

TWENTY-THIRD DAY

St. Paul, Minnesota, Monday, March 23, 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. Kevin McDonough.

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

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

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

February 9, 2009

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD OF TEACHING

Jeffrey Anderson, 710 - 8th Ave. N.E., Austin, in the county of Mower, effective February 14, 2009, to fulfill a term that expires on January 3, 2011.

Daniel Bittman, 6649 Timberwolf Tr., Lino Lakes, in the county of Anoka, effective February 14, 2009, for a term that expires on January 7, 2013.

Jennifer Brist, 406 Houston Ave., Crookston, in the county of Polk, effective February 14, 2009, for a term that expires on January 7, 2013.

Kristi Delaney, 3762 Alexandria Ct., Woodbury, in the county of Washington, effective February 14, 2009, for a term that expires on January 7, 2013.

Ron Hill, 5313 S. Park Cir., Savage, in the county of Scott, effective February 14, 2009, for a term that expires on January 7, 2013.

Leonard Runck, 1002 Elm St., Lamberton, in the county of Redwood, effective February 14, 2009, for a term that expires on January 7, 2013.

(Referred to the Committee on Education.)

Sincerely,
Tim Pawlenty, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 85, 789, 801, 602 and 668.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 19, 2009

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 85: A bill for an act relating to traffic regulations; authorizing mounting global positioning systems on windshields; amending Minnesota Statutes 2008, section 169.71, subdivision 1.

Referred to the Committee on Transportation.

H.F. No. 789: A bill for an act relating to utilities; modifying provisions relating to deadline

for rate determination by Public Utilities Commission; making clarifying correction; amending Minnesota Statutes 2008, section 216B.16, subdivisions 2, 7b.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 586, now on General Orders.

H.F. No. 801: A bill for an act relating to state government; modifying laws regarding state reports and documents; amending Minnesota Statutes 2008, sections 3.195, subdivisions 1, 3; 3.302, subdivision 3; 6.72, subdivision 1; 11A.17, subdivision 11; 16A.27, subdivision 2; 214.07, subdivision 2.

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

H.F. No. 602: A bill for an act relating to utilities; modifying provisions for recording proceedings of the Public Utilities Commission; making technical corrections regarding the cold weather rule; amending Minnesota Statutes 2008, sections 216A.03, subdivision 6, by adding a subdivision; 216C.11.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 573, now on General Orders.

H.F. No. 668: A bill for an act relating to public safety; school buses; providing for postcrash procedures for school bus in an accident; amending Minnesota Statutes 2008, section 169.4511, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 782, now on General Orders.

REPORTS OF COMMITTEES

Senator Pogemiller 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. 734: A bill for an act relating to health; establishing a grant program for nursing education demonstration projects; appropriating money.

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

Page 2, line 1, delete "January" and insert "March"

Page 2, delete line 2 and insert "Scholastica must report to the commissioner of health, the Board of Nursing, and the membership of the Minnesota Association of Colleges of Nursing on the progress made towards the goal stated in"

Page 2, delete lines 5 to 9 and insert:

"\$1,504,000 in fiscal year 2010 is transferred from the state government special revenue fund to the general fund. \$1,504,000 is appropriated in fiscal year 2010 from the general fund to the

commissioner of health for grants to the College of St. Catherine and the College of St. Scholastica for the innovation in nursing education demonstration projects. The grants shall be distributed equally so that each grantee receives \$752,000. Grant amounts not expended in the first year of the biennium shall not cancel but shall be available in the second year. This is a onetime appropriation."

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. 1208: A bill for an act relating to human services; modifying provisions governing medical assistance claims and liens; amending Minnesota Statutes 2008, sections 256B.15, subdivisions 1, 1a, 2; 514.983, subdivision 2.

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

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

S.F. No. 831: A bill for an act relating to human services; modifying medical assistance coverage to include consultations with psychologists; increasing medical assistance reimbursement rate for critical access mental health services; amending Minnesota Statutes 2008, sections 256B.0625, subdivision 48; 256B.763.

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

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

S.F. No. 895: A bill for an act relating to health; establishing an academic detailing program for prescription drugs; allowing rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 62U.

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

Page 1, line 8, delete "and" and insert a comma and after "School" insert ", and the University of Minnesota College of Pharmacy"

Page 2, line 25, delete everything after the period

Page 2, delete lines 26 and 27

Page 2, before line 28, insert:

"(b) The commissioner may establish a fee for the utilization of the program as specified in paragraph (a). Any revenue collected shall be deposited in the state government special revenue fund and appropriated to the commissioner for the administration of the prescription drug education program."

Page 2, line 28, delete "(b)" and insert "(c)"

Page 3, line 7, delete "licensing"

Page 3, delete line 8 and insert "that are registered as manufacturers under Minnesota Statutes, section 151.25, or licensed as wholesale distributors under Minnesota Statutes, section 151.47, by \$..... per year beginning"

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

S.F. No. 457: A bill for an act relating to health; modifying provisions for volunteer health practitioners; amending Minnesota Statutes 2008, section 145A.06, subdivision 8.

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

Page 1, line 12, after "(3)" insert "(i)"

Page 1, lines 13 to 15, delete the new language and insert "or (ii) deployed pursuant to an agreement between the disaster relief organization, professional association of health practitioners, health care facilities or providers, or other individuals or entities and the state's"

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 referred

S.F. No. 704: A bill for an act relating to health; developing technology standards and tools to exchange information electronically between groups; requiring assignment of benefits for health and medical savings accounts; amending Minnesota Statutes 2008, section 62J.60, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62J.

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

Delete everything after the enacting clause and insert:

"Section 1. **DEVELOPING TECHNOLOGY STANDARDS AND TOOLS.**

(a) The commissioner of health, in consultation with the Minnesota Administrative Uniformity Committee, the commissioner of commerce, and the commissioner of human services, shall study and make recommendations on the feasibility and barriers to simplifying health care administrative transactions through electronic data interchange. The study shall include:

(1) recommendations regarding the feasibility and barriers to establishing a single, standardized system for all group purchasers for health care administrative transactions and notification, preauthorization, or service notification, and retroactive denial through electronic data interchange, identifying a range of potential technologies to accomplish this purpose;

(2) recommendations regarding the relationship of technologies to the e-prescribing

requirements of Minnesota Statutes, section 62J.497;

(3) recommendations for ensuring that any use of technologies by providers and group purchasers is consistent with national standards;

(4) an analysis of the readiness of providers and group purchasers to implement appropriate technologies and comply with technology requirements already required by law; and

(5) recommendation for prioritizing the implementation of specific technologies in relation to provider and health plan efforts to meet the requirements of Minnesota Statutes, section 62J.536, to meet the administrative requirements of Minnesota Statutes, section 62J.497, to meet federal requirements for transitioning from ICD-9 to ICD-10, and to comply with federal changes to the Code of Federal Regulations, title 45, part 162.

(b) By February 1, 2011, the commissioner shall report the study and recommendations to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health care policy and finance."

Amend the title as follows:

Page 1, line 3, delete "requiring assignment of benefits for"

Page 1, line 4, delete "health and medical savings accounts;"

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

S.F. No. 758: A bill for an act relating to vulnerable adults; authorizing disclosure of financial records in connection with financial exploitation investigations; modifying procedures and duties for reporting and investigating maltreatment; specifying duties of financial institutions in cases alleging financial exploitation; modifying the crime of financial exploitation; imposing criminal and civil penalties; amending Minnesota Statutes 2008, sections 13A.02, subdivision 1; 13A.04, subdivision 1; 256B.0595, subdivision 4b; 299A.61, subdivision 1; 388.23, subdivision 1; 609.2335; 609.52, subdivision 3; 611A.033; 626.557, subdivisions 4, 5, 9, 9b, 9e, by adding subdivisions; 626.5572, subdivisions 5, 21; 628.26.

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

Page 2, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 2008, section 256B.0595, subdivision 4, is amended to read:

Subd. 4. **Other exceptions to transfer prohibition.** (a) An institutionalized person, as defined in subdivision 1, paragraph (h), who has made, or whose spouse has made a transfer prohibited by subdivision 1, is not ineligible for long-term care services if one of the following conditions applies:

(1) the assets were transferred to the individual's spouse or to another for the sole benefit of the

spouse; or

(2) the institutionalized spouse, prior to being institutionalized, transferred assets to a spouse, provided that the spouse to whom the assets were transferred does not then transfer those assets to another person for less than fair market value. (At the time when one spouse is institutionalized, assets must be allocated between the spouses as provided under section 256B.059); or

(3) the assets were transferred to the individual's child who is blind or permanently and totally disabled as determined in the supplemental security income program; or

(4) a satisfactory showing is made that the individual intended to dispose of the assets either at fair market value or for other valuable consideration; or

(5) the local agency determines that denial of eligibility for long-term care services would work an undue hardship and grants a waiver of a penalty period of ineligibility resulting from a transfer for less than fair market value based on an imminent threat to the individual's health and well-being. Imminent threat to the individual's health and well-being means that imposing a period of ineligibility would endanger the individual's health or life or cause serious deprivation of food, clothing, or shelter. Whenever an applicant or recipient is denied eligibility because of a transfer for less than fair market value, the local agency shall notify the applicant or recipient that the applicant or recipient may request a waiver of the penalty period of ineligibility if the denial of eligibility will cause undue hardship. With the written consent of the individual or the personal representative of the individual, a long-term care facility in which an individual is residing may file an undue hardship waiver request, on behalf of the individual who is denied eligibility for long-term care services on or after July 1, 2006, due to a period of ineligibility resulting from a transfer on or after February 8, 2006. ~~In evaluating a waiver, the local agency shall take into account whether the individual was the victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, whether the individual has taken any action to prevent the designation of the department as a remainder beneficiary on an annuity as described in section 256B.056, subdivision 11, and other factors relevant to a determination of hardship.~~

(b) Subject to paragraph (c), when evaluating a waiver, the local agency shall take into account whether the individual was the victim of financial exploitation, whether the individual has made reasonable efforts to recover the transferred property or resource, whether the individual has taken any action to prevent the designation of the department as a remainder beneficiary on an annuity as described in section 256B.056, subdivision 11, and other factors relevant to a determination of hardship.

(c) In the case of an imminent threat to the individual's health and well-being, the local agency shall approve a hardship waiver of the portion of an individual's period of ineligibility resulting from a transfer of assets for less than fair market value by or to a person:

(1) convicted of financial exploitation, fraud, or theft upon the individual for such transfer of assets; or

(2) against whom a report of financial exploitation upon the individual has been substantiated. For purposes of this paragraph, "financial exploitation" and "substantiated" have the meanings given in section 626.5572.

(d) The local agency shall make a determination within 30 days of the receipt of all necessary

information needed to make such a determination. If the local agency does not approve a hardship waiver, the local agency shall issue a written notice to the individual stating the reasons for the denial and the process for appealing the local agency's decision. When a waiver is granted, a cause of action exists against the person to whom the assets were transferred for that portion of long-term care services provided within:

(i) (1) 30 months of a transfer made on or before August 10, 1993;

(ii) (2) 60 months of a transfer if the assets were transferred after August 30, 1993, to a trust or portion of a trust that is considered a transfer of assets under federal law;

(iii) (3) 36 months of a transfer if transferred in any other manner after August 10, 1993, but prior to February 8, 2006; or

(iv) (4) 60 months of any transfer made on or after February 8, 2006,

or the amount of the uncompensated transfer, whichever is less, together with the costs incurred due to the action; or

(6) (5) for transfers occurring after August 10, 1993, the assets were transferred by the person or person's spouse: (i) into a trust established for the sole benefit of a son or daughter of any age who is blind or disabled as defined by the Supplemental Security Income program; or (ii) into a trust established for the sole benefit of an individual who is under 65 years of age who is disabled as defined by the Supplemental Security Income program.

"For the sole benefit of" has the meaning found in section 256B.059, subdivision 1."

Page 9, line 13, after "establish" insert "and maintain"

Page 9, line 14, after "maltreatment" insert "made pursuant to section 626.557 through a single statewide toll-free telephone number, and Web-based system"

Page 9, line 17, after "(b)" insert "Any person may use the statewide toll-free telephone number or Web-based system to report known or suspected abuse, neglect, or exploitation of a vulnerable adult at any hour of the day or night, any day of the week."

Page 10, line 12, strike "When a centralized database is available," and strike "has access to"

Page 10, delete line 13 and insert "~~the centralized database~~ and must log the reports ~~in on~~ into the central database."

Page 10, line 14, delete "July 1, 2010" and insert "January 1, 2011"

Page 10, after line 14 insert:

"Sec. 13. Minnesota Statutes 2008, section 626.557, subdivision 9a, is amended to read:

Subd. 9a. **Evaluation and referral of reports made to common entry point unit.** (a) The common entry point must be operated in such a manner as to enable the common entry point staff to:

(1) when appropriate, refer calls that do not allege the abuse, neglect, or exploitation of a vulnerable adult to other organizations that might better resolve the reporter's concerns; and

(2) immediately identify and locate prior reports of abuse, neglect, or exploitation.

(b) The common entry point must screen the reports of alleged or suspected maltreatment for immediate risk and make all necessary referrals as follows:

(1) if the common entry point determines that there is an immediate need for adult protective services, the common entry point agency shall immediately notify the appropriate county agency;

(2) if the report contains suspected criminal activity against a vulnerable adult, the common entry point shall immediately notify the appropriate law enforcement agency;

(3) if the report references alleged or suspected maltreatment and there is no immediate need for adult protective services, the common entry point shall notify the appropriate lead agency as soon as possible, but in any event no longer than two working days;

(4) if the report does not reference alleged or suspected maltreatment, the common entry point may determine whether the information will be referred; and

(5) if the report contains information about a suspicious death, the common entry point shall immediately notify the appropriate law enforcement agencies, the local medical examiner, and the ombudsman established under section 245.92. Law enforcement agencies shall coordinate with the local medical examiner and the ombudsman as provided by law.

(c) The common entry point must be operated in such a manner as to enable the commissioner of human services to:

(1) track critical steps in the investigative process to ensure compliance with all requirements for all reports;

(2) maintain data to facilitate the production of aggregate statistical reports for monitoring patterns of abuse, neglect, or exploitation;

(3) serve as a resource for the evaluation, management, and planning of preventive and remedial services for vulnerable adults who have been subject to abuse, neglect, or exploitation;

(4) set standards, priorities, and policies to maximize the efficiency and effectiveness of the common entry point; and

(5) develop a system to manage consumer complaints related to the central reporting system."

Page 11, line 19, before "The" insert "Under the direction of the commissioner of human services," and delete ", human"

Page 11, line 20, delete "services,"

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 Commerce and Consumer Protection. Amendments adopted. Report adopted.

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

referred

S.F. No. 1044: A bill for an act relating to health; requiring prescription information be kept confidential; proposing coding for new law in Minnesota Statutes, chapter 151.

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 8.31, subdivision 1, is amended to read:

Subdivision 1. **Investigate offenses against the provisions of certain designated sections; assist in enforcement.** The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively, section 151.60, the Nonprofit Corporation Act (sections 317A.001 to 317A.909), the Act Against Unfair Discrimination and Competition (sections 325D.01 to 325D.07), the Unlawful Trade Practices Act (sections 325D.09 to 325D.16), the Antitrust Act (sections 325D.49 to 325D.66), section 325F.67 and other laws against false or fraudulent advertising, the antidiscrimination acts contained in section 325D.67, the act against monopolization of food products (section 325D.68), the act regulating telephone advertising services (section 325E.39), the Prevention of Consumer Fraud Act (sections 325F.68 to 325F.70), and chapter 53A regulating currency exchanges and assist in the enforcement of those laws as in this section provided.

