Doty	Garofalo	Kelly	Sanders	Urdahl
Brod	Downey	Gottwalt	Kiffmeyer	Scott	Zellers
Buesgens	Drazkowski	Holberg	Kohls	Seifert	

Those who voted in the negative were:

Abeler	Doepke	Hortman	Loeffler	Newton	Sertich
Anzelc	Eken	Hosch	Loon	Nornes	Simon
Atkins	Falk	Howes	Magnus	Norton	Slawik
Benson	Faust	Huntley	Mahoney	Olin	Slocum
Bigham	Gardner	Johnson	Mariani	Otremba	Solberg
Bly	Greiling	Juhnke	Marquart	Paymar	Sterner
Brown	Gunther	Kahn	Masin	Pelowski	Swails
Brynaert	Hackbarth	Kalin	McFarlane	Persell	Thao
Bunn	Hamilton	Koenen	McNamara	Peterson	Thissen
Carlson	Hansen	Laine	Morgan	Poppe	Tillberry
Champion	Hausman	Lanning	Morrow	Reinert	Torkelson
Clark	Haws	Lenczewski	Mullery	Rosenthal	Wagenius
Cornish	Hayden	Lesch	Murdock	Rukavina	Ward
Davids	Hilstrom	Liebling	Murphy, E.	Ruud	Welti
Davnie	Hilty	Lieder	Murphy, M.	Sailer	Westrom
Dittrich	Hornstein	Lillie	Nelson	Scalze	Winkler

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

H. F. No. 1320, A bill for an act relating to health; clarifying adoption of rules for the substitution of drugs used for the treatment of epilepsy or seizures; amending Minnesota Statutes 2008, section 151.06, 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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 2437.

S. F. No. 2437, A bill for an act relating to public safety; recodifying and clarifying the domestic abuse no contact order law; expanding the tampering with a witness crime; increasing the maximum bail for nonfelony domestic assault and domestic abuse order for protection violations; clarifying the requirement that the data communications network include orders for protection and no contact orders; exempting certain domestic abuse or sexual attack programs from data practices requirements; extending area for protection to a reasonable area around residence or dwelling in ex parte orders for protection; modifying crime of stalking; authorizing a pilot project to allow judges to order electronic monitoring for domestic abuse offenders on pretrial release; imposing criminal penalties; amending Minnesota Statutes 2008, sections 299C.46, subdivision 6; 518B.01, subdivision 7; 609.498, subdivision 3, by adding a subdivision; 609.749; 629.471, subdivision 3, by adding a subdivision; 629.72, subdivisions 1, 2a; proposing coding for new law in Minnesota Statutes, chapters 13; 629; repealing Minnesota Statutes 2008, section 518B.01, subdivision 22.

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

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

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 3116.

S. F. No. 3116, A bill for an act relating to public safety; authorizing the collection of DNA from offenders; amending Minnesota Statutes 2008, section 609.117, by adding a subdivision.

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

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

Those who voted in the affirmative were:

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

Slawik	Solberg	Thao	Torkelson	Ward	Winkler
Slocum	Stern	Thissen	Urdahl	Welti	Zellers
Smith	Swails	Tillberry	Wagenius	Westrom	Spk. Kelliher

The bill was passed and its title agreed to.

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

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 3128.

S. F. No. 3128 was reported to the House.

Murdock and Anderson, B., moved to amend S. F. No. 3128, the unofficial engrossment, as follows:

Page 1, delete line 12

Page 2, delete line 4

Page 2, delete line 10, and insert:

"Sec. 4. **WAIVER.**

The commissioners of the departments of health, labor and industry, and the pollution control agency must request a waiver of the certification requirements under the Code of Federal Regulations, title 40, section 745.89, until such time as the commissioner of health in consultation with the commissioners of labor and industry and the pollution control agency determines that sufficient course offerings are available to enable contractors or firms seeking certification to timely comply with the requirements of sections 326B.106, subdivisions 13 and 14, and section 326B.805, subdivision 1a.

Sec. 5. **EFFECTIVE DATE.**

Sections 1 through 3 are effective 60 days after the commissioner of health, in consultation with the commissioners of labor and industry and the pollution control agency determines that sufficient course offerings are available to enable contractors or firms seeking certification under the Code of Federal Regulations, title 40, section 745.89, to timely comply with the requirements of sections 326B.106, subdivisions 13 and 14, and section 326B.805, subdivision 1a. Section 4 is effective the day following final enactment."

A roll call was requested and properly seconded.

The question was taken on the Murdock and Anderson, B., amendment and the roll was called. There were 59 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Buesgens	Demmer	Doty	Eastlund
Anderson, B.	Beard	Dauids	Dettmer	Downey	Eken
Anderson, P.	Brod	Dean	Doepke	Drazkowski	Emmer

Faust	Hosch	Koenen	McFarlane	Peppin	Sterner
Garofalo	Howes	Kohls	McNamara	Sanders	Torkelson
Gottwalt	Jackson	Lanning	Morrow	Scott	Urdahl
Hackbarth	Juhnke	Lieder	Murdock	Seifert	Ward
Hamilton	Kath	Loon	Nornes	Severson	Westrom
Holberg	Kelly	Mack	Olin	Shimanski	Zellers
Hoppe	Kiffmeyer	Magnus	Otremba	Smith	

Those who voted in the negative were:

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

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

S. F. No. 3128 was read for the third time.

Severson moved that S. F. No. 3128 be re-referred to the Housing Finance and Policy and Public Health Finance Division.

A roll call was requested and properly seconded.

The question was taken on the Severson motion and the roll was called. There were 47 yeas and 84 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Atkins	Bly	Bunn	Clark	Dittrich
Anderson, S.	Benson	Brown	Carlson	Cornish	Doty
Anzelc	Bigham	Brynaert	Champion	Davnie	Eken

Falk	Hornstein	Lenczewski	Morrow	Persell	Slawik
Faust	Hortman	Lesch	Mullery	Peterson	Slocum
Fritz	Hosch	Liebling	Murphy, E.	Poppe	Solberg
Gardner	Huntley	Lieder	Murphy, M.	Reinert	Swails
Greiling	Jackson	Lillie	Nelson	Rosenthal	Thao
Hansen	Johnson	Loeffler	Newton	Rukavina	Tillberry
Hausman	Juhnke	Mahoney	Norton	Ruud	Wagenius
Haws	Kahn	Mariani	Olin	Sailer	Ward
Hayden	Kalin	Marquart	Otremba	Scalze	Welti
Hilstrom	Koenen	Masin	Paymar	Sertich	Winkler
Hilty	Laine	Morgan	Pelowski	Simon	Spk. Kelliher

The motion did not prevail.

S. F. No. 3128, A bill for an act relating to residential construction; providing for lead poisoning prevention; amending the State Building Code; modifying licensing requirements; amending Minnesota Statutes 2008, sections 326B.106, by adding subdivisions; 326B.805, by adding a subdivision.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 92 yeas and 39 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The bill was passed and its title agreed to.

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 3056.

H. F. No. 3056 was reported to the House.

Norton moved to amend H. F. No. 3056, the second engrossment, as follows:

Page 3, delete lines 13 and 14, and insert:

"(2) establishment of an explicit minimum reliability threshold developed in collaboration with the subjects of the data and the users of the data, at a level not below nationally accepted standards."

The motion prevailed and the amendment was adopted.

H. F. No. 3056, A bill for an act relating to health; modifying provider peer grouping timelines and system; amending Minnesota Statutes 2008, sections 62U.04, subdivisions 3, 9; 256B.0754, subdivision 2; repealing Minnesota Statutes 2009 Supplement, section 256B.032.

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 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Buesgens                      Westrom

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

**CALENDAR FOR THE DAY**

S. F. No. 2572 was reported to the House.

Gottwalt moved to amend S. F. No. 2572 as follows:

Page 1, line 17, after the semicolon, insert "and"

Page 1, strike line 18

Page 1, line 19, strike "(i)" and insert "(4) state that failure of the owner or lienholders to" and after "vehicle" insert "and contents"

Page 1, line 22, after "vehicle" insert "and contents"

Page 1, line 23, strike "; or" and insert a period

Page 2, strike lines 1 to 9

Page 2, after line 9, insert:

"Sec. 2. Minnesota Statutes 2008, section 168B.07, subdivision 4, is amended to read:

Subd. 4. **Waiver of rights.** The failure of the registered owner or lienholders to exercise the right to reclaim the vehicle before the expiration of the waiting periods provided under section 168B.051 constitutes (1) a waiver of all right, title, and interest in the vehicle and its contents; and (2) a consent to the transfer of title to, and disposal or sale of, the vehicle and its contents under section 168B.08. ~~The failure of the registered owner to exercise the right provided under subdivision 3 constitutes a waiver of all right, title, and interest in the contents and a consent to the transfer of title to, and disposal or sale of, the contents under section 168B.08.~~

Sec. 3. Minnesota Statutes 2008, section 168B.08, subdivision 1, is amended to read:

Subdivision 1. **Auction or sale.** (a) If an abandoned or unauthorized vehicle and contents taken into custody by a unit of government or any impound lot is not reclaimed under section 168B.07, subdivision 1, it may be disposed of or sold at auction or sale when eligible pursuant to sections 168B.06 and 168B.07. ~~If the contents of an abandoned or unauthorized vehicle taken into custody by a unit of government or any impound lot is not reclaimed under section 168B.07, subdivision 3, it may be disposed of or sold at auction or sale when eligible pursuant to sections 168B.06 and 168B.07.~~

(b) The purchaser shall be given a receipt in a form prescribed by the registrar of motor vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title it must receive a motor vehicle safety check.

Sec. 4. **REPEALER.**

Minnesota Statutes 2008, section 168B.07, subdivision 3, is repealed."

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.

S. F. No. 2572, A bill for an act relating to transportation; clarifying time for providing notice of vehicle impoundment; amending Minnesota Statutes 2008, section 168B.06, 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.

Pursuant to rule 2.05, Hilstrom was excused from voting on the final passage of S. F. No. 2572.

There were 115 yeas and 15 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Brod	Downey	Emmer	Loon	Scott
Buesgens	Drazkowski	Hackbarth	Peppin	Severson
Dean	Eastlund	Kohls	Sanders	Zellers

The bill was passed and its title agreed to.

S. F. No. 2944 was reported to the House.

Nelson moved to amend S. F. No. 2944, the second engrossment, as follows:

Page 3, delete lines 27 to 30, and insert:

"Subd. 5a. **Internet continuing education.** (a) The design and delivery of an Internet continuing education course must be approved by the International Distance Education Certification Center (IDECC) before the course is submitted for the commissioner's approval. The IDECC approval must accompany the course submitted."



Page 12, line 6, strike "coordinator" and insert "sponsor" and strike "coordinator" and insert "sponsor"

Page 12, line 7, strike "coordinator" and insert "sponsor"

Page 12, line 8, strike "coordinator" and insert "sponsor" and strike "coordinator" and insert "sponsor"

Page 12, line 9, strike "coordinator" and insert "sponsor"

The motion prevailed and the amendment was adopted.

S. F. No. 2944, A bill for an act relating to licensing; modifying contractor continuing education requirements; amending Minnesota Statutes 2008, section 326B.821, as amended.

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 108 yeas and 23 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Downey	Hackbarth	Kohls	Nornes	Shimanski
Buesgens	Drazkowski	Holberg	Loon	Peppin	Westrom
Dean	Eastlund	Hoppe	Mack	Scott	Zellers
Doepke	Emmer	Kelly	Murdock	Seifert	

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

Seifert was excused between the hours of 3:25 p.m. and 3:45 p.m.

