

## TWENTY-SECOND DAY

St. Paul, Minnesota, Thursday, March 19, 2009

The Senate met at 11:00 a.m. and was called to order by the President.

**CALL OF THE SENATE**

Senator Betzold imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Ilene Blanche.

The roll was called, and the following Senators answered to their names:

Anderson	Erickson Ropes	Koch	Olseen	Saxhaug
Bakk	Fischbach	Koering	Olson, G.	Scheid
Berglin	Foley	Kubly	Olson, M.	Sheran
Betzold	Frederickson	Langseth	Ortman	Sieben
Bonoff	Gerlach	Latz	Pappas	Skoe
Carlson	Gimse	Limmer	Pariseau	Skogen
Chaudhary	Hann	Lourey	Prettner Solon	Sparks
Dahle	Higgins	Lynch	Rest	Tomassoni
Day	Ingebrigtsen	Marty	Robling	Torres Ray
Dibble	Johnson	Michel	Rosen	Vandever
Dille	Jungbauer	Moua	Rummel	Vickerman
Doll	Kelash	Murphy	Saltzman	Wiger

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

**REPORTS OF COMMITTEES**

Senator Betzold moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 1099:** A bill for an act relating to health; requiring commissioner of health to develop a uniform formulary exception document; amending Minnesota Statutes 2008, section 62J.497, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "uniform" insert "prior authorization and" and delete "document" and insert "form"

Page 1, line 13, delete "can be accessed" and insert "shall be submitted electronically"

Page 1, line 15, delete "2010" and insert "2011"

Page 1, line 16, before the first "formulary" insert "prior authorization and" and before the second "formulary" insert "prior authorization and"

Page 1, line 17, delete the first "document" and insert "form" and delete the second "document" and insert "form" and before the period, insert "electronically through a secure Internet site"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 1462:** A bill for an act relating to health; modifying isolation and quarantine provisions and provisions for mass dispensing of medications; amending Minnesota Statutes 2008, sections 144.4195, subdivisions 1, 2, 5; 144.4197; 145A.06, subdivision 7; 151.37, subdivisions 2, 10; proposing coding for new law in Minnesota Statutes, chapter 144.

Reports the same back with the recommendation that the bill be amended as follows:

Page 4, after line 5, insert:

"Sec. 3. Minnesota Statutes 2008, section 144.4195, subdivision 3, is amended to read:

Subd. 3. **Court hearing.** (a) A person isolated or quarantined under an order issued pursuant to subdivision 1 or a temporary hold under subdivision 2 or the person's representative may petition the court to contest the court order or temporary hold at any time prior to the expiration of the order or temporary hold. If a petition is filed, the court must hold a hearing within 72 hours from the date of the filing. A petition for a hearing does not stay the order of isolation or quarantine. At the hearing, the commissioner of health must show by clear and convincing evidence that the isolation or quarantine is warranted to protect the public health.

(b) If the commissioner of health wishes to extend the order for isolation or quarantine past the period of time stated in subdivision 1, paragraph (d), the commissioner must petition the court to do so. Notice of the hearing must be served upon the person or persons who are being isolated or quarantined at least three days before the hearing. If it is impracticable to provide individual notice to large groups who are isolated or quarantined, a copy of the notice may be posted in the same manner as described under subdivision 1, paragraph (c).

(c) The notice must contain the following information:

- (1) the time, date, and place of the hearing;
- (2) the grounds and underlying facts upon which continued isolation or quarantine is sought;
- (3) the person's right to appear at the hearing; and

(4) the person's right to counsel, including the right, ~~if indigent,~~ to be represented by counsel designated by the court or county of venue.

(d) The court may order the continued isolation or quarantine of the person or group of persons if it finds by clear and convincing evidence that the person or persons would pose an imminent health threat to others if isolation or quarantine was lifted. In no case may the isolation or quarantine continue longer than 30 days from the date of the court order issued under this subdivision unless the commissioner petitions the court for an extension. Any hearing to extend an order is governed by this subdivision."

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 1535:** A bill for an act relating to health; extending the approval period for certain nursing home moratorium exception projects; authorizing additional moratorium exceptions; appropriating money; amending Minnesota Statutes 2008, section 144A.073, by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 1, delete "health" and insert "human services"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 1469:** A bill for an act relating to health; prohibiting an individual health plan from refusing to issue coverage because of a previous cesarean delivery; amending Minnesota Statutes 2008, section 62A.65, subdivision 4.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Commerce and Consumer Protection. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 654:** A bill for an act relating to human services; permitting non-Medicare home care agencies to provide alternative care services; eliminating the customized living rate cap; amending Minnesota Statutes 2008, sections 256B.0913, subdivision 5a; 256B.0915, subdivision 3e.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Renumber the sections in sequence

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 780:** A bill for an act relating to health; establishing licensure for birthing centers; limiting reimbursement for uncomplicated births; designating licensed birthing centers as essential community providers; amending Minnesota Statutes 2008, section 62Q.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 144; 256B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 34, insert:

"(c) "Licensed traditional midwife" means a midwife who is licensed under chapter 147D."

Page 3, line 1, delete "(c)" and insert "(d)"

Page 3, line 7, delete everything after "(a)" and insert "No birthing center shall be established, operated, or maintained in the state"

Page 3, line 8, delete "birthing center"

Page 3, line 36, delete "care at the birthing center" and insert "guidance"

Page 4, line 2, delete "the" and insert "an"

Page 4, line 11, delete everything after the period

Page 4, delete line 12

Page 4, line 13, delete "risk."

Page 4, line 21, after "general" insert "or conduction"

Page 4, line 29, after "UNCOMPLICATED" insert "VAGINAL"

Page 4, delete line 32 and insert "for an uncomplicated vaginal birth shall be no greater than \$1,650 when the services are provided through a managed care plan contract under section 256B.69, 256B.692, or 256L.12 or provided on a fee-for-service basis, if the date the woman was enrolled was at least 45 days before the date the services were provided. This rate does"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was**

**referred**

**S.F. No. 499:** A bill for an act relating to occupations; modifying health-related licensing board provisions; amending Minnesota Statutes 2008, section 214.103, subdivision 9.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 1135:** A resolution apologizing on behalf of citizens of the state to all persons with mental illness and developmental and other disabilities who have been wrongfully committed to state institutions.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 1526:** A bill for an act relating to human services; amending continuing care provisions, including changes to medical assistance, nursing facilities, and data management; amending Minnesota Statutes 2008, sections 252.282, subdivisions 3, 5; 256B.0657, subdivisions 5, 8; 256B.0913, subdivisions 4, 5a, 12; 256B.0915, subdivision 2; 256B.431, subdivision 10; 256B.433, subdivision 1; 256B.438, subdivision 7; 256B.441, subdivisions 5, 11; 256B.5011, subdivision 2; 256B.5012, subdivisions 6, 7; 256B.5013, subdivisions 1, 6; 626.557, subdivision 12b; repealing Minnesota Statutes 2008, section 256B.5013, subdivisions 2, 3, 5.

Reports the same back with the recommendation that the bill be amended as follows:

Pages 3 to 5, delete sections 4 to 6

Page 8, line 16, reinstate the stricken "A"

Page 8, line 17, delete "facilities" and insert "facility" and delete "are" and insert "is"

Page 8, line 18, after the second comma, insert "and" and delete "were" and insert "was"

Page 9, line 8, strike "pursuant to" and insert "under"

Page 9, line 12, after "9505.0475" insert a comma

Page 10, delete section 11

Page 18, line 30, delete "at least a period of"

Page 18, line 31, before the period, insert "and then destroy the data unless otherwise directed by federal requirements"

Page 20, line 5, before the colon, insert "and then destroyed unless otherwise directed by federal requirements"

Page 20, lines 6, 10 and 13 delete "at least a period of" and insert "for "

Page 20, line 8, delete "at least a period"

Page 20, line 9, delete "of" and insert "for"

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was re-referred**

**S.F. No. 1235:** A bill for an act relating to public health; addressing youth violence as a public health problem; coordinating and aligning prevention and intervention programs addressing risk factors of youth violence; proposing coding for new law in Minnesota Statutes, chapter 145.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1 and insert:

"Section 1. **YOUTH VIOLENCE PREVENTION.**

Subdivision 1. **Definition.** For purposes of this section, "at-risk youth" means adolescents and teenagers who are likely to be a threat to the health and well-being of themselves or others through gang involvement, alcohol and drug use, unsafe sexual activity, dropping out of school, or through violence and other criminal activity.

Subd. 2. **Violence prevention programs for at-risk youth.** (a) Community-based violence prevention programs may apply to the commissioner of health for technical assistance. The programs must be community-based efforts serving at-risk youth and must work in collaboration with local schools, law enforcement agencies, faith communities, and community groups to provide a comprehensive approach to reducing youth violence by addressing the needs of at-risk youth.

(b) The programs must:

(1) ensure that there are trusted adults serving as role models and mentors for at-risk youth;

(2) intervene at the first signs that a youth may be at risk and strive to rehabilitate youth who are already involved in violence;

(3) work to strengthen families;

(4) work with schools in order to keep students engaged and help them prepare for higher education or job training; and

(5) teach self-respect and respect of others so that unsafe and unhealthy behaviors may be avoided.

(c) Violence prevention programs may include, but are not limited to:

(1) mentorship;

(2) job placement and support;

- (3) youth violence prevention training;
- (4) parent and family intervention and teaching parenting skills;
- (5) school-related initiative involving police liaison officers, youth leadership, peer mediation systems, after-school activities, and intervention in truancy cases;
- (6) chemical dependency and mental health intervention, screening, and assessment;
- (7) assisting juvenile offenders in reconnecting with families and reintegrating into the community;
- (8) working with youth to prevent sexual violence;
- (9) working with youth to prevent pregnancy and sexually transmitted infections; and
- (10) a youth helpline and street outreach workers to connect youth with needed services.

**Subd. 3. Coordination of prevention and intervention for programs for at-risk youth.**

(a) The commissioner of health, in collaboration with the commissioners of public safety, human services, and education, shall identify five community-based violence prevention programs that meet the criteria described in this section. One of these programs identified must be serving the youth in Minneapolis, one program must be serving the youth in St. Paul, and the remaining three programs must be serving youth in outstate communities.

(b) The commissioner of health shall provide technical support, within existing department resources, to these community programs including, but not limited to, assistance in seeking and applying for federal grants and private foundation funding.

(c) The commissioner of health shall monitor the progress of these programs in terms of the impact on public health and reducing juvenile violent crime, and shall identify the effective aspects of each program in order to assist other programs in replicating these successful aspects."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 676:** A bill for an act relating to human services; authorizing certain retroactive payments; authorizing certain additional elderly waiver services; establishing time frames for determining medical assistance eligibility; amending Minnesota Statutes 2008, sections 256B.0645; 256B.0915, by adding a subdivision; 256B.19, by adding a subdivision.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

**Senator Vickerman from the Committee on Agriculture and Veterans, to which was referred**

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

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

**Senator Vickerman from the Committee on Agriculture and Veterans, to which was referred**

**S.F. No. 1507:** A bill for an act relating to agriculture; establishing the Feeding Minnesota Task Force; proposing coding for new law in Minnesota Statutes, chapter 31.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 3, delete everything after "(16)" and insert "youth corps organizations."

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

**Senator Vickerman from the Committee on Agriculture and Veterans, to which was referred**

**S.F. No. 566:** A bill for an act relating to agriculture; changing certain provisions of the pesticide control law and the fertilizer, soil amendment, and plant amendment law; amending Minnesota Statutes 2008, sections 18B.065, subdivisions 2, 2a; 18C.415, subdivision 3; 18C.421; 18C.425, subdivisions 4, 6.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

**Senator Vickerman from the Committee on Agriculture and Veterans, to which was referred**

**H.F. No. 598:** A bill for an act relating to agriculture; changing certain provisions of the nursery law; amending Minnesota Statutes 2008, sections 18H.02, subdivision 12a, by adding subdivisions; 18H.07, subdivisions 2, 3; 18H.09; 18H.10; repealing Minnesota Rules, part 1505.0820.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Prettner Solon from the Committee on Energy, Utilities, Technology and Communications, to which was referred**

**S.F. No. 896:** A bill for an act relating to energy; authorizing two or more existing municipal power agencies to form a new municipal power agency; amending Minnesota Statutes 2008, sections 453.52, subdivisions 2, 7, 8; 453.53, subdivisions 1, 2, 3, 4, 8, 9; 453.55, subdivision 13.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was re-referred**

**S.F. No. 763:** A bill for an act relating to elections; requiring notice of restoration of civil rights; proposing coding for new law in Minnesota Statutes, chapters 201; 243; 630.



Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 7, after "information" insert "in a single publication"

Page 1, line 8, delete "in a single" and insert a period

Page 1, delete line 9 and insert "This publication must be made available electronically to the state court"

Page 1, line 11, delete the first "and" and insert a comma and after "officers" insert a comma

Page 1, line 12, delete "to"

Page 2, line 11, delete "automatically"

Page 2, line 15, delete "can also" and insert "also can"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was re-referred**

**S.F. No. 564:** A bill for an act relating to elections; restoring the civil rights of an individual upon release from incarceration; requiring notice; amending Minnesota Statutes 2008, sections 201.014, by adding a subdivision; 201.071, subdivision 1; 201.155; 204C.08, subdivision 1a; 204C.10; 609.165, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 201; 243; 630.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 9, after "information" insert "in a single publication"

Page 3, line 10, delete "in a" and insert a period

Page 3, delete line 11 and insert "This publication must be made available electronically to the state"

Page 3, line 13, delete the first "and" and insert a comma

Page 3, line 14, after "agents" insert a comma and delete "to"

Page 5, line 20, delete "automatically"

Page 5, line 24, delete "can also" and insert "also can"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was referred**

**S.F. No. 645:** A bill for an act relating to public safety; modifying and expanding the conditional release program for nonviolent drug offenders; extending the program's sunset; modifying the mandatory minimum sentence for repeat fifth-degree controlled substance offenders; amending Minnesota Statutes 2008, sections 152.025, subdivision 3; 244.055, subdivisions 2, 3, 5, 11, by

adding a subdivision; repealing Minnesota Statutes 2008, section 244.055, subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1

Page 3, after line 3, insert:

"Sec. 4. Minnesota Statutes 2008, section 244.055, subdivision 7, is amended to read:

**Subd. 7. Release procedures.** After consulting with the panel of judges created under subdivision 7a, the commissioner may deny conditional release to an offender under this section if the commissioner determines that the offender's release may reasonably pose a danger to the public or an individual. In making this determination, the commissioner shall follow the procedures contained in section 244.05, subdivision 5, and the rules adopted by the commissioner under that subdivision. The commissioner shall consider whether the offender was involved in criminal gang activity during the offender's prison term. The commissioner shall also consider the offender's custody classification and level of risk of violence and the availability of appropriate community supervision for the offender. Conditional release granted under this section continues until the offender's sentence expires, unless release is rescinded under subdivision 8. The commissioner may not grant conditional release unless a release plan is in place for the offender that addresses, at a minimum, plans for aftercare, community-based chemical dependency treatment, gaining employment, and securing housing.

Sec. 5. Minnesota Statutes 2008, section 244.055, is amended by adding a subdivision to read:

**Subd. 7a. Panel of judges.** The Chief Justice of the Supreme Court shall appoint three retired judges to advise the commissioner of corrections on eligibility decisions made under this section."

Page 3, delete section 6

Page 3, line 12, delete "subdivision 6, is repealed" and insert "subdivisions 6 and 11, are repealed"

Renumber the sections in sequence

Amend the title accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

#### **Senator Moua from the Committee on Judiciary, to which was referred**

**S.F. No. 562:** A bill for an act relating to civil liability; limiting admission of criminal history evidence in actions against private employers; proposing coding for new law in Minnesota Statutes, chapter 181.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [181.986] EMPLOYMENT OF INDIVIDUAL WITH CRIMINAL HISTORY; LIMITATION ON ADMISSIBILITY OF EVIDENCE.