Sec. 2. **[151.60] PRESCRIPTION RECORD PRIVACY.**

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

(a) "Bona fide clinical trial" means any research project that prospectively assigns human subjects to intervention and comparison groups to study the cause and effect relationship between a medical intervention and a health outcome, has received approval from an appropriate institutional review board, and has been registered at ClinicalTrials.gov prior to commencement.

(b) "Individual identifying information" means information that is derived from or relates to a prescription for any prescribed product and directly or indirectly identifies a practitioner or a patient in this state.

(c) "Marketing" means any activity by an entity making or selling prescribed products or the entity's agent that is intended to influence prescribing or purchasing choices of the entity's products including, but not limited to:

(1) advertising, publicizing, promoting, or sharing information about a product;

(2) identifying individuals to receive a message promoting use of a particular product including, but not limited to an advertisement, brochure, or contact by a sales representative;

(3) planning the substance of a sales representative visit or communication or the substance of an advertisement or other promotional message or document;

(4) identifying individuals to receive any form of gift, product sample, consultancy, or any other item, service, compensation, or employment of value; or

(5) advertising or promoting prescribed products directly to patients.

(d) "Nonmarketing purposes" include, but are not limited to:

(1) educational or quality assurance programs conducted by a health plan company or a benefits management program to ensure compliance with an independently established formulary based on evidence-based prescribing guidelines and cost-containment goals;

(2) communication by a pharmacist about patient safety or generic substitution, or in response to patient questions about a medication; or

(3) safety warnings, adverse event reporting, labeling changes, or Risk Evaluation and Management Strategy (REMS) compliance communications.

(e) "Person" means a business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons.

(f) "Pharmacy" means any individual or entity licensed or authorized under this chapter to dispense prescribed products.

(g) "Prescribed product" means a biological product as defined in section 351 of the Public Health Service Act, United States Code, title 42, section 262, or a drug as defined in section 201 of the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321.

(h) "Regulated record" means information or documentation from a prescription written by a practitioner doing business in this state or a prescription dispensed in this state.

Subd. 2. Privacy provisions. (a) No person shall knowingly disclose or use regulated records in this state that include prescription information containing individual identifying information for the purpose of marketing a prescribed product.

(b) A regulated record containing individual identifying information may be transferred to another entity, including to another branch or subsidiary of the same entity, if there is satisfactory assurance in writing that the recipient of the record will safeguard the record from being disclosed or used in the state for any marketing purpose that is prohibited under this section.

(c) Regulated records containing individual identifying information may be disclosed, sold, transferred, exchanged, or used for nonmarketing purposes.

(d) This section does not prohibit conduct involving the collection, use, transfer, or sale of regulated records for marketing purposes if:

(1) the data are aggregated;

(2) the data does not contain individually identifying information; and

(3) there is no reasonable basis to believe that the data can be used to obtain individually identifying information.

(e) This section shall not prevent any person from disclosing regulated records to the identified individual as long as the information does not include protected information pertaining to any other person.

Subd. 3. **Consumer fraud.** In addition to any other remedy provided by law, a violation of this section shall constitute an unfair or deceptive act in trade or commerce and an unfair method of competition and may be enforced under sections 325F.68 to 325F.70.

Subd. 4. **Exceptions.** Nothing in this section shall be interpreted to regulate or prohibit:

- (1) conduct that takes place entirely outside of the state;
- (2) the content, time, place, or manner of any discussion between a practitioner and a patient, a pharmacist and a patient, or a practitioner and any person representing a prescription drug manufacturer;
- (3) the transmission of prescription information between a practitioner and a licensed pharmacy;
- (4) the transfer of prescription information between licensed pharmacies; or
- (5) the transfer of prescription records that may occur in the event that the ownership of a pharmacy is changed or transferred.

Subd. 5. **Report.** Each pharmaceutical manufacturer, wholesale drug distributor, or pharmacy licensed under this chapter shall submit to the board with their annual registration or license renewal a statement on a form prescribed by the board indicating that they have complied with and will continue to comply with this section. The statement must be signed by the owner, president or chief executive officer of the manufacturer, distributor, or pharmacy.

Subd. 6. **Severability.** If any provision of this section or its application to any person or circumstance is held invalid, the remainder of the section or the application of the provisions to other persons or circumstances is not affected."

Delete the title and insert:

"A bill for an act relating to health; prohibiting the use of certain prescription information for marketing purposes; amending Minnesota Statutes 2008, section 8.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 151."

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

S.F. No. 341: A bill for an act relating to health; modifying provisions for disposition of a deceased person; amending Minnesota Statutes 2008, section 149A.80, subdivision 2.

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 3.736, subdivision 6, is amended to read:

Subd. 6. **Claims for wrongful death; notice.** (a) When the claim is one for death by wrongful act or omission, the notice may be presented by the personal representative, surviving spouse or surviving domestic partner, or next of kin, or the consular officer of the foreign country of which

the deceased was a citizen, within one year after the alleged injury or loss resulting in the death. If the person for whose death the claim is made has presented a notice that would have been sufficient had the person lived, an action for wrongful death may be brought without additional notice.

(b) For purposes of this subdivision, "domestic partner" has the meaning given in section 573.02, subdivision 1, paragraph (c)."

Page 2, after line 11, insert:

"Sec. 3. Minnesota Statutes 2008, section 466.05, subdivision 2, is amended to read:

Subd. 2. **Claims for wrongful death; notice.** (a) When the claim is one for death by wrongful act or omission, the notice may be presented by the personal representative, surviving spouse or surviving domestic partner, or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in such death; if the person for whose death the claim is made has presented a notice that would have been sufficient had the person lived an action for wrongful death may be brought without any additional notice.

(b) For purposes of this subdivision, "domestic partner" has the meaning given in section 573.02, subdivision 1, paragraph (c).

Sec. 4. Minnesota Statutes 2008, section 573.02, subdivision 1, is amended to read:

Subdivision 1. **Death action.** (a) When death is caused by the wrongful act or omission of any person or corporation, the trustee appointed as provided in subdivision 3 may maintain an action therefor if the decedent might have maintained an action, had the decedent lived, for an injury caused by the wrongful act or omission. An action to recover damages for a death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital or sanitarium, or an employee of a physician, surgeon, dentist, hospital or sanitarium shall be commenced within three years of the date of death, but in no event shall be commenced beyond the time set forth in section 541.076. An action to recover damages for a death caused by an intentional act constituting murder may be commenced at any time after the death of the decedent. Any other action under this section may be commenced within three years after the date of death provided that the action must be commenced within six years after the act or omission. The recovery in the action is the amount the jury deems fair and just in reference to the pecuniary loss resulting from the death, and shall be for the exclusive benefit of the surviving spouse or surviving domestic partner and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court then determines the proportionate pecuniary loss of the persons entitled to the recovery and orders distribution accordingly. Funeral expenses and any demand for the support of the decedent allowed by the court having jurisdiction of the action, are first deducted and paid. Punitive damages may be awarded as provided in section 549.20.

(b) If an action for the injury was commenced by the decedent and not finally determined while living, it may be continued by the trustee for recovery of damages for the exclusive benefit of the surviving spouse or surviving domestic partner and next of kin, proportionate to the pecuniary loss severally suffered by the death. The court on motion shall make an order allowing the continuance and directing pleadings to be made and issues framed as in actions begun under this section.

(c) For purposes of this section, "domestic partners" means persons who:

(1) are the same sex;

- (2) are adults and mentally competent to enter into legally binding contracts;
- (3) have assumed responsibility for each other's basic common welfare, financial obligations, and well-being;
- (4) share a common domicile and primary residence with each other on a permanent basis;
- (5) have a committed interdependent relationship with each other, intend to continue that relationship indefinitely, and do not have this type of relationship with any other person;
- (6) are not married to another person and have not entered into a domestic partnership arrangement that is currently in effect; and
- (7) are not related by blood or adoption so that a marriage between them would be prohibited under section 517.03, subdivision 1, paragraph (a), clause (2) or (3).

Sec. 5. Minnesota Statutes 2008, section 573.02, subdivision 3, is amended to read:

Subd. 3. **Trustee for action.** Upon written petition by the surviving spouse or surviving domestic partner or one of the next of kin, the court having jurisdiction of an action falling within the provisions of subdivisions 1 or 2, shall appoint a suitable and competent person as trustee to commence or continue such action and obtain recovery of damages therein. The trustee, before commencing duties shall file a consent and oath. Before receiving any money, the trustee shall file a bond as security therefor in such form and with such sureties as the court may require."

Re-number 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 Scheid from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 1313: A bill for an act relating to alcohol; allowing exclusive liquor stores to sell multiple use bags; amending Minnesota Statutes 2008, section 340A.412, subdivision 14.

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 340A.101, is amended by adding a subdivision to read:

Subd. 31. **Public facility.** "Public facility" is a park, community center, or other accommodation or facility owned or managed by or on behalf of a subdivision of the state, including any county, city, town, township, or independent district of the state.

Sec. 2. Minnesota Statutes 2008, section 340A.401, is amended to read:

340A.401 LICENSE REQUIRED.

Except as provided in this chapter, no person may directly or indirectly, on any pretense or by any device, sell, barter, keep for sale, charge for possession, or otherwise dispose of alcoholic beverages as part of a commercial transaction without having obtained the required license or permit. Rental of or permission to use a public facility is not a commercial transaction for the purposes of this chapter.

Sec. 3. Minnesota Statutes 2008, section 340A.404, subdivision 1, is amended to read:

Subdivision 1. **Cities.** (a) A city may issue an on-sale intoxicating liquor license to the following establishments located within its jurisdiction:

- (1) hotels;
- (2) restaurants;
- (3) bowling centers;
- (4) clubs or congressionally chartered veterans organizations with the approval of the commissioner, provided that the organization has been in existence for at least three years and liquor sales will only be to members and bona fide guests;
- (5) sports facilities located on land owned by the Metropolitan Sports Commission; and
- (6) exclusive liquor stores.

(b) A city may issue an on-sale intoxicating liquor license, an on-sale wine license, or an on-sale malt liquor license to a theater within the city, notwithstanding any law, local ordinance, or charter provision. A license issued under this paragraph authorizes sales on all days of the week to persons attending events at the theater.

(c) A city may issue an on-sale intoxicating liquor license, an on-sale wine license, or an on-sale malt liquor license to a convention center within the city, notwithstanding any law, local ordinance, or charter provision. A license issued under this paragraph authorizes sales on all days of the week to persons attending events at the convention center.

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

Sec. 4. Minnesota Statutes 2008, section 340A.404, subdivision 4a, is amended to read:

Subd. 4a. **State-owned recreation; entertainment facilities.** Notwithstanding any other law, local ordinance, or charter provision, the commissioner may issue on-sale intoxicating liquor licenses:

- (1) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Giants Ridge Recreation Area building or recreational improvement area owned by the state in the town of White, St. Louis County;
- (2) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Ironworld Discovery Center building or facility owned by the state at Chisholm; ~~and~~
- (3) to the Board of Regents of the University of Minnesota for events at Northrop Auditorium, the intercollegiate football stadium, or at no more than seven other locations within the boundaries

of the University of Minnesota, provided that the Board of Regents has approved an application for a license for the specified location and provided that the application for a stadium or arena location allows for the legal sale of intoxicating liquor throughout the stadium or arena and does not limit the sale of intoxicating liquor to premium seating areas or suites; and

(4) to the Duluth Entertainment and Convention Center Authority for beverage sales on the premises of the DECC Arena during intercollegiate hockey games.

The commissioner shall charge a fee for licenses issued under this subdivision in an amount comparable to the fee for comparable licenses issued in surrounding cities.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to applications for an on-sale liquor license made after December 1, 2008.

Sec. 5. Minnesota Statutes 2008, section 340A.412, subdivision 14, is amended to read:

Subd. 14. **Exclusive liquor stores.** (a) Except as otherwise provided in this subdivision, an exclusive liquor store may sell only the following items:

- (1) alcoholic beverages;
- (2) tobacco products;
- (3) ice;
- (4) beverages, either liquid or powder, specifically designated for mixing with intoxicating liquor;
- (5) soft drinks;
- (6) liqueur-filled candies;
- (7) food products that contain more than one-half of one percent alcohol by volume;
- (8) cork extraction devices;
- (9) books and videos on the use of alcoholic beverages;
- (10) magazines and other publications published primarily for information and education on alcoholic beverages;
- (11) devices designed to ensure safe storage and monitoring of alcohol in the home, to prevent access by underage drinkers;
- (12) multiple use bags designed to carry purchased items; and
- ~~(11)~~ (13) home brewing equipment.

(b) An exclusive liquor store that has an on-sale, or combination on-sale and off-sale license may sell food for on-premise consumption when authorized by the municipality issuing the license.

(c) An exclusive liquor store may offer live or recorded entertainment.

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

Sec. 6. Minnesota Statutes 2008, section 340A.414, subdivision 1, is amended to read:

Subdivision 1. **Permit required.** No business establishment or club which does not hold an on-sale intoxicating liquor license may directly or indirectly allow the consumption and display of alcoholic beverages or knowingly serve any liquid for the purpose of mixing with intoxicating liquor without first having obtained a permit from the commissioner. Rental of a public facility does not make a subdivision nor the facility a "business establishment" for the purposes of this chapter.

Sec. 7. Minnesota Statutes 2008, section 340A.417, is amended to read:

340A.417 SHIPMENTS INTO MINNESOTA.

(a) Notwithstanding section 297G.07, subdivision 2, or any provision of this chapter, a winery licensed in a state other than Minnesota, or a winery located in Minnesota, may ship, for personal use and not for resale, not more than two cases of wine, containing a maximum of nine liters per case, in any calendar year to any resident of Minnesota age 21 or over. Delivery of a shipment under this section may not be deemed a sale in this state.

(b) The shipping container of any wine sent under this section must be clearly marked "Alcoholic Beverages: adult signature (over 21 years of age) required."

~~(c) No person may (1) advertise shipments authorized under this section, (2) by advertisement or otherwise, solicit shipments authorized by this section, or (3) accept orders for shipments authorized by this section by use of the Internet. No shipper located outside Minnesota may advertise interstate reciprocal wine shipments in Minnesota.~~

~~(d)~~ It is not the intent of this section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

~~(e)~~ (d) No criminal penalty may be imposed on a person for a violation of this section other than a violation described in paragraph ~~(f)~~ (e) or ~~(g)~~ (f). Whenever it appears to the commissioner that any person has engaged in any act or practice constituting a violation of this section, and the violation is not within two years of any previous violation of this section, the commissioner shall issue and cause to be served upon the person an order requiring the person to cease and desist from violating this section. The order must give reasonable notice of the rights of the person to request a hearing and must state the reason for the entry of the order. Unless otherwise agreed between the parties, a hearing shall be held not later than seven days after the request for the hearing is received by the commissioner after which and within 20 days after the receipt of the administrative law judge's report and subsequent exceptions and argument, the commissioner shall issue an order vacating the cease and desist order, modifying it, or making it permanent as the facts require. If no hearing is requested within 30 days of the service of the order, the order becomes final and remains in effect until modified or vacated by the commissioner. All hearings shall be conducted in accordance with the provisions of chapter 14. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person shall be deemed in default, and the proceeding may be determined against the person upon consideration of the cease and desist order, the allegations of which may be deemed to be true.

~~(f)~~ (e) Any person who violates this section within two years of a violation for which a cease and desist order was issued under paragraph ~~(e)~~ (d), is guilty of a misdemeanor.