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

S. F. No. 2935 was reported to the House.

Abeler moved to amend S. F. No. 2935, the first engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3239, the second engrossment:

"Section 1. Minnesota Statutes 2009 Supplement, section 245A.03, subdivision 2, is amended to read:

Subd. 2. **Exclusion from licensure.** (a) This chapter does not apply to:

(1) residential or nonresidential programs that are provided to a person by an individual who is related unless the residential program is a child foster care placement made by a local social services agency or a licensed child-placing agency, except as provided in subdivision 2a;

(2) nonresidential programs that are provided by an unrelated individual to persons from a single related family;

(3) residential or nonresidential programs that are provided to adults who do not abuse chemicals or who do not have a chemical dependency, a mental illness, a developmental disability, a functional impairment, or a physical disability;

(4) sheltered workshops or work activity programs that are certified by the commissioner of employment and economic development;

(5) programs operated by a public school for children 33 months or older;

(6) nonresidential programs primarily for children that provide care or supervision for periods of less than three hours a day while the child's parent or legal guardian is in the same building as the nonresidential program or present within another building that is directly contiguous to the building in which the nonresidential program is located;

(7) nursing homes or hospitals licensed by the commissioner of health except as specified under section 245A.02;

(8) board and lodge facilities licensed by the commissioner of health that do not provide services for five or more persons whose primary diagnosis is mental illness that do not provide intensive residential treatment children's residential services under Minnesota Rules, chapter 2960, mental health or chemical dependency treatment;

(9) homes providing programs for persons placed by a county or a licensed agency for legal adoption, unless the adoption is not completed within two years;

(10) programs licensed by the commissioner of corrections;

(11) recreation programs for children or adults that are operated or approved by a park and recreation board whose primary purpose is to provide social and recreational activities;

(12) programs operated by a school as defined in section 120A.22, subdivision 4; YMCA as defined in section 315.44; YWCA as defined in section 315.44; or JCC as defined in section 315.51, whose primary purpose is to provide child care or services to school-age children;

(13) Head Start nonresidential programs which operate for less than 45 days in each calendar year;

(14) noncertified boarding care homes unless they provide services for five or more persons whose primary diagnosis is mental illness or a developmental disability;

(15) programs for children such as scouting, boys clubs, girls clubs, and sports and art programs, and nonresidential programs for children provided for a cumulative total of less than 30 days in any 12-month period;

(16) residential programs for persons with mental illness, that are located in hospitals;

(17) the religious instruction of school-age children; Sabbath or Sunday schools; or the congregate care of children by a church, congregation, or religious society during the period used by the church, congregation, or religious society for its regular worship;

(18) camps licensed by the commissioner of health under Minnesota Rules, chapter 4630;

(19) mental health outpatient services for adults with mental illness or children with emotional disturbance;

(20) residential programs serving school-age children whose sole purpose is cultural or educational exchange, until the commissioner adopts appropriate rules;

(21) unrelated individuals who provide out-of-home respite care services to persons with developmental disabilities from a single related family for no more than 90 days in a 12-month period and the respite care services are for the temporary relief of the person's family or legal representative;

(22) respite care services provided as a home and community-based service to a person with a developmental disability, in the person's primary residence;

(23) community support services programs as defined in section 245.462, subdivision 6, and family community support services as defined in section 245.4871, subdivision 17;

(24) the placement of a child by a birth parent or legal guardian in a preadoptive home for purposes of adoption as authorized by section 259.47;

(25) settings registered under chapter 144D which provide home care services licensed by the commissioner of health to fewer than seven adults;

(26) chemical dependency or substance abuse treatment activities of licensed professionals in private practice as defined in Minnesota Rules, part 9530.6405, subpart 15, when the treatment activities are not paid for by the consolidated chemical dependency treatment fund;

(27) consumer-directed community support service funded under the Medicaid waiver for persons with developmental disabilities when the individual who provided the service is:

(i) the same individual who is the direct payee of these specific waiver funds or paid by a fiscal agent, fiscal intermediary, or employer of record; and

(ii) not otherwise under the control of a residential or nonresidential program that is required to be licensed under this chapter when providing the service; or

(28) a program serving only children who are age 33 months or older, that is operated by a nonpublic school, for no more than four hours per day per child, with no more than 20 children at any one time, and that is accredited by:

(i) an accrediting agency that is formally recognized by the commissioner of education as a nonpublic school accrediting organization; or

(ii) an accrediting agency that requires background studies and that receives and investigates complaints about the services provided.

A program that asserts its exemption from licensure under item (ii) shall, upon request from the commissioner, provide the commissioner with documentation from the accrediting agency that verifies: that the accreditation is current; that the accrediting agency investigates complaints about services; and that the accrediting agency's standards require background studies on all people providing direct contact services.

(b) For purposes of paragraph (a), clause (6), a building is directly contiguous to a building in which a nonresidential program is located if it shares a common wall with the building in which the nonresidential program is located or is attached to that building by skyway, tunnel, atrium, or common roof.

(c) Nothing in this chapter shall be construed to require licensure for any services provided and funded according to an approved federal waiver plan where licensure is specifically identified as not being a condition for the services and funding.

Sec. 2. Minnesota Statutes 2009 Supplement, section 245A.04, subdivision 5, is amended to read:

Subd. 5. **Commissioner's right of access.** When the commissioner is exercising the powers conferred by this chapter and sections 245.69, 626.556, and 626.557, the commissioner must be given access to the physical plant and grounds where the program is provided, documents and records, including records maintained in electronic format, persons served by the program, and staff whenever the program is in operation and the information is relevant to inspections or investigations conducted by the commissioner. The commissioner must be given access without prior notice and as often as the commissioner considers necessary if the commissioner is ~~conducting an investigation of allegations of investigating alleged maltreatment or other, conducting a licensing inspection, or investigating an alleged~~ violation of applicable laws or rules. In conducting inspections, the commissioner may request and shall receive assistance from other state, county, and municipal governmental agencies and departments. The applicant or license holder shall allow the commissioner to photocopy, photograph, and make audio and video tape recordings during the inspection of the program at the commissioner's expense. The commissioner shall obtain a court order or the consent of the subject of the records or the parents or legal guardian of the subject before photocopying hospital medical records.

Persons served by the program have the right to refuse to consent to be interviewed, photographed, or audio or videotaped. Failure or refusal of an applicant or license holder to fully comply with this subdivision is reasonable cause for the commissioner to deny the application or immediately suspend or revoke the license.

Sec. 3. Minnesota Statutes 2009 Supplement, section 245A.04, subdivision 7, is amended to read:

Subd. 7. **Grant of license; license extension.** (a) If the commissioner determines that the program complies with all applicable rules and laws, the commissioner shall issue a license. At minimum, the license shall state:

(1) the name of the license holder;

- (2) the address of the program;
- (3) the effective date and expiration date of the license;
- (4) the type of license;
- (5) the maximum number and ages of persons that may receive services from the program; and
- (6) any special conditions of licensure.

(b) The commissioner may issue an initial license for a period not to exceed two years if:

(1) the commissioner is unable to conduct the evaluation or observation required by subdivision 4, paragraph (a), clauses (3) and (4), because the program is not yet operational;

(2) certain records and documents are not available because persons are not yet receiving services from the program; and

(3) the applicant complies with applicable laws and rules in all other respects.

(c) A decision by the commissioner to issue a license does not guarantee that any person or persons will be placed or cared for in the licensed program. A license shall not be transferable to another individual, corporation, partnership, voluntary association, other organization, or controlling individual or to another location.

(d) A license holder must notify the commissioner and obtain the commissioner's approval before making any changes that would alter the license information listed under paragraph (a).

(e) Except as provided in paragraphs (g) and (h), the commissioner shall not issue or reissue a license if the applicant, license holder, or controlling individual has:

(1) been disqualified and the disqualification was not set aside and no variance has been granted;

(2) has been denied a license within the past two years;

(3) had a license revoked within the past five years; or

(4) has an outstanding debt related to a license fee, licensing fine, or settlement agreement for which payment is delinquent.

When a license is revoked under clause (1) or (3), the license holder and controlling individual may not hold any license under chapter 245A or 245B for five years following the revocation, and other licenses held by the applicant, license holder, or controlling individual shall also be revoked.

(f) The commissioner shall not issue or reissue a license if an individual living in the household where the licensed services will be provided as specified under section 245C.03, subdivision 1, has been disqualified and the disqualification has not been set aside and no variance has been granted.

(g) Pursuant to section 245A.07, subdivision 1, paragraph (b), when a license has been suspended or revoked and the suspension or revocation is under appeal, the program may continue to operate pending a final order from the commissioner. If the license under suspension or revocation will expire before a final order is issued, a temporary provisional license may be issued provided any applicable license fee is paid before the temporary provisional license is issued.

(h) Notwithstanding paragraph (g), when a revocation is based on the disqualification of a controlling individual or license holder, and the controlling individual or license holder is ordered under section 245C.17 to be immediately removed from direct contact with persons receiving services or is ordered to be under continuous, direct supervision when providing direct contact services, the program may continue to operate only if the program complies with the order and submits documentation demonstrating compliance with the order. If the disqualified individual fails to submit a timely request for reconsideration, or if the disqualification is not set aside and no variance is granted, the order to immediately remove the individual from direct contact or to be under continuous, direct supervision remains in effect pending the outcome of a hearing and final order from the commissioner.

~~(g)~~ (i) For purposes of reimbursement for meals only, under the Child and Adult Care Food Program, Code of Federal Regulations, title 7, subtitle B, chapter II, subchapter A, part 226, relocation within the same county by a licensed family day care provider, shall be considered an extension of the license for a period of no more than 30 calendar days or until the new license is issued, whichever occurs first, provided the county agency has determined the family day care provider meets licensure requirements at the new location.

~~(h)~~ (j) Unless otherwise specified by statute, all licenses expire at 12:01 a.m. on the day after the expiration date stated on the license. A license holder must apply for and be granted a new license to operate the program or the program must not be operated after the expiration date.

(k) The commissioner shall not issue or reissue a license if it has been determined that a tribal licensing authority has established jurisdiction to license the program or service.

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

Sec. 4. Minnesota Statutes 2009 Supplement, section 245A.07, subdivision 1, is amended to read:

Subdivision 1. **Sanctions; appeals; license.** (a) In addition to making a license conditional under section 245A.06, the commissioner may suspend or revoke the license, impose a fine, or secure an injunction against the continuing operation of the program of a license holder who does not comply with applicable law or rule. When applying sanctions authorized under this section, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons served by the program.

(b) If a license holder appeals the suspension or revocation of a license and the license holder continues to operate the program pending a final order on the appeal, ~~and the license expires during this time period,~~ the commissioner shall issue the license holder a temporary provisional license. ~~The temporary provisional license is effective on the date issued and expires on the date that a final order is issued.~~ Unless otherwise specified by the commissioner, variances in effect on the date of the license sanction under appeal continue under the temporary provisional license. If a license holder fails to comply with applicable law or rule while operating under a temporary provisional license, the commissioner may impose additional sanctions under this section and section 245A.06, and may terminate any prior variance. ~~If the license holder prevails on the appeal and the effective period of the previous license has expired~~ a temporary provisional license is set to expire, a new temporary provisional license shall be issued to the license holder upon payment of any fee required under section 245A.10. The effective date of the new license shall be retroactive to the date the license would have shown had no sanction been initiated. The expiration date shall be the expiration date of that license had no license sanction been initiated. The temporary provisional license shall expire on the date the final order is issued. If the license holder prevails on the appeal, a new nonprovisional license shall be issued for the remainder of the current license period.

(c) If a license holder is under investigation and the license is due to expire before completion of the investigation, the program shall be issued a new license upon completion of the reapplication requirements and payment of any applicable license fee. Upon completion of the investigation, a licensing sanction may be imposed against the new license under this section, section 245A.06, or 245A.08.

(d) Failure to reapply or closure of a license by the license holder prior to the completion of any investigation shall not preclude the commissioner from issuing a licensing sanction under this section, section 245A.06, or 245A.08 at the conclusion of the investigation.