Subdivision 1. **Limitation on admissibility of criminal history.** Information regarding a criminal history record of an employee or former employee may not be introduced as evidence in a civil action against a private employer or its employees or agents that is based on the conduct of the employee or former employee, if:

(1) the duties of the position of employment did not expose members of the public to a greater degree of risk than that created by the employee or former employee interacting with the public outside of the duties of the position or that might be created by being employed in general;

(2) before the occurrence of the act giving rise to the civil action, a court order sealed any record of the criminal case or the employee or former employee received a pardon; or

(3) the record is of an arrest or charge that did not result in a criminal conviction.

Subd. 2. **Relation to other law.** This section does not supersede a statutory requirement to conduct a criminal history background investigation or consider criminal history records in hiring for particular types of employment.

**EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to actions commenced on or after that date.

Sec. 2. Minnesota Statutes 2008, section 240.08, is amended by adding a subdivision to read:

Subd. 2a. **Certain occupational licenses.** The commission may issue a license to an applicant otherwise disqualified under subdivision 2, clause (b), for an occupation that does not involve gaming operations, security, surveillance, or the handling of pari-mutuel or card club revenues if the applicant has not been convicted of a felony or a crime involving fraud or misrepresentation within ten years of the application, has never been convicted of a gambling-related offense, does not have a felony charge pending, has been discharged from any supervision related to the disqualifying offense for a period of at least five years, and is not required to register under section 243.166.

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

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "modifying licensure disqualifications for pari-mutuel horse racing;"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on State and Local Government Operations and Oversight. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was re-referred**

**S.F. No. 538:** A bill for an act relating to public safety; addressing the consideration of a job applicant's criminal history during the public employment hiring process; proposing coding for new law in Minnesota Statutes, chapter 364.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 14, insert:

"(c) This section does not prohibit a public employer from notifying applicants that law or the employer's policy will disqualify an individual with a particular criminal history background from employment in particular positions."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was referred**

**S.F. No. 560:** A bill for an act relating to public safety; expanding and modifying the expungement law; authorizing courts to modify or suspend collateral sanctions under certain circumstances; limiting the situations in which a juvenile delinquency criminal record is publicly available; amending Minnesota Statutes 2008, sections 260B.171, subdivisions 4, 5; 609.135, by adding a subdivision; 609A.02, subdivisions 2, 3; 609A.03, subdivisions 2, 3, 4, 5, 5a, 7; proposing coding for new law in Minnesota Statutes, chapter 609A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 8, line 19, before the comma, insert "or (c)"

Page 8, line 33, before "subdivision" insert "section 609A.02," and after the comma, insert "clause (1) or (2),"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was re-referred**

**S.F. No. 537:** A bill for an act relating to higher education; requiring postsecondary institutions to notify prospective students of the potential effects of a criminal conviction on future employment; proposing coding for new law in Minnesota Statutes, chapter 135A.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Moua from the Committee on Judiciary, to which was referred**

**S.F. No. 1097:** A bill for an act relating to public safety; establishing certificates of good conduct and describing the effects of a certificate and eligibility for one; appropriating money; amending Minnesota Statutes 2008, sections 364.03, subdivision 3; 364.09; 609A.03, subdivisions 1, 2; 611A.06, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 364.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

**Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 1110:** A bill for an act relating to natural resources; modifying state park permit requirements; modifying authority to operate state monuments and establish secondary units; eliminating liquor service at John A. Latsch State Park; providing for establishment of boater waysides; modifying watercraft operation requirements; providing for appeals and enforcement

of certain civil penalties; providing for taking wild animals to protect public safety; providing for notice of changes to public waters inventory; modifying critical habitat plate eligibility; amending Minnesota Statutes 2008, sections 85.053, subdivision 3; 85.054, by adding subdivisions; 85.21; 86A.05, by adding a subdivision; 86A.08, subdivision 1; 86A.09, subdivision 1; 86B.311, by adding a subdivision; 97A.321; 103G.201; 168.1296, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2008, section 85.0505, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 84.027, subdivision 13, is amended to read:

Subd. 13. **Game and fish rules.** (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game and fish, to prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife disease, to open or close bodies of water or portions of bodies of water for night bow fishing, and to prohibit or allow importation, transportation, or possession of a wild animal;

(2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas; and

(3) section 84D.12 to designate prohibited invasive species, regulated invasive species, unregulated nonnative species, and infested waters.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the Legislative Coordinating Commission, and complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The emergency conditions for opening a water body or portion of a water body for night bow fishing under this section may include the need to temporarily open the area to evaluate compatibility of the activity on that body of water prior to permanent rulemaking. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

Sec. 2. Minnesota Statutes 2008, section 84.105, is amended to read:

**84.105 WILD RICE SEASON.**

Ripe wild rice may be harvested from ~~July~~ August 15 to September 30.

Sec. 3. Minnesota Statutes 2008, section 84.66, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purpose of this section, the following terms have the meanings given:

- (1) "forest land" has the meaning given under section 89.001, subdivision 4;
- (2) "forest resources" has the meaning given under section 89.001, subdivision 8;
- (3) "guidelines" has the meaning given under section 89A.01, subdivision 8;
- (4) "riparian land" has the meaning given under section 103F.511, subdivision ~~8a~~ 8b; and

(5) "working forest land" means land that provides a broad range of goods and services, including forest products, recreation, fish and wildlife habitat, clean air and water, and carbon sequestration.

Sec. 4. Minnesota Statutes 2008, section 85.053, subdivision 3, is amended to read:

Subd. 3. ~~Second-vehicle~~ **Multiple-vehicle permits.** The commissioner shall prescribe and issue ~~second-vehicle~~ multiple-vehicle state park permits for persons who own more than one motor vehicle and who request a ~~second~~ multiple-vehicle permit for ~~the second-vehicle~~ additional vehicles on a form prescribed by the commissioner. ~~The commissioner may issue an applicant only one second-vehicle permit.~~

Sec. 5. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision to read:

Subd. 15. **John A. Latsch State Park.** A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the parking lot located adjacent to John Latsch Road and Trunk Highway 61 at John A. Latsch State Park.

Sec. 6. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision to read:

Subd. 16. **Greenleaf Lake State Recreation Area.** A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at Greenleaf Lake State Recreation Area.

Sec. 7. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision to read:

Subd. 17. **School-sanctioned activities.** A state park permit is not required and a fee may not be charged for vehicles transporting K-12 students engaged in school district sanctioned activities at state parks.

Sec. 8. Minnesota Statutes 2008, section 86A.05, is amended by adding a subdivision to read:

Subd. 15. **State boater wayside.** (a) Boater waysides may be established to provide for public use.

(b) No unit shall be authorized as a state boater wayside unless its proposed location substantially satisfies the following criteria:

(1) contains resources that are desirable for use by boaters;

(2) is accessible by persons traveling by boat, canoe, or kayak; and

(3) may be near, associated with, or located within a unit of the outdoor recreation system under this section.

(c) State boater waysides shall be administered by the commissioner of natural resources in a manner that is consistent with the purpose of this subdivision. Facilities for sanitation, picnicking, overnight mooring, camping, fishing, and swimming may be provided when the commissioner determines that these activities are justifiable and compatible with the resources and the natural environment.

Sec. 9. Minnesota Statutes 2008, section 86A.08, subdivision 1, is amended to read:

Subdivision 1. **Secondary authorization; when permitted.** A unit of the outdoor recreation system may be authorized wholly or partially within the boundaries of another unit only when the authorization is consistent with the purposes and objectives of the respective units ~~and only in the instances permitted below:~~

~~(a) The following units may be authorized wholly or partially within a state park: historic site, scientific and natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.~~

~~(b) The following units may be authorized wholly or partially within a state recreation area: historic site, scientific and natural area, wild, scenic, and recreational river, trail, rest area, aquatic management area, wildlife management area, and water access site.~~

~~(c) The following units may be authorized wholly or partially within a state forest: state park, state recreation area, historic site, wildlife management area, scientific and natural area, wilderness area, wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.~~

~~(d) The following units may be authorized wholly or partially within a state historic site: wild, scenic, and recreational river, trail, rest area, aquatic management area, and water access site.~~

~~(e) The following units may be authorized wholly or partially within a state wildlife management area: state water access site and aquatic management area.~~

~~(f) The following units may be authorized wholly or partially within a state wild, scenic, or recreational river: state park, historic site, scientific and natural area, wilderness area, trail, rest area, aquatic management area, and water access site.~~

~~(g) The following units may be authorized wholly or partially within a state rest area: historic site, trail, wild, scenic, and recreational river, aquatic management area, and water access site.~~

~~(h) The following units may be authorized wholly or partially within an aquatic management area: historic site, scientific and natural area, wild, scenic, and recreational river, and water access site.~~

Sec. 10. Minnesota Statutes 2008, section 86A.09, subdivision 1, is amended to read:

Subdivision 1. **Master plan required.** No construction of new facilities or other development of an authorized unit, other than repairs and maintenance, shall commence until the managing agency has prepared and submitted to the commissioner of natural resources and the commissioner has reviewed, pursuant to this section, a master plan for administration of the unit in conformity with this section. No master plan is required for wildlife management areas that do not have resident managers, for water access sites, for aquatic management areas, ~~or for rest areas,~~ or for boater waysides.

Sec. 11. Minnesota Statutes 2008, section 86B.311, is amended by adding a subdivision to read:

Subd. 6. **Law enforcement watercraft displaying emergency lights.** When approaching and passing a law enforcement watercraft with its emergency lights activated, the operator of a watercraft must safely move the watercraft away from the law enforcement watercraft and maintain a slow-no wake speed while within 150 feet of the law enforcement watercraft.

Sec. 12. Minnesota Statutes 2008, section 97A.137, is amended by adding a subdivision to read:

Subd. 4. **Exemption from certain local ordinances.** (a) Wildlife management areas that are established according to section 86A.05, subdivision 8; designated under section 97A.133 or 97A.145; and 160 contiguous acres or larger are exempt from local ordinances that limit the use and management of the unit as authorized by state law.

(b) Wildlife management areas that are established according to section 86A.05, subdivision 8; designated under section 97A.133 or 97A.145; and at least 40 contiguous acres and less than 160 contiguous acres are exempt from local ordinances that:

- (1) restrict trapping;
- (2) restrict the discharge of archery equipment;
- (3) restrict the discharge of shotguns with shot sizes of number four buckshot or smaller diameter shot;
- (4) restrict noise;
- (5) require dogs on a leash; or
- (6) would in any manner restrict the management of the unit as authorized by state law.

Sec. 13. Minnesota Statutes 2008, section 97A.321, is amended to read:



**97A.321 DOGS PURSUING OR KILLING BIG GAME.**

Subdivision 1. **Owner responsibility; penalty amount.** The owner of a dog that pursues but does not kill a big game animal is subject to a civil penalty of \$100 for each violation. The owner of a dog that kills a big game animal is subject to a civil penalty of \$500 for each violation.

Subd. 2. **Appeals.** Civil penalties under this section may be appealed according to procedures in section 116.072, subdivision 6, if the person requests a hearing by notifying the commissioner in writing within 15 days after receipt of the citation. If a hearing is not requested within the 15-day period, the civil penalty becomes a final order not subject to further review.

Subd. 3. **Enforcement.** Civil penalties under this section may be enforced according to section 116.072, subdivisions 9 and 10.

Subd. 4. **Payment of penalty.** Penalty amounts shall be remitted to the commissioner within 30 days of issuance of the penalty notice and shall be deposited in the game and fish fund.

**Sec. 14. [97B.657] TAKING WILD ANIMALS TO PROTECT PUBLIC SAFETY.**

A licensed peace officer may, at any time, take a protected wild animal that is posing an immediate threat to public safety. A peace officer who destroys a protected wild animal under this section must report the taking to a conservation officer as soon as practicable, but no later than 48 hours after the animal is destroyed.

Sec. 15. Minnesota Statutes 2008, section 103B.101, subdivision 1, is amended to read:

Subdivision 1. **Membership.** The Board of Water and Soil Resources is composed of ~~12~~ 15 appointed members knowledgeable of water and soil problems and conditions within the state and five ex officio members.

Sec. 16. Minnesota Statutes 2008, section 103B.101, subdivision 2, is amended to read:

Subd. 2. **Voting members.** (a) The members are:

(1) three county commissioners;

(2) three soil and water conservation district supervisors;

(3) three watershed district or watershed management organization representatives;

(4) three citizens who are not employed by, or the appointed or elected officials of, a governmental office, board, or agency;

(5) one township officer;

(6) two elected city officials, one of whom must be from a city located in the metropolitan area, as defined under section 473.121, subdivision 2;

~~(5)~~ (7) the commissioner of agriculture;

~~(6)~~ (8) the commissioner of health;

~~(7)~~ (9) the commissioner of natural resources;

~~(8)~~ (10) the commissioner of the Pollution Control Agency; and

~~(9)~~ (11) the director of the University of Minnesota Extension Service.

(b) Members in paragraph (a), clauses (1) to ~~(4)~~ (6), must be distributed across the state with at least ~~three~~ four members but not more than ~~five~~ six members from the metropolitan area, as defined by section 473.121, subdivision 2; and one from each of the current soil and water conservation administrative regions.

(c) Members in paragraph (a), clauses (1) to ~~(4)~~ (6), are appointed by the governor. In making the appointments, the governor may consider persons recommended by the Association of Minnesota Counties, the Minnesota Association of Townships, the League of Minnesota Cities, the Minnesota Association of Soil and Water Conservation Districts, and the Minnesota Association of Watershed Districts. The list submitted by an association must contain at least three nominees for each position to be filled.

(d) The membership terms, compensation, removal of members and filling of vacancies on the board for members in paragraph (a), clauses (1) to ~~(4)~~ (6), are as provided in section 15.0575.

Sec. 17. Minnesota Statutes 2008, section 103B.3369, subdivision 5, is amended to read:

Subd. 5. **Financial assistance.** A base grant may be awarded to a county that ~~levies~~ provides a match utilizing a water implementation tax or other local source. A water implementation tax that a county intends to use as a match to the base grant must be levied at a rate, which shall be determined by the board. The minimum amount of the water implementation tax shall be a tax rate times the adjusted net tax capacity of the county for the preceding year. The rate shall be the rate, rounded to the nearest .001 of a percent, that, when applied to the adjusted net tax capacity for all counties, raises the amount of \$1,500,000. The base grant will be in an amount equal to \$37,500 less the amount raised by ~~that levy~~ the local match. If the amount necessary to implement the local water plan for the county is less than \$37,500, the amount of the base grant shall be the amount that, when added to the ~~levy~~ match amount, equals the amount required to implement the plan. For counties where the tax rate generates an amount equal to or greater than \$18,750, the base grant shall be in an amount equal to \$18,750.

Sec. 18. Minnesota Statutes 2008, section 103C.501, subdivision 2, is amended to read:

Subd. 2. **Request by district board.** ~~(a)~~ A district board requesting funds of the state board must submit an application in a form prescribed by the board containing:

- (1) a comprehensive plan;
- (2) an annual work plan; and
- (3) an application for cost-sharing funds.

~~(b) The comprehensive and annual work plans must be completed as provided in section 103C.331, subdivision 11. After review of the district's comprehensive plan, the state board must approve the comprehensive plan with necessary amendments or reject the plan.~~

Sec. 19. Minnesota Statutes 2008, section 103C.501, subdivision 4, is amended to read:

Subd. 4. **Cost-sharing funds.** (a) The state board shall allocate at least 70 percent of cost-sharing

funds to areas with high priority erosion, sedimentation, or water quality problems or water quantity problems due to altered hydrology. The areas must be selected based on the statewide priorities established by the state board. The allocated funds must be used for conservation practices for high priority problems identified in the comprehensive and annual work plans of the districts.

(b) The remaining cost-sharing funds may be allocated to districts as follows:

- (1) for technical and administrative assistance, not more than 20 percent of the funds; and
- (2) for conservation practices for lower priority erosion, sedimentation, or water quality problems.

Sec. 20. Minnesota Statutes 2008, section 103C.501, subdivision 5, is amended to read:

Subd. 5. **Contracts by districts.** (a) A district board may contract on a cost-share basis to furnish financial aid to a land occupier or to a state agency for permanent systems for erosion or sedimentation control or water quality ~~improvement~~ or water quantity improvements that are consistent with the district's comprehensive and annual work plans.