~~(g)~~ (f) Any person who commits a third or subsequent violation of this section, ~~including a~~

violation for which a cease and desist order was issued under paragraph (c), within any subsequent two-year period is guilty of a gross misdemeanor.

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

Sec. 8. [340A.5041] AIRPORT COMMISSION; EXTENDED HOURS.

Notwithstanding any law, rule, or ordinance to the contrary, the Metropolitan Airports Commission may allow extended hours of sale at on-sale locations within the security areas of the Lindbergh and Humphrey Terminals. Extended hours are allowed for sales during the hours between 6:00 a.m. and 2:00 a.m. Monday through Sunday.

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

Sec. 9. AUGSBURG COLLEGE; ON-SALE LICENSE.

Notwithstanding any other law, local ordinance, or charter provision, the city of Minneapolis may issue an on-sale intoxicating liquor license to Augsburg College, or to an entity holding a caterer's permit and a contract with Augsburg College for catering on the premises of Augsburg College campus, or for any portion of the premises as described in the approved license application. The license authorized by this subdivision may be issued for space that is not compact and contiguous, provided that all such space is within the boundaries of Augsburg College campus and is included in the description of the licensed premises on the approved license application. The license authorizes sales on all days of the week to persons attending events at the college. All other provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the license authorized under this section.

EFFECTIVE DATE. This section is effective upon approval by the Minneapolis City Council in the manner provided by Minnesota Statutes, section 645.021, notwithstanding Minnesota Statutes, section 645.023, subdivision 1, paragraph (a).

Sec. 10. GRAND MARAIS; ON-SALE.

Notwithstanding any law, local ordinance, or charter provision to the contrary, the city of Grand Marais may issue an on-sale intoxicating liquor license, or an on-sale wine license and an on-sale malt liquor license, to Holland Motel, Inc. d/b/a the Best Western Superior Inn and Suites located at 104 First Avenue East, Grand Marais, and an additional on-sale intoxicating liquor license, or on-sale wine and on-sale malt liquor license to East Bay Hospitality, LLC, d/b/a East Bay Suites located at 21 Wisconsin Street, Grand Marais. The license may authorize sales only to persons who are registered guests at the lodging establishment, their invitees, or persons attending a conference, meeting, or other event at the lodging establishment. The license may authorize sales on all days of the week."

Delete the title and insert:

"A bill for an act relating to alcohol; clarifying that public facilities may allow noncommercial alcohol use without licenses; modifying the requirements for certain on-sale liquor sales at the University of Minnesota; repealing certain restrictions relating to direct wine shipments; allowing the sale of alcohol control devices and multiple use bags at exclusive liquor stores; authorizing certain on-sale intoxicating liquor licenses; amending Minnesota Statutes 2008, sections 340A.101, by adding a subdivision; 340A.401; 340A.404, subdivisions 1, 4a; 340A.412, subdivision 14;

340A.414, subdivision 1; 340A.417; proposing coding for new law in Minnesota Statutes, chapter 340A."

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

Senator Scheid from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 604: A bill for an act relating to alcohol; modifying provisions relating to farm wineries; amending Minnesota Statutes 2008, sections 340A.301, subdivision 4; 340A.315, subdivisions 2, 3, 7; 340A.418, subdivision 2.

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

Page 1, line 8, before "The" insert "(a)"

Page 1, line 14, delete the new language

Page 1, after line 21, insert:

"(b) This subdivision does not apply to Minnesota farm wineries."

Page 2, lines 6 and 7, reinstate the stricken language

Page 2, delete section 3

Page 2, lines 23 to 25, reinstate the stricken language and delete the new language

Page 3, line 19, delete "or a private residence" and insert "and conducted by a farm winery licensed under section 340A.315" and after the period, insert "A wine tasting conducted on the premises of a private business entity must not exceed four hours duration, and wine samples must be consumed on the premises of the private business entity. Individual wine tasting samples may not exceed one ounce, and total wine samples provided to any person on any day may not exceed six ounces."

Page 3, line 20, strike "paragraph" and insert "paragraphs" and after "(a)" insert "and (e)"

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 Scheid from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 1120: A bill for an act relating to human rights; requiring posting of notices related to human trafficking at establishments that sell alcoholic beverages at retail and certain lodging establishments that have been involved in prostitution-related activity; amending Minnesota Statutes 2008, section 617.87; proposing coding for new law in Minnesota Statutes, chapter 340A.

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

Delete everything after the enacting clause and insert:

"Section 1. **[340A.5055] POSTING OF CERTAIN NOTICE REQUIRED.**

(a) A retail licensee shall display a sign containing the following notice if it has been certified by the local licensing authority as a location that has been subject to complaints to local law enforcement for sex trafficking activity after the effective date of this act:

"WARNING: Engaging in labor trafficking or sex trafficking is a crime under Minnesota Statutes, section 609.281. Call the Minnesota Crisis and Tip Line at 1-888-772-3324 or 651-291-8810. You may remain anonymous."

(b) The sign must be in the form and in the languages as specified by the human trafficking task force created under section 299A.7955, and approved by the commissioner.

Sec. 2. Minnesota Statutes 2008, section 617.87, is amended to read:

617.87 RELEASE OF PROPERTY.

If, after an order of abatement has been entered, the owner appears and pays the costs of the action and files a bond in an amount determined by the court, but not to exceed \$50,000, conditioned that the owner will immediately abate the nuisance for a period of one year, the court may, if satisfied of the owner's good faith, order the release of the building or portion of it which is subject to the order of abatement. If the building or portion of it that is subject to the order of abatement is a hotel, motel, or similar establishment that rents overnight lodging to the public and the nuisance was prostitution or prostitution-related activity that involved sex trafficking, as defined in section 609.321, subdivision 7a, the release must require the owner to post a notice in the form specified in section 340A.5055 in each unit and portion of the building that was subject to the order of abatement. If the premises are released, for each day during the term of the bond that the owner knowingly permits any part of the premises to be used for any activity which was the basis of the abatement order or fails to post the notice, if required, the owner shall forfeit \$1,000 under the bond. Forfeiture under the bond does not relieve the owner from prosecution for contempt. Release of the property pursuant to this section does not release it from an injunction issued under section 617.83 or any other judgment, penalty, lien, or liability to which it may be subject by law."

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

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

S.F. No. 1642: A bill for an act relating to state government; transferring the Office of Energy Security to the Pollution Control Agency and renaming it the Department of Energy and Environmental Protection; requiring a report on necessary changes to management of water in this state; transferring the responsibilities of the commissioner of labor and industry to the commissioner of commerce and changing the name to commissioner of labor and commerce; making corresponding technical and housekeeping changes; transferring consumer protection responsibilities of the commissioner of commerce to the attorney general; transferring mortgage

fraud investigation responsibilities from the commissioner of commerce to the commissioner of public safety; amending Minnesota Statutes 2008, sections 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 43A.08, subdivision 1a; 45.012; 116.02.

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

Page 7, line 2, after "chairs" insert "and ranking minority members"

Page 7, line 19, delete "August 1, 2009" and insert "July 1, 2010"

Page 11, line 9, delete "August 1, 2009" and insert "July 1, 2010"

Page 11, delete article 3 and insert:

"ARTICLE 3

EMPLOYEE PROTECTION

Section 1. COLLECTIVE BARGAINING AGREEMENT.

Nothing in this act abrogates or modifies any rights of affected employees under terms of an agreement between an exclusive bargaining representative and the state or one of its appointing authorities."

Amend the title accordingly

And when so amended the bill be re-referred to the Committee on Environment and Natural Resources without recommendation. Amendments adopted. Report adopted.

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

S.F. No. 916: A bill for an act relating to transportation; regulating electric vehicle infrastructure; establishing incentives for adoption and use of electric vehicles; amending Minnesota Statutes 2008, sections 116D.04, by adding a subdivision; 160.93, subdivisions 4, 5, by adding a subdivision; 169.011, by adding subdivisions; 216B.02, subdivision 4; 326B.106, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 325F; 471.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2008, section 16C.135, is amended by adding a subdivision to read:

Subd. 4. **Electric vehicle purchases.** (a) For purposes of this subdivision, "governing authority" means the commissioner of administration or another state agency, as to agencies and departments of the state and the Board of Trustees of the Minnesota State Colleges and Universities, as to Minnesota State Colleges and Universities.

(b) A governing authority shall ensure that electric vehicles, as defined in section 169.011,

subdivision 26a, constitute at least 25 percent of all purchases made by the authority on or after July 1, 2012, of passenger automobiles, as defined in section 168.002, subdivision 24. This paragraph applies to all commissioners of a state agency, and to all passenger automobiles purchased regardless of use, including but not limited to, purchases for a central motor pool or on behalf of another agency or unit of government.

(c) On or after July 1, 2012, until July 1, 2022, when purchasing a vehicle that is a pickup truck, as defined in section 169.011, subdivision 31, a governing authority shall, to the extent possible, purchase vehicles manufactured in Minnesota.

(d) In calculating the percentage under paragraph (b), and in meeting the requirement under paragraph (c), a governing authority may exclude a vehicle purchased if (1) an electric vehicle is not available at similar cost to a comparable vehicle, or (2) no electric vehicle is capable of carrying out the purpose for which a vehicle is purchased.

(e) In calculating similar cost under this subdivision, a governing authority must include all expected costs of maintenance and operation of the vehicle, including anticipated repair and fuel costs, over the expected period of ownership of the vehicle."

Page 4, line 14, before the period, insert "and that is not otherwise a public utility under this chapter"

Page 7, line 1, delete "approved raceways from the building electrical" and insert "electrical vehicle charging systems installed according to the electrical safety standards in section 326B.35,"

Page 7, line 2, delete "panel"

Page 7, line 3, delete "each" and insert "at least ten percent of the" and delete "space" and insert "spaces"

Page 7, line 4, delete "and junction box run"

Page 7, line 5, delete "from the existing panel to an accessible location" and insert "electrical vehicle charging systems installed according to the electrical safety standards in section 326B.35,"

Page 7, line 8, delete "approved raceway systems from the building electrical panel to the parking facilities" and insert "electrical vehicle charging systems installed according to the electrical safety standards in section 326B.35,"

Page 7, line 9, delete "each" and insert "at least ten percent of the"

Page 7, line 10, delete "space" and insert "spaces"

Page 7, delete section 11

Amend the title as follows:

Page 1, line 2, after the first semicolon, insert "requiring certain government purchases of electric vehicles;"

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 Scheid from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 1539: A bill for an act relating to insurance; regulating viatical settlements; enacting and modifying the Viatical Settlements Model Act of the National Association of Insurance Commissions; providing criminal penalties; amending Minnesota Statutes 2008, sections 13.716, subdivision 7; 60A.964, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 60A; repealing Minnesota Statutes 2008, sections 60A.961; 60A.962; 60A.963; 60A.965; 60A.966; 60A.967; 60A.968; 60A.969; 60A.970; 60A.971; 60A.972; 60A.973; 60A.974.

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

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

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

Page 15, delete lines 9 to 11

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

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

Page 15, after line 29, insert:

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

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

Page 19, delete section 8

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

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

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

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 Scheid from the Committee on Commerce and Consumer Protection, to which was re-referred

S.F. No. 525: A bill for an act relating to health occupations; establishing a regulation system

for technicians performing body art procedures and for body art establishments; adopting penalty fees; proposing coding for new law as Minnesota Statutes, chapter 146B.

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

Page 1, line 17, after the third comma, insert "micropigmentation,"

Page 2, line 30, delete "lavatory" and insert "room"

Page 3, line 1, after "a" insert "tuberculocidal"

Page 4, line 6, before the period, insert "and micropigmentation"

Page 4, line 23, delete "an establishment plan" and insert "a to-scale drawing of the establishment's layout"

Page 4, line 25, after "other" insert "relevant"

Page 4, line 29, after "issuing" insert "an initial license or renewing"

Page 4, after line 31, insert:

"(b) If the establishment seeking licensure is new construction or if a licensed establishment is remodeling, the commissioner shall inspect the establishment at least once during the construction or remodeling process to ensure that construction is in conformance with this chapter."

Page 4, line 32, delete "(b)" and insert "(c)"

Page 5, line 2, delete "licensed" and after "establishment" insert "licensed under this chapter"

Page 5, line 3, delete "subdivision 6" and insert "subdivisions 6 and 8"

Page 5, line 21, after "numbers" insert ", if available"

Page 5, line 23, after "technician" insert a comma and after "apprentice" insert a comma

Page 5, line 26, after "(ii)" insert "home"

Page 5, line 27, after "(iii)" insert "home"

Page 5, after line 31, insert:

"Subd. 8. **Exception.** (a) Any body art establishment located within a county or municipal jurisdiction that has enacted an ordinance that establishes licensure for body art establishments operating within the jurisdiction shall be exempt from this chapter if the provisions of the ordinance meet or exceed the provisions of this chapter.

(b) Any technician, apprentice, or guest artist employed by or performing body art procedures in the establishment must be licensed or registered as required under this chapter."

Page 6, line 12, after the semicolon, insert "or"

Page 6, delete line 13

Page 6, line 14, delete "(7)" and insert "(6)"

Page 6, line 31, after "other" insert "relevant"

Page 7, line 8, delete "a municipality" and insert "another state"

Page 7, line 9, delete everything before "if"

Page 7, line 26, delete "and"

Page 7, after line 26, insert:

"(3) proof of having satisfactorily completed a course approved by the commissioner on bloodborne pathogens, the prevention of disease transmission, infection control, and aseptic technique; and"

Page 7, line 27, delete "(3)" and insert "(4)"

Page 8, line 31, after "(a)" insert "Except as permitted under subdivision 1a,"

Page 9, line 6, delete "public"

Page 9, line 7, after "restroom" insert ", does not require access through a door,"

Page 9, lines 11 and 17, delete "hands-free lid" and insert "foot-operated lid or with no lid"

Page 9, line 13, delete "lavatory" and insert "sink"

Page 9, after line 28, insert:

"(m) No animals shall be allowed in the procedure area, unless the animal is a service animal.

Subd. 2. **Establishment exception.** (a) Any establishment that is operating as a body art establishment on August 1, 2009, is exempt from any health and safety standard required under subdivision 1 that would require remodeling in order to comply including, but not limited to, adding a new procedure area, plumbing changes, or expanding existing space. If the establishment proceeds with any remodeling plans after August 1, 2009, the remodeling must meet all health and safety standards required under subdivision 1.

(b) An exemption from any of the standards in subdivision 1 must be approved by the commissioner."

Page 9, line 29, delete "2" and insert "3"

Page 10, line 18, after "procedure" insert "must be cleanable and"

Page 10, line 22, delete "hands-free lid" and insert "foot-operated lid or with no lid"

Page 10, line 31, delete "3" and insert "4"

Page 11, line 13, delete "4" and insert "5"

Page 11, line 22, delete "5" and insert "6"

Page 12, line 12, delete "written parental consent" and insert "a notarized parental consent or the individual's parent or legal guardian is present"

Page 14, line 27, delete "the use of undue"

Page 14, line 28, delete everything before "harassment"

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

Senator Scheid from the Committee on Commerce and Consumer Protection, to which was referred

S.F. No. 894: A bill for an act relating to commerce; clarifying the regulation and management of vacation home rentals; amending Minnesota Statutes 2008, section 157.15, by adding a subdivision.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2008, section 157.15, subdivision 11, is amended to read:

Subd. 11. **Resort.** "Resort" means a building, structure, enclosure, or any part thereof located on, or on property neighboring, any lake, stream, skiing or hunting area, or any recreational area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be a place where sleeping accommodations are furnished to the public, and primarily to those seeking recreation for periods of one day, one week, or longer, and having for rent ~~five or more~~ cottages, rooms, or enclosures."