Sec. 5. Minnesota Statutes 2008, section 245A.07, subdivision 2a, is amended to read:

Subd. 2a. **Immediate suspension expedited hearing.** (a) Within five working days of receipt of the license holder's timely appeal, the commissioner shall request assignment of an administrative law judge. The request must include a proposed date, time, and place of a hearing. A hearing must be conducted by an administrative law judge within 30 calendar days of the request for assignment, unless an extension is requested by either party and granted by the administrative law judge for good cause. The commissioner shall issue a notice of hearing by certified mail or personal service at least ten working days before the hearing. The scope of the hearing shall be limited solely to the issue of whether the temporary immediate suspension should remain in effect pending the commissioner's final order under section 245A.08, regarding a licensing sanction issued under subdivision 3 following the immediate suspension. The burden of proof in expedited hearings under this subdivision shall be limited to the commissioner's demonstration that reasonable cause exists to believe that the license holder's actions or failure to comply with applicable law or rule poses, or if the actions of other individuals or conditions in the program poses an imminent risk of harm to the health, safety, or rights of persons served by the program. "Reasonable cause" means there exist specific articulable facts or circumstances which provide the commissioner with a reasonable suspicion that there is an imminent risk of harm to the health, safety, or rights of persons served by the program.

(b) The administrative law judge shall issue findings of fact, conclusions, and a recommendation within ten working days from the date of hearing. The parties shall have ten calendar days to submit exceptions to the administrative law judge's report. The record shall close at the end of the ten-day period for submission of exceptions. The commissioner's final order shall be issued within ten working days from the close of the record. Within 90 calendar days after a final order affirming an immediate suspension, the commissioner shall make a determination regarding whether a final licensing sanction shall be issued under subdivision 3. The license holder shall continue to be prohibited from operation of the program during this 90-day period.

(c) When the final order under paragraph (b) affirms an immediate suspension, and a final licensing sanction is issued under subdivision 3 and the license holder appeals that sanction, the license holder continues to be prohibited from operation of the program pending a final commissioner's order under section 245A.08, subdivision 5, regarding the final licensing sanction.

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

Sec. 6. Minnesota Statutes 2009 Supplement, section 245A.07, subdivision 3, is amended to read:

Subd. 3. **License suspension, revocation, or fine.** (a) The commissioner may suspend or revoke a license, or impose a fine if a license holder fails to comply fully with applicable laws or rules, if a license holder, a controlling individual, or an individual living in the household where the licensed services are provided or is otherwise subject to a background study has a disqualification which has not been set aside under section 245C.22, or if a license holder knowingly withholds relevant information from or gives false or misleading information to the commissioner in connection with an application for a license, in connection with the background study status of an individual, during an investigation, or regarding compliance with applicable laws or rules. A license holder who has had a license suspended, revoked, or has been ordered to pay a fine must be given notice of the action by certified mail or personal service. If mailed, the notice must be mailed to the address shown on the application or the last known address of the license holder. The notice must state the reasons the license was suspended, revoked, or a fine was ordered.

(b) If the license was suspended or revoked, the notice must inform the license holder of the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The license holder may appeal an order suspending or revoking a license. The appeal of an order suspending or revoking a license must be made in writing by certified mail or personal service. If mailed, the appeal must be postmarked and sent to the commissioner within ten calendar days after the license holder receives notice that the license has been suspended or revoked. If a request is made by personal service, it must be received by the commissioner within ten calendar days after the license holder received the order. Except as provided in subdivision 2a, paragraph (c), if a license holder submits a timely appeal of an order suspending or revoking a license, the license holder may continue to operate the program as provided in section 245A.04, subdivision 7, paragraphs (g) and (h), until the commissioner issues a final order on the suspension or revocation.

(c)(1) If the license holder was ordered to pay a fine, the notice must inform the license holder of the responsibility for payment of fines and the right to a contested case hearing under chapter 14 and Minnesota Rules, parts 1400.8505 to 1400.8612. The appeal of an order to pay a fine must be made in writing by certified mail or personal service. If mailed, the appeal must be postmarked and sent to the commissioner within ten calendar days after the license holder receives notice that the fine has been ordered. If a request is made by personal service, it must be received by the commissioner within ten calendar days after the license holder received the order.

(2) The license holder shall pay the fines assessed on or before the payment date specified. If the license holder fails to fully comply with the order, the commissioner may issue a second fine or suspend the license until the license holder complies. If the license holder receives state funds, the state, county, or municipal agencies or departments responsible for administering the funds shall withhold payments and recover any payments made while the license is suspended for failure to pay a fine. A timely appeal shall stay payment of the fine until the commissioner issues a final order.

(3) A license holder shall promptly notify the commissioner of human services, in writing, when a violation specified in the order to forfeit a fine is corrected. If upon reinspection the commissioner determines that a violation has not been corrected as indicated by the order to forfeit a fine, the commissioner may issue a second fine. The commissioner shall notify the license holder by certified mail or personal service that a second fine has been assessed. The license holder may appeal the second fine as provided under this subdivision.

(4) Fines shall be assessed as follows: the license holder shall forfeit \$1,000 for each determination of maltreatment of a child under section 626.556 or the maltreatment of a vulnerable adult under section 626.557 for which the license holder is determined responsible for the maltreatment under section 626.556, subdivision 10e, paragraph (i), or 626.557, subdivision 9c, paragraph (c); the license holder shall forfeit \$200 for each occurrence of a violation of law or rule governing matters of health, safety, or supervision, including but not limited to the provision of adequate staff-to-child or adult ratios, and failure to comply with background study requirements under chapter 245C; and the license holder shall forfeit \$100 for each occurrence of a violation of law or rule other than those subject to a \$1,000 or \$200 fine above. For purposes of this section, "occurrence" means each violation identified in the commissioner's fine order. Fines assessed against a license holder that holds a license to provide the residential-based habilitation services, as defined under section 245B.02, subdivision 20, and a license to provide foster care, may be assessed against both licenses for the same occurrence, but the combined amount of the fines shall not exceed the amount specified in this clause for that occurrence.

(5) When a fine has been assessed, the license holder may not avoid payment by closing, selling, or otherwise transferring the licensed program to a third party. In such an event, the license holder will be personally liable for payment. In the case of a corporation, each controlling individual is personally and jointly liable for payment.



Sec. 7. Minnesota Statutes 2009 Supplement, section 245A.144, is amended to read:

**245A.144 SUDDEN INFANT DEATH AND SHAKEN BABY SYNDROME FOR CHILD FOSTER CARE PROVIDERS.**

(a) Licensed child foster care providers that care for infants or children through five years of age must document that before staff persons and caregivers assist in the care of infants or children through five years of age, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden infant death syndrome and shaken baby syndrome for infants and young children. This section does not apply to emergency relative ~~foster care placement~~ under section 245A.035. The training on reducing the risk of sudden infant death syndrome and shaken baby syndrome may be provided as:

(1) orientation training to child foster care providers, who care for infants or children through five years of age, under Minnesota Rules, part 2960.3070, subpart 1; or

(2) in-service training to child foster care providers, who care for infants or children through five years of age, under Minnesota Rules, part 2960.3070, subpart 2.

(b) Training required under this section must be at least one hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to sudden infant death syndrome and shaken baby syndrome, means of reducing the risk of sudden infant death syndrome and shaken baby syndrome, and license holder communication with parents regarding reducing the risk of sudden infant death syndrome and shaken baby syndrome.

(c) Training for child foster care providers must be approved by the county or private licensing agency ~~and that is responsible for monitoring the child foster care provider under section 245A.16.~~ The approved training fulfills, in part, training required under Minnesota Rules, part 2960.3070.

Sec. 8. Minnesota Statutes 2008, section 245A.30, is amended to read:

**245A.30 LICENSING PROHIBITION FOR CERTAIN ~~JUVENILE FACILITIES~~ SERVING CHILDREN.**

The commissioner may not:

(1) issue any license under ~~Minnesota Rules, parts 9545.0905 to 9545.1125, this chapter~~ for the residential placement of juveniles children at a facility if the facility accepts juveniles children who reside outside of Minnesota without an agreement with the entity placing the juvenile child at the facility that obligates the entity to pay the educational and medical expenses of the juvenile child; or

(2) renew a license under ~~Minnesota Rules, parts 9545.0905 to 9545.1125, this chapter~~ for the residential placement of juveniles children if the facility accepts juveniles children who reside outside of Minnesota without an agreement with the entity placing the juvenile child at the facility that obligates the entity to pay the educational and medical expenses of the juvenile child.

Sec. 9. Minnesota Statutes 2009 Supplement, section 245A.50, subdivision 5, is amended to read:

Subd. 5. **Sudden infant death syndrome and shaken baby syndrome training.** (a) License holders must document that before staff persons, caregivers, and helpers assist in the care of infants, they are instructed on the standards in section 245A.1435 and receive training on reducing the risk of sudden infant death syndrome. In addition, license holders must document that before staff persons, caregivers, and helpers assist in the care of infants

and children under school age, they receive training on reducing the risk of shaken baby syndrome. The training in this subdivision may be provided as initial training under subdivision 1 or ongoing annual training under subdivision 7.

(b) Sudden infant death syndrome reduction training required under this subdivision must be at least one-half hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to sudden infant death syndrome, means of reducing the risk of sudden infant death syndrome in child care, and license holder communication with parents regarding reducing the risk of sudden infant death syndrome.

(c) Shaken baby syndrome training required under this subdivision must be at least one-half hour in length and must be completed at least once every five years. At a minimum, the training must address the risk factors related to shaken baby syndrome, means of reducing the risk of shaken baby syndrome in child care, and license holder communication with parents regarding reducing the risk of shaken baby syndrome.

(d) Training for family and group family child care providers must be approved by the county licensing agency.

(e) The commissioner shall make available for viewing by all licensed child care providers a video presentation on the dangers associated with shaking infants and young children. The video presentation shall be part of the initial and ongoing annual training of licensed child care providers, caregivers, and helpers caring for children under school age. The commissioner shall provide to child care providers and interested individuals, at cost, copies of a video approved by the commissioner of health under section 144.574 on the dangers associated with shaking infants and young children.

Sec. 10. Minnesota Statutes 2008, section 245A.66, is amended to read:

**245A.66 REQUIREMENTS; MALTREATMENT OF MINORS.**

Subdivision 1. Internal review. Except for family child care settings and foster care for children in the license holder's residence, license holders serving children shall:

(1) establish and maintain policies and procedures to ensure that an internal review is completed and that corrective action is taken if necessary to protect the health and safety of children in care when the facility has reason to know that an internal or external report of alleged or suspected maltreatment has been made. The review must include an evaluation of whether:

(i) related policies and procedures were followed;

(ii) the policies and procedures were adequate;

(iii) there is a need for additional staff training;

(iv) the reported event is similar to past events with the children or the services involved; and

(v) there is a need for corrective action by the license holder to protect the health and safety of children in care.

Based on the results of this review, the license holder must develop, document, and implement a corrective action plan designed to correct current lapses and prevent future lapses in performance by individuals or the license holder, if any;

(2) identify the primary and secondary person or position who will ensure that, when required, internal reviews are completed. The secondary person shall be involved when there is reason to believe that the primary person was involved in the alleged or suspected maltreatment; and

(3) document that the internal review has been completed and provide documentation showing the review was completed to the commissioner upon the commissioner's request. The documentation provided to the commissioner by the license holder may consist of a completed checklist that verifies completion of each of the requirements of the review.

**Subd. 2. Child care centers; risk reduction plan.** (a) Child care centers licensed under this chapter and Minnesota Rules, chapter 9503, must develop a risk reduction plan that assesses the general risks to children served by the child care center. The license holder must establish procedures to minimize identified risks, train staff on the procedures, and annually review the procedures.

(b) The risk reduction plan must include an assessment of risk to children the center serves or intends to serve based on the following:

(1) an assessment of the risk presented by the vulnerability of the children served, including an evaluation of the following factors: age, developmental functioning, and the physical and emotional health of children the program serves or intends to serve;

(2) an assessment of the risks presented by the physical plant where the licensed services are provided, including an evaluation of the following factors: the condition and design of the facility and its outdoor space, bathrooms, storage areas and accessibility of medications and cleaning products that are harmful to children when children are not supervised, doors where finger pinching may occur, and the existence of areas that are difficult to supervise; and

(3) an assessment of the risks presented by the environment for each facility and for each site, including an evaluation of the following factors: the type of grounds and terrain surrounding the building and the proximity to hazards, busy roads, and publicly accessed businesses.