(b) The duration of the contract must, at a minimum, be the time required to complete the planned systems. A contract must specify that the land occupier is liable for monetary damages and penalties in an amount up to 150 percent of the financial assistance received from the district, for failure to complete the systems or practices in a timely manner or maintain the systems or practices as specified in the contract.

(c) A contract may provide for cooperation or funding with federal agencies. A land occupier or state agency may provide the cost-sharing portion of the contract through services in kind.

(d) The state board or the district board may not furnish any financial aid for practices designed only to increase land productivity.

(e) When a district board determines that long-term maintenance of a system or practice is desirable, the board may require that maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under section 84.65.

Sec. 21. Minnesota Statutes 2008, section 103C.501, subdivision 6, is amended to read:

Subd. 6. **Policies and rules.** (a) The state board may adopt rules and shall adopt ~~rules~~ policies prescribing:

- (1) procedures and criteria for allocating funds for cost-sharing contracts;
- (2) standards and guidelines for cost-sharing contracts;
- (3) the scope and content of district comprehensive plans, plan amendments, and annual work plans;
- (4) standards and methods necessary to plan and implement a priority cost-sharing program, including guidelines to identify high priority erosion, sedimentation, and water quality problems and water quantity problems due to altered hydrology;
- (5) the share of the cost of conservation practices to be paid from cost-sharing funds; and

(6) requirements for districts to document their efforts to identify and contact land occupiers with high priority erosion problems.

(b) The rules may provide that cost-sharing may be used for farmstead windbreaks and shelterbelts for the purposes of energy conservation and snow protection.

(c) The board may establish alternative practices to those defined in section 84.02 for restoration or establishment of native prairie, grasslands, shorelands, riparian buffers, or wetlands based on soil type, seed availability, adjacent land uses, project or practice purpose, or other site-specific factors.

Sec. 22. Minnesota Statutes 2008, section 103F.505, is amended to read:

**103F.505 PURPOSE AND POLICY.**

It is the purpose of sections 103F.505 to 103F.531 to ~~keep~~ restore certain marginal agricultural land ~~out of crop production~~ and protect environmentally sensitive areas to ~~protect~~ enhance soil and water quality, minimize damage to flood-prone areas, sequester carbon, and support native plant, fish, and wildlife habitat habitats. It is state policy to encourage the restoration of wetlands and riparian lands and promote the retirement of marginal, highly erodible land, particularly land adjacent to public waters, drainage systems, wetlands, and locally designated priority waters, ~~from crop production and to reestablish a cover of perennial vegetation.~~

Sec. 23. Minnesota Statutes 2008, section 103F.511, subdivision 5, is amended to read:

Subd. 5. **Drained wetland.** "Drained wetland" means a former natural wetland that has been altered by draining, dredging, filling, leveling, or other manipulation sufficient to render the land suitable for agricultural crop production. ~~The alteration must have occurred before December 23, 1985, and must be a legal alteration as determined by the commissioner of natural resources.~~

Sec. 24. Minnesota Statutes 2008, section 103F.511, is amended by adding a subdivision to read:

Subd. 8a. **Reinvest in Minnesota reserve program.** "Reinvest in Minnesota reserve program" means the program established under section 103F.515.

Sec. 25. Minnesota Statutes 2008, section 103F.511, subdivision 8a, is amended to read:

Subd. ~~8a~~ **8b. Riparian land.** "Riparian land" means lands adjacent to public waters, drainage systems, wetlands, or locally designated priority waters ~~identified in a comprehensive local water plan, as defined in section 103B.3363, subdivision 3.~~

Sec. 26. Minnesota Statutes 2008, section 103F.515, subdivision 1, is amended to read:

Subdivision 1. **Establishment of program.** The board, in consultation with the commissioner of agriculture and the commissioner of natural resources, shall establish and administer a ~~conservation~~ the reinvest in Minnesota reserve program. The board shall implement sections 103F.505 to 103F.531. Selection of land for the ~~conservation~~ reinvest in Minnesota reserve program must be based on its enhancement potential for fish and wildlife production, and native plant habitats, reducing erosion, and protecting water quality.

Sec. 27. Minnesota Statutes 2008, section 103F.515, subdivision 2, is amended to read:

Subd. 2. **Eligible land.** (a) Land may be placed in the ~~conservation~~ reinvest in Minnesota reserve

program if the land meets the requirements of paragraphs (b) and (c).

(b) Land is eligible if the land:

- (1) is marginal agricultural land;
- (2) is adjacent to marginal agricultural land and is either beneficial to resource protection or necessary for efficient recording of the land description;
- (3) consists of a drained wetland;
- (4) is land that with a windbreak or water quality improvement practice would be beneficial to resource protection;
- (5) is land in a sensitive groundwater area;
- (6) is riparian land;
- (7) is cropland or noncropland adjacent to restored wetlands to the extent of up to four acres of cropland or one acre of noncropland for each acre of wetland restored;
- (8) is a woodlot on agricultural land;
- (9) is abandoned building site on agricultural land, provided that funds are not used for compensation of the value of the buildings; or
- (10) is land ~~on a hillside~~ used for pasture.

(c) Eligible land under paragraph (a) must:

- (1) be owned by the landowner, or a parent or other blood relative of the landowner, for at least one year before the date of application;
- (2) be at least five acres in size, except for a drained wetland area, riparian area, windbreak, woodlot, or abandoned building site, or be a whole field ~~as defined by the United States Agricultural Stabilization and Conservation Services;~~
- (3) not be set aside, enrolled or diverted under another federal or state government program unless enrollment in the conservation reinvest in Minnesota reserve program would provide additional conservation benefits or a longer term of enrollment than under the current federal or state program; and
- (4) have been in agricultural crop production for at least two of the last five years before the date of application, except drained wetlands, riparian lands, woodlots, abandoned building sites, environmentally sensitive areas, or land on a hillside used for pasture.

~~(d) In selecting drained wetlands for enrollment in the program, the highest priority must be given to wetlands with a cropping history during the period 1976 to 1985.~~

~~(e) In selecting land for enrollment in the program, highest priority must be given to permanent easements that are consistent with the purposes stated in section 103F.505.~~

Sec. 28. Minnesota Statutes 2008, section 103F.515, subdivision 4, is amended to read:

Subd. 4. **Nature of property rights acquired.** (a) A conservation easement must prohibit:

(1) alteration of wildlife habitat and other natural features, unless specifically approved by the board;

(2) agricultural crop production and livestock grazing, unless specifically approved by the board for wildlife conservation management purposes; and

~~(3) grazing of livestock except, for agreements entered before the effective date of Laws 1990, chapter 391, grazing of livestock may be allowed only if approved by the board after consultation with the commissioner of natural resources, in the case of severe drought, or a local emergency declared under section 12.29; and~~

~~(4) spraying with chemicals or mowing, except as necessary to comply with noxious weed control laws ~~or~~, for emergency control of pests necessary to protect public health, or as approved by the board for conservation management purposes.~~

(b) A conservation easement is subject to the terms of the agreement provided in subdivision 5.

(c) A conservation easement must allow repairs, improvements, and inspections necessary to maintain public drainage systems provided the easement area is restored to the condition required by the terms of the conservation easement.

Sec. 29. Minnesota Statutes 2008, section 103F.515, subdivision 5, is amended to read:

Subd. 5. **Agreements by landowner.** The board may enroll eligible land in the ~~conservation~~ reinvest in Minnesota reserve program by signing an agreement in recordable form with a landowner in which the landowner agrees:

(1) to convey to the state a conservation easement that is not subject to any prior title, lien, or encumbrance;

(2) to seed the land subject to the conservation easement, as specified in the agreement, to establish and maintain perennial cover of either a grass-legume mixture or native grasses for the term of the easement, at seeding rates determined by the board; or to plant trees or carry out other long-term capital improvements approved by the board for soil and water conservation or wildlife management;

(3) to convey to the state a permanent easement for the wetland restoration;

(4) that other land supporting natural vegetation owned or leased as part of the same farm operation at the time of application, if it supports natural vegetation ~~or~~ and has not been used in agricultural crop production, will not be converted to agricultural crop production or pasture; and

(5) that the easement duration may be lengthened through mutual agreement with the board in consultation with the commissioners of agriculture and natural resources if they determine that the changes effectuate the purpose of the program or facilitate its administration.

Sec. 30. Minnesota Statutes 2008, section 103F.515, subdivision 6, is amended to read:

Subd. 6. **Payments for conservation easements and establishment of ~~cover~~ conservation practices.** (a) The board ~~must make the following~~ shall establish rates for payments to the landowner

for the conservation easement and ~~agreement~~; related practices. The board shall consider market factors, including the township average equalized estimated market value of property as established by the commissioner of revenue at the time of easement application.

~~(1) to establish the perennial cover or other improvements required by the agreement;~~

~~(i) except as provided in items (ii) and (iii), up to 75 percent of the total eligible cost not to exceed \$125 per acre for limited duration easements and 100 percent of the total eligible cost not to exceed \$150 per acre for perpetual easements;~~

~~(ii) for native species restoration, 75 percent of the total eligible cost not to exceed \$200 per acre for limited duration easements and 100 percent of the total eligible cost not to exceed \$300 per acre for perpetual easements; and~~

~~(iii) 100 percent of the total eligible cost of wetland restoration not to exceed \$600 per acre;~~

~~(2) for the cost of planting trees required by the agreement, up to 75 percent of the total eligible cost not to exceed \$250 per acre for limited duration easements, and 100 percent of the total eligible cost not to exceed \$400 per acre for perpetual easements;~~

~~(3) for a permanent easement, 70 percent of the township average equalized estimated market value of agricultural property as established by the commissioner of revenue at the time of easement application;~~

~~(4) for an easement of limited duration, 90 percent of the present value of the average of the accepted bids for the federal conservation reserve program, as contained in Public Law 99-198, in the relevant geographic area and on bids accepted at the time of easement application; or~~

~~(5) an alternative payment system for easements based on cash rent or a similar system as may be determined by the board.~~

~~(b) For hillside pasture conservation easements, the payments to the landowner in paragraph (a) for the conservation easement and agreement must be reduced to reflect the value of similar property.~~

(b) The board may establish alternative practices to those defined in section 84.02 for restoration of native prairie, grasslands, or wetlands based on soil type, seed availability, adjacent land uses, or other site-specific factors.

(c) The board may establish a payment system for flowage easements acquired under this section.

(d) For wetland restoration projects involving more than one conservation easement, state payments for restoration costs may exceed the limits set ~~forth in this section~~ by the board for an individual easement provided the total payment for the restoration project does not exceed the amount payable for the total number of acres involved.

(e) The board may use available nonstate funds to exceed the payment limits in this section.

Sec. 31. Minnesota Statutes 2008, section 103F.521, subdivision 1, is amended to read:

Subdivision 1. **Cooperation.** In implementing sections 103F.505 to 103F.531, the board must share information and cooperate with the Department of Agriculture, the Department of Natural Resources, the Pollution Control Agency, the United States Fish and Wildlife Service, ~~the~~

~~Agricultural Stabilization and Conservation Service and Soil Conservation Service of the United States Department of Agriculture, the Minnesota Extension Service, the University of Minnesota, county boards, soil and water conservation districts, watershed districts, and interested private organizations and individuals.~~

Sec. 32. Minnesota Statutes 2008, section 103F.525, is amended to read:

**103F.525 SUPPLEMENTAL PAYMENTS ON FEDERAL AND STATE CONSERVATION PROGRAMS.**

The board may supplement payments made under federal land retirement programs to the extent of available appropriations ~~other than bond proceeds.~~ The supplemental payments must be used to establish perennial cover on land enrolled or increase payments for land enrollment in programs approved by the board, ~~including the federal conservation reserve program and federal and state water bank program.~~

Sec. 33. Minnesota Statutes 2008, section 103F.526, is amended to read:

**103F.526 FOOD PLOTS IN WINDBREAKS.**

The board, ~~in cooperation with the commissioner of natural resources,~~ may authorize wildlife food plots on land ~~with windbreaks~~ enrolled in a conservation easement under section 103F.515.

Sec. 34. Minnesota Statutes 2008, section 103F.531, is amended to read:

**103F.531 RULEMAKING.**

The board may adopt rules or policy to implement sections 103F.505 to 103F.531. ~~The rules must include standards for tree planting so that planting does not conflict with existing electrical lines, telephone lines, rights of way, or drainage ditches.~~

Sec. 35. Minnesota Statutes 2008, section 103F.535, subdivision 5, is amended to read:

Subd. 5. **Release and alteration of conservation easements.** Conservation easements ~~existing under this section, as of April 30, 1992,~~ may be altered, released, or terminated by the board of Water and Soil Resources after consultation with the commissioners of agriculture and natural resources. The board may alter, release, or terminate a conservation easement only if the board determines that the public interest and general welfare are better served by the alteration, release, or termination.

Sec. 36. Minnesota Statutes 2008, section 103G.201, is amended to read:

**103G.201 PUBLIC WATERS INVENTORY.**

(a) The commissioner shall ~~prepare~~ maintain a public waters inventory map of each county that shows the waters of this state that are designated as public waters under the public waters inventory and classification procedures prescribed under Laws 1979, chapter 199, and shall provide access to a copy of the maps and lists. ~~The~~ As county public waters inventory map for each county must be filed with maps and lists are revised according to this section, the commissioner shall send a notification or a copy of the maps and lists to the auditor of ~~the~~ each affected county.

(b) The commissioner is authorized to revise the list of public waters established under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously identified as public waters



wetlands under Laws 1979, chapter 199, as public waters or as wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify public waters wetlands as public waters if:

(1) they are assigned a shoreland management classification by the commissioner under sections 103F.201 to 103F.221;

(2) they are classified as lacustrine wetlands or deepwater habitats according to Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979 edition); or

(3) the state or federal government has become titleholder to any of the beds or shores of the public waters wetlands, subsequent to the preparation of the public waters inventory map filed with the auditor of the county, pursuant to paragraph (a), and the responsible state or federal agency declares that the water is necessary for the purposes of the public ownership.

(c) The commissioner must provide notice of the reclassification to the local government unit, the county board, the watershed district, if one exists for the area, and the soil and water conservation district. Within 60 days of receiving notice from the commissioner, a party required to receive the notice may provide a resolution stating objections to the reclassification. If the commissioner receives an objection from a party required to receive the notice, the reclassification is not effective. If the commissioner does not receive an objection from a party required to receive the notice, the reclassification of a wetland under paragraph (b) is effective 60 days after the notice is received by all of the parties.

(d) The commissioner shall give priority to the reclassification of public waters wetlands that are or have the potential to be affected by public works projects.

(e) The commissioner may revise the public waters inventory map and list of each county:

(1) to reflect the changes authorized in paragraph (b); and

(2) as needed, to:

(i) correct errors in the original inventory;

(ii) add or subtract trout stream tributaries within sections that contain a designated trout stream following written notice to the landowner;

(iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds 50 acres and the shoreland has been zoned for residential development; and

(iv) add or subtract public waters that have been created or eliminated as a requirement of a permit authorized by the commissioner under section 103G.245.

**Sec. 37. [103G.408] TEMPORARY DRAWDOWN OF PUBLIC WATERS.**

(a) The commissioner, upon consideration of recommendations and objections as provided in clause (4) and paragraph (c), may issue a public waters work permit for the temporary drawdown of a public water when:

(1) the permit applicant is a public entity;

(2) the commissioner deems the project to be beneficial and in the public interest;

(3) the permit applicant has obtained written permission from a majority of the riparian landowners; and

(4) the permit applicant has conducted a public hearing according to paragraph (d).

(b) In addition to the requirements in section 103G.301, subdivision 6, the permit applicant shall serve a copy of the application on each county and municipality within which any portion of the public water is located and on the lake improvement district, if one exists.

(c) A county, municipality, watershed district, watershed management organization, or lake improvement district required to be served under paragraph (b) or section 103G.301, subdivision 6, may file a written recommendation for the issuance of a permit or an objection to the issuance of a permit with the commissioner within 30 days after receiving a copy of the application.

(d) The hearing notice for a public hearing under paragraph (a), clause (4), must:

(1) include the date, place, and time for the hearing;

(2) include the waters affected and a description of the proposed project;

(3) be mailed to the director, the county auditor, the clerk or mayor of a municipality, the lake improvement district if one exists, the watershed district or water management organization, the soil and water conservation district, and all riparian owners of record affected by the application; and

(4) be published in a newspaper of general circulation in the affected area.