Page 1, after line 11, insert:

"Sec. 3. Minnesota Statutes 2008, section 157.16, is amended to read:

157.16 LICENSES REQUIRED; FEES.

Subdivision 1. **License required annually.** A license is required annually for every person, firm, or corporation engaged in the business of conducting a food and beverage service establishment, hotel, motel, lodging establishment, public pool, vacation home rental, or resort. Any person wishing to operate a place of business licensed in this section shall first make application, pay the required fee specified in this section, and receive approval for operation, including plan review approval. Seasonal and temporary food stands and special event food stands are not required to submit plans. Nonprofit organizations operating a special event food stand with multiple locations at an annual one-day event shall be issued only one license. Application shall be made on forms provided by the commissioner and shall require the applicant to state the full name and address of the owner of the building, structure, or enclosure, the lessee and manager of the food and beverage service establishment, hotel, motel, lodging establishment, public pool, vacation home rental, or resort; the name under which the business is to be conducted; and any other information as may be required by the commissioner to complete the application for license.

Subd. 2. **License renewal.** Initial and renewal licenses for all food and beverage service establishments, hotels, motels, lodging establishments, public pools, vacation home rentals, and

resorts shall be issued for the calendar year for which application is made and shall expire on December 31 of such year. Any person who operates a place of business after the expiration date of a license or without having submitted an application and paid the fee shall be deemed to have violated the provisions of this chapter and shall be subject to enforcement action, as provided in the Health Enforcement Consolidation Act, sections 144.989 to 144.993. In addition, a penalty of \$50 shall be added to the total of the license fee for any food and beverage service establishment operating without a license as a mobile food unit, a seasonal temporary or seasonal permanent food stand, or a special event food stand, and a penalty of \$100 shall be added to the total of the license fee for all restaurants, food carts, hotels, motels, lodging establishments, public pools, vacation home rentals, and resorts operating without a license for a period of up to 30 days. A late fee of \$300 shall be added to the license fee for establishments operating more than 30 days without a license.

Subd. 2a. **Food manager certification.** An applicant for certification or certification renewal as a food manager must submit to the commissioner a \$28 nonrefundable certification fee payable to the Department of Health.

Subd. 3. **Establishment fees; definitions.** (a) The following fees are required for food and beverage service establishments, hotels, motels, lodging establishments, public pools, vacation home rentals, and resorts licensed under this chapter. Food and beverage service establishments must pay the highest applicable fee under paragraph (d), clause (1), (2), (3), or (4), and establishments serving alcohol must pay the highest applicable fee under paragraph (d), clause (6) or (7). The license fee for new operators previously licensed under this chapter for the same calendar year is one-half of the appropriate annual license fee, plus any penalty that may be required. The license fee for operators opening on or after October 1 is one-half of the appropriate annual license fee, plus any penalty that may be required.

(b) All food and beverage service establishments, except special event food stands, and all hotels, motels, lodging establishments, public pools, vacation home rentals, and resorts shall pay an annual base fee of \$150.

(c) A special event food stand shall pay a flat fee of \$40 annually. "Special event food stand" means a fee category where food is prepared or served in conjunction with celebrations, county fairs, or special events from a special event food stand as defined in section 157.15.

(d) In addition to the base fee in paragraph (b), each food and beverage service establishment, other than a special event food stand, and each hotel, motel, lodging establishment, public pool, vacation home rental, and resort shall pay an additional annual fee for each fee category, additional food service, or required additional inspection specified in this paragraph:

(1) Limited food menu selection, \$50. "Limited food menu selection" means a fee category that provides one or more of the following:

- (i) prepackaged food that receives heat treatment and is served in the package;
- (ii) frozen pizza that is heated and served;
- (iii) a continental breakfast such as rolls, coffee, juice, milk, and cold cereal;
- (iv) soft drinks, coffee, or nonalcoholic beverages; or

(v) cleaning for eating, drinking, or cooking utensils, when the only food served is prepared off site.

(2) Small establishment, including boarding establishments, \$100. "Small establishment" means a fee category that has no salad bar and meets one or more of the following:

(i) possesses food service equipment that consists of no more than a deep fat fryer, a grill, two hot holding containers, and one or more microwave ovens;

(ii) serves dipped ice cream or soft serve frozen desserts;

(iii) serves breakfast in an owner-occupied bed and breakfast establishment;

(iv) is a boarding establishment; or

(v) meets the equipment criteria in clause (3), item (i) or (ii), and has a maximum patron seating capacity of not more than 50.

(3) Medium establishment, \$260. "Medium establishment" means a fee category that meets one or more of the following:

(i) possesses food service equipment that includes a range, oven, steam table, salad bar, or salad preparation area;

(ii) possesses food service equipment that includes more than one deep fat fryer, one grill, or two hot holding containers; or

(iii) is an establishment where food is prepared at one location and served at one or more separate locations.

Establishments meeting criteria in clause (2), item (v), are not included in this fee category.

(4) Large establishment, \$460. "Large establishment" means either:

(i) a fee category that (A) meets the criteria in clause (3), items (i) or (ii), for a medium establishment, (B) seats more than 175 people, and (C) offers the full menu selection an average of five or more days a week during the weeks of operation; or

(ii) a fee category that (A) meets the criteria in clause (3), item (iii), for a medium establishment, and (B) prepares and serves 500 or more meals per day.

(5) Other food and beverage service, including food carts, mobile food units, seasonal temporary food stands, and seasonal permanent food stands, \$50.

(6) Beer or wine table service, \$50. "Beer or wine table service" means a fee category where the only alcoholic beverage service is beer or wine, served to customers seated at tables.

(7) Alcoholic beverage service, other than beer or wine table service, \$135.

"Alcohol beverage service, other than beer or wine table service" means a fee category where alcoholic mixed drinks are served or where beer or wine are served from a bar.

(8) Lodging per sleeping accommodation unit, \$8, including hotels, motels, lodging establishments, vacation home rentals, and resorts, up to a maximum of \$800. "Lodging per

sleeping accommodation unit" means a fee category including the number of guest rooms, cottages, or other rental units of a hotel, motel, lodging establishment, vacation home rental, or resort; or the number of beds in a dormitory.

(9) First public pool, \$180; each additional public pool, \$100. "Public pool" means a fee category that has the meaning given in section 144.1222, subdivision 4.

(10) First spa, \$110; each additional spa, \$50. "Spa pool" means a fee category that has the meaning given in Minnesota Rules, part 4717.0250, subpart 9.

(11) Private sewer or water, \$50. "Individual private water" means a fee category with a water supply other than a community public water supply as defined in Minnesota Rules, chapter 4720. "Individual private sewer" means a fee category with an individual sewage treatment system which uses subsurface treatment and disposal.

(12) Additional food service, \$130. "Additional food service" means a location at a food service establishment, other than the primary food preparation and service area, used to prepare or serve food to the public.

(13) Additional inspection fee, \$300. "Additional inspection fee" means a fee to conduct the second inspection each year for elementary and secondary education facility school lunch programs when required by the Richard B. Russell National School Lunch Act.

(e) A fee of \$350 for review of the construction plans must accompany the initial license application for restaurants, hotels, motels, lodging establishments, vacation home rentals, or resorts with five or more sleeping units.

(f) When existing food and beverage service establishments, hotels, motels, lodging establishments, vacation home rentals, or resorts are extensively remodeled, a fee of \$250 must be submitted with the remodeling plans. A fee of \$250 must be submitted for new construction or remodeling for a restaurant with a limited food menu selection, a seasonal permanent food stand, a mobile food unit, or a food cart, or for a hotel, motel, resort, or lodging establishment addition of less than five sleeping units.

(g) Seasonal temporary food stands and special event food stands are not required to submit construction or remodeling plans for review.

Subd. 3a. **Statewide hospitality fee.** Every person, firm, or corporation that operates a licensed boarding establishment, food and beverage service establishment, seasonal temporary or permanent food stand, special event food stand, mobile food unit, food cart, resort, hotel, motel, vacation home rental, or lodging establishment in Minnesota must submit to the commissioner a \$35 annual statewide hospitality fee for each licensed activity. The fee for establishments licensed by the Department of Health is required at the same time the licensure fee is due. For establishments licensed by local governments, the fee is due by July 1 of each year.

Subd. 4. **Posting requirements.** Every food and beverage service establishment, hotel, motel, lodging establishment, public pool, vacation home rental, or resort must have the license posted in a conspicuous place at the establishment.

Sec. 4. Minnesota Statutes 2008, section 157.22, is amended to read:

157.22 EXEMPTIONS.

This chapter shall not be construed to apply to:

(1) interstate carriers under the supervision of the United States Department of Health and Human Services;

(2) any building constructed and primarily used for religious worship;

(3) any building owned, operated, and used by a college or university in accordance with health regulations promulgated by the college or university under chapter 14;

(4) any person, firm, or corporation whose principal mode of business is licensed under sections 28A.04 and 28A.05, is exempt at that premises from licensure as a food or beverage establishment; provided that the holding of any license pursuant to sections 28A.04 and 28A.05 shall not exempt any person, firm, or corporation from the applicable provisions of this chapter or the rules of the state commissioner of health relating to food and beverage service establishments;

(5) family day care homes and group family day care homes governed by sections 245A.01 to 245A.16;

(6) nonprofit senior citizen centers for the sale of home-baked goods;

(7) fraternal or patriotic organizations that are tax exempt under section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(10), or 501(c)(19) of the Internal Revenue Code of 1986, or organizations related to or affiliated with such fraternal or patriotic organizations. Such organizations may organize events at which home-prepared food is donated by organization members for sale at the events, provided:

(i) the event is not a circus, carnival, or fair;

(ii) the organization controls the admission of persons to the event, the event agenda, or both; and

(iii) the organization's licensed kitchen is not used in any manner for the event;

(8) food not prepared at an establishment and brought in by individuals attending a potluck event for consumption at the potluck event. An organization sponsoring a potluck event under this clause may advertise the potluck event to the public through any means. Individuals who are not members of an organization sponsoring a potluck event under this clause may attend the potluck event and consume the food at the event. Licensed food establishments other than schools cannot be sponsors of potluck events. A school may sponsor and hold potluck events in areas of the school other than the school's kitchen, provided that the school's kitchen is not used in any manner for the potluck event. For purposes of this clause, "school" means a public school as defined in section 120A.05, subdivisions 9, 11, 13, and 17, or a nonpublic school, church, or religious organization at which a child is provided with instruction in compliance with sections 120A.22 and 120A.24. Potluck event food shall not be brought into a licensed food establishment kitchen; and

(9) a home school in which a child is provided instruction at home.

A tax exempt organization listed in clause (7) may accept donations from private property owners at cabins or homes in recreational areas for weekend stays or periods of a week or less for fund-raising

efforts. Neither the property owner nor the tax exempt organization will be required to obtain a vacation home rental license or other lodging license for that donated period of time when it is limited to one donation to that organization by that property owner annually."

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "clarifying the regulation and management of vacation" and insert "providing for regulation of vacation home rentals"

Page 1, line 3, delete "home rentals"

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Health, Housing and Family Security. Amendments adopted. Report adopted.

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

S.F. No. 999: A bill for an act relating to health occupations; establishing licensure for medical laboratory science professionals; establishing the medical laboratory science professional licensing advisory council; establishing fees; proposing coding for new law as Minnesota Statutes, chapter 148F.

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

Page 1, after line 6, insert:

"Section 1. Minnesota Statutes 2008, section 144.291, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purposes of sections 144.291 to 144.298, the following terms have the meanings given.

(a) "Group purchaser" has the meaning given in section 62J.03, subdivision 6.

(b) "Health information exchange" means a legal arrangement between health care providers and group purchasers to enable and oversee the business and legal issues involved in the electronic exchange of health records between the entities for the delivery of patient care.

(c) "Health record" means any information, whether oral or recorded in any form or medium, that relates to the past, present, or future physical or mental health or condition of a patient; the provision of health care to a patient; or the past, present, or future payment for the provision of health care to a patient.

(d) "Identifying information" means the patient's name, address, date of birth, gender, parent's or guardian's name regardless of the age of the patient, and other nonclinical data which can be used to uniquely identify a patient.

(e) "Individually identifiable form" means a form in which the patient is or can be identified as the subject of the health records.

(f) "Medical emergency" means medically necessary care which is immediately needed to preserve life, prevent serious impairment to bodily functions, organs, or parts, or prevent placing the physical or mental health of the patient in serious jeopardy.

(g) "Patient" means a natural person who has received health care services from a provider for treatment or examination of a medical, psychiatric, or mental condition, the surviving spouse and parents of a deceased patient, or a person the patient appoints in writing as a representative, including a health care agent acting according to chapter 145C, unless the authority of the agent has been limited by the principal in the principal's health care directive. Except for minors who have received health care services under sections 144.341 to 144.347, in the case of a minor, patient includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(h) "Provider" means:

(1) any person who furnishes health care services and is regulated to furnish the services under chapter 147, 147A, 147B, 147C, 147D, 148, 148B, 148C, 148D, 148F, 150A, 151, 153, or 153A;

(2) a home care provider licensed under section 144A.46;

(3) a health care facility licensed under this chapter or chapter 144A;

(4) a physician assistant registered under chapter 147A; and

(5) an unlicensed mental health practitioner regulated under sections 148B.60 to 148B.71.

(i) "Record locator service" means an electronic index of patient identifying information that directs providers in a health information exchange to the location of patient health records held by providers and group purchasers.

(j) "Related health care entity" means an affiliate, as defined in section 144.6521, subdivision 3, paragraph (b), of the provider releasing the health records."

Page 17, line 13, delete everything after "shall"

Page 17, line 14, delete everything before "safeguard"

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

S.F. No. 298: A bill for an act relating to consumer protection; limiting customer liability for unauthorized use of cellular phones; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Page 1, delete subdivisions 1 and 2 and insert:

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

Page 1, line 17, delete "3" and insert "2" and delete "subdivisions 1 and 2" and insert "subdivision 1"

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. 616: A bill for an act relating to taxation; modifying tax preparation services law; amending Minnesota Statutes 2008, section 270C.445.

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 270C.445, is amended to read:

270C.445 TAX PREPARATION SERVICES.

Subdivision 1. **Scope.** This section applies to a person who provides tax preparation services, except:

- (1) a person who provides tax preparation services for fewer than ten clients in a calendar year;
- (2) a person who provides tax preparation services only to immediate family members. For the purposes of this section, "immediate family members" means a spouse, parent, grandparent, child, or sibling;
- (3) an employee who prepares a tax return for an employer's business;
- (4) any fiduciary, or the regular employees of a fiduciary, while acting on behalf of the fiduciary estate, testator, trustor, grantor, or beneficiaries of them; and
- (5) nonprofit organizations providing tax preparation services under the Internal Revenue Service Volunteer Income Tax Assistance Program or Tax Counseling for the Elderly Program.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Client" means an individual for whom a tax preparer performs or agrees to perform tax preparation services.

(c) "Person" means an individual, corporation, partnership, limited liability company, association, trustee, or other legal entity.

(d) "Refund anticipation loan" means a loan or any other extension of credit, whether provided by the tax preparer or another entity such as a financial institution, in anticipation of, and whose payment is secured by, a client's federal or state income tax refund or both.