(c) The risk reduction plan must include a statement of measures that will be taken to minimize the risk of harm presented to children. At a minimum, the risk reduction plan must address the following:

(1) a general description of supervision, programming, and reference to the policies and procedures developed and implemented to address the risks identified in the assessment required under paragraph (b) related to the general population served, the physical plant, and environment;

(2) in addition to any program-specific risks identified in paragraph (b), the plan must include or refer to policies and procedures developed and implemented to minimize the risk of harm or injury to children, including:

(i) closing children's fingers in doors, including cabinet doors;

(ii) leaving children in the community without supervision;

(iii) children leaving the facility without supervision;

(iv) caregiver dislocation of children's elbows;

(v) burns from hot food or beverages, whether served to children or being consumed by caregivers, and the devices used to warm food and beverages;

(vi) injuries from equipment, such as scissors and glue guns;

(vii) sunburn;

(viii) feeding children foods to which they are allergic;

(ix) children falling from changing tables; and

(x) children accessing dangerous items or chemicals or coming into contact with residue from harmful cleaning products; and

(3) the plan shall prohibit the accessibility of hazardous items to children.

**Subd. 3. Orientation to risk reduction plan and annual review of plan.** (a) The license holder shall ensure that all mandated reporters, as defined in section 626.556, subdivision 3, who are under the control of the license holder, receive an orientation to the risk reduction plan prior to first providing unsupervised direct contact services, as defined in section 245C.02, subdivision 11, to children, not to exceed 14 days from the first supervised direct contact, and annually thereafter.

(b) The license holder must review the risk reduction plan annually. When conducting the review, the license holder must consider incidents that have occurred in the center since the last review, including:

(1) the assessment factors in the plan;

(2) the internal reviews conducted under this section, if any;

(3) substantiated maltreatment findings, if any; and

(4) incidents that caused injury or harm to a child, if any, that occurred since the last review.

Following any change to the risk reduction plan, the license holder must inform mandated reporters, under the control of the license holder, of the changes in the risk reduction plan.

Sec. 11. Minnesota Statutes 2008, section 245B.05, subdivision 7, is amended to read:

**Subd. 7. Reporting incidents.** (a) The license holder must maintain information about and report incidents under section 245B.02, subdivision 10, clauses (1) to (7), to the consumer's legal representative, other licensed caregiver, if any, and case manager within 24 hours of the occurrence, or within 24 hours of receipt of the information unless the incident has been reported by another license holder. An incident under section 245B.02, subdivision 10, clause (8), must be reported as required under paragraph (c) unless the incident has been reported by another license holder.

(b) When the incident involves more than one consumer, the license holder must not disclose personally identifiable information about any other consumer when making the report to each consumer's legal representative, other licensed caregiver, if any, and case manager unless the license holder has the consent of a consumer or a consumer's legal representative.

(c) Within 24 hours of reporting maltreatment as required under section 626.556 or 626.557, the license holder must inform the consumer's legal representative and case manager of the report unless there is reason to believe that the legal representative or case manager is involved in the suspected maltreatment. The information the license holder must disclose is the nature of the activity or occurrence reported, the agency that receives the report, and the telephone number of the Department of Human Services Licensing Division.

(d) Except as provided in paragraph (e), death or serious injury of the consumer must also be reported to the Department of Human Services Licensing Division and the ombudsman, as required under sections 245.91 and 245.94, subdivision 2a.

(e) When a death or serious injury occurs in a facility certified as an intermediate care facility for persons with developmental disabilities, the death or serious injury must be reported to the Department of Health, Office of Health Facility Complaints, and the ombudsman, as required under sections 245.91 and 245.94, subdivision 2a.

Sec. 12. Minnesota Statutes 2008, section 245C.02, subdivision 18, is amended to read:

Subd. 18. **Serious maltreatment.** (a) "Serious maltreatment" means sexual abuse, maltreatment resulting in death, ~~maltreatment~~ neglect resulting in serious injury which reasonably requires the care of a physician whether or not the care of a physician was sought, or abuse resulting in serious injury.

(b) For purposes of this definition, "care of a physician" is treatment received or ordered by a physician, physician assistant, or nurse practitioner, but does not include:

(1) diagnostic testing, assessment, or observation;

(2) the application of, recommendation to use, or prescription solely for a remedy that is available over the counter without a prescription; or

(3) a prescription solely for a topical antibiotic to treat burns when there is no follow-up appointment.

(c) For purposes of this definition, "abuse resulting in serious injury" means: bruises, bites, skin laceration, or tissue damage; fractures; dislocations; evidence of internal injuries; head injuries with loss of consciousness; extensive second-degree or third-degree burns and other burns for which complications are present; extensive second-degree or third-degree frostbite and other frostbite for which complications are present; irreversible mobility or avulsion of teeth; injuries to the eyes; ingestion of foreign substances and objects that are harmful; near drowning; and heat exhaustion or sunstroke.

(d) Serious maltreatment includes neglect when it results in criminal sexual conduct against a child or vulnerable adult.

Sec. 13. Minnesota Statutes 2009 Supplement, section 245C.15, subdivision 2, is amended to read:

Subd. 2. **15-year disqualification.** (a) An individual is disqualified under section 245C.14 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a felony-level violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (false representation; concealment of facts); 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud); 609.165 (felon ineligible to possess firearm); 609.21 (criminal vehicular homicide and injury); 609.215 (suicide); 609.223 or 609.2231 (assault in the third or fourth degree); repeat offenses under 609.224 (assault in the fifth degree); 609.229 (crimes committed for benefit of a gang); 609.2325 (criminal abuse of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.255 (false imprisonment); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.27 (coercion); 609.275 (attempt to coerce); 609.466 (medical assistance fraud); 609.495 (aiding an offender); 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a witness); 609.52 (theft); 609.521 (possession of shoplifting gear); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored

checks); 609.562 (arson in the second degree); 609.563 (arson in the third degree); 609.582 (burglary); 609.59 (possession of burglary tools); 609.611 (insurance fraud); 609.625 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery; offering a forged check); 609.635 (obtaining signature by false pretense); 609.66 (dangerous weapons); 609.67 (machine guns and short-barreled shotguns); 609.687 (adulteration); 609.71 (riot); 609.713 (terroristic threats); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; repeat offenses under 617.241 (obscene materials and performances; distribution and exhibition prohibited; penalty); 624.713 (certain persons not to possess firearms); chapter 152 (drugs; controlled substance); or a felony-level conviction involving alcohol or drug use.

(b) An individual is disqualified under section 245C.14 if less than 15 years has passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

(c) An individual is disqualified under section 245C.14 if less than 15 years has passed since ~~the individual's~~ termination of the individual's parental rights under section 260C.301, subdivision 1, paragraph (b), or 3.

(d) An individual is disqualified under section 245C.14 if less than 15 years has passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of the offenses listed in paragraph (a).

(e) If the individual studied commits one of the offenses listed in paragraph (a), but the sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is disqualified but the disqualification look-back period for the offense is the period applicable to the gross misdemeanor or misdemeanor disposition.

(f) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on an Alford Plea, the disqualification period begins from the date the Alford Plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

**EFFECTIVE DATE.** This section is effective retroactively from May 22, 2009.

Sec. 14. Minnesota Statutes 2009 Supplement, section 245C.20, is amended to read:

**245C.20 LICENSE HOLDER RECORD KEEPING.**

Subdivision 1. Background studies initiated by program. A licensed program shall document the date the program initiates a background study under this chapter in the program's personnel files. When a background study is completed under this chapter, a licensed program shall maintain a notice that the study was undertaken and completed in the program's personnel files. Except when background studies are initiated through the commissioner's online system, if a licensed program has not received a response from the commissioner under section 245C.17 within 45 days of initiation of the background study request, the licensed program must contact the human services licensing division to inquire about the status of the study. If a license holder initiates a background study under the commissioner's online system, but the background study subject's name does not appear in the list of active or recent studies initiated by that license holder, the license holder must either contact the human services licensing division or resubmit the background study information online for that individual.

Subd. 2. Background studies initiated by others. When a license holder relies on a background study initiated by a personnel pool agency, a temporary personnel agency, an educational program, or a professional services agency for a person required to have a background study completed under section 245C.03, the license holder must maintain a copy of the background study results in the license holder's files.

Sec. 15. Minnesota Statutes 2009 Supplement, section 245C.22, subdivision 7, is amended to read:

Subd. 7. **Classification of certain data.** (a) Notwithstanding section 13.46, upon setting aside a disqualification under this section, the identity of the disqualified individual who received the set-aside and the individual's disqualifying characteristics are public data if the set-aside was:

(1) for any disqualifying characteristic under section 245C.15, when the set-aside relates to a child care center or a family child care provider licensed under chapter 245A; or

(2) for a disqualifying characteristic under section 245C.15, subdivision 2.

(b) Notwithstanding section 13.46, upon granting a variance to a license holder under section 245C.30, the identity of the disqualified individual who is the subject of the variance, the individual's disqualifying characteristics under section 245C.15, and the terms of the variance are public data, when the variance:

(1) is issued to a child care center or a family child care provider licensed under chapter 245A; or

(2) relates to an individual with a disqualifying characteristic under section 245C.15, subdivision 2.

(c) The identity of a disqualified individual and the reason for disqualification remain private data when:

(1) a disqualification is not set aside and no variance is granted, except as provided under section 13.46, subdivision 4;

(2) the data are not public under paragraph (a) or (b);

(3) the disqualification is rescinded because the information relied upon to disqualify the individual is incorrect; ~~or~~

(4) the disqualification relates to a license to provide relative child foster care. As used in this clause, "relative" has the meaning given it under section 260C.007, subdivision 27-; or

(5) the disqualified individual is a household member of a licensed foster care provider and:

(i) the disqualified individual previously received foster care services from this licensed foster care provider;

(ii) the disqualified individual was subsequently adopted by this licensed foster care provider; and

(iii) the disqualifying act occurred before the adoption.

(d) Licensed family child care providers and child care centers must provide notices as required under section 245C.301.

(e) Notwithstanding paragraphs (a) and (b), the identity of household members who are the subject of a disqualification related set-aside or variance is not public data if:

(1) the household member resides in the residence where the family child care is provided;

(2) the subject of the set-aside or variance is under the age of 18 years; and

(3) the set-aside or variance only relates to a disqualification under section 245C.15, subdivision 4, for a misdemeanor-level theft crime as defined in section 609.52.

Sec. 16. Minnesota Statutes 2009 Supplement, section 626.556, subdivision 2, is amended to read:

Subd. 2. **Definitions.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child maltreatment, and family strengths and needs that is applied to a child maltreatment report that does not allege substantial child endangerment. Family assessment does not include a determination as to whether child maltreatment occurred but does determine the need for services to address the safety of family members and the risk of subsequent maltreatment.

(b) "Investigation" means fact gathering related to the current safety of a child and the risk of subsequent maltreatment that determines whether child maltreatment occurred and whether child protective services are needed. An investigation must be used when reports involve substantial child endangerment, and for reports of maltreatment in facilities required to be licensed under chapter 245A or 245B; under sections 144.50 to 144.58 and 241.021; in a school as defined in sections 120A.05, subdivisions 9, 11, and 13, and 124D.10; or in a nonlicensed personal care provider association as defined in sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

(c) "Substantial child endangerment" means a person responsible for a child's care, and in the case of sexual abuse includes a person who has a significant relationship to the child as defined in section 609.341, or a person in a position of authority as defined in section 609.341, who by act or omission commits or attempts to commit an act against a child under their care that constitutes any of the following:

(1) egregious harm as defined in section 260C.007, subdivision 14;

(2) sexual abuse as defined in paragraph (d);

(3) abandonment under section 260C.301, subdivision 2;

(4) neglect as defined in paragraph (f), clause (2), that substantially endangers the child's physical or mental health, including a growth delay, which may be referred to as failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(5) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

(6) manslaughter in the first or second degree under section 609.20 or 609.205;

(7) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

(8) solicitation, inducement, and promotion of prostitution under section 609.322;

(9) criminal sexual conduct under sections 609.342 to 609.3451;

(10) solicitation of children to engage in sexual conduct under section 609.352;

(11) malicious punishment or neglect or endangerment of a child under section 609.377 or 609.378;

(12) use of a minor in sexual performance under section 617.246; or



(13) parental behavior, status, or condition which mandates that the county attorney file a termination of parental rights petition under section 260C.301, subdivision 3, paragraph (a).

