

NINETY-SIXTH DAY

St. Paul, Minnesota, Friday, May 2, 2014

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

CALL OF THE SENATE

Senator Bakk 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. Scott Prouty.

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	Dziedzic	Ingebrigtsen	Ortman	Sieben
Bakk	Eaton	Jensen	Osmek	Skoe
Benson	Eken	Johnson	Pappas	Sparks
Bonoff	Fischbach	Kent	Petersen, B.	Stumpf
Brown	Franzen	Kiffmeyer	Pratt	Thompson
Carlson	Gazelka	Koenen	Reinert	Tomassoni
Chamberlain	Goodwin	Latz	Rest	Torres Ray
Champion	Hall	Lourey	Ruud	Weber
Clausen	Hann	Marty	Saxhaug	Westrom
Cohen	Hawj	Miller	Scalze	Wiger
Dahle	Hayden	Nelson	Schmit	Wiklund
Dahms	Hoffman	Newman	Senjem	
Dibble	Housley	Nienow	Sheran	

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 communications were received.

April 25, 2014

The Honorable Sandra L. Pappas
President of the Senate

Dear Senator Pappas:

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

BOARD OF THE MINNESOTA STATE ACADEMIES

Christopher Peper, 153 Liberty Pkwy., Stillwater, in the county of Washington, effective April 30, 2014, for a term expiring on January 1, 2018.

Todd Sesker, 2800 - 1st Ave. N.W., Faribault, in the county of Rice, effective April 30, 2014, for a term expiring on January 1, 2018.

(Referred to the Committee on Education.)

Sincerely,
Mark Dayton, Governor

May 1, 2014

The Honorable Sandra L. Pappas
President of the Senate

Dear Madam President:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, Chapter 186, S.F. No. 1246 and Chapter 193, S.F. No. 2066.

Sincerely,
Mark Dayton, Governor

May 1, 2014

The Honorable Paul Thissen
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2014 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2014	Date Filed 2014
1246		186	9:34 a.m. May 1	May 1
	2217	187	9:35 a.m. May 1	May 1
	859	188	9:35 a.m. May 1	May 1
	892	189	9:36 a.m. May 1	May 1
	2605	190	9:38 a.m. May 1	May 1
	2213	191	9:38 a.m. May 1	May 1
	2874	192	9:40 a.m. May 1	May 1
2066		193	9:41 a.m. May 1	May 1

Sincerely,
Mark Ritchie
Secretary of State

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2103, 2312 and 2608.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 1, 2014

Madam President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2047: A bill for an act relating to health; modifying the newborn screening program; amending Minnesota Statutes 2012, section 144.125, subdivisions 3, 4, 5, 8, 9, 10; Minnesota Statutes 2013 Supplement, section 144.125, subdivision 7; repealing Minnesota Statutes 2012, section 144.125, subdivision 6.

Senate File No. 2047 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 1, 2014

CONCURRENCE AND REPASSAGE

Senator Marty moved that the Senate concur in the amendments by the House to S.F. No. 2047 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2047 was read the third time, as amended by the House, and placed on its repassage.

The question was taken on the repassage of the bill, as amended.

The roll was called, and there were yeas 36 and nays 20, as follows:

Those who voted in the affirmative were:

Bakk	Eaton	Jensen	Nelson	Sparks
Bonoff	Eken	Johnson	Rest	Torres Ray
Carlson	Franzen	Kent	Saxhaug	Wiger
Champion	Goodwin	Koenen	Schmit	Wiklund
Clausen	Hawj	Latz	Senjem	
Cohen	Hayden	Lourey	Sheran	
Dahle	Hoffman	Marty	Sieben	
Dziedzic	Housley	Miller	Skoe	

Those who voted in the negative were:

Anderson
Benson
Brown
Chamberlain

Dahms
Fischbach
Gazelka
Hall

Hann
Ingebrigtsen
Kiffmeyer
Nienow

Ortman
Osmek
Petersen, B.
Reinert

Ruud
Thompson
Weber
Westrom

So the bill, as amended, was repassed and its title was agreed to.