(e) "Tax preparation services" means services provided for a fee or other consideration to a client to:

- (1) assist with preparing or filing state or federal individual income tax returns;
- (2) assume final responsibility for completed work on an individual income tax return on which preliminary work has been done by another; or
- (3) ~~offer or~~ facilitate the provision of refund anticipation loans and refund anticipation checks.

(f) "Tax preparer" or "preparer" means a person providing tax preparation services subject to this section.

(g) "Advertise" means to solicit business through any means or medium.

(h) "Facilitate" means to individually or in conjunction or cooperation with another person:

- (1) accept an application for a refund anticipation loan;
- (2) pay to a client the proceeds, through direct deposit, a negotiable instrument, or any other means, of a refund anticipation loan; or
- (3) offer, arrange, process, provide, or in any other manner act to allow the making of, a refund anticipation loan.

(i) "Refund anticipation check" means a negotiable instrument provided to a client by the tax preparer or another person, which is issued from the proceeds of a taxpayer's federal or state income tax refund or both and represents the net of the refund minus the tax preparation fee and any other fees. A refund anticipation check includes a refund transfer.

Subd. 3. **Standards of conduct.** No tax preparer shall:

- (1) without good cause fail to promptly, diligently, and without unreasonable delay complete a client's tax return;
- (2) obtain the signature of a client to a tax return or authorizing document that contains blank spaces to be filled in after it has been signed;
- (3) fail to sign a client's tax return when payment for services rendered has been made;
- (4) fail or refuse to give a client a copy of any document requiring the client's signature within a reasonable time after the client signs the document;
- (5) fail to retain for at least four years a copy of individual income tax returns;
- (6) fail to maintain a confidential relationship ~~between themselves and their~~ with clients or former clients;
- (7) fail to take commercially reasonable measures to safeguard a client's nonpublic personal information;
- (8) make, authorize, publish, disseminate, circulate, or cause to make, either directly or indirectly, any false, deceptive, or misleading statement or representation relating to or in connection with the offering or provision of tax preparation services;

- (9) require a client to enter into a loan arrangement in order to complete a tax return;
- (10) claim credits or deductions on a client's tax return for which the tax preparer knows or reasonably should know the ~~taxpayer~~ client does not qualify;
- (11) charge, offer to accept, or accept a fee based upon a percentage of an anticipated refund for tax preparation services;
- (12) under any circumstances, withhold or fail to return to a client a document provided by the client for use in preparing the client's tax return~~;~~;
- (13) establish an account in the preparer's name to receive a client's refund through a direct deposit or any other instrument unless the client's name is also on the account, except that a taxpayer may assign the portion of a refund representing the Minnesota education credit available under section 290.0674 to a bank account without the client's name, as provided under section 290.0679;
- (14) fail to act in the best interests of the client;
- (15) fail to safeguard and account for any money handled for the client;
- (16) fail to disclose all material facts of which the preparer has knowledge which might reasonably affect the client's rights and interests;
- (17) violate any provision of section 332.37;
- (18) include any of the following in any document provided or signed in connection with the provision of tax preparation services:
- (i) a hold harmless clause;
 - (ii) a confession of judgment or a power of attorney to confess judgment against the client or appear as the client in any judicial proceeding;
 - (iii) a waiver of the right to a jury trial, if applicable, in any action brought by or against a debtor;
 - (iv) an assignment of or an order for payment of wages or other compensation for services;
 - (v) a provision in which the client agrees not to assert any claim or defense otherwise available;
 - (vi) a waiver of any provision of this section or a release of any obligation required to be performed on the part of the tax preparer; or
 - (vii) a waiver of the right to injunctive, declaratory, or other equitable relief or relief on a class basis; or
- (19) if making, providing, or facilitating a refund anticipation loan, fail to provide all disclosures required by the federal Truth in Lending Act, United States Code, title 15, in a form that may be retained by the client.

Subd. 3a. Written agreements required; refund anticipation loans and checks. (a) All agreements to make, provide, or facilitate a refund anticipation loan or refund anticipation check must be in writing. No agreement may include a provision that directly or indirectly arranges for payment of or deduction from any portion of the refund anticipation loan or refund anticipation check for check cashing, credit insurance, attorney fees, or the collection of any debt owed to any

party for any other good or service other than a debt owed to the facilitator for the repayment of a refund anticipation loan and tax preparation fees.

(b) If a written agreement contains a mandatory arbitration clause, the tax preparer must provide a separate written notice to the client that:

(1) arbitration is the exclusive means of dispute resolution for any dispute about the written agreement;

(2) the client has the right to affirmatively opt out of the arbitration clause within 30 days of entering into the agreement; and

(3) the client is not bound to arbitration if the claim or dispute involves a violation of this section or the client invokes the remedies provided in subdivision 7.

The tax preparer must advise the client, both orally and in writing, of the process by which the client may exercise the right to opt out of the mandatory arbitration clause.

~~Subd. 4. **Required disclosures; refund anticipation loans and checks.** (a) If Before or at the same time a tax preparer offers to make or facilitate a refund anticipation loan to the client, the preparer must make the disclosures in this subdivision. The disclosures must be made before or at the same time the preparer offers the refund anticipation loan to the client.~~

~~(b) The tax preparer must provide to a client a written notice on a single sheet of paper, separate from any other document or writing, containing:~~

~~(1) a legend, centered at the top on the single sheet of paper, in bold, capital letters, and in 28-point type stating "NOTICE";~~

~~(2) the following verbatim statements:~~

~~(i) "This is a loan. The annual percentage rate (APR), based on the estimated payment period, is (fill in the estimated APR)."~~

~~(ii) "Your refund will be used to repay the loan. As a result, the amount of your refund will be reduced by (fill in appropriate dollar amount) for fees, interest, and other charges."~~

~~(iii)~~

~~"You can get your refund in about two weeks if you file your return electronically and have the Internal Revenue Service send your refund to your own bank account." and~~

~~(3) if the client is subject to additional interest when a refund is delayed, the following verbatim statement must also be included in the notice: "If you choose to take this loan and your refund is delayed, you may have to pay additional interest."~~

~~(c) All required statements must be in capital and small font type fonts, in a minimum of 14-point type, with at least a double space between each line in the statement and four spaces between each statement.~~

~~(d) The notice must be signed and dated by the tax preparer and the client subdivision 4a. Before or at the same time a tax preparer offers or facilitates a refund anticipation check or refund transfer, the tax preparer must make the disclosures in subdivision 4b.~~

(b) The disclosures must be provided to the client in a written notice on a single sheet of paper, separate from any other document or writing.

(c) The notice must be signed and dated by the tax preparer and the client.

(d) All required disclosures, notices, and statements must be provided in the client's primary language, if the tax preparer advertises in that language.

Subd. 4a. **Refund anticipation loan disclosures.** The disclosure required under subdivision 4 for a refund anticipation loan must contain:

(1) a legend, centered at the top on the single sheet of paper, in bold, capital letters, and in 28-point type stating "NOTICE";

(2) the following verbatim statements:

(i) "This is a loan. This is not your refund. The annual percentage rate (APR), based on the estimated payment period, is (fill in the estimated APR).";

(ii) "Your refund will be used to repay the loan. As a result, the amount of your refund will be reduced by (fill in appropriate dollar amount) for fees, interest, and other charges.";

(iii) "You have the right to cancel this transaction by returning the loan check or the amount of the loan in cash within one business day after you get the loan."; and

(iv) "You can get your refund in about two weeks if you file your return electronically and have the Internal Revenue Service send your refund to your own bank account."; and

(3) if the client is subject to additional interest when a refund is delayed, the following verbatim statement must also be included in the notice: "If you choose to take this loan and your refund check is delayed, you may have to pay."

Subd. 4b. **Refund anticipation check disclosures.** (a) The disclosure required under subdivision 4 for a refund anticipation check must contain:

(1) a legend, centered at the top on the single sheet of paper, in bold, capital letters, and in 28-point type stating "NOTICE"; and

(2) the following verbatim statements:

(i) "You do not have to purchase a refund anticipation check (RAC) to get your tax refund.";

(ii) "Generally, the IRS can direct deposit your income tax refund to your personal bank account within eight to 15 days after the IRS accepts your tax return for processing.";

(iii) "If you choose to purchase a RAC, your tax return funds will generally be made available to you within eight to 15 days.";

(iv) "A RAC is not a loan.";

(v) "The cost of the RAC is (fill in dollar amount).";

(vi) "You can either pay for your RAC now or you can have it withheld from your refund."; and

(vii) "The cost of your tax return is not any more or any less if you purchase a RAC."

(b) A tax preparer offering a refund anticipation check that uses a different product name, including but not limited to refund transfer, must substitute the product name for "RAC" in all the statements required under this subdivision.

Subd. 5. **Itemized bill required.** A tax preparer must provide an itemized statement of the charges for services, at least separately stating the charges for:

- (1) return preparation; ~~and~~
- (2) providing or facilitating a refund anticipation loan; and
- (3) each fee associated with the provision of a refund anticipation check.

Subd. 5a. **Nongame wildlife checkoff.** A tax preparer must give written notice of the option to contribute to the nongame wildlife management account in section 290.431 to corporate clients that file an income tax return and to individual clients who file an income tax return or property tax refund claim form. This notification must be included with information sent to the client at the same time as the preliminary worksheets or other documents used in preparing the client's return and must include a line for displaying contributions.

Subd. 5b. **Right to rescind refund anticipation loan.** (a) A client may rescind a refund anticipation loan on or before the close of business on the next day of business following execution of the loan agreement or receipt of the proceeds of the loan by:

- (1) providing written notification to the tax preparer of the rescission; and
- (2) returning the original check issued for the loan; or
- (3) tendering the amount of the loan in cash to the tax preparer.

(b) The tax preparer may charge a fee for rescinding a refund anticipation loan only if an account has been established at a financial institution to electronically receive the refund and the financial institution has charged a fee to establish the account. The allowable fee the tax preparer may charge the client rescinding the refund anticipation loan may not exceed the fee charged to the tax preparer by the financial institution to establish the account.

Subd. 6. **Enforcement; penalties.** The commissioner may impose an administrative penalty of not more than \$1,000 per violation of subdivision 3, 3a, 4, ~~or~~ 5, or 5b, provided that a penalty may not be imposed for any conduct that is also subject to the tax return preparer penalties in section 289A.60, subdivision 13. The commissioner may terminate a tax preparer's authority to transmit returns electronically to the state, if the commissioner determines the tax preparer engaged in a pattern and practice of violating this section. Imposition of a penalty under this subdivision is subject to the contested case procedure under chapter 14. The commissioner shall collect the penalty in the same manner as the income tax. Penalties imposed under this subdivision are public data.

Subd. 6a. **Exchange of data; State Board of Accountancy.** The State Board of Accountancy shall refer to the commissioner complaints it receives about tax preparers who are not subject to the jurisdiction of the State Board of Accountancy and who are alleged to have violated the provisions of subdivisions 3 to 5 and 5b.

Subd. 6b. **Exchange of data; Lawyers Board of Professional Responsibility.** The Lawyers Board of Professional Responsibility may refer to the commissioner complaints it receives about tax preparers who are not subject to its jurisdiction and who are alleged to have violated the provisions of subdivisions 3 to 5 and 5b.

Subd. 6c. **Exchange of data; commissioner.** The commissioner shall refer complaints about tax preparers who are alleged to have violated the provisions of subdivisions 3 to 5 and 5b to:

- (1) the State Board of Accountancy, if the tax preparer is under its jurisdiction; and
- (2) the Lawyers Board of Professional Responsibility, if the tax preparer is under its jurisdiction.

Subd. 6d. **Data private.** Information exchanged on individuals under subdivisions 6a to 6c are private data under section 13.02, subdivision 12, until such time as a penalty is imposed as provided in section 326A.08 or by the Lawyers Board of Professional Responsibility.

Subd. 7. **Enforcement; civil actions.** (a) Any violation of this section is an unfair, deceptive, and unlawful trade practice within the meaning of section 8.31. An action taken under section 8.31 is in the public interest.

(b) A client may bring a civil action seeking redress for a violation of this section in the conciliation or the district court of the county in which unlawful action is alleged to have been committed or where the respondent resides or has a principal place of business.

(c) A ~~district~~ court finding for the plaintiff must award:

- (1) actual damages, including;
- (2) incidental and consequential damages;
- (3) statutory damages of twice the sum of: (i) the tax preparation fees; and (ii) if the plaintiff violated subdivision 3a, 4, or 5b all interest and fees for a refund anticipation loan;
- (4) reasonable attorney fees;
- (5) court costs; and
- (6) any other equitable relief as the court considers appropriate.

Subd. 8. **Limited exemptions; enforcement provisions.** The provisions of this section, except for ~~subdivision~~ subdivisions 3a, 4, and 5b, do not apply to:

- (1) an attorney admitted to practice under section 481.01;
- (2) a certified public accountant or other person who is subject to the jurisdiction of the State Board of Accountancy;
- (3) an enrolled agent who has passed the special enrollment examination administered by the Internal Revenue Service; or
- (4) ~~any fiduciary, or the regular employees of a fiduciary, while acting on behalf of the fiduciary estate, the testator, trustor, grantor, or beneficiaries of them;~~
- (5) ~~a tax preparer who provides tax preparation services for fewer than six clients in a calendar~~

year;

~~(6) tax preparation services to a spouse, parent, grandparent, child, or sibling of the tax preparer; and~~

~~(7) the preparation by an employee of the tax return of the employee's employer~~

(4) anyone who provides, or assists in providing, tax preparation services within the scope of duties as an employee or supervisor of a person who is exempt under this subdivision."

Delete the title and insert:

"A bill for an act relating to taxation; modifying tax preparation services law; amending Minnesota Statutes 2008, section 270C.445."

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

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

S.F. No. 80: A bill for an act relating to elections; campaign finance; removing certain unconstitutional provisions governing independent expenditures in political campaigns; authorizing electronic filing of certain items with the Campaign Finance and Public Disclosure Board; providing contribution limits for judicial candidates; increasing contribution limits for candidates for secretary of state, state auditor and the legislature; making certain reports filed with the Campaign Finance and Public Disclosure Board nonpublic data until certain conditions have been met; requiring the public subsidy for an eligible candidate be withheld until a required report has been filed; amending Minnesota Statutes 2008, sections 10A.01, subdivisions 18, 26; 10A.04, subdivision 5; 10A.071, subdivision 3; 10A.08; 10A.09, subdivision 7; 10A.14, subdivisions 2, 4, by adding a subdivision; 10A.20, subdivisions 1, 12, by adding subdivisions; 10A.27, subdivision 1; 10A.31, subdivision 6, by adding a subdivision; 10A.322, subdivision 1; 10A.323; 10A.35; repealing Minnesota Statutes 2008, section 10A.20, subdivision 6b.

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

Page 6, line 13, before "A" insert "Except as provided in subdivision 1c,"

Page 6, line 15, after "2009" insert "and thereafter"

Page 10, after line 25, insert:

"Sec. 20. Minnesota Statutes 2008, section 13.607, is amended by adding a subdivision to read:

Subd. 5a. **Campaign reports.** Certain reports filed with the Campaign Finance and Public Disclosure Board are classified under section 10A.20."

Renumber the sections in sequence

Amend the title numbers accordingly

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. 908: A bill for an act relating to public safety; modifying requirements of eligibility based on military experience for reciprocity examination for a peace officer; amending Minnesota Statutes 2008, section 626.8517.