(d) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse.

(e) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(f) "Neglect" means the commission or omission of any of the acts specified under clauses (1) to (9), other than by accidental means:

(1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;

(2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;

(3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;

(4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications, consistent with section 125A.091, subdivision 5;

(5) nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

(6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance;

(7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

(8) chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or

(9) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

(g) "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive or deprivation procedures, or regulated interventions, that have not been authorized under section 121A.67 or 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by section 121A.582. Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child:

(1) throwing, kicking, burning, biting, or cutting a child;

(2) striking a child with a closed fist;

(3) shaking a child under age three;

(4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;

(5) unreasonable interference with a child's breathing;

(6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

(7) striking a child under age one on the face or head;

(8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances;

(9) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining; or

(10) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under section 121A.58.

(h) "Report" means any report received by the local welfare agency, police department, county sheriff, or agency responsible for assessing or investigating maltreatment pursuant to this section.

(i) "Facility" means:

(1) a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245B;

(2) a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and 124D.10; or

(3) a nonlicensed personal care provider organization as defined in sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.

(j) "Operator" means an operator or agency as defined in section 245A.02.

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

(l) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.

(m) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

(n) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in paragraph (e), clause (1), who has:

(1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law of another jurisdiction;

(2) been found to be palpably unfit under section 260C.301, paragraph (b), clause (4), or a similar law of another jurisdiction;

(3) committed an act that has resulted in an involuntary termination of parental rights under section 260C.301, or a similar law of another jurisdiction; or

(4) committed an act that has resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under section 260C.201, subdivision 11, paragraph (d), clause (1), or a similar law of another jurisdiction.

(o) Persons who conduct assessments or investigations under this section shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices, which are not injurious to the child's health, welfare, and safety.

(p) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:

(1) is not likely to occur and could not have been prevented by exercise of due care; and

(2) if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence or event.

(q) "Nonmaltreatment mistake" means:

(1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minnesota Rules, part 9503.0045;

(2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years;

(3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years;

(4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and

(5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident.

This definition only applies to child care centers licensed under Minnesota Rules, chapter 9503. If clauses (1) to (5) apply, rather than making a determination of substantial maltreatment by the individual, the commissioner of human services shall determine that a nonmaltreatment mistake was made by the individual.

Sec. 17. Minnesota Statutes 2009 Supplement, section 626.556, subdivision 10e, is amended to read:

Subd. 10e. **Determinations.** (a) The local welfare agency shall conclude the family assessment or the investigation within 45 days of the receipt of a report. The conclusion of the assessment or investigation may be extended to permit the completion of a criminal investigation or the receipt of expert information requested within 45 days of the receipt of the report.

(b) After conducting a family assessment, the local welfare agency shall determine whether services are needed to address the safety of the child and other family members and the risk of subsequent maltreatment.

(c) After conducting an investigation, the local welfare agency shall make two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed.

(d) If the commissioner of education conducts an assessment or investigation, the commissioner shall determine whether maltreatment occurred and what corrective or protective action was taken by the school facility. If a determination is made that maltreatment has occurred, the commissioner shall report to the employer, the school board, and any appropriate licensing entity the determination that maltreatment occurred and what corrective or protective action was taken by the school facility. In all other cases, the commissioner shall inform the school board or employer that a report was received, the subject of the report, the date of the initial report, the category of maltreatment alleged as defined in paragraph (f), the fact that maltreatment was not determined, and a summary of the specific reasons for the determination.

(e) When maltreatment is determined in an investigation involving a facility, the investigating agency shall also determine whether the facility or individual was responsible, or whether both the facility and the individual were responsible for the maltreatment using the mitigating factors in paragraph (i). Determinations under this subdivision must be made based on a preponderance of the evidence and are private data on individuals or nonpublic data as maintained by the commissioner of education.

(f) For the purposes of this subdivision, "maltreatment" means any of the following acts or omissions:

(1) physical abuse as defined in subdivision 2, paragraph (g);

- (2) neglect as defined in subdivision 2, paragraph (f);
- (3) sexual abuse as defined in subdivision 2, paragraph (d);
- (4) mental injury as defined in subdivision 2, paragraph (m); or
- (5) maltreatment of a child in a facility as defined in subdivision 2, paragraph (i).

(g) For the purposes of this subdivision, a determination that child protective services are needed means that the local welfare agency has documented conditions during the assessment or investigation sufficient to cause a child protection worker, as defined in section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the individuals responsible for the child's care have not taken or are not likely to take actions to protect the child from maltreatment or risk of maltreatment.

(h) This subdivision does not mean that maltreatment has occurred solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, in lieu of medical care. However, if lack of medical care may result in serious danger to the child's health, the local welfare agency may ensure that necessary medical services are provided to the child.

(i) When determining whether the facility or individual is the responsible party, or whether both the facility and the individual are responsible for determined maltreatment in a facility, the investigating agency shall consider at least the following mitigating factors:

(1) whether the actions of the facility or the individual caregivers were according to, and followed the terms of, an erroneous physician order, prescription, individual care plan, or directive; however, this is not a mitigating factor when the facility or caregiver was responsible for the issuance of the erroneous order, prescription, individual care plan, or directive or knew or should have known of the errors and took no reasonable measures to correct the defect before administering care;

(2) comparative responsibility between the facility, other caregivers, and requirements placed upon an employee, including the facility's compliance with related regulatory standards and the adequacy of facility policies and procedures, facility training, an individual's participation in the training, the caregiver's supervision, and facility staffing levels and the scope of the individual employee's authority and discretion; and

(3) whether the facility or individual followed professional standards in exercising professional judgment.

The evaluation of the facility's responsibility under clause (2) must not be based on the completeness of the risk assessment or risk reduction plan required under section 245A.66, but must be based on the facility's compliance with the regulatory standards for polices and procedures, training, and supervision as cited in Minnesota Statutes and Minnesota Rules.

(j) Notwithstanding paragraph (i), when maltreatment is determined to have been committed by an individual who is also the facility license holder, both the individual and the facility must be determined responsible for the maltreatment, and both the background study disqualification standards under section 245C.15, subdivision 4, and the licensing actions under sections 245A.06 or 245A.07 apply.

(k) Individual counties may implement more detailed definitions or criteria that indicate which allegations to investigate, as long as a county's policies are consistent with the definitions in the statutes and rules and are approved by the county board. Each local welfare agency shall periodically inform mandated reporters under subdivision 3 who work in the county of the definitions of maltreatment in the statutes and rules and any additional definitions or criteria that have been approved by the county board.

Sec. 18. **REPEALER.**

Minnesota Rules, part 2500.5000, is repealed."

Delete the title and insert:

"A bill for an act relating to human services; making changes to licensing provisions; modifying background study requirements, disqualifications, and data classification; requiring child care centers to develop risk management plans; amending Minnesota Statutes 2008, sections 245A.07, subdivision 2a; 245A.30; 245A.66; 245B.05, subdivision 7; 245C.02, subdivision 18; Minnesota Statutes 2009 Supplement, sections 245A.03, subdivision 2; 245A.04, subdivisions 5, 7; 245A.07, subdivisions 1, 3; 245A.144; 245A.50, subdivision 5; 245C.15, subdivision 2; 245C.20; 245C.22, subdivision 7; 626.556, subdivisions 2, 10e; repealing Minnesota Rules, part 2500.5000."

The motion prevailed and the amendment was adopted.

Abeler, Huntley and Thissen moved to amend S. F. No. 2935, the first engrossment, as amended, as follows:

Page 28, after line 2, insert:

"Sec. 18. **CONSUMER SATISFACTION; HUMAN SERVICES.**

(a) The commissioner of human services shall submit a memorandum each year to the governor and the chairs of the house and senate standing committees with jurisdiction over the department's programs that provides the following information:

(1) the number of calls made to each of the department's help lines by consumers and citizens regarding services provided or regulated by the department;

(2) the subject matter of the call;

(3) the number of service-related calls that were resolved;

(4) the number that remain open; and

(5) the number that were without merit.

(b) The initial memorandum shall be submitted no later than February 15, 2012, with subsequent memoranda submitted no later than February 15 each following year.

**EFFECTIVE DATE.** This section is effective January 1, 2011.

Sec. 19. **CONSUMER SATISFACTION; HEALTH.**

(a) The commissioner of health shall submit a memorandum each year to the governor and the chairs of the house and senate standing committees with jurisdiction over the department's programs that provides the following information:

(1) the number of calls made to each of the department's help lines by consumers and citizens regarding services provided or regulated by the department;

(2) the subject matter of the call;

(3) the number of service-related calls that were resolved;

(4) the number that remain open; and

(5) the number that were without merit.

(b) The initial memorandum shall be submitted no later than February 15, 2012, with subsequent memoranda submitted no later than February 15 each following year.

**EFFECTIVE DATE.** This section is effective January 1, 2011.

Sec. 20. **CONSUMER SATISFACTION; COMMERCE.**

(a) The commissioner of commerce shall submit a memorandum each year to the governor and the chairs of the house and senate standing committees with jurisdiction over the department's programs that provides the following information:

(1) the number of calls made to each of the department's help lines by consumers and citizens regarding services provided or regulated by the department;

(2) the subject matter of the call;

(3) the number of service-related calls that were resolved;

(4) the number that remain open; and

(5) the number that were without merit.

(b) The initial memorandum shall be submitted no later than February 15, 2012, with subsequent memoranda submitted no later than February 15 each following year.

**EFFECTIVE DATE.** This section is effective January 1, 2011."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kelly, Huntley, Abeler and Ward moved to amend S. F. No. 2935, the first engrossment, as amended, as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 2008, section 144A.071, subdivision 4c, is amended to read:

Subd. 4c. **Exceptions for replacement beds after June 30, 2003.** (a) The commissioner of health, in coordination with the commissioner of human services, may approve the renovation, replacement, upgrading, or relocation of a nursing home or boarding care home, under the following conditions:

(1) to license and certify an 80-bed city-owned facility in Nicollet County to be constructed on the site of a new city-owned hospital to replace an existing 85-bed facility attached to a hospital that is also being replaced. The threshold allowed for this project under section 144A.073 shall be the maximum amount available to pay the additional medical assistance costs of the new facility;

(2) to license and certify 29 beds to be added to an existing 69-bed facility in St. Louis County, provided that the 29 beds must be transferred from active or layaway status at an existing facility in St. Louis County that had 235 beds on April 1, 2003.