(e) This section does not apply to public waters that have been designated for wildlife management under section 97A.101.

Sec. 38. Minnesota Statutes 2008, section 168.1296, subdivision 1, is amended to read:

Subdivision 1. **General requirements and procedures.** (a) The commissioner shall issue critical habitat plates to an applicant who:

(1) is a registered owner of a passenger automobile, one-ton pickup truck or recreational vehicle;

(2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

(3) pays the registration tax required under section 168.013;

(4) pays the fees required under this chapter;

(5) contributes a minimum of \$30 annually to the Minnesota critical habitat private sector matching account established in section 84.943; and

(6) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

(b) The critical habitat plate application must indicate that the annual contribution specified under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the applicant may make an additional contribution to the account.

(c) Owners of one-ton pickup trucks or recreational vehicles under paragraph (a), clause (1), ~~are may be eligible only for special critical habitat license plates for which the designs are selected~~

~~under subdivision 2~~, on or after January 1, 2006 2012.

(d) Special critical habitat license plates, ~~the designs for which are selected under subdivision 2~~, on or after January 1, 2006, may be personalized according to section 168.12, subdivision 2a on or after January 1, 2012.

**Sec. 39. CONSUMPTIVE USE OF WATER.**

Pursuant to Minnesota Statutes, section 103G.265, subdivision 3, the legislature approves of the consumptive use of water under a permit of more than 2,000,000 gallons per day average in a 30-day period in St. Louis County, in connection with snowmaking, subject to the commissioner of natural resources making a determination that the water remaining in the basin of origin will be adequate to meet the basin's need for water and approval by the commissioner of natural resources of all applicable permits.

**Sec. 40. RULEMAKING.**

(a) The commissioner of natural resources shall adopt or amend rules to establish minimum size limits for muskellunge on inland waters consistent with the provisions of this section. The commissioner must:

(1) establish a 48-inch statewide minimum size restriction for muskellunge and muskellunge-northern pike hybrids in inland waters, except for the lakes listed in clause (2) that are managed specifically for muskellunge-northern pike hybrids in Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties; and

(2) establish a 40-inch minimum size restriction for muskellunge-northern pike hybrids in the following lakes in Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties:

<u>LAKE</u>	<u>COUNTY</u>
<u>Bryant</u>	<u>Hennepin</u>
<u>Bush</u>	<u>Hennepin</u>
<u>Calhoun</u>	<u>Hennepin</u>
<u>Cedar</u>	<u>Hennepin</u>
<u>Cedar</u>	<u>Scott</u>
<u>Clear</u>	<u>Washington</u>
<u>Crystal</u>	<u>Dakota</u>
<u>Crystal</u>	<u>Hennepin</u>
<u>Eagle</u>	<u>Carver</u>
<u>Elmo</u>	<u>Washington</u>
<u>Gervais</u>	<u>Ramsey</u>
<u>Island</u>	<u>Ramsey</u>
<u>Isles</u>	<u>Hennepin</u>
<u>Johanna</u>	<u>Ramsey</u>

<u>Nokomis</u>	<u>Hennepin</u>
<u>Orchard</u>	<u>Dakota</u>
<u>Phalen</u>	<u>Ramsey</u>
<u>Pierson</u>	<u>Carver</u>
<u>Silver</u>	<u>Ramsey</u>
<u>Wasserman</u>	<u>Carver</u>
<u>Weaver</u>	<u>Hennepin</u>

(b) The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to adopt the rules. Minnesota Statutes, section 14.386, does not apply except as provided in Minnesota Statutes, section 14.388.

**Sec. 41. REVISOR'S INSTRUCTION.**

The revisor of statutes shall change the term "conservation reserve program" to "reinvest in Minnesota reserve program" where it appears in Minnesota Statutes, sections 84.95, subdivision 2; 92.70, subdivision 1; and 103H.105.

**Sec. 42. REPEALER.**

(a) Minnesota Statutes 2008, sections 84.02; 85.0505, subdivision 2; 103F.511, subdivision 4; and 103F.521, subdivision 2, are repealed.

(b) Minnesota Rules, parts 8400.3000; 8400.3030; 8400.3060; 8400.3110; 8400.3130; 8400.3160; 8400.3200; 8400.3210; 8400.3230; 8400.3260; 8400.3300; 8400.3330; 8400.3360; 8400.3390; 8400.3400; 8400.3460; 8400.3500; 8400.3530; 8400.3560; 8400.3600; 8400.3610; 8400.3630; 8400.3700; 8400.3730; 8400.3800; 8400.3830; 8400.3870; and 8400.3930, are repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying wild rice season; modifying certain definitions; modifying state park permit requirements; modifying authority to establish secondary units; eliminating liquor service at John A. Latsch State Park; providing for establishment of boater waysides; modifying watercraft operation requirements; providing for appeals and enforcement of certain civil penalties; providing for taking wild animals to protect public safety; modifying Board of Water and Soil Resources membership; modifying local water program; modifying Reinvest in Minnesota Resources Law; modifying certain easement authority; providing for notice of changes to public waters inventory; modifying critical habitat plate eligibility; modifying cost-share program; modifying conditions for temporary drawdown of public waters; providing certain exemptions from local ordinances; approving the consumptive use of water for certain uses; authorizing expedited rulemaking; requiring rulemaking; amending Minnesota Statutes 2008, sections 84.027, subdivision 13; 84.105; 84.66, subdivision 2; 85.053, subdivision 3; 85.054, by adding subdivisions; 86A.05, by adding a subdivision; 86A.08, subdivision 1; 86A.09, subdivision 1; 86B.311, by adding a subdivision; 97A.137, by adding a subdivision; 97A.321; 103B.101, subdivisions 1, 2; 103B.3369, subdivision 5; 103C.501, subdivisions 2, 4, 5, 6; 103F.505; 103F.511, subdivisions 5, 8a, by adding a subdivision; 103F.515, subdivisions 1, 2, 4, 5,

6; 103F.521, subdivision 1; 103F.525; 103F.526; 103F.531; 103F.535, subdivision 5; 103G.201; 168.1296, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 97B; 103G; repealing Minnesota Statutes 2008, sections 84.02; 85.0505, subdivision 2; 103F.511, subdivision 4; 103F.521, subdivision 2; Minnesota Rules, parts 8400.3000; 8400.3030; 8400.3060; 8400.3110; 8400.3130; 8400.3160; 8400.3200; 8400.3210; 8400.3230; 8400.3260; 8400.3300; 8400.3330; 8400.3360; 8400.3390; 8400.3400; 8400.3460; 8400.3500; 8400.3530; 8400.3560; 8400.3600; 8400.3610; 8400.3630; 8400.3700; 8400.3730; 8400.3800; 8400.3830; 8400.3870; 8400.3930."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

**Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 640:** A bill for an act relating to waters; providing for temporary drawdown of public waters; proposing coding for new law in Minnesota Statutes, chapter 103G.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 11, after "obtained" insert "written"

Page 2, after line 6, insert:

"(e) This section does not apply to public waters that have been designated for wildlife management under section 97A.101."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 1399:** A bill for an act relating to natural resources; approving the consumptive use of water for snowmaking in St. Louis County.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred**

**S.F. No. 1477:** A bill for an act relating to construction codes; providing a limited exemption.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

**Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred**

**S.F. No. 1476:** A bill for an act relating to labor and employment; modifying workers' compensation provisions; amending Minnesota Statutes 2008, sections 176.101, subdivision 2a; 176.102, subdivisions 3, 3a, by adding a subdivision; 176.103, subdivision 3; 176.135, subdivisions 6, 7, by adding a subdivision; 176.155, subdivision 1; 176.179; 176.181, subdivision 8; 176.183, subdivision 2; 176.186; 176.231, subdivision 1; 176.341, subdivision 1; 176.351, subdivision 2a;

repealing Minnesota Statutes 2008, section 176.1021.

Reports the same back with the recommendation that the bill do pass. Report adopted.

**Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred**

**S.F. No. 1189:** A bill for an act relating to occupations and professions; requiring certain training for school district boiler operators; amending Minnesota Statutes 2008, section 326B.974.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Education. Report adopted.

**Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred**

**S.F. No. 1423:** A bill for an act relating to workers' compensation; clarifying the Department of Labor and Industry's duty to assist employees and employers to deal with the workers' compensation system; amending Minnesota Statutes 2008, section 176.261.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, delete "legal," and delete the second comma

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred**

**S.F. No. 1273:** A bill for an act relating to occupations and professions; regulating the practice of plumbing; amending Minnesota Statutes 2008, section 326B.435, subdivision 2.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2008, section 326B.43, is amended by adding a subdivision to read:

Subd. 1a. **Licenses; experience.** All state plumbing inspectors and plumbing inspectors contracted by the department shall hold licenses as master or journeyman plumbers and have five years of documented practical plumbing experience under this chapter."

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred**

**S.F. No. 1425:** A bill for an act relating to construction codes; providing for regulation of elevators in grain elevators; amending Minnesota Statutes 2008, section 326B.163, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 13, after "elevators" insert "and feed mills"

Page 1, after line 14, insert:

"Sec. 2. **REGULATION OF MANLIFTS IN GRAIN ELEVATORS; STUDY.**

The Department of Labor and Industry shall establish an advisory committee to review existing rules and laws relating to special purpose lifts, hand elevators, and manlifts in grain elevators, feed mills, and similar facilities not for public use. The department shall report to the legislature by January 30, 2010, any statutory or rule changes needed to address the appropriate maintenance criteria, qualifications of maintenance personnel, and annual operating permits, inspections, audits, and fees for manlifts, hand elevators, or special purpose lifts in grain elevators, feed mills, or similar facilities not for public use.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after "elevators" insert "and similar structures"

And when so amended the bill do pass. Amendments adopted. Report adopted.

### **SECOND READING OF SENATE BILLS**

S.F. Nos. 499, 1135, 1526, 1142, 896, 763, 538, 537, 640, 1399, 1477, 1476 and 1425 were read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. No. 598 was read the second time.

### **MOTIONS AND RESOLUTIONS**

Senator Gimse moved that the name of Senator Erickson Ropes be added as a co-author to S.F. No. 296. The motion prevailed.

Senator Rosen moved that her name be stricken as a co-author to S.F. No. 519. The motion prevailed.

Senator Clark moved that the name of Senator Moua be added as a co-author to S.F. No. 751. The motion prevailed.

Senator Robling moved that the name of Senator Gimse be added as a co-author to S.F. No. 906. The motion prevailed.

Senator Olson, M. moved that the name of Senator Latz be added as a co-author to S.F. No.

1453. The motion prevailed.

Senator Torres Ray moved that the name of Senator Sheran be added as a co-author to S.F. No. 1531. The motion prevailed.

Senator Olseen moved that the name of Senator Kubly be added as a co-author to S.F. No. 1564. The motion prevailed.

Senator Metzen moved that the name of Senator Sparks be added as a co-author to S.F. No. 1620. The motion prevailed.

Senator Anderson moved that the name of Senator Stumpf be added as a co-author to S.F. No. 1642. The motion prevailed.

Senator Clark moved that the name of Senator Saxhaug be added as a co-author to S.F. No. 1649. The motion prevailed.

Senator Erickson Ropes moved that S.F. No. 540, No. 46 on General Orders, be stricken and re-referred to the Committee on Taxes. The motion prevailed.

Senator Vandever moved that S.F. No. 1429 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Education. The motion prevailed.

**Senator Kubly introduced –**

**Senate Resolution No. 58:** A Senate resolution congratulating Luke Jacques of Hector, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Hann introduced –**

**Senate Resolution No. 59:** A Senate resolution congratulating the Eden Prairie High School boys hockey team on winning the 2009 State High School Class AA boys hockey championship and having the highest team GPA.

Referred to the Committee on Rules and Administration.

**Senators Rest, Anderson, Frederickson, Prettnner Solon and Rosen introduced –**

**Senate Resolution No. 60:** A Senate resolution supporting the extinguishing of all nonessential lighting for the hour between 8:30 and 9:30 p.m. on March 28, 2009, to conserve energy as part of Earth Hour and recognizing March 28, 2009, as Earth Hour Day in Minnesota.

Referred to the Committee on Rules and Administration.

Senator Torres Ray moved that S.F. No. 1513 be withdrawn from the Committee on Finance and re-referred to the Committee on Business, Industry and Jobs. The motion prevailed.

Senator Bonoff moved that S.F. No. 131, No. 1 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.



Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

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

The following bills were read the first time.

#### **Senators Robling, Lourey, Day and Vickerman introduced—**

**S.F. No. 1662:** A bill for an act relating to public safety; creating advisory task force to study fire protection and first responder services.

Referred to the Committee on State and Local Government Operations and Oversight.

#### **Senators Sieben, Chaudhary, Anderson and Skogen introduced—**

**S.F. No. 1663:** A bill for an act relating to natural resources; establishing the Minnesota Naturalist Corps; appropriating money for Minnesota Naturalist Corps, additional state park naturalists, and information centers and kiosks in state parks; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

#### **Senator Berglin introduced—**

**S.F. No. 1664:** A bill for an act relating to human services; modifying the state medical review team process; requiring an annual report; appropriating money; amending Minnesota Statutes 2008, sections 256.01, by adding a subdivision; 256B.055, subdivision 7; 256B.057, subdivision 9.

Referred to the Committee on Health, Housing and Family Security.

#### **Senator Tomassoni introduced—**

**S.F. No. 1665:** A bill for an act relating to capital improvements; appropriating money for a grant to the city of Chisholm for sanitary sewer and related infrastructure improvements; authorizing the sale of state bonds.

Referred to the Committee on Finance.

#### **Senator Tomassoni introduced—**

**S.F. No. 1666:** A bill for an act relating to capital improvements; appropriating money for a grant to the city of Hibbing for street reconstruction; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

#### **Senators Dibble, Murphy, Sieben, Jungbauer and Olseen introduced—**

**S.F. No. 1667:** A bill for an act relating to passenger rail; prescribing duties and powers of

commissioner of transportation; requiring report; proposing coding for new law in Minnesota Statutes, chapter 174.

Referred to the Committee on Transportation.

**Senators Saltzman, Olseen and Olson, G. introduced—**

**S.F. No. 1668:** A bill for an act relating to education; appropriating money for research-based professional development that includes "response to intervention" problem solving.

Referred to the Committee on Finance.

**Senators Saltzman, Olseen, Bonoff and Olson, G. introduced—**

**S.F. No. 1669:** A bill for an act relating to education; integrating alternative, early intervention services programs into the Q-Comp and staff development programs; amending Minnesota Statutes 2008, sections 122A.413, subdivision 2; 122A.414, subdivision 2; 122A.60, subdivisions 1a, 3; 122A.61, subdivision 1.

Referred to the Committee on Education.

**Senators Marty, Rosen and Moua introduced—**

**S.F. No. 1670:** A bill for an act relating to human services; appropriating money for correctional discharge planning.

Referred to the Committee on Finance.

**Senator Olseen introduced—**

**S.F. No. 1671:** A bill for an act relating to taxation; providing a personal property exemption for an electric generation facility; amending Minnesota Statutes 2008, section 272.02, by adding a subdivision.

Referred to the Committee on Energy, Utilities, Technology and Communications.

**Senator Metzen introduced—**

**S.F. No. 1672:** A bill for an act relating to occupations and professions; modifying regulation of barbers and barbering schools; amending Minnesota Statutes 2008, sections 154.06; 154.065, subdivision 2; 154.07, by adding a subdivision; 154.15, by adding a subdivision; repealing Minnesota Statutes 2008, section 154.07, subdivision 5.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Torres Ray, Higgins, Anderson, Saxhaug and Berglin introduced—**

**S.F. No. 1673:** A bill for an act relating to natural resources; appropriating money for riparian restoration and stream bank stabilization.

Referred to the Committee on Finance.

**Senators Kelash, Rest, Murphy, Jungbauer and Senjem introduced—**

**S.F. No. 1674:** 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.

Referred to the Committee on Finance.

**Senators Tomassoni, Prettner Solon, Bakk, Senjem and Rosen introduced—**

**S.F. No. 1675:** A bill for an act relating to energy; requiring amendment to contract entered into under biomass mandate and allowing cost recovery; amending Minnesota Statutes 2008, section 216B.2424, subdivision 5a.