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

Page 1, line 9, strike the comma and insert "(1) "active service" has the meaning given in section 190.05, subdivision 5; and (2)"

Page 1, line 11, delete "(1)" and insert "(i)"

Page 1, line 13, delete "(2)" and insert "(ii)"

Page 1, line 17, delete "(3)" and insert "(iii)"

Page 1, line 20, delete the new language

Page 1, line 22, delete everything after the period

Page 1, delete line 23

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. 987: A bill for an act relating to public safety; eliminating various unfunded mandates affecting local governmental units; amending Minnesota Statutes 2008, sections 245C.05, subdivision 7; 260B.171, subdivision 3; 609.115, subdivision 1.

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

Page 1, delete section 1

Page 2, line 14, after "that" insert "either mailed notice or"

Page 4, line 16, delete the new language

Page 4, line 17, delete the new language and strike "shall" and insert "may"

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 Rules and Administration. Amendments adopted. Report adopted.

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

S.F. No. 362: A bill for an act relating to real estate; eliminating a requirement that homeowner's notice to building contractor of construction defect be in writing; amending Minnesota Statutes 2008, sections 327A.02, subdivision 4; 327A.03.

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 327A.02, subdivision 4, is amended to read:

Subd. 4. **Response from vendor to notice of claim.** (a) Following notice under section 327A.03, the vendee must allow an inspection and opportunity to offer to repair the known loss or damage. Upon request of the vendee, a court may order the vendor to conduct the inspection. The inspection must be performed and any offer to repair must be made in writing to the vendee within 30 days of the vendor's receipt of the written or actual notice required under section 327A.03, clause (a), alleging of the alleged loss or damage. The applicable statute of limitations is tolled from the date the any written notice provided by the vendee is postmarked, or if not sent through the mail, received by the vendor, or from the date the vendor has actual notice, until the earliest of the following:

- (1) the date the vendee rejects the vendor's offer to repair;
- (2) the date the vendor rejects the vendee's claim in writing;
- (3) failure by the vendor to make an offer to repair within the 30-day period described in this subdivision; or
- (4) 180 days.

For purposes of this subdivision, "vendor" includes a home improvement contractor.

(b) Upon completion of repairs as described in an offer to repair, the vendor must provide the vendee with a list of the repairs made and a notice that the vendee may have a right to pursue a warranty claim under this chapter. Provision of this statement is not an admission of liability. Compliance with this subdivision does not affect any rights of the vendee under this chapter.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to notices given on or after that date.

Sec. 2. Minnesota Statutes 2008, section 327A.03, is amended to read:

327A.03 EXCLUSIONS.

The liability of the vendor or the home improvement contractor under sections 327A.01 to 327A.07 is limited to the specific items set forth in sections 327A.01 to 327A.07 and does not extend to the following:

(a) loss or damage not reported by the vendee or the owner to the vendor or the home improvement contractor in writing within six months after the vendee or the owner discovers or should have discovered the loss or damage, unless the vendee or owner establishes that the vendor or home improvement contractor had actual notice of the loss or damage;

(b) loss or damage caused by defects in design, installation, or materials which the vendee or the owner supplied, installed, or directed to be installed;

- (c) secondary loss or damage such as personal injury or property damage;
- (d) loss or damage from normal wear and tear;
- (e) loss or damage from normal shrinkage caused by drying of the dwelling or the home improvement within tolerances of building standards;
- (f) loss or damage from dampness and condensation due to insufficient ventilation after occupancy;
- (g) loss or damage from negligence, improper maintenance or alteration of the dwelling or the home improvement by parties other than the vendor or the home improvement contractor;
- (h) loss or damage from changes in grading of the ground around the dwelling or the home improvement by parties other than the vendor or the home improvement contractor;
- (i) landscaping or insect loss or damage;
- (j) loss or damage from failure to maintain the dwelling or the home improvement in good repair;
- (k) loss or damage which the vendee or the owner, whenever feasible, has not taken timely action to minimize;
- (l) loss or damage which occurs after the dwelling or the home improvement is no longer used primarily as a residence;
- (m) accidental loss or damage usually described as acts of God, including, but not limited to: fire, explosion, smoke, water escape, windstorm, hail or lightning, falling trees, aircraft and vehicles, flood, and earthquake, except when the loss or damage is caused by failure to comply with building standards;
- (n) loss or damage from soil movement which is compensated by legislation or covered by insurance;
- (o) loss or damage due to soil conditions where construction is done upon lands owned by the vendee or the owner and obtained by the vendee or owner from a source independent of the vendor or the home improvement contractor;
- (p) in the case of home improvement work, loss or damage due to defects in the existing structure and systems not caused by the home improvement.

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

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert "modifying homeowner notice requirements"

Page 1, line 3, delete everything before the semicolon

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. 568: A bill for an act relating to civil law; extending civil immunity to municipalities that donate public safety equipment; amending Minnesota Statutes 2008, section 466.03, by adding a subdivision.

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 466.03, is amended by adding a subdivision to read:

Subd. 23. **Used public safety equipment.** (a) Any claim against a municipality resulting from the use of public safety equipment donated by the municipality, unless the claim is a direct result of the intentional misconduct or gross negligence of the municipality, including, but not limited to, the failure to disclose known defects or mechanical failures.

(b) As used in this subdivision, "public safety equipment" means equipment purchased or obtained through gifts or grants by a municipality for use in responding to or training for emergencies.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to actions arising from incidents occurring on or after that date."

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 referred

S.F. No. 1219: A bill for an act relating to occupations and professions; creating licensing standards for full-time firefighters; establishing fees; proposing coding for new law in Minnesota Statutes, chapter 299F.

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

Page 2, line 8, delete "Grandparent provision" and insert "Prior appointments"

Page 2, after line 30, insert:

"Subd. 7. **Petty misdemeanor; discharge.** A person who is employed as a full-time firefighter and who is not currently licensed under this section is guilty of a petty misdemeanor and must be immediately discharged from employment."

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. 1112: A bill for an act relating to eminent domain; repealing certain exemptions

for public service corporations; amending Minnesota Statutes 2008, section 117.225; repealing Minnesota Statutes 2008, section 117.189.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Energy, Utilities, Technology and Communications without recommendation. Report adopted.

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

S.F. No. 462: A bill for an act relating to public safety; expanding the current DWI ignition interlock device pilot program by two years and applying it statewide; amending Minnesota Statutes 2008, section 171.306, subdivisions 1, 3.

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

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

S.F. No. 21: A bill for an act relating to education; establishing a P-20 education partnership; proposing coding for new law in Minnesota Statutes, chapter 127A.

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

Page 1, line 15, before "Subcommittee" insert "senate"

Page 1, delete line 19

Page 1, line 20, delete everything before "Prospective"

Page 1, line 23, after the period, insert "The partnership shall select a chair from its membership."

Page 2, after line 22, insert:

"Until the partnership determines otherwise, the commissioner of education shall provide the necessary staff support and meeting space for meetings of the partnership.

Members of the partnership may not receive any compensation or reimbursement for expenses for their service in the partnership."

Page 2, after line 24, insert:

"Sec. 2. **ORGANIZATIONAL DEADLINES FOR P-20 PARTNERSHIP.**

The appointing authorities under Minnesota Statutes, section 127A.70, shall complete their appointments no later than September 1, 2009. The chairs of the P-16 partnership shall convene the first meeting of the P-20 partnership no later than October 1, 2009."

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 referred

S.F. No. 659: A bill for an act relating to elections; clarifying the restrictions on service of election judges; modifying the creation of election judge appointment lists; limiting requirements for use of lists of election judges prepared by major political parties; authorizing the appointment of additional election judges; eliminating requirements for election judges to initial ballots before use; amending Minnesota Statutes 2008, sections 204B.19, subdivision 2; 204B.21, subdivisions 1, 2; 204C.09; 204C.13, subdivision 5; 204C.18, subdivision 2.

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

Page 2, line 6, delete "through the automated precinct-finder"

Page 2, line 10, delete "potential" and insert "proposed"

Page 2, line 11, delete "for whose addresses the secretary of state could not determine" and insert "with addresses that could not be located in"

Page 2, line 30, after "names" insert "in that municipality"

Page 3, after line 2, insert:

"Sec. 4. Minnesota Statutes 2008, section 204B.37, is amended to read:

204B.37 BACK OF BALLOT.

On the back of all ballots shall be printed the words "Official Ballot", and the date of the election ~~and lines for the initials of at least two election judges.~~ The words shall be printed so that they will be visible when the ballot is properly folded for deposit in the ballot box."

Page 3, after line 23, insert:

"Sec. 8. Minnesota Statutes 2008, section 204C.20, subdivision 2, is amended to read:

Subd. 2. **Excess ballots.** If two or more ballots are found folded together like a single ballot, the election judges shall lay them aside until all the ballots in the box have been counted. If it is evident from the number of ballots to be counted that the ballots folded together were cast by one voter, the election judges shall preserve but not count them. ~~If the number of ballots in one box exceeds the number to be counted, the election judges shall examine all the ballots in the box to ascertain that all are properly marked with the initials of the election judges. If any ballots are not properly marked with the initials of the election judges, the election judges shall preserve but not count them; however, if the number of ballots does not exceed the number to be counted, the absence of either or both sets of initials of the election judges does not, by itself, disqualify the vote from being counted and must not be the basis of a challenge in a recount.~~ If there is still an excess of properly marked ballots, the election judges shall replace them in the box, and one election judge, without looking, shall withdraw from the box a number of ballots equal to the excess. The withdrawn ballots shall not be counted but shall be preserved as provided in subdivision 4.

Sec. 9. Minnesota Statutes 2008, section 206.90, subdivision 6, is amended to read:

Subd. 6. **Ballots.** In precincts using optical scan voting systems, a single ballot card on which

all ballot information is included must be printed in black ink on white colored material except that marks not to be read by the automatic tabulating equipment may be printed in another color ink.

On the front of the ballot must be printed the words "Official Ballot" and the date of the election ~~and lines for the initials of at least two election judges.~~

When optical scan ballots are used, the offices to be elected must appear in the following order: federal offices; state legislative offices; constitutional offices; proposed constitutional amendments; county offices and questions; municipal offices and questions; school district offices and questions; special district offices and questions; and judicial offices.

On optical scan ballots, the names of candidates and the words "yes" and "no" for ballot questions must be printed as close to their corresponding vote targets as possible.

The line on an optical scan ballot for write-in votes must contain the words "write-in, if any."

If a primary ballot contains both a partisan ballot and a nonpartisan ballot, the instructions to voters must include a statement that reads substantially as follows: "THIS BALLOT CARD CONTAINS A PARTISAN BALLOT AND A NONPARTISAN BALLOT. ON THE PARTISAN BALLOT YOU ARE PERMITTED TO VOTE FOR CANDIDATES OF ONE POLITICAL PARTY ONLY." If a primary ballot contains political party columns on both sides of the ballot, the instructions to voters must include a statement that reads substantially as follows: "ADDITIONAL POLITICAL PARTIES ARE PRINTED ON THE OTHER SIDE OF THIS BALLOT. VOTE FOR ONE POLITICAL PARTY ONLY." At the bottom of each political party column on the primary ballot, the ballot must contain a statement that reads substantially as follows: "CONTINUE VOTING ON THE NONPARTISAN BALLOT." The instructions in section 204D.08, subdivision 4, do not apply to optical scan partisan primary ballots. Electronic ballot displays and audio ballot readers must follow the order of offices and questions on the optical scan or paper ballot used in the same precinct, or the sample ballot posted for that precinct."

Renumber the sections in sequence

Amend the title numbers accordingly

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 referred

S.F. No. 954: A bill for an act relating to education; pursuing E-16 reforms to improve and expand opportunities for all students to attain educational success; establishing E-16 advisory subcommittees.

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

Page 1, line 12, delete "12" and insert "13"

Page 1, line 13, after the semicolon, insert "the director of the Office of Higher Education;"

Page 1, line 19, after the period, insert "The appointing authorities listed in this subdivision must complete their appointments no later than July 1, 2009. By August 1, 2009, the designee of the

commissioner of education shall convene the first meeting of the committee. The committee shall select a chair from its membership at the first meeting."

Page 1, after line 19, insert:

"(b) The commissioner of education shall provide the necessary staff support and meeting space for meetings of the committee and advisory subcommittees. Members of the committee and subcommittee may not receive any compensation or reimbursement of expenses for their service from any funds appropriated for the purposes of this section."

Page 1, line 20, delete "(b)" and insert "(c) By September 1, 2009,"

Page 2, line 6, delete "(c)" and insert "(d)"

Page 2, line 23, delete "(d)" and insert "(e)"

Page 2, line 28, after the first "the" insert "chairs and ranking minority members of the"

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 referred

S.F. No. 1052: A bill for an act relating to education; requiring a study by the commissioner of finance of inclusion of school district employees in the state employees group insurance plan.

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

Page 1, line 9, delete "(SEGIP), either" and insert "or the public employee insurance plan, or both plans. For purposes of the study, district employees may be"

Page 1, line 10, delete "the SEGIP" and insert "those plans" and after "or" insert "considered"

Page 1, line 11, delete "the SEGIP" and insert "either plan"

Page 1, line 12, delete "SEGIP" and insert "plans"

Page 1, line 14, delete "legislature" and insert "chairs and ranking minority members of the legislative committees with jurisdiction over state and local government and education policy and finance"

Page 1, line 15, before the period, insert ", including any proposed legislation, if necessary"

Amend the title as follows:

Page 1, line 4, before the period, insert "or the public employee insurance plan"

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 referred

S.F. No. 551: A bill for an act relating to elections; expanding the use of mail balloting; providing a later opening time for voting on election days; amending Minnesota Statutes 2008, sections 204B.45, subdivision 1; 204C.05, subdivision 1.

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

Page 1, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2008, section 204B.46, is amended to read:

204B.46 MAIL ELECTIONS; QUESTIONS.

A county, municipality, or school district submitting questions to the voters at a special election may conduct an election by mail with no polling place other than the office of the auditor or clerk. No more than two questions may be submitted at a mail election and no offices may be voted on. Notice of the election must be given to the county auditor at least 53 days prior to the election. This notice shall also fulfill the requirements of Minnesota Rules, part 8210.3000. The special mail ballot procedures must be posted at least six weeks prior to the election. ~~No earlier~~ Not more than 20 or 30 nor later than 14 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county, municipality, or school district. No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B."

Amend the title as follows:

Page 1, line 2, delete "providing a later"

Page 1, line 3, delete "opening time for voting on election days" and insert "increasing the time allowed for mailing ballots submitting questions in special elections conducted by mail"

Amend the title numbers accordingly

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. 661: A bill for an act relating to elections; expanding requirements for postsecondary institutions to report resident student information to the secretary of state for voter registration purposes; amending Minnesota Statutes 2008, sections 135A.17, subdivision 2; 201.061, subdivisions 1, 3; 201.071, subdivision 1; 201.091, by adding a subdivision; 203B.05, subdivision 1.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2008, section 13.3215, is amended to read:

13.3215 UNIVERSITY OF MINNESOTA DATA.

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

(b) "Business data" are data described in section 13.591, subdivision 1, and includes the funded amount of the University of Minnesota's commitment to the investment to date, if any; the market value of the investment by the University of Minnesota; the University of Minnesota's internal rate of return for the investment, including expenditures and receipts used in the calculation of the investment's internal rate of return; and the age of the investment in years.

(c) "Financial, business, or proprietary data" means data, as determined by the responsible authority for the University of Minnesota, that are of a financial, business, or proprietary nature, the release of which could cause competitive harm to the University of Minnesota, the legal entity in which the University of Minnesota has invested or has considered an investment, the managing entity of an investment, or a portfolio company in which the legal entity holds an interest.