The licensed capacity at the 235-bed facility must be reduced to 206 beds, but the payment rate at that facility shall not be adjusted as a result of this transfer. The operating payment rate of the facility adding beds after completion of this project shall be the same as it was on the day prior to the day the beds are licensed and certified. This project shall not proceed unless it is approved and financed under the provisions of section 144A.073;

(3) to license and certify a new 60-bed facility in Austin, provided that: (i) 45 of the new beds are transferred from a 45-bed facility in Austin under common ownership that is closed and 15 of the new beds are transferred from a 182-bed facility in Albert Lea under common ownership; (ii) the commissioner of human services is authorized by the 2004 legislature to negotiate budget-neutral planned nursing facility closures; and (iii) money is available from planned closures of facilities under common ownership to make implementation of this clause budget-neutral to the state. The bed capacity of the Albert Lea facility shall be reduced to 167 beds following the transfer. Of the 60 beds at the new facility, 20 beds shall be used for a special care unit for persons with Alzheimer's disease or related dementias;

(4) to license and certify up to 80 beds transferred from an existing state-owned nursing facility in Cass County to a new facility located on the grounds of the Ah-Gwah-Ching campus. The operating cost payment rates for the new facility shall be determined based on the interim and settle-up payment provisions of Minnesota Rules, part 9549.0057, and the reimbursement provisions of section 256B.431. The property payment rate for the first three years of operation shall be \$35 per day. For subsequent years, the property payment rate of \$35 per day shall be adjusted for inflation as provided in section 256B.434, subdivision 4, paragraph (c), as long as the facility has a contract under section 256B.434; ~~and~~

(5) to initiate a pilot program to license and certify up to 80 beds transferred from an existing county-owned nursing facility in Steele County relocated to the site of a new acute care facility as part of the county's Communities for a Lifetime comprehensive plan to create innovative responses to the aging of its population. Upon relocation to the new site, the nursing facility shall delicense 28 beds. The property payment rate for the first three years of operation of the new facility shall be increased by an amount as calculated according to items (i) to (v):

(i) compute the estimated decrease in medical assistance residents served by the nursing facility by multiplying the decrease in licensed beds by the historical percentage of medical assistance resident days;

(ii) compute the annual savings to the medical assistance program from the delicensure of 28 beds by multiplying the anticipated decrease in medical assistance residents, determined in item (i), by the existing facility's weighted average payment rate multiplied by 365;

(iii) compute the anticipated annual costs for community-based services by multiplying the anticipated decrease in medical assistance residents served by the nursing facility, determined in item (i), by the average monthly elderly waiver service costs for individuals in Steele County multiplied by 12;



(iv) subtract the amount in item (iii) from the amount in item (ii);

(v) divide the amount in item (iv) by an amount equal to the relocated nursing facility's occupancy factor under section 256B.431, subdivision 3f, paragraph (c), multiplied by the historical percentage of medical assistance resident days.

For subsequent years, the adjusted property payment rate shall be adjusted for inflation as provided in section 256B.434, subdivision 4, paragraph (c), as long as the facility has a contract under section 256B.434; and

(6) to consolidate and relocate nursing facility beds to a new site in Goodhue County and to integrate these services with other community-based programs and services under a communities for a lifetime pilot program and comprehensive plan to create innovative responses to the aging of its population. Eighty beds in the city of Red Wing shall be transferred from the downsizing and relocation of an existing 84-bed, hospital-owned nursing facility and the entire closure or downsizing of beds from a 65-bed nonprofit nursing facility in the community resulting in the delicensure of 69 beds in the two existing facilities. Notwithstanding the carryforward of the approval authority in section 144A.073, subdivision 11, the funding approved in April 2009 by the commissioner of health for a project in Goodhue County shall not carry forward. The closure of the 69 beds shall not be eligible for a planned closure rate adjustment under section 256B.437. The construction project permitted in this clause shall not be eligible for a threshold project rate adjustment under section 256B.434, subdivision 4f. The property payment rate for the first three years of operation of the new facility shall be increased by an amount as calculated according to items (i) to (vi):

(i) compute the estimated decrease in medical assistance residents served by both nursing facilities by multiplying the difference between the occupied beds of the two nursing facilities for the reporting year ending September 30, 2009, and the projected occupancy of the facility at 95 percent occupancy by the historical percentage of medical assistance resident days;

(ii) compute the annual savings to the medical assistance program from the delicensure by multiplying the anticipated decrease in the medical assistance residents, determined in item (i), by the hospital-owned nursing facility weighted average payment rate multiplied by 365;

(iii) compute the anticipated annual costs for community-based services by multiplying the anticipated decrease in medical assistance residents served by the facilities, determined in item (i), by the average monthly elderly waiver service costs for individuals in Goodhue County multiplied by 12;

(iv) subtract the amount in item (iii) from the amount in item (ii);

(v) multiply the amount in item (iv) by 57 percent; and

(vi) divide the difference of the amount in item (iv) and the amount in item (v) by an amount equal to the relocated nursing facility's occupancy factor under section 256B.431, subdivision 3f, paragraph (c), multiplied by the historical percentage of medical assistance resident days.

For subsequent years, the adjusted property payment rate shall be adjusted for inflation as provided in section 256B.434, subdivision 4, paragraph (c), as long as the facility has a contract under section 256B.434.

(b) Projects approved under this subdivision shall be treated in a manner equivalent to projects approved under subdivision 4a."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ward, Eken, Hosch, Abeler, Huntley, Kelly, Doty, Howes and Hausman moved to amend the Kelly et al amendment to S. F. No. 2935, the first engrossment, as amended, as follows:

Page 4, after line 7, insert:

"Page 28, after line 2, insert:

"Sec. 18. **TRANSFER OF REAL PROPERTY.**

Notwithstanding any law to the contrary, the commissioner of administration may transfer real property purchased in whole or in part with state funds to a federally recognized Indian tribe located in the state of Minnesota for the purpose of operating a treatment facility in Crow Wing County, for less than the appraised value, or if the property has not been appraised, for less than the fair market value as determined by the commissioner."

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

The question recurred on the Kelly et al amendment, as amended, to S. F. No. 2935, the first engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Lesch, Bigham, Champion, Abeler, Paymar, Hilstrom and Holberg moved to amend S. F. No. 2935, the first engrossment, as amended, as follows:

Page 1, after line 11, insert:

"ARTICLE 1  
LICENSING"

Page 28, after line 4, insert:

"ARTICLE 2  
JUVENILES

Section 1. Minnesota Statutes 2009 Supplement, section 245C.24, subdivision 2, is amended to read:

Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as otherwise provided in paragraph (b) this subdivision, the commissioner may not set aside the disqualification of any individual disqualified pursuant to this chapter, regardless of how much time has passed, if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision 1.

(b) For an individual in the chemical dependency or corrections field who was disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and whose disqualification was set aside prior to July 1, 2005, the commissioner must consider granting a variance pursuant to section 245C.30 for the license holder for a program dealing primarily with adults. A request for reconsideration evaluated under this paragraph must include a letter of recommendation from the license holder that was subject to the prior set-aside decision addressing the individual's quality of care to children or vulnerable adults and the circumstances of the individual's departure from that service.

(c) When a licensed foster care provider adopts an individual who had received foster care services from the provider for over six months, and the adopted individual is required to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30 to permit the adopted individual with a permanent disqualification to remain affiliated with the license holder under the conditions of the variance when the variance is recommended by the county of responsibility for each of the remaining individuals in placement in the home and the licensing agency for the home.

(d) The commissioner shall consider granting a set aside under section 245C.22 or a variance under section 245C.30 to an individual who is now 21 years of age or older and who was disqualified for a crime or conduct listed under section 245C.15, subdivision 1, occurring while the individual was under the age of 18. This paragraph does not apply to individuals who were convicted of the disqualifying crime following certification under section 260B.125.

Sec. 2. Minnesota Statutes 2008, section 609A.02, subdivision 2, is amended to read:

Subd. 2. **Offenses committed by juveniles prosecuted as adults.** A petition for the sealing of a ~~conviction record~~ any type of delinquency or criminal record relating to a juvenile matter may be filed under section 609A.03 by a person who has ~~been committed to the custody of the commissioner of corrections upon conviction of a crime following certification to district court under section 260B.125, if the person successfully completed the terms of the person's disposition or sentence and who is no longer under correctional supervision for the offense, if:~~

(1) is finally discharged by the commissioner; or the person received a disposition under section 260B.198, regardless of whether the person was adjudicated delinquent;

(2) has been placed on probation by the court under section 609.135 and has been discharged from probation after satisfactory fulfillment of it the matter was designated an extended jurisdiction juvenile prosecution under section 260B.130 and the person's adult sentence was never executed;

(3) the matter was designated an extended jurisdiction juvenile prosecution under section 260B.130 and the person's adult sentence was subsequently executed; or

(4) the matter was certified for adult prosecution under section 260B.125.

Sec. 3. Minnesota Statutes 2008, section 609A.03, subdivision 1, is amended to read:

Subdivision 1. **Petition; filing fee.** An individual who is the subject of a criminal record who is seeking the expungement of the record shall file a petition under this section and pay a filing fee in the amount required under section 357.021, subdivision 2, clause (1). The filing fee may be waived in cases of indigency and shall be waived in the cases described in section 609A.02, subdivision 2, clause (1) or (2), and subdivision 3.

Sec. 4. Minnesota Statutes 2008, section 609A.03, subdivision 2, is amended to read:

Subd. 2. **Contents of petition.** (a) A petition for expungement shall be signed under oath by the petitioner and shall state the following:

(1) the petitioner's full name and all other legal names or aliases by which the petitioner has been known at any time;

(2) the petitioner's date of birth;

(3) all of the petitioner's addresses from the date of the offense or alleged offense in connection with which an expungement order is sought, to the date of the petition;

(4) why expungement is sought, if it is for employment or licensure purposes, the statutory or other legal authority under which it is sought, and why it should be granted;

(5) the details of the offense or arrest for which expungement is sought, including the date and jurisdiction of the occurrence, either the names of any victims or that there were no identifiable victims, whether there is a current order for protection, restraining order, or other no contact order prohibiting the petitioner from contacting the victims or whether there has ever been a prior order for protection or restraining order prohibiting the petitioner from contacting the victims, the court file number, and the date of conviction or of dismissal;

(6) in the case of a conviction or adjudication delinquency record, what steps the petitioner has taken since the time of the offense toward personal rehabilitation, including treatment, work, or other personal history that demonstrates rehabilitation;

(7) petitioner's criminal conviction and adjudication delinquency record indicating all convictions and adjudication findings of delinquency for misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable convictions and adjudication findings of delinquency in any other state, federal court, or foreign country, whether the convictions or adjudication findings of delinquency occurred before or after the arrest ~~or~~ conviction, or adjudication finding of delinquency for which expungement is sought;

(8) petitioner's criminal charges record indicating all prior and pending criminal charges against the petitioner in this state or another jurisdiction, including all criminal charges that have been continued for dismissal or stayed for adjudication, or have been the subject of pretrial diversion; and

(9) all prior requests by the petitioner, whether for the present offense or for any other offenses, in this state or any other state or federal court, for pardon, return of arrest records, or expungement or sealing of a criminal record, whether granted or not, and all stays of adjudication or imposition of sentence involving the petitioner.

(b) If there is a current order for protection, restraining order, or other no contact order prohibiting the petitioner from contacting the victims or there has ever been a prior order for protection or restraining order prohibiting the petitioner from contacting the victims, the petitioner shall attach a copy of the order to the petition.

Sec. 5. Minnesota Statutes 2008, section 609A.03, subdivision 4, is amended to read:

Subd. 4. **Hearing.** (a) A hearing on the petition shall be held no sooner than 60 days after service of the petition. A victim of the offense for which expungement is sought has a right to submit an oral or written statement to the court at the time of the hearing describing the harm suffered by the victim as a result of the crime and the victim's recommendation on whether expungement should be granted or denied. The judge shall consider the victim's statement when making a decision.

(b) The court shall exclude the general public from a hearing on a petition to expunge a record relating to a juvenile matter under section 609A.02, subdivision 2, and may admit only persons who the court determines have a direct interest in the case, unless the hearing on the underlying offense for which expungement is sought was open to the public under section 260B.163, subdivision 1, paragraph (c), or other law.

Sec. 6. Minnesota Statutes 2008, section 609A.03, subdivision 5, is amended to read:

Subd. 5. **Nature of remedy; standard; ~~firearms restriction.~~** (a) Except as otherwise provided by paragraph (b) or (c), expungement of a criminal or delinquency record is an extraordinary remedy to be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of:

(1) sealing the record; and

(2) burdening the court and public authorities to issue, enforce, and monitor an expungement order.

(b) Except as otherwise provided by this paragraph, If the petitioner is petitioning for the sealing of a criminal or delinquency record under section 609A.02, subdivision 3, the court shall grant the petition to seal the record unless the agency or jurisdiction whose records would be affected establishes by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.

(c) If the petitioner is petitioning for the sealing of a criminal or delinquency record under section 609A.02, subdivision 2, clause (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction whose records would be affected establishes by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.