Referred to the Committee on Energy, Utilities, Technology and Communications.

**Senator Tomassoni introduced—**

**S.F. No. 1676:** A bill for an act relating to capital improvement; authorizing the sale of state bonds; appropriating money for a grant to the city of Hibbing to renovate three fire stations in the city.

Referred to the Committee on Finance.

**Senator Saxhaug introduced—**

**S.F. No. 1677:** A bill for an act relating to natural resources; appropriating money for the Mississippi Headwaters Board.

Referred to the Committee on Finance.

**Senators Saltzman and Dahle introduced—**

**S.F. No. 1678:** A bill for an act relating to education; refocusing educator relicensure on performance; implementing the legislative auditor's recommendations to the legislature for revising Q-Comp; amending Minnesota Statutes 2008, sections 122A.18, subdivision 4; 122A.40, subdivisions 6, 8; 122A.41, subdivisions 3, 5; 122A.413, subdivision 2; 122A.414, subdivisions 2, 2b; 122A.60, subdivision 2.

Referred to the Committee on Education.

**Senators Bakk and Vickerman introduced—**

**S.F. No. 1679:** A bill for an act relating to public employment; authorizing retirement incentives.

Referred to the Committee on Finance.

**Senator Langseth introduced–**

**S.F. No. 1680:** A bill for an act relating to water; appropriating money for a water quality pilot project in the Buffalo River watershed.

Referred to the Committee on Finance.

**Senators Olson, M.; Prettner Solon and Scheid introduced–**

**S.F. No. 1681:** A bill for an act relating to telecommunications; enacting the Minnesota Wireless Telephone Consumer Protection Act; proposing coding for new law in Minnesota Statutes, chapter 325F.

Referred to the Committee on Energy, Utilities, Technology and Communications.

**Senators Fobbe and Rest introduced–**

**S.F. No. 1682:** A bill for an act relating to state government; requiring revisor of statutes to survey recipients of free state publications.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senator Ortman, by request, introduced–**

**S.F. No. 1683:** A bill for an act relating to crime; establishing a marijuana plant possession crime; modifying marijuana sale and possession amounts; amending Minnesota Statutes 2008, sections 152.01, subdivision 16, by adding a subdivision; 152.021, subdivisions 1, 2; 152.022, subdivisions 1, 2; 152.023, subdivisions 1, 2; 152.025, subdivision 2; 244.055, subdivisions 2, 3, 5, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 152; repealing Minnesota Statutes 2008, section 244.055, subdivisions 6, 11.

Referred to the Committee on Judiciary.

**Senators Sieben, Murphy and Dille introduced–**

**S.F. No. 1684:** A bill for an act relating to transportation; modifying provisions relating to design-build projects; amending Minnesota Statutes 2008, sections 161.3410, by adding a subdivision; 161.3412, subdivision 3; 161.3420, subdivision 3; 161.3422; 161.3426, subdivisions 1, 3, 4; repealing Minnesota Statutes 2008, section 161.3426, subdivision 2.

Referred to the Committee on Transportation.

**Senator Sparks introduced–**

**S.F. No. 1685:** A bill for an act relating to taxation; sales and use; exempting construction materials and equipment used to construct the Mower County courts facility; removing an obsolete provision; amending Minnesota Statutes 2008, sections 297A.71, by adding a subdivision; 297A.75, subdivision 1.

Referred to the Committee on Taxes.

**Senator Dibble introduced–**

**S.F. No. 1686:** A bill for an act relating to data practices; proposing classification of grants data created or maintained by government entities; proposing classification of regional parks foundation private donor gift data as private or nonpublic; amending Minnesota Statutes 2008, sections 13.599, subdivision 1; 13.792.

Referred to the Committee on Judiciary.

**Senator Saltzman introduced–**

**S.F. No. 1687:** A bill for an act relating to retirement; waiving general employees retirement plan of the Public Employees Retirement Association annuity repayment requirement for a certain city of Bayport independent contractor.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senators Tomassoni, Dibble, Betzold and Metzen introduced–**

**S.F. No. 1688:** A bill for an act relating to state government; appropriating money for digital television conversion.

Referred to the Committee on Finance.

**Senator Kubly introduced–**

**S.F. No. 1689:** A bill for an act relating to education; appropriating money to provide a grant to Independent School Districts Nos. 402, Hendricks and 403, Ivanhoe for energy improvement to Lincoln High School.

Referred to the Committee on Finance.

**Senator Kubly introduced–**

**S.F. No. 1690:** A bill for an act relating to capital improvements; appropriating money for a new well in the city of Benson; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Kubly introduced–**

**S.F. No. 1691:** A bill for an act relating to appropriations; appropriating money for a new well in the city of Benson.

Referred to the Committee on Finance.

**Senators Ingebrigtsen, Day, Pariseau, Jungbauer and Ortman introduced–**

**S.F. No. 1692:** A bill for an act relating to taxation; individual income; allowing a subtraction for military pensions; amending Minnesota Statutes 2008, sections 290.01, subdivision 19b; 290.091,

subdivision 2.

Referred to the Committee on Taxes.

**Senators Higgins, Dibble and Torres Ray introduced—**

**S.F. No. 1693:** A bill for an act relating to health; requiring coverage for interpreter services; establishing an interpreter services work group; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Health, Housing and Family Security.

**Senators Chaudhary, Skogen and Fobbe introduced—**

**S.F. No. 1694:** A bill for an act relating to agriculture; establishing a star farms program; establishing the Star Farm Board; appropriating money from the clean water fund; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture and Veterans.

**Senator Betzold introduced—**

**S.F. No. 1695:** A bill for an act relating to data practices; amending the regulation of business screening services; amending Minnesota Statutes 2008, section 332.70, subdivisions 1, 2.

Referred to the Committee on Judiciary.

**Senators Kubly; Dibble; Higgins; Olson, M. and Foley introduced—**

**S.F. No. 1696:** A bill for an act relating to public safety; providing for restorative justice-based diversion programs; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

**Senators Kelash and Olseen introduced—**

**S.F. No. 1697:** A bill for an act relating to local government; permitting metropolitan area local governments to impose reasonable area or response time residency requirements for job-related reasons; amending Minnesota Statutes 2008, section 415.16, subdivision 2.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senators Saxhaug, Vickerman, Pariseau and Bakk introduced—**

**S.F. No. 1698:** A bill for an act relating to environment; modifying certain rulemaking authority; requiring a study; providing for legislative oversight; providing appointments; appropriating money.

Referred to the Committee on Environment and Natural Resources.

**Senators Kubly, Vickerman, Dille, Pariseau and Rummel introduced–**

**S.F. No. 1699:** A bill for an act relating to energy; providing economic stimulus through renewable energy and energy efficiency grants; appropriating money.

Referred to the Committee on Finance.

**Senators Jungbauer, Day, Pariseau, Ingebrigtsen and Koering introduced–**

**S.F. No. 1700:** A bill for an act relating to human services; requiring prepaid health plans and county-based purchasing plans serving state health care program enrollees to offer contracts to health care providers subject to the MinnesotaCare tax; amending Minnesota Statutes 2008, sections 256B.69, by adding a subdivision; 256B.692, by adding a subdivision.

Referred to the Committee on Health, Housing and Family Security.

**Senators Sparks, Day, Metzen, Rosen and Murphy introduced–**

**S.F. No. 1701:** A bill for an act relating to motor vehicles; increasing fees on certain transactions; providing for acceptable methods of payment; imposing surcharge; amending Minnesota Statutes 2008, section 168.33, subdivision 7.

Referred to the Committee on Finance.

**Senator Koering introduced–**

**S.F. No. 1702:** A bill for an act relating to Morrison County; providing a process for making office of county treasurer appointive.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senator Koering introduced–**

**S.F. No. 1703:** A bill for an act relating to cities; modifying the limitations on salary changes for city council members; amending Minnesota Statutes 2008, section 415.11, subdivision 2.

Referred to the Committee on State and Local Government Operations and Oversight.

**Senator Koering introduced–**

**S.F. No. 1704:** A bill for an act relating to education finance; increasing state support for the debt service equalization aid program; creating a school bond agricultural credit; amending Minnesota Statutes 2008, sections 123B.53, subdivision 5; 126C.01, by adding a subdivision; 126C.20; proposing coding for new law in Minnesota Statutes, chapter 123B; repealing Minnesota Statutes 2008, section 123B.54.

Referred to the Committee on Finance.

**Senator Kelash introduced—**

**S.F. No. 1705:** A bill for an act relating to railroads; modifying membership on Commuter Rail Corridor Coordinating Committee; amending Minnesota Statutes 2008, section 174.86, subdivision 5.

Referred to the Committee on Transportation.

**Senator Sheran introduced—**

**S.F. No. 1706:** A bill for an act relating to capital improvements; naming and appropriating money for the Minnesota Valley Line; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Vandever introduced—**

**S.F. No. 1707:** A bill for an act proposing an amendment to the Minnesota Constitution, article XIV, section 8; allowing municipal state-aid street fund to be distributed to cities with a population under 5,000; making conforming changes; amending Minnesota Statutes 2008, sections 160.02, subdivision 21; 162.13; 162.14, subdivision 1.

Referred to the Committee on Transportation.

**Senators Rest, Skoe, Bakk, Limmer and Ortman introduced—**

**S.F. No. 1708:** A resolution memorializing the members of the Minnesota Congressional delegation to sponsor and support the Main Street Fairness Act.

Referred to the Committee on Taxes.

**Senators Ortman, Fischbach, Higgins and Marty introduced—**

**S.F. No. 1709:** A bill for an act relating to public safety; establishing the statewide Minnesota prescription program; requiring use of tamper-resistant prescription drug forms; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 151.

Referred to the Committee on Health, Housing and Family Security.

**Senators Dibble and Doll introduced—**

**S.F. No. 1710:** A bill for an act relating to game and fish; prohibiting the taking of mourning doves; amending Minnesota Statutes 2008, sections 97A.015, subdivision 24; 97B.731, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

**Senators Dahle, Scheid, Metzen and Johnson introduced—**

**S.F. No. 1711:** A bill for an act relating to commerce; regulating motor vehicle sales and



distribution; amending Minnesota Statutes 2008, sections 80E.03, by adding a subdivision; 80E.09, subdivisions 1, 3; 80E.12; 80E.135; 80E.14, by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

**Senator Clark introduced—**

**S.F. No. 1712:** A bill for an act relating to powers of attorney; creating an alternative statutory short form for military members who are in active service; amending Minnesota Statutes 2008, sections 523.02; 523.131; 523.16; 523.20; 523.21; 523.23, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 523.

Referred to the Committee on Judiciary.

**Senator Hann introduced—**

**S.F. No. 1713:** A bill for an act relating to property taxation; requiring commissioner of revenue to conduct a study of the metropolitan fiscal disparities program; appropriating money.

Referred to the Committee on Taxes.

**Senator Hann introduced—**

**S.F. No. 1714:** A bill for an act relating to taxation; income; corporate franchise; modifying the research tax credit; amending Minnesota Statutes 2008, section 290.068, subdivisions 1, 2, 3, 4.

Referred to the Committee on Taxes.

**Senator Hann introduced—**

**S.F. No. 1715:** A bill for an act relating to health and human services; establishing the Department of Health and Human Services; requiring the merger of the Department of Human Services and the Department of Health; amending Minnesota Statutes 2008, sections 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2.

Referred to the Committee on Health, Housing and Family Security.

**Senators Olseen, Saxhaug, Lourey, Anderson and Robling introduced—**

**S.F. No. 1716:** A bill for an act relating to natural resources; allowing suspension of registrations or licenses of off-highway motorcycles, off-road vehicles, snowmobiles, all-terrain vehicles, and watercraft in case of payment by dishonored checks; amending Minnesota Statutes 2008, sections 84.788, by adding a subdivision; 84.798, by adding a subdivision; 84.82, by adding a subdivision; 84.922, by adding a subdivision; 86B.415, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

**Senators Hann and Gerlach introduced—**

**S.F. No. 1717:** A bill for an act relating to constitutional amendments; proposing to amend the

Minnesota Constitution, article XI; repealing the increase in the sales and use tax rate dedicated for natural resources and cultural heritage purposes; repealing Minnesota Statutes 2008, sections 85.53; 97A.056, subdivisions 1, 2, 3, 4, 5, 6, 7; 114D.50; 129D.17.

Referred to the Committee on Environment and Natural Resources.

**Senator Hann introduced—**

**S.F. No. 1718:** A bill for an act relating to health; repealing requirement related to submission of encounter data; repealing Minnesota Statutes 2008, section 62U.04, subdivision 4.

Referred to the Committee on Health, Housing and Family Security.

**Senator Hann introduced—**

**S.F. No. 1719:** A bill for an act relating to health; repealing certain payment reform and quality measurement requirements; repealing Minnesota Statutes 2008, sections 62U.02; 62U.04.

Referred to the Committee on Health, Housing and Family Security.

**Senator Hann introduced—**

**S.F. No. 1720:** A bill for an act relating to human services; requiring use of broker or coordinator for special transportation services and access transportation services on a statewide basis; modifying criteria for special transportation services; amending Minnesota Statutes 2008, sections 256B.04, subdivision 14; 256B.0625, subdivision 17.

Referred to the Committee on Health, Housing and Family Security.

**Senators Hann and Jungbauer introduced—**

**S.F. No. 1721:** A bill for an act relating to transportation; allowing single-occupant hybrid vehicles to operate in high-occupancy vehicle lanes and dynamic shoulder lanes; amending Minnesota Statutes 2008, section 160.93, subdivisions 4, 5, by adding a subdivision.

Referred to the Committee on Transportation.

**Senators Gerlach, Pariseau, Ingebrigtsen and Gimse introduced—**

**S.F. No. 1722:** A bill for an act relating to employment; providing for a suspension of the prevailing wage during certain budget deficits; proposing coding for new law in Minnesota Statutes, chapter 177.

Referred to the Committee on Business, Industry and Jobs.

**Senators Gerlach, Gimse, Michel, Pariseau and Ingebrigtsen introduced—**

**S.F. No. 1723:** A bill for an act relating to employment; modifying prevailing wage provisions; amending Minnesota Statutes 2008, sections 177.42, subdivisions 4, 6; 177.43, subdivision 1.

Referred to the Committee on Business, Industry and Jobs.

**Senators Pogemiller, Moua, Higgins, Saltzman and Frederickson introduced—**

**S.F. No. 1724:** A bill for an act relating to taxation; providing an income tax credit for expenditures for historic structure rehabilitation; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

**Senator Doll introduced—**

**S.F. No. 1725:** A bill for an act relating to health; requiring reporting of hospital-acquired infections; establishing an advisory committee; applying sanctions and penalties; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health, Housing and Family Security.

**Senator Doll introduced—**

**S.F. No. 1726:** A bill for an act relating to energy; appropriating money for grants to install solar energy projects in public buildings.

Referred to the Committee on Finance.

**Senator Doll introduced—**

**S.F. No. 1727:** A bill for an act relating to health; prohibiting certain provider conflicts of interest; providing criminal and civil penalties; amending Minnesota Statutes 2008, section 62R.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 62J; repealing Minnesota Statutes 2008, sections 13.717, subdivision 3; 62J.23.

Referred to the Committee on Health, Housing and Family Security.

**Senators Doll and Jungbauer introduced—**

**S.F. No. 1728:** A bill for an act relating to taxation; sales and use; providing a sales tax exemption for energy-efficient equipment for restaurants; amending Minnesota Statutes 2008, section 297A.68, subdivision 5.

Referred to the Committee on Taxes.