MESSAGES FROM THE HOUSE - CONTINUED

Madam President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2390: A bill for an act relating to elections; modifying provisions related to election administration; making technical changes to provisions related to voting, voter registration, ballots, and other election-related provisions; amending Minnesota Statutes 2012, sections 201.081; 201.091, subdivision 2; 201.13, subdivision 4; 203B.12, subdivision 7, by adding a subdivision; 203B.22; 204B.09, subdivision 3; 204B.19, subdivision 2; 204C.26, subdivision 1; 204D.13, subdivisions 1, 2; 204D.15, subdivision 1; 205.07, subdivision 1a; 205.13, subdivision 1; 370.05; 375A.12, subdivision 5; 412.091; Minnesota Statutes 2013 Supplement, sections 203B.04, subdivision 1; 204B.45, subdivision 2; 204B.46; 205A.05, subdivision 1; 368.47; proposing coding for new law in Minnesota Statutes, chapter 211C.

There has been appointed as such committee on the part of the House:

Bernardy, Winkler and Sanders.

Senate File No. 2390 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 1, 2014

Madam President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2736: A bill for an act relating to public safety; authorizing counties to establish pilot projects to use GPS to monitor domestic abuse offenders; amending Minnesota Statutes 2012, sections 609.135, subdivision 5a; 629.72, subdivision 2a.

There has been appointed as such committee on the part of the House:

Johnson, C.; Hilstrom and O'Neill.

Senate File No. 2736 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 1, 2014

Madam President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2834:

H.F. No. 2834: A bill for an act relating to energy; modifying, adding, or authorizing provisions governing medically necessary equipment, propane sales, low-income rate discounts, interconnection of distributed renewable generation, electric vehicle charging tariffs, on-bill payment programs, energy efficiency programs, emissions reduction planning, certificates of need, solar energy systems, and transmission lines; requiring a report; amending Minnesota Statutes 2012, sections 216B.098, subdivision 5; 216B.16, subdivision 14; 216B.1611, by adding a subdivision; 216B.241, by adding a subdivision; 216B.2422, by adding a subdivision; 216B.243, subdivision 8; 216C.41, subdivision 4; 216C.436, subdivision 4, by adding a subdivision; 216E.01, by adding a subdivision; 216E.04, subdivision 2; 239.051, subdivision 29; 239.785, by adding a subdivision; 325E.027; 515.07; 515B.2-103; 515B.3-102; Laws 2013, chapter 57, section 2; Laws 2014, chapter 145, section 1; proposing coding for new law in Minnesota Statutes, chapters 216B; 216E; 500; repealing Minnesota Rules, parts 3300.0800; 3300.0900; 3300.1000, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 25a, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; 3300.1100; 3300.1200; 3300.1300; 3300.1400; 3300.1500; 3300.1600; 3300.1700; 3300.1800; 3300.1900; 7607.0100; 7607.0110; 7607.0120; 7607.0130; 7607.0140; 7607.0150; 7607.0160; 7607.0170; 7607.0180; 7610.0300; 7685.0100; 7685.0120; 7685.0130; 7685.0140.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Hortman, Morgan, Garofalo, Selcer and Simonson have been appointed as such committee on the part of the House.

House File No. 2834 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 1, 2014

Senator Marty moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2834, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3241 and 2724.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 1, 2014

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 3241: A bill for an act relating to claims against the state; providing for settlement of certain claims; authorizing certain payments by the Department of Transportation; appropriating money.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2805, now on General Orders.

H.F. No. 2724: A bill for an act relating to state government; regulating agency rulemaking; amending Minnesota Statutes 2012, sections 3.842, subdivision 4a; 14.05, subdivision 6, by adding subdivisions; 14.07, subdivision 4; 14.08; 14.101, subdivision 1; 14.116; 14.125; 14.126, subdivision 2; 14.131; 14.14, subdivisions 1a, 2a; 14.16, subdivision 3; 14.22; 14.23; 14.25; 14.26; 14.388, subdivision 1; 14.389; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 2012, sections 14.04; 14.05, subdivision 5; 14.3895.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2467.

REPORTS OF COMMITTEES

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

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 2566 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2566	2166				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 3043 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3043	1660				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 3238 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3238	2639				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3238 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3238, the third engrossment; and insert the language after the enacting clause of S.F. No. 2639, the first engrossment; further, delete the title of H.F. No. 3238, the third engrossment; and insert the title of S.F. No. 2639, the first engrossment.

And when so amended H.F. No. 3238 will be identical to S.F. No. 2639, and further recommends that H.F. No. 3238 be given its second reading and substituted for S.F. No. 2639, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2566, 3043 and 3238 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Sparks introduced—

S.F. No. 2975: A bill for an act relating to environment; establishing product stewardship program for primary batteries; providing civil penalties; amending Minnesota Statutes 2013 Supplement, section 115A.142; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Environment and Energy.