(d) If the court issues an expungement order it may require that the criminal or delinquency record be sealed, the existence of the record not be revealed, and the record not be opened except as required under subdivision 7. Records must not be destroyed or returned to the subject of the record.

Sec. 7. Minnesota Statutes 2008, section 609A.03, subdivision 5a, is amended to read:

Subd. 5a. **Order concerning crimes of violence.** An order expunging the record of a conviction or adjudication delinquency record for a crime of violence as defined in section 624.712, subdivision 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime. Any person whose record of conviction or adjudication delinquency record is expunged under this section and who thereafter receives a relief of disability under United States Code, title 18, section 925, or whose ability to possess firearms has been restored under section 609.165, subdivision 1d, is not subject to the restriction in this subdivision.

Sec. 8. Minnesota Statutes 2008, section 609A.03, subdivision 7, is amended to read:

Subd. 7. **Limitations of order.** (a) Upon issuance of an expungement order related to a charge supported by probable cause, the DNA samples and DNA records held by the Bureau of Criminal Apprehension and collected under authority other than section 299C.105, shall not be sealed, returned to the subject of the record, or destroyed.

(b) Notwithstanding the issuance of an expungement order:

(1) an expunged record may be opened for purposes of a criminal investigation, prosecution, or sentencing, upon an ex parte court order;

(2) an expunged record of a conviction or adjudication delinquency proceeding may be opened for purposes of evaluating a prospective employee in a criminal justice agency without a court order; and

(3) an expunged record of a conviction or adjudication delinquency proceeding may be opened for purposes of a background study under section 245C.08 unless the court order for expungement is directed specifically to the commissioner of human services.

Upon request by law enforcement, prosecution, or corrections authorities, an agency or jurisdiction subject to an expungement order shall inform the requester of the existence of a sealed record and of the right to obtain access to it as provided by this paragraph. For purposes of this section, a "criminal justice agency" means courts or a government agency that performs the administration of criminal justice under statutory authority."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "making changes to juvenile proceedings; modifying juvenile records and offenses; allowing a set aside or variance to disqualification;"

Correct the title numbers accordingly

A roll call was requested and properly seconded.

The question was taken on the Lesch et al amendment and the roll was called. There were 82 yeas and 48 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dean	Garofalo	Kiffmeyer	Nornes	Shimanski
Anderson, P.	Demmer	Gottwalt	Kohls	Obermueller	Smith
Anderson, S.	Dettmer	Hackbarth	Loon	Peppin	Sterner
Beard	Doepke	Hamilton	Mack	Rosenthal	Swails
Brod	Downey	Hoppe	Magnus	Sanders	Torkelson
Buesgens	Drazkowski	Howes	McFarlane	Scott	Urdahl
Bunn	Eastlund	Kath	Morgan	Seifert	Westrom
Cornish	Emmer	Kelly	Murdock	Severson	Zellers

The motion prevailed and the amendment was adopted.

S. F. No. 2935, A bill for an act relating to human services; making changes to licensing provisions; modifying background study requirements, disqualifications, and data classification; amending Minnesota Statutes 2008, sections 245A.07, subdivision 2a; 245A.30; 245B.05, subdivision 7; 245C.02, subdivision 18; Minnesota Statutes 2009 Supplement, sections 245A.03, subdivision 2; 245A.04, subdivisions 5, 7; 245A.07, subdivisions 1, 3; 245A.144; 245A.50, subdivision 5; 245C.15, subdivision 2; 245C.20; 245C.22, subdivision 7.

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 89 yeas and 40 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Anderson, P., was excused for the remainder of today's session.

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

S. F. No. 2152, A bill for an act relating to commerce; regulating the purchase, return, and collection for recycling of lead acid batteries; modifying certain charges; amending Minnesota Statutes 2008, sections 325E.115, subdivision 1; 325E.1151, subdivisions 1, 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.

Pursuant to rule 2.05, Hortman was excused from voting on the final passage of S. F. No. 2152.

There were 96 yeas and 31 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dettmer	Gottwalt	Kohls	Scott	Zellers
Beard	Downey	Hackbarth	Mack	Seifert	
Brod	Drazkowski	Hamilton	Magnus	Severson	
Buesgens	Eastlund	Holberg	Nornes	Shimanski	
Davids	Emmer	Hoppe	Peppin	Torkelson	
Dean	Garofalo	Kiffmeyer	Sanders	Westrom	

The bill was passed and its title agreed to.

S. F. No. 2363, A bill for an act relating to public safety; authorizing fire departments to access criminal history data on current employees; amending Minnesota Statutes 2008, section 299F.035.

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 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bly	Clark	Doepke	Faust	Hansen
Anderson, B.	Brod	Cornish	Doty	Fritz	Hausman
Anderson, S.	Brown	Davids	Downey	Gardner	Haws
Anzelc	Brynaert	Davnie	Drazkowski	Garofalo	Hayden
Atkins	Buesgens	Dean	Eastlund	Gottwalt	Hilstrom
Beard	Bunn	Demmer	Eken	Greiling	Hilty
Benson	Carlson	Dettmer	Emmer	Hackbarth	Holberg
Bigham	Champion	Dittrich	Falk	Hamilton	Hoppe



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

The bill was passed and its title agreed to.

S. F. No. 2519 was reported to the House.

Hackbarth moved to amend S. F. No. 2519, the third engrossment, as follows:

Page 2, after line 28, insert:

"Sec. 2. Minnesota Statutes 2008, section 8.33, is amended by adding a subdivision to read:

Subd. 6a. **Report required.** Beginning February 1, 2011, and each year thereafter, the attorney general shall report the annual cost of the attorney general's review of utility expenses required to be reported under section 216B.16, subdivision 17, during the previous year to the chairs and ranking minority members of the senate and house committees with primary jurisdiction over energy policy."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hackbarth amendment and the roll was called. There were 55 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hackbarth	Lesch	Nornes	Torkelson
Anderson, B.	Doepke	Hamilton	Loon	Obermueller	Urdahl
Anderson, S.	Doty	Holberg	Mack	Peppin	Ward
Beard	Downey	Hoppe	Magnus	Sanders	Westrom
Brod	Drazkowski	Howes	McFarlane	Scott	Zellers
Buesgens	Eastlund	Jackson	McNamara	Seifert	
Cornish	Emmer	Kath	Morgan	Severson	
Davids	Fritz	Kiffmeyer	Morrow	Shimanski	
Dean	Garofalo	Kohls	Mullery	Smith	
Demmer	Gottwalt	Lanning	Murdock	Sterner	

Those who voted in the negative were:

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

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

Hoppe; Hackbarth; Westrom; Magnus; Nornes; Beard; Gunther; Anderson, B., and Seifert moved to amend S. F. No. 2519, the third engrossment, as follows:

Page 2, after line 28, insert:

"Sec. 3. Minnesota Statutes 2008, section 216B.16, is amended by adding a subdivision to read:

Subd. 18. **Report.** Beginning February 1, 2011, and each year thereafter, the commission shall report to the chairs and ranking minority members of the senate and house committees with jurisdiction over energy policy on the total costs to public utilities associated with collection, review, and preparation of data required for compliance with subdivision 17."

A roll call was requested and properly seconded.

The question was taken on the Hoppe et al amendment and the roll was called. There were 52 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gottwalt	Kohls	Nornes	Smith
Anderson, B.	Dettmer	Hackbarth	Lanning	Obermueller	Sterner
Anderson, S.	Doepke	Hamilton	Loon	Peppin	Torkelson
Beard	Doty	Holberg	Mack	Rosenthal	Urdahl
Brod	Downey	Hoppe	Magnus	Sanders	Ward
Buesgens	Drazkowski	Howes	McFarlane	Scott	Westrom
Cornish	Eastlund	Jackson	McNamara	Seifert	Zellers
Davids	Emmer	Kath	Morgan	Severson	
Dean	Garofalo	Kiffmeyer	Murdock	Shimanski	

Those who voted in the negative were:

Anzelc	Bigham	Brynaert	Champion	Dittrich	Faust
Atkins	Bly	Bunn	Clark	Eken	Fritz
Benson	Brown	Carlson	Davnie	Falk	Gardner

Greiling	Huntley	Lieder	Murphy, M.	Poppe	Solberg
Hansen	Johnson	Lillie	Nelson	Reinert	Swails
Hausman	Juhnke	Loeffler	Newton	Rukavina	Thao
Haws	Kahn	Mahoney	Norton	Ruud	Tillberry
Hayden	Kalin	Mariani	Olin	Sailer	Wagenius
Hilstrom	Koenen	Marquart	Otremba	Scalze	Welti
Hilty	Laine	Masin	Paymar	Sertich	Winkler
Hornstein	Lenczewski	Morrow	Pelowski	Simon	Spk. Kelliher
Hortman	Lesch	Mullery	Persell	Slawik	
Hosch	Liebling	Murphy, E.	Peterson	Slocum	

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

Falk, Hilstrom, Persell, Winkler, Simon, Bly, Laine, Hansen, Bigham, Liebling, Lieder, Anzelc, Hornstein, Atkins, Hausman, Tillberry, Kahn and Johnson moved to amend S. F. No. 2519, the third engrossment, as follows:

Page 2, after line 28, insert:

"Sec. 3. Minnesota Statutes 2008, section 216B.16, is amended by adding a subdivision to read:

Subd. 18. **Election or ballot question expenses.** The commission may not allow a public utility to recover from ratepayers expenses incurred to promote or defeat a candidate for public office or to advocate approval or defeat of a ballot question."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

#### POINT OF ORDER

Buesgens raised a point of order pursuant to rule 3.21 that the Falk et al amendment was not in order. Speaker pro tempore Hortman ruled the point of order not well taken and the Falk et al amendment in order.

Buesgens appealed the decision of Speaker pro tempore Hortman.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Hortman stand as the judgment of the House?" and the roll was called. There were 80 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Anzelc	Bigham	Brynaert	Champion	Dittrich	Falk
Atkins	Bly	Bunn	Clark	Doty	Faust
Benson	Brown	Carlson	Davnie	Eken	Fritz

Gardner	Jackson	Lillie	Nelson	Rosenthal	Thao
Greiling	Johnson	Loeffler	Norton	Ruud	Tillberry
Hansen	Kahn	Mahoney	Obermueller	Sailer	Wagenius
Hausman	Kalin	Mariani	Olin	Scalze	Ward
Haws	Knuth	Marquart	Otremba	Sertich	Welti
Hayden	Koenen	Masin	Paymar	Simon	Winkler
Hilstrom	Laine	Morgan	Pelowski	Slawik	Spk. Kelliher
Hornstein	Lenczewski	Morrow	Persell	Slocum	
Hortman	Lesch	Mullery	Peterson	Solberg	
Hosch	Liebling	Murphy, E.	Poppe	Sterner	
Huntley	Lieder	Murphy, M.	Reinert	Swails	

Those who voted in the negative were:

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

So it was the judgment of the House that the decision of Speaker pro tempore Hortman should stand.

Demmer and Mahoney were excused for the remainder of today's session.

#### FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place S. F. Nos. 1246, 2339 and 2690 on the Fiscal Calendar for Thursday, April 15, 2010.

#### CALL OF THE HOUSE

On the motion of Buesgens and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

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

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

Anderson, S., moved to amend the Falk et al amendment to S. F. No. 2519, the third engrossment, as follows:

Page 1, line 7, after the period, insert "This subdivision does not apply to a ballot question that results, if passed, in the increase of costs or utility rates to ratepayers."

Amend the title accordingly

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

The question recurred on the Falk et al amendment, as amended, and the roll was called. There were 108 yeas and 18 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Davids	Garofalo	Hilty	Peppin	Shimanski
Beard	Drazkowski	Hackbarth	Lanning	Scott	Thao
Buesgens	Eastlund	Hayden	Liebling	Severson	Welti

The motion prevailed and the amendment, as amended, was adopted.

## POINT OF ORDER

Buesgens raised a point of order pursuant to rule 2.05. Speaker pro tempore Hortman ruled the point of order not well taken.