**RECESS**

Senator Betzold moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

**REPORTS OF COMMITTEES**

Senator Betzold moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

**Senator Marty from the Committee on Health, Housing and Family Security, to which was referred**

**S.F. No. 1237:** A bill for an act relating to health; preventing conflicts of interest; banning gifts from drug or medical device manufacturers or distributors to physicians and formulary committee members; amending Minnesota Statutes 2008, sections 151.461; 151.47, subdivision 1; 256B.0625, subdivision 13c; proposing coding for new law in Minnesota Statutes, chapter 62J.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1 and insert:

"Section 1. **[62J.241] DISCLOSURE OF PAYMENTS TO PRACTITIONERS.**

Subdivision 1. **Disclosure required.** (a) Each pharmaceutical manufacturer, wholesale drug distributor, and medical device manufacturer or their agent shall file with the commissioner of health an annual report that identifies all payments or other transfers of value to a practitioner or to an entity or individual at the request of or designated on behalf of a practitioner. The report shall include the following information:

- (1) the name of the practitioner;
- (2) the business address of the practitioner and the specialty and Medicare billing number of the practitioner, if applicable;
- (3) the value of the payment or other transfer of value;
- (4) the dates on which the payment or other transfer of value was provided to the practitioner;
- (5) a description of the form of the payment or other transfer of value indicated as cash or cash equivalent; in-kind items or services; or stock, stock option, or any other ownership interest, dividend, profit, or other return on investments; and
- (6) a description of the nature of the payment or other transfer of value indicated as consulting fees; compensation for services other than consulting; honoraria; gift; entertainment; food; travel; education; research; charitable contribution; royalty or license; current or prospective ownership or investment interest; compensation for serving as faculty or as a speaker for a continuing medical education program; or grant.

(b) The information reported by the manufacturer shall include the aggregate amount of all

payments or other transfers of value provided by the manufacturer to practitioners and to entities or individuals at the request of or designated on behalf of a practitioner during the preceding calendar year.

Subd. 2. **Exceptions.** A manufacturer or distributor is not required to report the following:

- (1) product samples that are not intended to be sold and are intended for patient use;
- (2) educational materials that directly benefit patients or are intended for patient use;
- (3) the loan of a medical device for a short-term trial period not to exceed 90 days, to permit evaluation of the device by the practitioner;
- (4) items or services provided under a contractual warranty, including the replacement of a device, where the terms of the warranty are set forth in the purchase or lease agreement for the device;
- (5) a transfer of anything of value to a practitioner when the practitioner is a patient and not acting in the professional capacity of a practitioner;
- (6) discounts; or
- (7) in-kind items used for the provision of charity care.

Subd. 3. **Report.** (a) The report must be filed on a standardized form prescribed by the commissioner.

(b) The report must be filed by April 1 of each year, beginning April 1, 2010, and must include the required information with respect to the preceding calendar year.

(c) The reports filed under this section are public data and must be made available on the department Web site in an easily accessible and searchable format.

Subd. 4. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Payment or other transfer of value" means a transfer of anything of value and includes any compensation, gift, honorarium, speaking fee, consulting fee, travel, services, dividends, profit distribution, stock or stock option grant; or ownership or investment interest.

(c) "Practitioner" has the meaning provided under section 151.01, subdivision 23, but does not include a practitioner who is an employee of a manufacturer or distributor."

Page 2, line 10, delete ", if there is evidence-based medicine to"

Page 2, line 11, delete everything before the semicolon and insert "or for distribution to patients in order to provide a brief therapeutic trial of the drug"

Page 2, line 22, delete "the standard hourly billing rate" and insert "reasonable professional compensation for the practitioner's specialty"

Page 2, line 23, strike the old language and delete the new language

Page 2, line 28, delete "the standard hourly billing rate of the" and insert "reasonable professional"

compensation for the practitioner's specialty;"

Page 2, line 29, strike the old language and delete the new language

Page 2, line 33, delete "who is currently" and insert "is"

Page 2, line 34, delete "practicing in Minnesota is also an employee or agent" and insert "an employee"

Page 2, line 35, delete everything after the second comma

Page 2, delete line 36

Page 3, line 1, delete "of Medical Practice, and must" and insert "the practitioner must" and after "relationship" insert "or make the relationship otherwise available"

Page 3, line 10, delete "Report" and insert "Notice"

Page 3, line 11, delete everything after the fourth comma

Page 3, line 12, delete everything before the second "the"

Page 3, line 13, after "relationship" insert "or make the information otherwise available"

And when so amended the bill do pass and be re-referred to the Committee on Business, Industry and Jobs. Amendments adopted. Report adopted.

#### **Senator Stumpf from the Committee on Education, to which was referred**

**S.F. No. 402:** A bill for an act relating to education; modifying school background check requirements relating to disciplinary actions; amending Minnesota Statutes 2008, section 123B.03, subdivision 1a.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

#### **Senator Bakk from the Committee on Taxes, to which was re-referred**

**S.F. No. 811:** A bill for an act relating to education finance; authorizing Independent School District No. 2887, McLeod West, to issue general obligation bonds for its reorganization operating debt.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 18, after "West" insert ", provided that the levy for the purpose of this subdivision must be levied against the referendum market value as provided in Minnesota Statutes, section 126C.01, subdivision 3"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 1341:** A bill for an act relating to data practices; classifying electronic licensing data maintained by the commissioner of natural resources; amending Minnesota Statutes 2008, section 13.7931, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 84.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 13, insert:

**"EFFECTIVE DATE.** This section is effective March 1, 2010."

Page 1, line 19, delete "home address" and insert "name, addresses"

Page 1, line 23, after "(a)" insert ", other than a driver's license number,"

Page 2, line 1, delete "court or"

Page 2, line 2, delete everything after "functions" and insert "; and"

Page 2, delete lines 3 to 30

Page 2, line 31, delete "(9)" and insert "(2)"

Page 2, after line 31, insert:

**"EFFECTIVE DATE.** This section is effective March 1, 2010."

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

**Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 1449:** A bill for an act relating to environment; modifying sewage treatment systems provisions; changing terminology; amending Minnesota Statutes 2008, sections 115.55, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 9; 115.56, subdivisions 1, 2, 3; repealing Minnesota Statutes 2008, sections 115.55, subdivision 10; 115.56, subdivision 2a.

Reports the same back with the recommendation that the bill be amended as follows:

Page 9, delete line 1

Page 9, line 4, after "of" insert "certification and"

Page 9, line 22, after the period, insert "Licenses who design systems using these prescriptive designs and design guidances are not subject to the additional licensing requirements of section 326.03."

Page 9, line 26, delete "individual" and insert "professional"

Page 9, line 30, delete everything after "must" and insert "comply with all local administrative and technical requirements."

Page 9, line 31, delete everything before "In"

Page 10, delete lines 21 and 22 and insert "bond may be for both plumbing work and subsurface sewage treatment work if the bond complies with the requirements of this section and section 326B.46, subdivision 2."

Page 10, line 33, after "license" insert "under section 326.03"

Page 11, after line 20, insert:

"Sec. 13. Minnesota Statutes 2008, section 326B.46, subdivision 2, is amended to read:

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

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

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Chaudhary from the Committee on Environment and Natural Resources, to which was referred**

**S.F. No. 1655:** A bill for an act relating to natural resources; providing for seizure and forfeiture of certain off-highway vehicles; modifying operating restrictions for all-terrain vehicles; providing criminal penalties; amending Minnesota Statutes 2008, section 84.928, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 2008, sections 84.796; 84.805; 84.929.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, delete section 1 and insert:

"Section 1. [84.774] OFF-HIGHWAY VEHICLE CRIMINAL PENALTIES.



(a) Except as provided in paragraph (b), a person who violates a provision of sections 84.773; 84.777; 84.788 to 84.795; 84.798 to 84.804; 84.90; or 84.922 to 84.928 or rules of the commissioner relating to off-highway vehicle use is guilty of a misdemeanor.

(b) A person is guilty of a gross misdemeanor if the person violates section 84.773, subdivision 2, clause (2), and the person recklessly upsets the natural and ecological balance of a wetland or public waters wetland.

(c) A person is prohibited from operating an off-highway vehicle for a period of one year if the person is:

(1) convicted of a gross misdemeanor under paragraph (b);

(2) convicted of or subject to a final order under section 84.775 for a violation on the prohibition on the intentional operation on unfrozen public water, in a state park, in a scientific and natural area, or in a wildlife management area under section 84.773, subdivision 1, clause (3);

(3) convicted of or is subject to a final order under section 84.775 for a violation on the prohibition on the willful, wanton, or reckless disregard for the safety of persons or property under section 84.773, subdivision 2, clause (1); or

(4) convicted of or subject to a final order under section 84.775 for a violation on the prohibition on carelessly upsetting the natural and ecological balance of a wetland or public waters wetland under section 84.773, subdivision 2, clause (2).

The commissioner shall notify the person of the time period during which the person is prohibited from operating an off-highway vehicle.

**EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes committed on or after that date."

Page 2, line 10, after "a" insert "second"

Page 8, line 17, delete the second comma

Page 8, line 18, delete everything after "vehicle"

Page 8, line 19, delete everything before the semicolon

Page 8, line 20, delete "with"

Page 8, line 21, delete "valid Minnesota driving privileges"

Page 8, line 22, delete everything before the semicolon

Page 8, line 24, delete "and proof of insurance required by law to"

Page 8, line 25, delete everything before the period

Page 8, line 26, delete "and insurance"

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred**

**S.F. No. 1256:** A bill for an act relating to education; establishing a volunteer working group on Native language revitalization and preservation; providing for appointments; requiring a report; appropriating money.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 3, after "Teaching," insert "the director of the Minnesota Historical Society or the director's appointee,"

Page 2, line 31, delete "both existing" and insert "private,"

Page 3, after line 2, insert:

"Subd. 4. **Administrative support; expenses.** The commissioner of education shall provide the working group with meeting space and the necessary staff support for meetings of the working group. Members of the group are not eligible for compensation but may receive reimbursement for their expenses as provided in Minnesota Statutes, section 15.059, subdivision 3."

Page 3, line 3, delete "4" and insert "5" and after "recommendations" insert ", including draft legislation, if necessary,"

Page 3, line 4, delete "committees of the legislature having" and insert "chairs and ranking minority members of the legislative committees and divisions with"

Page 3, line 10, after "education" insert "to provide staff support and expense reimbursement"

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 671:** A bill for an act relating to natural resources; modifying the Critical Areas Act of 1973; requiring rulemaking; amending Minnesota Statutes 2008, sections 116G.03, by adding subdivisions; 116G.15.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

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

**116G.15 MISSISSIPPI RIVER CORRIDOR CRITICAL AREA.**

Subdivision 1. **Establishment; purpose.** (a) The federal Mississippi National River and Recreation Area established pursuant to United States Code, title 16, section 460zz-2(k), is designated an area of critical concern in accordance with this chapter. ~~The governor shall review the existing Mississippi River critical area plan and specify any additional standards and guidelines to affected communities in accordance with section 116G.06, subdivision 2, paragraph (b), clauses (3) and (4), needed to insure preservation of the area pending the completion of the federal plan.~~

The purpose of the designation is to:

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

(2) prevent and mitigate irreversible damages to these state, regional, and natural resources;

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

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

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

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

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

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

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

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

(3) provides for the continuation and development of a variety of urban uses, including industrial

and commercial uses, and residential uses, where appropriate, within the Mississippi River corridor;

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

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

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

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

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

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

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

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

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

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

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

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

(1) floodplains;

(2) wetlands;

(3) gorges;

(4) areas of confluence with key tributaries;

(5) natural drainage routes;

(6) shorelines and riverbanks;

(7) bluffs;

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

(c) The commissioner shall establish a map to define bluffs and bluff-related features within the Mississippi River corridor critical area.

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

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

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

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

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

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

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

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

- (1) by local units of government when preparing or updating plans or modifying regulations;
- (2) by state and regional agencies for permit regulation and in developing plans within their

jurisdiction;

(3) by the Metropolitan Council for reviewing plans, regulations, and development permit applications; and

(4) by the commissioner when approving plans, regulations, and development permit applications.

Subd. 6. **Notification; fees.** (a) A local unit of government or a regional or state agency shall notify the commissioner of natural resources of all developments in the corridor that require discretionary actions under their rules at least 10 days before taking final action on the application. A local unit of government or agency failing to notify the commissioner at least 10 days before taking final action shall submit a late fee of \$500 to the commissioner. The commissioner may establish exemptions from the notification requirement for certain types of applications within the rules established under paragraph (b). For purposes of this section, a discretionary action includes all actions that require a public hearing, including variances, conditional use permits, and zoning amendments.

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

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

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 70:** A bill for an act relating to judicial selection; proposing an amendment to the Minnesota Constitution, article VI, sections 7 and 8; establishing retention elections for judges; creating a judicial performance commission; amending Minnesota Statutes 2008, sections 10A.01, subdivisions 7, 10, 15; 13.90, subdivision 2; 204B.06, subdivision 6; 204B.34, subdivision 3; 204B.36, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 204D; 480B; repealing Minnesota Statutes 2008, sections 204B.36, subdivision 5; 204D.14, subdivision 3.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete lines 8 to 12 and insert:

""Shall the Minnesota Constitution be amended to reaffirm the impartiality of the judiciary by

providing that judges be appointed by the governor, with their continuation in office determined at a retention election after a public, nonpartisan evaluation of their performance by a judicial performance commission rather than be determined under the current system of contested elections?

Yes .....  
No ..... ""

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 484:** A bill for an act relating to agriculture; changing duties of the Food Safety and Defense Task Force; changing membership and procedures of the Minnesota Organic Advisory Task Force; eliminating language requiring two annual reports; amending Minnesota Statutes 2008, sections 28A.21, subdivision 5; 31.94.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 5, strike "at-large" and insert "public"

Page 3, after line 25, insert:

"Sec. 3. **DEADLINE FOR APPOINTMENTS.**

The commissioner of agriculture shall complete the new appointments required by Minnesota Statutes, section 31.94, paragraph (c), no later than September 1, 2009."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred**

**S.F. No. 915:** A bill for an act relating to insurance; requiring school districts to obtain employee health coverage through the public employees insurance program; amending Minnesota Statutes 2008, sections 43A.316, subdivisions 9, 10, by adding subdivisions; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 28, delete everything before "serve"

Page 3, line 29, after the period, insert "The committee will select a chair from its membership."

Page 3, line 32, delete everything after the comma and insert "if actual salary is lost by a committee member, or if a cost is charged by an employer of a committee member for time missed while performing the duties of a committee member, then the commissioner shall reimburse the member for the lost salary or the cost from funds appropriated for the operations of the committee."

Page 3, delete lines 33 and 34 and insert:

"(d) The commissioner shall provide the necessary meeting space and staff support for the committee."

Page 6, after line 3, insert:

**"Sec. 13. APPOINTMENTS TO SCHOOL EMPLOYEE INSURANCE COMMITTEE; FIRST MEETING."**

The appointing authorities under Minnesota Statutes, section 43A.316, subdivision 14, shall complete their initial appointments no later than August 1, 2009. The commissioner of finance, or the commissioner's designee, shall convene the first meeting of the school employee insurance committee within 30 days after determining that (1) an amendment or change to the coverage offered under Minnesota Statutes, section 43A.316, subdivision 12, is necessary; or (2) advice from the committee concerning the administration of the coverage would assist the commissioner."

Page 6, line 5, delete "12" and insert "6 and 8 to 12" and after the period, insert "Sections 7 and 13 are effective August 1, 2009."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

**Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 137:** A bill for an act relating to adoption; modifying provisions governing access to adoption records and original birth certificates; amending Minnesota Statutes 2008, sections 13.465, subdivision 8; 144.218, subdivision 1; 144.225, subdivision 2; 144.2252; 144.226, subdivision 1; 259.89, subdivision 1; 260C.317, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2008, sections 259.83, subdivision 3; 259.89, subdivisions 2, 3, 4.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, lines 12 and 14, delete "department" and insert "commissioner"

Page 3, delete subdivision 5 and insert:

"Subd. 5. **Information provided.** (a) The commissioner shall, in consultation with adoption agencies and adoption advocates, provide information and educational materials to adopted persons and birth parents about their rights to access birth records. For purposes of this subdivision, an adoption advocate is a nonprofit organization that works with adoption issues in this state.

(b) The commissioner shall include a notice on the department Web site about the rights of adopted persons and birth parents to access birth records and shall direct individuals to private agencies and advocates for postadoption resources.

(c) Adoption agencies may charge a fee for counseling and support services provided to adopted



persons and birth parents."

Page 4, line 33, delete "department" and insert "commissioner"

Page 5, after line 22, insert:

"Sec. 9. **APPROPRIATION.**

\$103,000 in the fiscal year ending June 30, 2011, is appropriated from the state government special revenue fund to the commissioner of health to provide access to birth records and to provide information to adopted persons and birth parents about their rights to access birth records."