(d) "Investment" means the investments by the University of Minnesota in the following private capital:

(1) venture capital and other private equity investment businesses through participation in limited partnerships, trusts, limited liability corporations, limited liability companies, limited liability partnerships, and corporations;

(2) real estate ownership interests or loans secured by mortgages or deeds of trust or shares of real estate investment trusts through investment in limited partnerships; and

(3) natural resource investments through limited partnerships, trusts, limited liability corporations, limited liability companies, limited liability partnerships, and corporations.

Subd. 2. **Claims experience data.** Claims experience and all related information received from carriers and claims administrators participating in a University of Minnesota group health, dental, life, or disability insurance plan or the University of Minnesota workers' compensation program, and survey information collected from employees or students participating in these plans and programs, except when the university determines that release of the data will not be detrimental to the plan or program, are classified as nonpublic data ~~not on individuals pursuant to~~ under section 13.02, subdivision 9.

Subd. 3. **Private equity investment data.** (a) Financial, business, or proprietary data and business data collected, created, received, or maintained by the University of Minnesota in connection with investments are nonpublic data.

(b) The name of the legal entity in which the University of Minnesota has invested; the amount of the University of Minnesota's initial commitment; and the portfolio performance of University of Minnesota investments overall, including the number of investments, the total amount of University of Minnesota commitments, the total current market value, and the return on the total investment portfolio, are public.

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "elections" and insert "information practices; classifying certain data maintained by the University of Minnesota"

Amend the title numbers accordingly

And when so amended the bill be re-referred to the Committee on Higher Education without recommendation. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 457, 1313, 298, 80, 908, 362, 462, 659 and 551 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Bonoff moved that the name of Senator Sieben be added as a co-author to S.F. No. 347. The motion prevailed.

Senator Lynch moved that the name of Senator Erickson Ropes be added as a co-author to S.F. No. 1106. The motion prevailed.

Senator Anderson moved that the name of Senator Rosen be added as a co-author to S.F. No. 1275. The motion prevailed.

Senator Bonoff moved that the name of Senator Olson, G. be added as a co-author to S.F. No. 1342. The motion prevailed.

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

Senator Sieben moved that the name of Senator Rummel be added as a co-author to S.F. No. 1591. The motion prevailed.

Senator Sieben moved that the name of Senator Rummel be added as a co-author to S.F. No. 1634. The motion prevailed.

Senator Sheran moved that the name of Senator Rummel be added as a co-author to S.F. No. 1640. The motion prevailed.

Senator Sheran moved that the name of Senator Rummel be added as a co-author to S.F. No. 1643. The motion prevailed.

Senator Clark moved that the names of Senators Bonoff and Stumpf be added as co-authors to S.F. No. 1649. The motion prevailed.

Senator Robling moved that the name of Senator Rest be added as a co-author to S.F. No. 1662. The motion prevailed.

Senator Clark moved that the names of Senators Moua and Senjem be added as co-authors to S.F. No. 1712. The motion prevailed.

Senator Ortman moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Latz be added as chief author to S.F. No. 1231. The motion prevailed.

Senator Olseen moved that S.F. No. 234, No. 1 on General Orders, be stricken and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Dahle moved that S.F. No. 358, No. 29 on General Orders, be stricken and re-referred to the Committee on Rules and Administration. The motion prevailed.

Senator Marty moved that S.F. No. 1135, No. 48 on General Orders, be stricken and re-referred to the Committee on Rules and Administration. The motion prevailed.

Senator Wiger moved that S.F. No. 1253 be withdrawn from the Committee on Education and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Tomassoni moved that S.F. No. 1315 be withdrawn from the Committee on Taxes and re-referred to the Committee on Higher Education. The motion prevailed.

Senator Cohen moved that S.F. No. 1481 be withdrawn from the Committee on Finance and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Moua introduced –

Senate Resolution No. 61: A Senate resolution honoring the Royal Lao Armed Forces veterans in America.

Referred to the Committee on Rules and Administration.

Senator Olseen moved that S.F. No. 1671 be withdrawn from the Committee on Energy, Utilities, Technology and Communications and re-referred to the Committee on Taxes. 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 Bakk, Vickerman, Saxhaug, Torres Ray and Frederickson introduced–

S.F. No. 1729: A bill for an act relating to natural resources; appropriating money for state parks and trails; requiring planning and a report.

Referred to the Committee on Finance.

Senators Anderson, Torres Ray, Saxhaug and Frederickson introduced—

S.F. No. 1730: A bill for an act relating to natural resources; providing for disposition of receipts to the parks and trails fund; establishing a grant program; appropriating money; amending Minnesota Statutes 2008, section 85.53; proposing coding for new law in Minnesota Statutes, chapter 85.

Referred to the Committee on Environment and Natural Resources.

Senators Sparks, Tomassoni, Bakk and Limmer introduced—

S.F. No. 1731: A bill for an act relating to public employment; modifying definition of supervisory employee; amending Minnesota Statutes 2008, section 179A.03, subdivision 17.

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

Senators Torres Ray, Murphy, Kelash, Dibble and Latz introduced—

S.F. No. 1732: A bill for an act relating to marriage; recognizing certain marriages performed in other states; amending Minnesota Statutes 2008, sections 517.03, subdivision 1; 517.20.

Referred to the Committee on Judiciary.

Senator Rosen introduced—

S.F. No. 1733: A bill for an act relating to public safety; requiring annual appropriation of money in Bureau of Criminal Apprehension account to commissioner of public safety; revising employment positions covered by correctional state employees retirement plan of the Minnesota State Retirement System; modifying the vesting period for a retirement annuity for the correctional state employees retirement plan; permitting a service credit transfer to the general state employees retirement plan by certain correctional employees; appropriating money for the courts, public defenders, public safety, corrections, and other criminal justice agencies; amending Minnesota Statutes 2008, sections 171.29, subdivision 2; 352.72, subdivision 1; 352.90; 352.91, subdivisions 1, 3h; 352.93, subdivisions 1, 2a, 4, by adding a subdivision; 356.30, subdivision 1; repealing Minnesota Statutes 2008, section 352.91, subdivisions 2, 2a, 3c, 3d, 3e, 3f, 3g, 3i, 4a, 4b, 5.

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

Senators Anderson, Higgins and Jungbauer introduced—

S.F. No. 1734: A bill for an act relating to state government; establishing principles for allocation and expenditure of federal stimulus funds; requiring a report.

Referred to the Committee on Business, Industry and Jobs.

Senators Hann and Fischbach introduced—

S.F. No. 1735: A bill for an act relating to human services; modifying the provision of MinnesotaCare services; establishing requirements for healthy Minnesota plans; establishing healthy Minnesota accounts for certain MinnesotaCare enrollees; amending Minnesota Statutes 2008, sections 256L.01, by adding a subdivision; 256L.03, subdivisions 1, 1a, 3; 256L.15, by

adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256L; repealing Minnesota Statutes 2008, sections 256L.03, subdivisions 1b, 5; 256L.12, subdivision 6.

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

Senators Rosen, Sheran, Tomassoni and Koch introduced–

S.F. No. 1736: A bill for an act relating to economic development; providing grants for entrepreneurial and small business assistance; appropriating money.

Referred to the Committee on Finance.

Senator Doll introduced–

S.F. No. 1737: A bill for an act relating to occupations and professions; changing license provisions for chiropractors; amending Minnesota Statutes 2008, section 148.06, subdivision 1.

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

Senators Senjem, by request, and Lynch introduced–

S.F. No. 1738: A bill for an act relating to the city of Rochester; increasing the city's tax authority; amending Laws 2002, chapter 377, article 3, section 25.

Referred to the Committee on Taxes.

Senator Senjem introduced–

S.F. No. 1739: A bill for an act relating to education finance; authorizing state grants to leverage quality improvements in K-12 education; appropriating money.

Referred to the Committee on Finance.

Senator Jungbauer introduced–

S.F. No. 1740: A bill for an act relating to taxation; tax increment financing; allowing the city of Anoka to establish districts under special rules.

Referred to the Committee on Taxes.

Senators Olson, G. and Pariseau introduced–

S.F. No. 1741: A bill for an act relating to natural resources; requiring designation of state land for use by veterans.

Referred to the Committee on Environment and Natural Resources.

Senator Scheid introduced–

S.F. No. 1742: A bill for an act relating to insurance; increasing funeral and burial expense

benefits under the Minnesota No-Fault Automobile Insurance Act; amending Minnesota Statutes 2008, section 65B.44, subdivision 4.

Referred to the Committee on Commerce and Consumer Protection.

Senator Scheid introduced—

S.F. No. 1743: A bill for an act relating to insurance; prohibiting certain claims processing practices by third-party administrators of health coverage plans; regulating health claims clearinghouses; providing a time limit on insurer audits of health claims payments; amending Minnesota Statutes 2008, section 60A.23, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Commerce and Consumer Protection.

Senators Bonoff, Stumpf, Bakk, Torres Ray and Rest introduced—

S.F. No. 1744: A bill for an act relating to libraries; modifying the maintenance of effort requirement for the Hennepin County library system; amending Minnesota Statutes 2008, section 383B.247.

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

Senator Sheran introduced—

S.F. No. 1745: A bill for an act relating to public safety; providing limited immunity from prosecution for a person who seeks or obtains medical assistance for an alcohol or drug-related overdose; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Senators Ingebrigtsen, Saxhaug, Skogen, Bakk and Skoe introduced—

S.F. No. 1746: A bill for an act relating to environment; requiring an analysis of state air quality, hazardous waste, and water quality standards; amending Minnesota Statutes 2008, section 116.07, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Senators Ingebrigtsen, Saxhaug, Skogen, Bakk and Skoe introduced—

S.F. No. 1747: A bill for an act relating to environment; modifying environmental review requirements; exempting certain projects that are subject to standards from environmental review; requiring project proposers to prepare environmental impact statements and environmental assessment worksheets; amending Minnesota Statutes 2008, sections 116D.04, subdivisions 2a, 2b, 3a, 6a, 10, by adding a subdivision; 116D.045.

Referred to the Committee on Environment and Natural Resources.

Senator Tomassoni introduced—

S.F. No. 1748: A bill for an act relating to capital improvement; authorizing the sale and issuance of state bonds; appropriating money for a grant to the Hibbing Public Utilities Commission for a well.

Referred to the Committee on Finance.

Senator Tomassoni introduced—

S.F. No. 1749: A bill for an act relating to capital improvements; appropriating money for a grant to the city of Hibbing for street and storm sewer reconstruction; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Tomassoni introduced—

S.F. No. 1750: A bill for an act relating to public safety; creating a gross misdemeanor for assaulting a utility employee or contractor; amending Minnesota Statutes 2008, section 609.2231, by adding a subdivision.

Referred to the Committee on Judiciary.

Senators Marty, Erickson Ropes and Rosen introduced—

S.F. No. 1751: A bill for an act relating to human services; appropriating money for emergency services grants and transitional housing.

Referred to the Committee on Finance.

Senator Vandever introduced—

S.F. No. 1752: A bill for an act relating to commerce; providing that residual liability coverage under an automobile insurance policy covers the cost of rental cars in certain situations; amending Minnesota Statutes 2008, section 65B.49, subdivision 3.

Referred to the Committee on Commerce and Consumer Protection.

Senator Foley introduced—

S.F. No. 1753: A bill for an act relating to public safety; modifying application request for payment of investigative and expert services for indigent defendants; amending Minnesota Statutes 2008, sections 611.17; 611.21.

Referred to the Committee on Judiciary.

Senators Kubly, Sparks, Gerlach and Scheid introduced—

S.F. No. 1754: A bill for an act relating to religious corporations; permitting a church benefits

board to act as a trustee of a trust; amending Minnesota Statutes 2008, section 317A.909.

Referred to the Committee on Judiciary.

Senators Hann, Higgins, Johnson and Senjem introduced—

S.F. No. 1755: A bill for an act relating to health; limiting fees for hearing aid dispensers; amending Minnesota Statutes 2008, section 153A.17.

Referred to the Committee on Finance.

Senators Olson, M.; Koering; Skogen; Sparks and Metzen introduced—

S.F. No. 1756: A bill for an act relating to commerce; clarifying the application of usury laws to certain loans related to a right to sue; amending Minnesota Statutes 2008, section 334.01, by adding a subdivision.

Referred to the Committee on Judiciary.

Senator Carlson introduced—

S.F. No. 1757: A bill for an act relating to taxation; city of Eagan; extending duration and time for certain activities in a tax increment financing district; establishing certain adjustments to original net tax capacity.

Referred to the Committee on Taxes.

Senator Lynch introduced—

S.F. No. 1758: A bill for an act relating to state government; allowing all public employees to buy into the state long-term care insurance program; amending Minnesota Statutes 2008, section 43A.318, subdivision 2.

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

Senator Murphy introduced—

S.F. No. 1759: A bill for an act relating to drivers' licenses; permitting a driver's license or identification card applicant to designate an emergency contact person; establishing procedures for access to emergency contact data; amending Minnesota Statutes 2008, sections 13.69, subdivision 1; 171.06, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Transportation.

Senator Dibble introduced—

S.F. No. 1760: A bill for an act relating to energy; extending period during which renewable energy payment incentives may be paid; directing payments to other projects from projects whose eligibility to receive payments expires; appropriating money for incentive payments; amending Minnesota Statutes 2008, section 116C.779, subdivision 2.

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

Senators Scheid, Prettner Solon, Johnson and Sparks introduced—

S.F. No. 1761: A bill for an act relating to insurance; requiring health plans to establish equal out-of-pocket requirements for oral chemotherapy medications and intravenously administered chemotherapy medications; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Commerce and Consumer Protection.

Senators Tomassoni, Anderson and Dibble introduced—

S.F. No. 1762: A bill for an act relating to employment; appropriating money for grants to encourage women to enter nontraditional careers.

Referred to the Committee on Finance.

Senators Sieben, Robling, Rest, Jungbauer and Betzold introduced—

S.F. No. 1763: A bill for an act relating to state government; requiring state agencies to develop policies regarding telecommuting by state employees; requiring a report.

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

Senators Olson, M.; Tomassoni; Bakk; Marty and Sparks introduced—

S.F. No. 1764: A bill for an act relating to economic development; creating a Minnesota business venture capital program; creating a revolving fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Business, Industry and Jobs.

Senators Bakk and Skoe introduced—

S.F. No. 1765: A bill for an act relating to taxation; city of Arden Hills; authorizing creation of a tax increment financing district.

Referred to the Committee on Taxes.

Senators Rosen, Lourey and Berglin introduced—

S.F. No. 1766: A bill for an act relating to human services; creating chemical health pilot projects; requiring reports.

Referred to the Committee on Finance.

Senators Saxhaug, Bakk and Skoe introduced—

S.F. No. 1767: A bill for an act relating to taxation; property; leased seasonal-recreational land; amending Minnesota Statutes 2008, section 272.0213.

Referred to the Committee on Taxes.

Senators Ingebrigtsen and Hann introduced—

S.F. No. 1768: A bill for an act relating to corrections; allowing the parents of juvenile petty offenders be ordered probation supervisory duties; changing children's mental health screening duties; amending Minnesota Statutes 2008, section 260B.235, subdivisions 4, 6.

Referred to the Committee on Judiciary.

Senator Gerlach introduced—

S.F. No. 1769: A bill for an act relating to metropolitan government; excepting Anoka and Washington Counties from certain land use plan requirements; amending Minnesota Statutes 2008, section 473.862, subdivision 1.

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

Senators Jungbauer, Dibble and Anderson introduced—

S.F. No. 1770: A bill for an act relating to poverty; establishing the Ladder Out of Poverty Task Force; providing for its membership and duties; providing legislative appointments.