Anderson, S., offered an amendment to S. F. No. 2519, the third engrossment, as amended.

## POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Anderson, S., amendment was not in order. Speaker pro tempore Hortman ruled the point of order well taken and the Anderson, S., amendment out of order.

Anderson, S., appealed the decision of Speaker pro tempore Hortman.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Hortman stand as the judgment of the House?" and the roll was called.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 82 yeas and 45 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So it was the judgment of the House that the decision of Speaker pro tempore Hortman should stand.

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

Dean offered an amendment to S. F. No. 2519, the third engrossment, as amended.

#### POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Dean amendment was not in order. Speaker pro tempore Hortman ruled the point of order well taken and the Dean amendment out of order.

Brod appealed the decision of Speaker pro tempore Hortman.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Hortman stand as the judgment of the House?" and the roll was called.

Sertich moved that those not voting be excused from voting. The motion prevailed.

There were 82 yeas and 43 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

So it was the judgment of the House that the decision of Speaker pro tempore Hortman should stand.

## CALL OF THE HOUSE LIFTED

Sertich moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Brod offered an amendment to S. F. No. 2519, the third engrossment, as amended.

## POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Brod amendment was not in order. Speaker pro tempore Hortman ruled the point of order well taken and the Brod amendment out of order.

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

Kohls moved to amend S. F. No. 2519, the third engrossment, as amended, as follows:

Page 2, after line 28, insert:

"Sec. 3. Minnesota Statutes 2008, section 216B.16, is amended by adding a subdivision to read:

Subd. 19. **Certain bargaining unit expenses.** The commission may not allow a public utility to recover from ratepayers the amount equal to the dues paid by its employees to those employees' bargaining units to promote or defeat a candidate for public office or to advocate approval or defeat of a ballot question."

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 44 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Hackbarth	Mack	Peppin	Urdahl
Anderson, S.	Doepke	Hamilton	Magnus	Rosenthal	Welti
Beard	Downey	Holberg	McFarlane	Sanders	Westrom
Brod	Drazkowski	Kath	McNamara	Scott	Zellers
Buesgens	Eastlund	Kiffmeyer	Murdock	Seifert	
Cornish	Emmer	Kohls	Nornes	Severson	
Davids	Garofalo	Lanning	Norton	Shimanski	
Dean	Gottwalt	Loon	Obermueller	Torkelson	

Those who voted in the negative were:

Abeler	Benson	Brown	Carlson	Davnie	Falk
Anzelc	Bigham	Brynaert	Champion	Doty	Faust
Atkins	Bly	Bunn	Clark	Eken	Fritz



Gardner	Howes	Lesch	Murphy, E.	Reinert	Swails
Greiling	Huntley	Liebling	Murphy, M.	Rukavina	Thao
Hansen	Jackson	Lieder	Nelson	Ruud	Tillberry
Hausman	Johnson	Lillie	Newton	Sailer	Wagenius
Haws	Juhnke	Loeffler	Olin	Scalze	Ward
Hayden	Kahn	Mariani	Otremba	Sertich	Winkler
Hilstrom	Kalin	Marquart	Paymar	Simon	
Hilty	Knuth	Masin	Pelowski	Slocum	
Hornstein	Koenen	Morgan	Persell	Smith	
Hortman	Laine	Morrow	Peterson	Solberg	
Hosch	Lenczewski	Mullery	Poppe	Sterner	

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

Downey moved to amend S. F. No. 2519, the third engrossment, as amended, as follows:

Page 1, line 6 of the Falk et al amendment, as amended by the Anderson, S., amendment adopted earlier today, after "utility" insert "or corporation"

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

Atkins and Winkler were excused for the remainder of today's session.

Emmer offered an amendment to S. F. No. 2519, the third engrossment, as amended.

#### POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Emmer amendment was not in order.

Speaker pro tempore Hortman submitted the following question to the House: "Is it the judgment of the House that the Sertich point of order is well taken?"

A roll call was requested and properly seconded.

The question was taken on the Sertich point of order and the roll was called. There were 70 yeas and 51 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Dettmer	Hamilton	Lieder	Olin	Smith
Anderson, B.	Doepke	Holberg	Loon	Otremba	Sterner
Anderson, S.	Downey	Howes	Mack	Peppin	Torkelson
Beard	Drazkowski	Juhnke	Magnus	Rukavina	Urdahl
Brod	Eastlund	Kath	McFarlane	Sanders	Westrom
Buesgens	Emmer	Kiffmeyer	McNamara	Scott	Zellers
Cornish	Garofalo	Koenen	Murdock	Seifert	
Davids	Gottwalt	Kohls	Nornes	Severson	
Dean	Hackbarth	Lanning	Obermueller	Shimanski	

So it was the judgment of the House that the Sertich point of order was well taken and the Emmer amendment was out of order.

#### MOTION FOR RECONSIDERATION

Hamilton moved that the vote whereby the Falk et al amendment, as amended by the Anderson, S., amendment to S. F. No. 2519, the third engrossment, as amended, was adopted earlier today be now reconsidered.

A roll call was requested and properly seconded.

#### CALL OF THE HOUSE

On the motion of Westrom and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

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

The question recurred on the Hamilton motion and the roll was called.

Garofalo moved that those not voting be excused from voting. The motion prevailed.

There were 65 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hayden	Lieder	Olin	Seifert
Anderson, B.	Dittrich	Hilty	Loon	Pelowski	Severson
Anderson, S.	Doepke	Holberg	Mack	Peppin	Shimanski
Anzenc	Downey	Howes	Magnus	Peterson	Smith
Beard	Drazkowski	Juhnke	Masin	Poppe	Sterner
Brod	Eastlund	Kath	McFarlane	Reinert	Thao
Brown	Emmer	Kiffmeyer	McNamara	Rosenthal	Torkelson
Buesgens	Garofalo	Kohls	Murdock	Ruud	Urdahl
Cornish	Gottwalt	Lanning	Murphy, M.	Sanders	Westrom
Davids	Hackbarth	Lenczewski	Nornes	Scalze	Zellers
Dean	Hamilton	Liebling	Norton	Scott	

Those who voted in the negative were:

Benson	Doty	Haws	Kalin	Morrow	Sertich
Bigham	Eken	Hilstrom	Knuth	Mullery	Simon
Bly	Falk	Hornstein	Koenen	Murphy, E.	Slawik
Brynaert	Faust	Hortman	Laine	Nelson	Solberg
Bunn	Fritz	Hosch	Lesch	Obermueller	Swails
Carlson	Gardner	Huntley	Lillie	Otremba	Tillberry
Champion	Greiling	Jackson	Loeffler	Persell	Wagenius
Clark	Hansen	Johnson	Marquart	Rukavina	Ward
Davnie	Hausman	Kahn	Morgan	Sailer	Wolti

The motion prevailed.

The Falk et al amendment, as amended by the Anderson, S., amendment to S. F. No. 2519, the third engrossment, as amended, was again reported to the House and reads as follows:

Page 2, after line 28, insert:

"Sec. 3. Minnesota Statutes 2008, section 216B.16, is amended by adding a subdivision to read:

Subd. 18. **Election or ballot question expenses.** The commission may not allow a public utility to recover from ratepayers expenses incurred to promote or defeat a candidate for public office or to advocate approval or defeat of a ballot question. This subdivision does not apply to a ballot question that results, if passed, in the increase of costs or utility rates to ratepayers."

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 Falk et al amendment, as amended by the Anderson, S., amendment, and the roll was called. There were 73 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Anderson, S.	Doepke	Hilstrom	Kohls	Nelson	Solberg
Anzelc	Doty	Holberg	Lieder	Obermueller	Sterner
Benson	Downey	Hornstein	Lillie	Otremba	Swails
Bigham	Eken	Hortman	Loeffler	Pelowski	Tillberry
Bly	Emmer	Hosch	Loon	Persell	Wagenius
Brown	Falk	Huntley	Mack	Poppe	Ward
Brynaert	Faust	Jackson	Mariani	Rukavina	Westrom
Bunn	Fritz	Johnson	McFarlane	Sailer	Zellers
Carlson	Gardner	Kahn	Morgan	Sanders	
Champion	Greiling	Kalin	Morrow	Scott	
Clark	Hansen	Kath	Mullery	Sertich	
Davnie	Hausman	Knuth	Murphy, E.	Simon	
Dean	Haws	Koenen	Murphy, M.	Slawik	

Those who voted in the negative were:

Abeler	Drazkowski	Juhnke	Masin	Peterson	Thao
Anderson, B.	Eastlund	Kiffmeyer	McNamara	Reinert	Torkelson
Beard	Garofalo	Laine	Murdock	Rosenthal	Urdahl
Brod	Gottwalt	Lanning	Newton	Ruud	Welti
Buesgens	Hackbarth	Lenczewski	Nornes	Scalze	
Cornish	Hamilton	Lesch	Norton	Seifert	
Dauids	Hayden	Liebling	Olin	Severson	
Dettmer	Hilty	Magnus	Paymar	Shimanski	
Dittrich	Howes	Marquart	Peppin	Smith	

The motion prevailed and the amendment, as amended, was adopted.

S. F. No. 2519, A bill for an act relating to public utilities; requiring disclosure of public utility's travel, entertainment, and related expenses included in rate change request; amending Minnesota Statutes 2008, sections 13.681, by adding a subdivision; 216B.16, 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 99 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Abeler	Bunn	Doepke	Gardner	Hilstrom	Juhnke
Anderson, S.	Carlson	Doty	Gottwalt	Hornstein	Kahn
Anzelc	Champion	Downey	Greiling	Hortman	Kalin
Benson	Clark	Eastlund	Hamilton	Hosch	Kath
Bigham	Cornish	Eken	Hansen	Howes	Knuth
Bly	Davnie	Falk	Hausman	Huntley	Koenen
Brown	Dean	Faust	Haws	Jackson	Laine
Brynaert	Dittrich	Fritz	Hayden	Johnson	Lenczewski

Lesch	Marquart	Nelson	Peterson	Sertich	Urdahl
Liebling	Masin	Newton	Poppe	Simon	Wagenius
Lieder	McFarlane	Norton	Reinert	Slawik	Ward
Lillie	McNamara	Obermueller	Rosenthal	Smith	Welti
Loeffler	Morgan	Olin	Rukavina	Solberg	Westrom
Loon	Morrow	Otremba	Ruud	Sterner	Zellers
Mack	Mullery	Paymar	Sailer	Swails	
Magnus	Murphy, E.	Pelowski	Sanders	Tillberry	
Mariani	Murphy, M.	Persell	Scalze	Torkelson	

Those who voted in the negative were:

Anderson, B.	Davids	Garofalo	Kiffmeyer	Nornes	Severson
Beard	Dettmer	Hackbarth	Kohls	Peppin	Shimanski
Brod	Drazkowski	Hilty	Lanning	Scott	Thao
Buesgens	Emmer	Holberg	Murdock	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.

### MOTIONS AND RESOLUTIONS

Hilty moved that the name of Marquart be shown as chief author on H. F. No. 2227. The motion prevailed.

Newton moved that the name of Sterner be added as an author on H. F. No. 2674. The motion prevailed.

Champion moved that the names of Clark and Liebling be added as authors on H. F. No. 2928. The motion prevailed.

Mahoney moved that the name of Peterson be added as an author on H. F. No. 3205. The motion prevailed.

Thissen moved that the name of Bly be added as an author on H. F. No. 3290. The motion prevailed.

Greiling moved that the name of Lenczewski be added as an author on H. F. No. 3337. The motion prevailed.

Dean moved that his name be stricken as an author on H. F. No. 3630. The motion prevailed.

Pelowski moved that H. F. No. 2958, now on the Calendar for the Day, be re-referred to the Committee on State and Local Government Operations Reform, Technology and Elections. The motion prevailed.

### ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:30 p.m., Thursday, April 15, 2010. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and Speaker pro tempore Hortman declared the House stands adjourned until 12:30 p.m., Thursday, April 15, 2010.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