Page 5, line 27, delete "9" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Cohen from the Committee on Finance, to which was referred**

**S.F. No. 1012:** A bill for an act relating to state government; appropriating money for environment and natural resources.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, delete "article" and insert "act"

Page 22, line 3, delete "are" and insert "is"

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 3:** A bill for an act relating to state government operations; eliminating unnecessary state mandates.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Rules and Administration without recommendation. Report adopted.

**Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 99:** A bill for an act relating to traffic regulations; requiring restraint of child under age eight and shorter than four feet nine inches while passenger in motor vehicle; amending Minnesota Statutes 2008, section 169.685, subdivision 5.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, after line 3, insert:

"(d) For the purposes of this section, "child passenger restraint system" means any device that

meets the standards of the United States Department of Transportation; is designed to restrain, seat, or position children; and includes a booster seat."

Page 2, after line 5, insert:

"Sec. 2. Minnesota Statutes 2008, section 169.686, subdivision 1, is amended to read:

Subdivision 1. **Seat belt requirement.** (a) A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

(1) the driver of a passenger vehicle or commercial motor vehicle;

(2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and

(3) a passenger riding in any seat of a passenger vehicle who (i) is ~~older than three but not required to be transported in a child passenger restraint system under section 169.685, subdivision 5, and (ii) is younger than 11 years of age.~~

(b) A person who is 15 years of age or older and who violates paragraph (a), clause (1) or (2), is subject to a fine of \$25. The driver of the passenger vehicle or commercial motor vehicle in which the violation occurred is subject to a \$25 fine for a violation of paragraph (a), clause (2) or (3), by a child of the driver under the age of 15 or any child under the age of 11. A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment. The Department of Public Safety shall not record a violation of this subdivision on a person's driving record.

**EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to offenses committed on or after that date."

Delete the title and insert:

"A bill for an act relating to traffic regulations; requiring restraint of child under age eight and shorter than four feet nine inches while passenger in motor vehicle and modifying seat belt requirements accordingly; amending Minnesota Statutes 2008, sections 169.685, subdivision 5; 169.686, subdivision 1."

And when so amended the bill do pass. Amendments adopted. Report adopted.

**Senator Cohen from the Committee on Finance, to which was referred**

**S.F. No. 986:** A bill for an act relating to health and human services; relieving counties of certain mandates; allowing counties to place children for treatment in bordering states; modifying county payment of funeral expenses; modifying provisions related to children's therapeutic services and supports; modifying certain nursing facility rules; providing an alternative licensing method for day training and habilitation services; accepting certain independent audits; modifying renewal notice requirements; modifying health care program information that school district or charter school must provide; amending Minnesota Statutes 2008, sections 62Q.37, subdivision 3; 144A.04, subdivision 11, by adding a subdivision; 144A.45, subdivision 1; 157.22; 245.4871, subdivision 10; 245.4882, subdivision 1; 245.4885, subdivision 1a; 245A.09, subdivision 7; 256.935; 256.962, subdivisions 6, 7; 256B.0915, subdivision 3h; 256B.0943, subdivisions 4, 6, 9; 256B.0945, subdivision 1; 256F.13,

subdivision 1; 260C.212, subdivisions 4a, 11; 261.035; 471.61, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, delete section 3

Page 4, line 18, after "agency" insert "shall attempt to contact the decedent's spouse or next of kin. If the agency is not able to contact a spouse or next of kin, the agency"

Page 4, line 19, after "If" insert "the county agency contacts the decedent's spouse or next of kin and"

Page 4, lines 25, 26, and 27, reinstate the stricken language

Page 4, line 28, reinstate the stricken "agency as herein authorized."

Page 4, line 30, strike the period

Page 11, delete section 9

Page 16, after line 16, insert:

"Sec. 4. Minnesota Statutes 2008, section 144A.43, is amended by adding a subdivision to read:

Subd. 5. **Medication reminder.** "Medication reminder" means providing a verbal or visual reminder to a client to take medication. This includes bringing the medication to the client and providing liquids or nutrition to accompany medication that a client is self-administering."

Page 17, delete section 5 and insert:

"Sec. 6. Minnesota Statutes 2008, section 144A.45, is amended by adding a subdivision to read:

Subd. 1b. **Home health aide qualifications.** Notwithstanding the provisions of Minnesota Rules, part 4668.0100, subpart 5, a person may perform home health aide tasks if the person maintains current registration as a nursing assistant on the Minnesota nursing assistant registry. Maintaining current registration on the Minnesota nursing assistant registry satisfies the documentation requirements of Minnesota Rules, part 4668.0110, subpart 3.

Sec. 7. **[245B.031] ACCREDITATION, ALTERNATIVE INSPECTION, AND DEEMED COMPLIANCE.**

Subdivision 1. **Day training and habilitation or supported employment services programs; alternative inspection status.** (a) A license holder providing day training and habilitation services or supported employment services according to this chapter, with a three-year accreditation from the Commission on Rehabilitation Facilities, that has had at least one on-site inspection by the commissioner following issuance of the initial license may request alternative inspection status under this section.

(b) The request for alternative inspection status must be made in the manner prescribed by the commissioner, and must include:

(1) a copy of the license holder's application to the Commission on Rehabilitation Facilities for accreditation;

(2) the most recent Commission on Rehabilitation Facilities accreditation survey report; and

(3) the most recent letter confirming the three-year accreditation and approval of the license holder's quality improvement plan.

Based on the request and the accompanying materials, the commissioner may approve alternative inspection status.

(c) Following approval of alternative inspection status, the commissioner may terminate the alternative inspection status or deny a subsequent alternative inspection status if the commissioner determines that any of the following conditions have occurred after approval of the alternative inspection process:

(1) the license holder has not maintained full three-year accreditation;

(2) the commissioner has substantiated maltreatment for which the license holder or facility is determined to be responsible during the three-year accreditation period; and

(3) during the three-year accreditation period, the license holder has been issued an order for conditional license, a fine, suspension, or license revocation that has not been reversed upon appeal.

(d) The commissioner's decision that the conditions for approval for the alternative licensing inspection status have not been met is final and not subject to appeal under the provisions of chapter 14.

Subd. 2. **Programs with three-year accreditation, exempt from certain statutes.** (a) A license holder approved for alternative inspection status under this section is exempt from the requirements under:

(1) section 245B.04;

(2) section 245B.05, subdivisions 5 and 6;

(3) section 245B.06, subdivisions 1, 3, 4, 5, and 6; and

(4) section 245B.07, subdivisions 1, 4, and 6.

(b) Upon receipt of a complaint regarding a requirement under paragraph (a), the commissioner shall refer the complaint to the Commission on Rehabilitation Facilities for possible follow-up.

Subd. 3. **Programs with three-year accreditation, deemed to be in compliance with nonexempt licensing requirements.** (a) License holders approved for alternative inspection status under this section are required to maintain compliance with all licensing standards from which they are not exempt under subdivision 2, paragraph (a).

(b) License holders approved for alternative inspection status under this section shall be deemed to be in compliance with all nonexempt statutes, and the commissioner shall not perform routine licensing inspections.

(c) Upon receipt of a complaint regarding the services of a license holder approved for alternative inspection under this section that is not related to a licensing requirement from which the license holder is exempt under subdivision 2, the commissioner shall investigate the complaint and may take any action as provided under section 245A.06 or 245A.07.

Subd. 4. **Investigations of alleged maltreatment of minors or vulnerable adults.** Nothing in this section changes the commissioner's responsibilities to investigate alleged or suspected maltreatment of a minor under section 626.556 or vulnerable adult under section 626.557.

Subd. 5. **Commissioner request to the Commission on Rehabilitation Facilities to expand accreditation survey.** The commissioner shall submit a request to the Commission on Rehabilitation Facilities to routinely inspect for compliance with standards that are similar to the following nonexempt licensing requirements:

- (1) section 245A.65;
- (2) section 245A.66;
- (3) section 245B.05, subdivisions 1, 2, and 7;
- (4) section 245B.055;
- (5) section 245B.06, subdivisions 2, 7, 9, and 10;
- (6) section 245B.07, subdivisions 2, 5, and 8, paragraph (a), clause (7);
- (7) section 245C.04, subdivision 1, paragraph (f);
- (8) section 245C.07;
- (9) section 245C.13, subdivision 2;
- (10) section 245C.20; and
- (11) Minnesota Rules, parts 9525.2700 to 9525.2810."

Page 18, delete line 25 and insert "~~(d)~~ (c) Each district shall designate an enrollment specialist to provide application"

Page 18, lines 26 to 28, reinstate the stricken language

Page 18, line 29, delete "(c)" and insert "(d)"

Pages 18 to 19, delete sections 7 and 8

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything before "modifying"

Page 1, line 7, delete "modifying renewal notice"

Page 1, line 8, delete "requirements;" and before "school" insert "a"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Cohen from the Committee on Finance, to which was referred**

**S.F. No. 672:** A bill for an act relating to education finance; simplifying and repealing mandates on districts; amending Minnesota Statutes 2008, sections 16E.18, subdivision 2; 120A.24, subdivision 4; 120A.26, subdivision 5; 120A.32; 120B.11, subdivision 5; 122A.09, subdivision 7; 122A.50; 122A.61, subdivision 1; 123B.10, subdivision 1; 123B.71, subdivisions 1, 8, 12; 124D.10, subdivision 13; 124D.19, subdivision 3; 125A.57, subdivision 2; 125A.61, subdivision 1; 237.065, subdivision 2; 237.066, subdivision 2; repealing Minnesota Statutes 2008, sections 120A.26, subdivision 4; 120A.41; 120B.11, subdivisions 6, 7, 8; 120B.39; 122A.32; 122A.628; 122A.75.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 16E.18, subdivision 2, is amended to read:

Subd. 2. **Creation.** Except as provided in subdivision 4, the chief information officer, through the state information infrastructure, shall arrange for the provision of information technology and telecommunications services to state agencies. The state information infrastructure may also serve educational institutions, including public schools as defined in section 120A.05, subdivisions 9, 11, 13, and 17, nonpublic, church or religious organization schools that provide instruction in compliance with sections 120A.22, and 120A.24, ~~and 120A.41~~, and private colleges; public corporations; Indian tribal governments; state political subdivisions; and public noncommercial educational television broadcast stations as defined in section 129D.12, subdivision 2. It is not a telephone company for purposes of chapter 237. The chief information officer may purchase, own, or lease any telecommunications network facilities or equipment after first seeking bids or proposals and having determined that the private sector cannot, will not, or is unable to provide these services, facilities, or equipment as bid or proposed in a reasonable or timely fashion consistent with policy set forth in this section. The chief information officer shall not resell or sublease any services or facilities to nonpublic entities except to serve private schools and colleges. The chief information officer has the responsibility for planning, development, and operations of the state information infrastructure in order to provide cost-effective telecommunications transmission services to state information infrastructure users consistent with the policy set forth in this section.

Sec. 2. Minnesota Statutes 2008, section 120A.32, is amended to read:

**120A.32 OFFICERS, TEACHERS; NEGLIGENCE OF DUTY; PENALTY.**

Any school officer, truant officer, public or nonpublic school teacher, principal, district superintendent, or person providing instruction other than a parent refusing, willfully failing, or neglecting to perform any duty imposed by sections 120A.22 to 120A.30, 120A.35, ~~120A.41~~, and 123B.03 is guilty of a misdemeanor. All persons found guilty shall be punished for each offense by a fine of not more than \$10 or by imprisonment for not more than ten days. All fines, when collected, shall be paid into the county treasury for the benefit of the school district in which the offense is committed.

Sec. 3. Minnesota Statutes 2008, section 120B.11, subdivision 5, is amended to read:

Subd. 5. **Report.** (a) By October 1 of each year, the school board shall use standard statewide reporting procedures the commissioner develops and adopt a report that includes the following:

- (1) student achievement goals for meeting state academic standards;
- (2) results of local assessment data, and any additional test data;
- (3) the annual school district improvement plans including staff development goals under section 122A.60;
- (4) information about district and learning site progress in realizing previously adopted improvement plans; and
- (5) the amount and type of revenue attributed to each education site as defined in section 123B.04.

(b) The school board shall publish a summary of the report in the local newspaper with the largest circulation in the district, by mail, or by electronic means such as the district Web site. If electronic means are used, school districts must publish notice of the report in a periodical of general circulation in the district. School districts must make copies of the report available to the public on request. ~~The board shall make a copy of the report available to the public for inspection. The board shall send a copy of the report to the commissioner of education by October 15 of each year.~~

(c) The title of the report shall contain the name and number of the school district and read "Annual Report on Curriculum, Instruction, and Student Achievement." The report must include at least the following information about advisory committee membership:

- (1) the name of each committee member and the date when that member's term expires;
- (2) the method and criteria the school board uses to select committee members; and
- (3) the date by which a community resident must apply to next serve on the committee.

Sec. 4. Minnesota Statutes 2008, section 121A.035, subdivision 2, is amended to read:

Subd. 2. **School district and charter school policy.** A school board and a charter school must adopt a crisis management policy to address potential violent crisis situations in the district or charter school. The policy must be developed cooperatively with administrators, teachers, employees, students, parents, community members, law enforcement agencies, other emergency management officials, county attorney offices, social service agencies, emergency medical responders, and any other appropriate individuals or organizations. The policy must include at least ~~five~~ two school lock-down drills, ~~five~~ two school fire drills consistent with section 299F.30, and one tornado drill.

Sec. 5. Minnesota Statutes 2008, section 121A.037, is amended to read:

**121A.037 SCHOOL SAFETY DRILLS.**

Private schools and educational institutions not subject to section 121A.035 must have at least ~~five~~ two school lock-down drills, ~~five~~ two school fire drills consistent with section 299F.30, and one tornado drill.

Sec. 6. Minnesota Statutes 2008, section 122A.09, subdivision 7, is amended to read:

Subd. 7. **Commissioner's assistance; board money.** The commissioner shall provide all necessary materials and assistance for the transaction of the business of the Board of Teaching and

all moneys received by the Board of Teaching shall be paid into the state treasury as provided by law. The expenses of administering sections 122A.01, 122A.05 to 122A.09, 122A.15, 122A.16, 122A.17, 122A.18, 122A.20, 122A.21, 122A.22, 122A.23, 122A.26, 122A.30, ~~122A.32~~, 122A.40, 122A.41, 122A.42, 122A.45, 122A.49, 122A.52, 122A.53, 122A.54, 122A.55, 122A.56, 122A.57, and 122A.58 which are incurred by the Board of Teaching shall be paid for from appropriations made to the Board of Teaching.

Sec. 7. Minnesota Statutes 2008, section 122A.61, subdivision 1, is amended to read:

Subdivision 1. **Staff development revenue.** A district is required to reserve an amount equal to at least two percent of the basic revenue under section 126C.10, subdivision 2, for in-service education for programs under section 120B.22, subdivision 2, for staff development plans, including plans for challenging instructional activities and experiences under section 122A.60, and for curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, the cost of substitute teachers staff development purposes, preservice and in-service education for special education professionals and paraprofessionals, and other related costs for staff development efforts. A district may annually waive the requirement to reserve their basic revenue under this section if a majority vote of the licensed teachers in the district and a majority vote of the school board agree to a resolution to waive the requirement. A district in statutory operating debt is exempt from reserving basic revenue according to this section. Districts may expend an additional amount of unreserved revenue for staff development based on their needs. ~~With the exception of amounts reserved for staff development from revenues allocated directly to school sites, the board must initially allocate 50 percent of the reserved revenue to each school site in the district on a per teacher basis, which must be retained by the school site until used. The board may retain 25 percent to be used for district wide staff development efforts. The remaining 25 percent of the revenue must be used to make grants to school sites for best practices methods. A grant~~ The revenue may be used for any purpose authorized under section 120B.22, subdivision 2, 122A.60, or for the costs of curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, substitute teachers for staff development purposes, and other staff development efforts, and determined by the site professional development team. The site professional development team must demonstrate to the school board the extent to which staff at the site have met the outcomes of the program. The board may withhold a portion of initial allocation of the revenue if the board determines that the staff development outcomes are not being met.