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

Senator Prettner Solon introduced—

S.F. No. 1771: A bill for an act relating to energy; requiring study and recommendations concerning low-carbon fuel standard for motor vehicle fuels.

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

Senators Metzen, Moua, Tomassoni, Foley and Dibble introduced—

S.F. No. 1772: A bill for an act relating to economic development and housing; modifying the targeted neighborhood revitalization program; creating a revolving fund; appropriating money; amending Minnesota Statutes 2008, sections 469.201, subdivisions 2, 4, 6, 7, 10, 11, 12; 469.202; 469.203, subdivisions 1, 2, 4; 469.204, subdivision 1, by adding a subdivision; 469.205; 469.207, subdivision 2; repealing Minnesota Statutes 2008, sections 469.203, subdivision 3; 469.204, subdivisions 2, 3.

Referred to the Committee on Business, Industry and Jobs.

Senator Saxhaug introduced—

S.F. No. 1773: A bill for an act relating to environment; changing waste management reporting requirements; amending Minnesota Statutes 2008, section 115A.557, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Senator Senjem introduced—

S.F. No. 1774: A bill for an act relating to highways; requiring placement of sign on highway 52.

Referred to the Committee on Transportation.

Senators Gimse and Dille introduced—

S.F. No. 1775: A bill for an act relating to natural resources; modifying horse trail pass requirements; amending Minnesota Statutes 2008, section 85.46, subdivisions 1, 3, 4, 7.

Referred to the Committee on Environment and Natural Resources.

Senators Pariseau, Tomassoni and Anderson introduced—

S.F. No. 1776: A bill for an act relating to economic development; appropriating money for a grant for women's business development programs.

Referred to the Committee on Finance.

Senator Senjem introduced—

S.F. No. 1777: A bill for an act relating to taxation; reducing corporate income tax rate; providing green job incentives; establishing small business investment company credit and job growth investment credit; abolishing political contribution refund; changing rent percentage for purposes of property tax refund; modifying capital equipment sales tax exemption; modifying incentive payment for sustainable forest resource management program; providing a federal update; providing for green job opportunity building zones; providing tax credits; allowing tax benefits; making changes to local government aid, the market value homestead credit, income, franchise, property, sales and use, minerals, and other taxes and tax-related provisions; appropriating money; amending Minnesota Statutes 2008, sections 268.19, subdivision 1; 270A.03, subdivision 7; 270B.14, subdivision 3; 270B.15; 272.02, by adding a subdivision; 272.029, subdivision 7; 273.1384, subdivision 4; 289A.02, subdivision 7; 289A.12, by adding a subdivision; 289A.50, subdivision 1; 290.01, subdivisions 6, 19, 19a, 19b, 19c, 19d, 29, 31; 290.06, subdivisions 1, 2c, by adding subdivisions; 290.067, subdivisions 1, 2a; 290.0671, subdivision 1; 290.091, subdivision 2; 290.0921, subdivisions 1, 3; 290.0922, subdivisions 2, 3; 290.095, subdivisions 2, 11; 290A.03, subdivisions 3, 11, 13, 15; 290C.07; 291.005, subdivision 1; 297A.68, subdivision 5, by adding a subdivision; 297A.75, subdivision 1; 298.285; 477A.0124, by adding a subdivision; 477A.013, subdivision 9, by adding a subdivision; 477A.03, subdivisions 2a, 2b; 477A.12, subdivision 1; 477A.14, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 116J; 297I; 469; 477A; repealing Minnesota Statutes 2008, sections 10A.322, subdivision 4; 290.06, subdivision 23; 477A.03, subdivision 5.

Referred to the Committee on Taxes.

Senator Scheid introduced—

S.F. No. 1778: A resolution memorializing the Congress of the United States to oppose

enactment of legislation of the substance and tenor of S. 40/H.R. 3200 – the National Insurance Act of 2007 – proposed optional federal charter legislation.

Referred to the Committee on Commerce and Consumer Protection.

Senator Vickerman introduced–

S.F. No. 1779: A bill for an act relating to appropriations; appropriating money for agriculture, the Board of Animal Health, veterans, and the military; changing certain agricultural and animal health requirements and programs; establishing a program; eliminating a sunset; amending Minnesota Statutes 2008, sections 3.737, subdivision 1; 3.7371, subdivision 3; 17.03, subdivision 12; 18B.01, subdivision 8, by adding subdivisions; 18B.065, subdivision 2a, by adding subdivisions; 18B.26, subdivision 3; 18E.03, subdivision 2; 28A.085, subdivision 1; 32.394, subdivision 8; 41A.09, subdivisions 2a, 3a; 197.585, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 18B; 41A; repealing Minnesota Statutes 2008, sections 17.49, subdivision 3; 38.02, subdivisions 3, 4.

Referred to the Committee on Finance.

Senator Bakk introduced–

S.F. No. 1780: A bill for an act relating to state government; eliminating mandatory retirement age for administrative law judges and compensation judges; amending Minnesota Statutes 2008, section 14.48, subdivision 4.

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

Senators Torres Ray, Tomassoni and Carlson introduced–

S.F. No. 1781: A bill for an act relating to employment; occupational health and safety; requiring that records be kept of the ethnicity of certain injured, sick, or deceased employees; amending Minnesota Statutes 2008, section 182.663, subdivision 1.

Referred to the Committee on Business, Industry and Jobs.

Senator Torres Ray introduced–

S.F. No. 1782: A bill for an act relating to human services; expanding food stamp and food assistance eligibility; amending Minnesota Statutes 2008, section 256D.0515.

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

Senators Anderson and Rummel introduced–

S.F. No. 1783: A bill for an act relating to natural resources; appropriating money for high-resolution digital elevation data.

Referred to the Committee on Finance.

Senators Anderson and Rummel introduced—

S.F. No. 1784: A bill for an act relating to natural resources; appropriating money from the clean water fund for high-resolution elevation data collection to aid with impaired waters modeling and total maximum daily load implementation.

Referred to the Committee on Finance.

Senators Foley, Betzold and Higgins introduced—

S.F. No. 1785: A bill for an act relating to public safety; providing funding for the public defender; establishing a public defender fee for licensed attorneys; establishing a public defender fee account in the special revenue fund.

Referred to the Committee on Finance.

Senators Foley; Olson, M.; Ingebrigtsen and Higgins introduced—

S.F. No. 1786: A bill for an act relating to courts; adding per page filing fees for court papers; directing the increase in fees to the Supreme Court; amending Minnesota Statutes 2008, section 357.021, subdivisions 1a, 2.

Referred to the Committee on Judiciary.

Senator Moua, by request, introduced—

S.F. No. 1787: A bill for an act relating to data practices; regulating employment and training data; classifying data; defining terms; amending Minnesota Statutes 2008, section 13.47, subdivisions 1, 2, 3, 4.

Referred to the Committee on Judiciary.

Senator Moua introduced—

S.F. No. 1788: A bill for an act relating to courts; including appellate court appointments in the Commission on Judicial Selection process; amending Minnesota Statutes 2008, section 480B.01, subdivisions 1, 6, 8, 10.

Referred to the Committee on Judiciary.

Senator Moua, by request, introduced—

S.F. No. 1789: A bill for an act relating to civil actions; regulating medical liability actions; providing for the inadmissibility of certain health care provider statements, gestures, or conduct; proposing coding for new law in Minnesota Statutes, chapter 604.

Referred to the Committee on Judiciary.

Senator Moua, by request, introduced–

S.F. No. 1790: A bill for an act relating to courts; modifying determination of when a party prevails on a claim removed from conciliation court to district court for the purposes of recovering district court costs; amending Minnesota Statutes 2008, section 491A.02, subdivision 7.

Referred to the Committee on Judiciary.

Senators Foley, Higgins and Cohen introduced–

S.F. No. 1791: A bill for an act relating to courts; amending court filing fees and the criminal surcharge amount; amending Minnesota Statutes 2008, sections 357.021, subdivisions 2, 6, 7; 357.022; 357.08.

Referred to the Committee on Judiciary.

Senator Gerlach introduced–

S.F. No. 1792: A bill for an act relating to elections; changing recount procedures; requiring certain verification programs; amending Minnesota Statutes 2008, sections 204C.35; 204C.36, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 201; 204C.

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

Senators Marty and Kubly introduced–

S.F. No. 1793: A bill for an act relating to health; regulating the use of lasers, intense pulsed light devices, and radio frequency devices; amending Minnesota Statutes 2008, section 147.081, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 147.

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

Senators Clark and Saltzman introduced–

S.F. No. 1794: A bill for an act relating to veterans; clarifying the circumstances under which pay differential applies for deployed National Guard and reserve members who are teachers; amending Minnesota Statutes 2008, section 471.975.

Referred to the Committee on Agriculture and Veterans.

Senator Clark introduced–

S.F. No. 1795: A bill for an act relating to counties; creating two new counties; providing for their representation.

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

Senator Fobbe introduced–

S.F. No. 1796: A bill for an act relating to intergovernmental operations; providing for

elimination of unnecessary mandates; providing for better public understanding of the roles and responsibilities of state and county governments; providing for financial accountability between state and county governments; proposing coding for new law in Minnesota Statutes, chapters 3; 275.

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

Senators Torres Ray, Fobbe and Saxhaug introduced—

S.F. No. 1797: A bill for an act relating to education; requiring the Departments of Human Services, Health, and Education to create an inventory of early childhood services; proposing coding for new law in Minnesota Statutes, chapter 119B.

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

Senators Chaudhary, Ingebrigtsen, Saxhaug and Fobbe introduced—

S.F. No. 1798: A bill for an act relating to game and fish; modifying restrictions on bow fishing to take rough fish; amending Minnesota Statutes 2008, sections 97A.015, by adding a subdivision; 97C.335; 97C.345, subdivision 2; 97C.375; proposing coding for new law in Minnesota Statutes, chapter 97C.

Referred to the Committee on Environment and Natural Resources.

Senator Torres Ray introduced—

S.F. No. 1799: A bill for an act relating to health; requiring the commissioner of health to convene an Alzheimer's disease working group; requiring a report.

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

Senators Fobbe, Stumpf, Bonoff, Saxhaug and Saltzman introduced—

S.F. No. 1800: A bill for an act relating to education; clarifying school district obligations to children with disabilities; amending Minnesota Statutes 2008, section 125A.57, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 125A; repealing Minnesota Statutes 2008, section 125A.03.

Referred to the Committee on Education.

Senator Senjem introduced—

S.F. No. 1801: A bill for an act relating to natural resources; appropriating money to restore Lake Zumbro.

Referred to the Committee on Finance.

Senator Senjem introduced—

S.F. No. 1802: A bill for an act relating to natural resources; appropriating money to dredge and

maintain Lake Shady.

Referred to the Committee on Finance.

Senator Senjem introduced—

S.F. No. 1803: A bill for an act relating to natural resources; appropriating money to support Stagecoach Trail.

Referred to the Committee on Finance.

Senator Fobbe introduced—

S.F. No. 1804: A bill for an act relating to natural resources; removing certain land in the Rum River area from the wild and scenic rivers program.

Referred to the Committee on Environment and Natural Resources.

Senator Moua, by request, introduced—

S.F. No. 1805: A bill for an act relating to civil actions; allowing recovery for loss of society, affection, and companionship of a child or a parent; proposing coding for new law in Minnesota Statutes, chapter 549.

Referred to the Committee on Judiciary.

Senator Moua introduced—

S.F. No. 1806: A bill for an act relating to public safety; authorizing probation officers and pretrial release agents to conduct searches of persons on probation or pretrial release; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

Senators Doll, Moua and Erickson Ropes introduced—

S.F. No. 1807: A bill for an act relating to human services; modifying medical assistance, MinnesotaCare, and general assistance medical care coverage of chiropractic services; amending Minnesota Statutes 2008, section 256B.0625, by adding a subdivision.

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

Senators Saltzman, Rosen and Michel introduced—

S.F. No. 1808: A bill for an act relating to employment; regulating minimum wage for tipped employees; amending Minnesota Statutes 2008, section 177.24, subdivision 1.

Referred to the Committee on Business, Industry and Jobs.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of the Consent Calendar.

CONSENT CALENDAR

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.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Senator Metzen in the chair.

After some time spent therein, the committee arose, and Senator Metzen reported that the committee had considered the following:

S.F. Nos. 983, 832, 34, 1028 and 208, which the committee recommends to pass.

S.F. No. 275, which the committee recommends to pass with the following amendment offered by Senator Frederickson:

Page 3, line 25, delete everything after the period

Page 3, delete line 26

Page 3, line 34, after the period, insert "The Minnesota River Board shall provide the advisory committee with staff support and meeting facilities for the first meeting of the advisory committee."

The motion prevailed. So the amendment was adopted.

S.F. No. 30, which the committee recommends to pass, after the following motion:

Senator Limmer moved to amend S.F. No. 30 as follows:

Page 2, line 24, delete "any" and insert "a"

Page 2, line 25, before the period, insert "for purposes of investigating violations of this subdivision or controlled substance crimes that involve the manufacture, sale, or possession of methamphetamine"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 42, as follows:

Those who voted in the affirmative were:

Day	Gimse	Koch	Ortman	Tomassoni
Dille	Hann	Koering	Pariseau	Vandev eer
Fischbach	Ingebrigtsen	Limmer	Robling	
Fobbe	Johnson	Metzen	Senjem	
Gerlach	Jungbauer	Michel	Skoe	

Those who voted in the negative were:

Anderson	Dahle	Langseth	Pogemiller	Skogen
Bakk	Dibble	Lourey	Prettner Solon	Sparks
Berglin	Doll	Lynch	Rest	Stumpf
Betzold	Erickson Ropes	Marty	Rosen	Torres Ray
Bonoff	Foley	Moua	Rummel	Vickerman
Carlson	Frederickson	Olseen	Saltzman	Wiger
Chaudhary	Higgins	Olson, G.	Saxhaug	
Clark	Kelash	Olson, M.	Sheran	
Cohen	Kubly	Pappas	Sieben	

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

S.F. No. 99, which the committee recommends to pass, subject to the following motion:

The question was taken on the recommendation to pass S.F. No. 99.

The roll was called, and there were yeas 41 and nays 22, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kubly	Olson, M.	Sieben
Berglin	Doll	Langseth	Pappas	Skogen
Betzold	Erickson Ropes	Lourey	Pogemiller	Stumpf
Bonoff	Foley	Lynch	Prettner Solon	Torres Ray
Carlson	Frederickson	Marty	Rest	Wiger
Clark	Gimse	Michel	Rummel	
Cohen	Higgins	Moua	Saltzman	
Dahle	Jungbauer	Murphy	Saxhaug	
Dibble	Kelash	Olseen	Sheran	

Those who voted in the negative were:

Bakk	Ingebrigtsen	Metzen	Rosen	Vandev eer
Fischbach	Johnson	Olson, G.	Senjem	Vickerman
Fobbe	Koch	Ortman	Skoe	
Gerlach	Koering	Pariseau	Sparks	
Hann	Limmer	Robling	Tomassoni	

The motion prevailed. So S.F. No. 99 was recommended to pass.

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MEMBERS EXCUSED

Senators Latz and Scheid were excused from the Session of today. Senators Ortman and Pappas were excused from the Session of today from 11:00 to 11:25 a.m. Senator Hann was excused from the Session of today from 11:00 to 11:30 a.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 12:00 noon, Tuesday, March 24, 2009. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

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894	872				
895	850				
908	887	897			
916	867				
954	893				
987	887				

999	877
1044	856
1052	894
1112	890
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