Sec. 8. Minnesota Statutes 2008, section 123B.10, subdivision 1, is amended to read:

Subdivision 1. **Budgets; form of notification.** (a) Every board must publish revenue and expenditure budgets for the current year and the actual revenues, expenditures, fund balances for the prior year and projected fund balances for the current year in a form prescribed by the commissioner within one week of the acceptance of the final audit by the board, or November 30, whichever is earlier. The forms prescribed must be designed so that year to year comparisons of revenue, expenditures and fund balances can be made.

(b) A school board annually must notify the public of its revenue, expenditures, fund balances, and other relevant budget information. The board must include the budget information required by this section in the materials provided as a part of its truth in taxation hearing, post the materials in a conspicuous place on the district's official Web site, including a link to the district's school report card on the Department of Education's Web site, and publish a summary of the information in a qualified newspaper of general circulation in the district.



Sec. 9. Minnesota Statutes 2008, section 123B.143, subdivision 1, is amended to read:

Subdivision 1. **Contract; duties.** All districts maintaining a classified secondary school must employ a superintendent who shall be an ex officio nonvoting member of the school board. The authority for selection and employment of a superintendent must be vested in the board in all cases. An individual employed by a board as a superintendent shall have an initial employment contract for a period of time no longer than three years from the date of employment. Any subsequent employment contract must not exceed a period of three years. A board, at its discretion, may or may not renew an employment contract. A board must not, by action or inaction, extend the duration of an existing employment contract. Beginning 365 days prior to the expiration date of an existing employment contract, a board may negotiate and enter into a subsequent employment contract to take effect upon the expiration of the existing contract. A subsequent contract must be contingent upon the employee completing the terms of an existing contract. If a contract between a board and a superintendent is terminated prior to the date specified in the contract, the board may not enter into another superintendent contract with that same individual that has a term that extends beyond the date specified in the terminated contract. A board may terminate a superintendent during the term of an employment contract for any of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall not rely upon an employment contract with a board to assert any other continuing contract rights in the position of superintendent under section 122A.40. Notwithstanding the provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law to the contrary, no individual shall have a right to employment as a superintendent based on order of employment in any district. If two or more districts enter into an agreement for the purchase or sharing of the services of a superintendent, the contracting districts have the absolute right to select one of the individuals employed to serve as superintendent in one of the contracting districts and no individual has a right to employment as the superintendent to provide all or part of the services based on order of employment in a contracting district. The superintendent of a district shall perform the following:

(1) visit and supervise the schools in the district, report and make recommendations about their condition when advisable or on request by the board;

(2) recommend to the board employment and dismissal of teachers;

(3) superintend school grading practices and examinations for promotions;

(4) make reports required by the commissioner; and

~~(5) by January 10, submit an annual report to the commissioner in a manner prescribed by the commissioner, in consultation with school districts, identifying the expenditures that the district requires to ensure an 80 percent student passage rate on the MCA-II's taken in the eighth grade, identifying the highest student passage rate the district expects it will be able to attain on the MCA-II's by grade 12, and the amount of expenditures that the district requires to attain the targeted student passage rate; and~~

~~(6) perform other duties prescribed by the board.~~

Sec. 10. Minnesota Statutes 2008, section 123B.71, subdivision 1, is amended to read:

Subdivision 1. **Consultation.** A school district shall consult with the commissioner of education before developing any plans and specifications to construct, remodel, or improve the building or site

of an educational facility for which the estimated cost exceeds ~~\$250,000~~ \$500,000. This consultation shall occur before a referendum for bonds, solicitation for bids, or use of capital expenditure facilities revenue according to section 126C.10, subdivision 14, clause (2). The commissioner may require the district to participate in a management assistance plan before conducting a review and comment on the project.

Sec. 11. Minnesota Statutes 2008, section 123B.71, subdivision 8, is amended to read:

Subd. 8. **Review and comment.** A school district, a special education cooperative, or a cooperative unit of government, as defined in section 123A.24, subdivision 2, must not initiate an installment contract for purchase or a lease agreement, hold a referendum for bonds, nor solicit bids for new construction, expansion, or remodeling of an educational facility that requires an expenditure in excess of ~~\$500,000~~ \$1,000,000 per school site prior to review and comment by the commissioner. The commissioner may exempt a facility maintenance project funded with general education aid and levy, alternative facilities bonding and levy program, or health and safety revenue from this provision after reviewing a written request from a school district describing the scope of work. A school board shall not separate portions of a single project into components to avoid the requirements of this subdivision.

Sec. 12. Minnesota Statutes 2008, section 123B.71, subdivision 12, is amended to read:

Subd. 12. **Publication.** (a) At least 20 days but not more than 60 days before a referendum for bonds or solicitation of bids for a project that has received a positive or unfavorable review and comment under section 123B.70, the school board shall publish a summary of the commissioner's review and comment of that project in the legal newspaper of the district. Supplementary information shall be available to the public.

(b) The publication requirement in paragraph (a) does not apply to alternative facilities projects approved under section 123B.59. Publication for alternative facilities projects shall be as specified in section 123B.59, subdivisions 3 and 3a.

Sec. 13. Minnesota Statutes 2008, section 124D.10, subdivision 13, is amended to read:

Subd. 13. **Length Timing of school year.** A charter school ~~must provide instruction each year for at least the number of days required by section 120A.41.~~ It may provide instruction throughout the year according to sections 124D.12 to 124D.127 or 124D.128.

Sec. 14. Minnesota Statutes 2008, section 124D.10, subdivision 20, is amended to read:

Subd. 20. **Leave to teach in a charter school.** If a teacher employed by a district makes a written request for an extended leave of absence to teach at a charter school, the district must grant the leave. The district must grant a leave not to exceed a total of five years. Any request to extend the leave shall be granted only at the discretion of the school board. The district may require that the request for a leave or extension of leave be made up to 90 days before the teacher would otherwise have to report for duty before February 1 in the school year preceding the school year in which the teacher wishes to begin the leave, or February 1 of the calendar year in which the leave is scheduled to terminate. Except as otherwise provided in this subdivision and except for section 122A.46, subdivision 7, the leave is governed by section 122A.46, including, but not limited to, reinstatement, notice of intention to return, seniority, salary, and insurance.

During a leave, the teacher may continue to aggregate benefits and credits in the Teachers'

Retirement Association account by paying both the employer and employee contributions based upon the annual salary of the teacher for the last full pay period before the leave began. The retirement association may impose reasonable requirements to efficiently administer this subdivision.

Sec. 15. Minnesota Statutes 2008, section 124D.19, subdivision 3, is amended to read:

**Subd. 3. Community education director.** (a) Except as provided under paragraphs (b) and (c), each board shall employ a licensed community education director. The board shall submit the name of the person who is serving as director of community education under this section on the district's annual community education report to the commissioner.

(b) A board may apply to the Minnesota Board of School Administrators under Minnesota Rules, part 3512.3500, subpart 9, for authority to use an individual who is not licensed as a community education director.

(c) A board of a district with a total population of ~~2,000~~ 4,000 or less may identify an employee who holds a valid Minnesota teacher, principal, or superintendent license under Minnesota Rules, chapter 3512, to serve as director of community education. To be eligible for an exception under this paragraph, the board shall certify in writing to the commissioner that the district has not placed a licensed director of community education on unrequested leave.

Sec. 16. Minnesota Statutes 2008, section 124D.68, subdivision 5, is amended to read:

**Subd. 5. Pupil enrollment.** (a) Any eligible pupil may apply to enroll in an eligible program. Approval of the resident district is not required for:

(1) an eligible pupil to enroll in any eligible (1) program in a nonresident district under subdivision 3 or 4 or an area learning center established under section 123A.05; or

(2) an eligible pupil under subdivision 2, to enroll in an adult basic education program approved under section 124D.52.

(b) Notwithstanding paragraph (a), a nonresident district must first approve the enrollment application of any eligible pupil who was expelled under section 121A.45 for a reason stated in section 124D.03, subdivision 1, paragraph (b).

**EFFECTIVE DATE.** This section is effective for the 2009-2010 school year and later.

Sec. 17. Minnesota Statutes 2008, section 125A.57, subdivision 2, is amended to read:

**Subd. 2. Assistive technology device.** "Assistive technology device" means any item, piece of equipment, ~~software,~~ or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities. It does not mean a medical device that is surgically implanted, or replacement of the device.

Sec. 18. Minnesota Statutes 2008, section 125A.61, subdivision 1, is amended to read:

**Subdivision 1. State schools at Faribault.** The Minnesota State Academy for the Deaf and the Minnesota State Academy for the Blind are residential schools in Faribault. They are public schools under sections 122A.15, and 122A.16, ~~and 122A.32~~ and state educational institutions.

Sec. 19. Minnesota Statutes 2008, section 126C.44, is amended to read:

**126C.44 SAFE SCHOOLS LEVY.**

(a) Each district may make a levy on all taxable property located within the district for the purposes specified in this section. The maximum amount which may be levied for all costs under this section shall be equal to \$30 multiplied by the district's adjusted marginal cost pupil units for the school year. The proceeds of the levy must be reserved and used for directly funding the following purposes or for reimbursing the cities and counties who contract with the district for the following purposes: (1) to pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison in services in the district's schools; (2) to pay the costs for a drug abuse prevention program as defined in section 609.101, subdivision 3, paragraph (e), in the elementary schools; (3) to pay the costs for a gang resistance education training curriculum in the district's schools; (4) to pay the costs for security in the district's schools and on school property; (5) to pay the costs for other crime prevention, drug abuse, student and staff safety, voluntary opt-in suicide prevention tools, and violence prevention measures taken by the school district; or (6) to pay costs for licensed school counselors, licensed school nurses, licensed school social workers, licensed school psychologists, and licensed alcohol and chemical dependency counselors to help provide early responses to problems. For expenditures under clause (1), the district must initially attempt to contract for services to be provided by peace officers or sheriffs with the police department of each city or the sheriff's department of the county within the district containing the school receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries.

(b) A school district that is a member of an intermediate school district may include in its authority under this section the costs associated with safe schools activities authorized under paragraph (a) for intermediate school district programs. This authority must not exceed \$10 times the adjusted marginal cost pupil units of the member districts. This authority is in addition to any other authority authorized under this section. Revenue raised under this paragraph must be transferred to the intermediate school district.

(c) A school district must set aside at least \$3 per adjusted marginal cost pupil unit of the safe schools levy proceeds for the purposes authorized under paragraph (a), clause (6). ~~The district must annually certify that its total spending on services provided by the employees listed in paragraph (a), clause (6), is not less than the sum of its expenditures for these purposes, excluding amounts spent under this section, in the previous year plus the amount spent under this section.~~

Sec. 20. Minnesota Statutes 2008, section 237.065, subdivision 2, is amended to read:

Subd. 2. **Basic and advanced telecommunication service; reduced rate.** (a) Notwithstanding the provisions of sections 237.09, 237.14, 237.60, subdivision 3, and 237.74, each telephone company and telecommunications carrier that provides local telephone service in a service area that includes a school that has classes within the range from kindergarten to grade 12, a public library, or a telecommunication services purchasing cooperative may provide, upon request, basic and advanced telecommunication services at reduced or no cost to that school, library, or may provide, upon request, advanced telecommunication services at reduced wholesale rates to the members of a telecommunication services purchasing cooperative. For purposes of this section, a "telecommunication services purchasing cooperative" means a cooperative organized under

section 308A.210. A school or library receiving telecommunications services at reduced or no cost may not resell or sublease the discounted services. No members of a telecommunication services purchasing cooperative may resell or sublease the discounted services. A purchasing cooperative is not required to negotiate or provide a uniform rate for its members. Telecommunications services shall be provided in accordance with Public Law 104-104, and the regulations of the Federal Communications Commission adopted under the act.

(b) An agent that provides telecommunications services to a school or library may request the favorable rate on behalf of and for the exclusive benefit of the school or library. The school or library must authorize the agent to make the request of the local telephone company or telecommunications carrier. The telephone company or telecommunications carrier is not required to offer the same price discount to the agent that it would offer to the school district or library. An agent that receives a price discount for telecommunications services on behalf of a school or library may only resell or sublease the discounted services to that school or library.

(c) For the purposes of this subdivision, "school" includes a public school as defined in section 120A.05, nonpublic, and church or religious organization schools that provide instruction in compliance with sections 120A.22, and 120A.24, and 120A.41.

Sec. 21. Minnesota Statutes 2008, section 237.066, subdivision 2, is amended to read:

Subd. 2. **Program participation.** A state government telecommunications pricing plan may be available to serve individually or collectively: state agencies; educational institutions, including public schools complying with section 120A.05, subdivision 9, 11, 13, or 17, and nonpublic schools complying with sections 120A.22, and 120A.24, and 120A.41; private colleges; public corporations; and political subdivisions of the state. Plans shall be available to carry out the commissioner of administration's duties under sections 16E.17 and 16E.18 and shall also be available to those entities not using the commissioner for contracting for telecommunications services.

Sec. 22. **REPEALER.**

Minnesota Statutes 2008, sections 120A.41; 120B.11, subdivisions 6, 7, and 8; 120B.39; 121A.06; 122A.32; 122A.628; 122A.75; and 123B.92, subdivision 5, are repealed the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education finance; simplifying mandates; allowing districts to report summaries; reducing the number of projects that require consultation and review and comment; clarifying the notice time for a leave to a charter school; clarifying the definition of assistive technology device; repealing mandates; amending Minnesota Statutes 2008, sections 16E.18, subdivision 2; 120A.32; 120B.11, subdivision 5; 121A.035, subdivision 2; 121A.037; 122A.09, subdivision 7; 122A.61, subdivision 1; 123B.10, subdivision 1; 123B.143, subdivision 1; 123B.71, subdivisions 1, 8, 12; 124D.10, subdivisions 13, 20; 124D.19, subdivision 3; 124D.68, subdivision 5; 125A.57, subdivision 2; 125A.61, subdivision 1; 126C.44; 237.065, subdivision 2; 237.066, subdivision 2; repealing Minnesota Statutes 2008, sections 120A.41; 120B.11, subdivisions 6, 7, 8; 120B.39; 121A.06; 122A.32; 122A.628; 122A.75; 123B.92, subdivision 5."

And when so amended the bill do pass and be re-referred to the Committee on Rules and Administration. Amendments adopted. Report adopted.

**SECOND READING OF SENATE BILLS**

S.F. Nos. 811, 1449, 484, 137, 1012 and 99 were read the second time.

**MEMBERS EXCUSED**

Senators Clark, Cohen, Fobbe, Metzen, Pogemiller, Senjem and Stumpf were excused from the Session of today.

**ADJOURNMENT**

Senator Betzold moved that the Senate do now adjourn until 11:00 a.m., Monday, March 23, 2009. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

# INDEX TO DAILY JOURNAL

Thursday, March 19, 2009

## REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
3	833		598	784	807
70	830				
99	833	846			
137	832	846			
402	822				
484	831	846			
499	781	807			
537	788	807			
538	787	807			
560	788				
562	786				
564	785				
566	784				
640	805	807			
645	785				
654	779				
671	826				
672	838				
676	783				
763	784	807			
780	780				
811	822	846			
896	784	807			
915	831				
986	834				
1012	833	846			
1097	788				
1099	777				
1110	788				
1135	781	807			
1142	783	807			
1189	806				
1235	782				
1237	820				
1256	826				
1273	806				
1341	823				
1399	805	807			
1423	806				
1425	806	807			
1449	823	846			
1462	778				
1469	779				
1476	805	807			
1477	805	807			
1507	784				

1526 .....	781	807
1535 .....	779	
1655 .....	824	

**MOTIONS AND RESOLUTIONS**

S.F. Nos.	Page	H.F. Nos.	Page
131 .....	808		
296 .....	807		
519 .....	807		
540 .....	808		
751 .....	807		
906 .....	807		
1429 .....	808		
1453 .....	807		
1513 .....	808		
1531 .....	808		
1564 .....	808		
1620 .....	808		
1642 .....	808		
1649 .....	808		
Sen. Res.			
No. 58 .....	808		
Sen. Res.			
No. 59 .....	808		
Sen. Res.			
No. 60 .....	808		

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

S.F Nos. 1662 to 1728 ..... Pages 809 to 819