Senator Hayden introduced—

S.F. No. 2976: A resolution memorializing the President and Congress concerning the detention and torture of the Somali people in Kenya.

Referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS**Senator Hawj introduced –**

Senate Resolution No. 252: A Senate resolution honoring Xai Nou Vang for his many years of service.

Referred to the Committee on Rules and Administration.

Senator Cohen moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Stumpf be added as chief author to S.F. No. 882. The motion prevailed.

RECESS

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

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

APPOINTMENTS

Senator Bakk from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 2834: Senators Marty, Rosen, Hoffman, Carlson and Dibble.

Senator Bakk moved that the foregoing appointments be approved. The motion prevailed.

RECESS

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

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

CALL OF THE SENATE

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

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12.5, Senator Champion moved that the following members be excused for a Conference Committee on H.F. No. 2576 at 12:30 p.m.:

Senators Champion, Goodwin and Petersen, B. The motion prevailed.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12.5, Senator Marty moved that the following members be excused for a Conference Committee on H.F. No. 2733 from 12:45 to 2:20 p.m.:

Senators Marty, Hawj and Weber. The motion prevailed.

SPECIAL ORDERS

Pursuant to Rule 26, Senator Bakk, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

H.F. Nos. 1984, 2695, 2701, S.F. Nos. 1740, 2099, 2423, H.F. No. 2668, S.F. No. 2192, H.F. No. 2925, S.F. No. 2454 and H.F. No. 2479.

SPECIAL ORDER

H.F. No. 1984: A bill for an act relating to state government; providing for enhancement of accountability and transparency in public construction; establishing a requirement for a definition of responsible contractor; proposing coding for new law in Minnesota Statutes, chapter 16C.

Senator Saxhaug moved to amend H.F. No. 1984, as amended pursuant to Rule 45, adopted by the Senate May 1, 2014, as follows:

(The text of the amended House File is identical to S.F. No. 1919.)

Page 4, delete lines 19 to 21 and insert:

"(6) the contractor, subcontractor, or related entity has not, more than twice during the three-year period before submitting the verification, had a certificate of compliance under section 363A.36 revoked or suspended, with the revocation or suspension becoming final because it was upheld by the Office of Administrative Hearings or was not appealed to the office;

(7) the contractor, subcontractor, or related entity has not received a final determination assessing a monetary sanction from the Department of Administration or Transportation for failure to meet targeted group business, disadvantaged business enterprise, or veteran-owned business goals more than once during the three-year period before submitting the verification;"

Page 4, line 22, delete "(7)" and insert "(8)"

Page 4, line 26, delete "(8)" and insert "(9)"

Page 5, line 1, after "criteria" insert "or a false statement under oath in a verification of compliance"

Page 5, line 2, after "contract" insert "on the project for which the verification was submitted"

Page 5, line 3, after "contract" insert "that has already been"

Page 5, line 4, delete everything after the period and insert "A contracting authority shall not be liable for declining to award a contract or terminating a contract in reasonable reliance on a determination that the contractor failed to verify compliance with the minimum criteria or falsely stated that it meets the minimum criteria."

Page 5, delete lines 5 to 12

Page 6, line 4, delete everything after the period

Page 6, delete lines 5 to 9

Page 6, line 10, delete everything before "The"

The motion prevailed. So the amendment was adopted.

H.F. No. 1984 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 53 and nays 4, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Housley	Ortman	Skoe
Benson	Eaton	Ingebrigtsen	Pappas	Sparks
Bonoff	Eken	Jensen	Pratt	Stumpf
Brown	Fischbach	Johnson	Reinert	Thompson
Carlson	Franzen	Kent	Rest	Tomassoni
Champion	Gazelka	Latz	Ruud	Torres Ray
Clausen	Goodwin	Lourey	Saxhaug	Westrom
Cohen	Hann	Miller	Scalze	Wiger
Dahle	Hawj	Nelson	Senjem	Wiklund
Dahms	Hayden	Newman	Sheran	
Dibble	Hoffman	Nienow	Sieben	

Those who voted in the negative were:

Anderson	Kiffmeyer	Osmek	Petersen, B.
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So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2695: A bill for an act relating to commerce; modifying requirements for Department of Commerce licensee education; amending Minnesota Statutes 2012, section 45.25, subdivisions 2a, 5a.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Ingebrigtsen	Pappas	Sparks
Bakk	Dziedzic	Jensen	Petersen, B.	Stumpf
Benson	Eaton	Johnson	Pratt	Thompson
Bonoff	Eken	Kent	Reinert	Tomassoni
Brown	Fischbach	Kiffmeyer	Rest	Torres Ray
Carlson	Franzen	Latz	Ruud	Westrom
Chamberlain	Gazelka	Lourey	Saxhaug	Wiger
Champion	Goodwin	Miller	Scalze	Wiklund
Clausen	Hann	Nelson	Senjem	
Cohen	Hayden	Nienow	Sheran	
Dahle	Hoffman	Ortman	Sieben	
Dahms	Housley	Osmek	Skoe	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 2701: A bill for an act relating to disaster relief; creating a disaster assistance contingency account; requiring transfer of unused disaster relief appropriations to the disaster assistance contingency account; establishing a disaster relief cost-share relationship between the state, local governments, and American Indian tribes and bands; authorizing state public disaster assistance in the absence of federal public disaster assistance; appropriating money; amending Minnesota Statutes 2012, sections 12.03, by adding subdivisions; 12.221, subdivision 4, by adding a subdivision; 12A.02, subdivision 2, by adding subdivisions; 12A.03, subdivision 3; 12A.15, subdivision 1; 16A.28, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 12B.

Senator Newman moved to amend H.F. No. 2701, the unofficial engrossment, as follows:

Page 1, line 14, delete "FOR PUBLIC ENTITIES"

Page 1, line 17, delete "government" and insert "entity" and delete "government" and insert "entity"

Page 1, line 18, before the period, insert ", and also includes privately owned electrical cooperatives eligible for FEMA assistance"

Page 2, line 6, delete "government" and insert "entity"

Page 2, line 7, delete "government" and insert "entity" and delete "government's" and insert "entity's"

Page 2, lines 18 and 34, delete "governments" and insert "entities"

Page 3, line 13, delete "government" and insert "entity" and delete "government" and insert "entity"

Page 3, lines 25 and 27, delete "government" and insert "entity"

Page 4, lines 6 and 32, delete "governments" and insert "entities"

Page 4, line 28, delete "FOR PUBLIC ENTITIES"

Page 5, lines 5 and 24, delete "government" and insert "entity"

Page 5, line 17, delete "government" and insert "entity" and delete "government" and insert "entity"

Page 7, line 19, delete "government" and insert "entity"

Amend the title as follows:

Page 1, line 5, delete "governments" and insert "entities"

CALL OF THE SENATE

Senator Cohen imposed a call of the Senate for the balance of the proceedings on H.F. No. 2701. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Newman amendment.

The roll was called, and there were yeas 32 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Lourey	Petersen, B.	Stumpf
Bakk	Gazelka	Miller	Pratt	Thompson
Benson	Hann	Nelson	Ruud	Tomassoni
Chamberlain	Housley	Newman	Saxhaug	Westrom
Dahle	Ingebrigtsen	Nienow	Senjem	
Dahms	Jensen	Ortman	Skoe	
Eken	Kiffmeyer	Osmek	Sparks	

Those who voted in the negative were:

Bonoff	Dibble	Hayden	Pappas	Sieben
Carlson	Dziedzic	Hoffman	Reinert	Torres Ray
Champion	Eaton	Johnson	Rest	Wiger
Clausen	Franzen	Kent	Scalze	Wiklund
Cohen	Goodwin	Latz	Sheran	

The motion prevailed. So the amendment was adopted.

H.F. No. 2701 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 54 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Hoffman	Nienow	Sieben
Bakk	Dziedzic	Housley	Ortman	Skoe
Benson	Eaton	Ingebrigtsen	Osmek	Sparks
Bonoff	Eken	Jensen	Pappas	Stumpf
Carlson	Fischbach	Johnson	Pratt	Thompson
Chamberlain	Franzen	Kent	Reinert	Tomassoni
Champion	Gazelka	Kiffmeyer	Rest	Torres Ray
Clausen	Goodwin	Latz	Ruud	Westrom
Cohen	Hall	Lourey	Saxhaug	Wiger
Dahle	Hann	Miller	Scalze	Wiklund
Dahms	Hayden	Newman	Sheran	

Those who voted in the negative were:

Petersen, B. Senjem

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

SPECIAL ORDER

S.F. No. 1740: A bill for an act relating to telecommunications; consumer protection; requiring antitheft functionality for smart phones to deter theft; establishing requirements for acquisition and resale of wireless communications devices; proposing coding for new law in Minnesota Statutes, chapters 325E; 325F.

Senator Dziedzic moved to amend S.F. No. 1740 as follows:

Page 1, line 17, after "phone" insert "manufactured on or after July 1, 2015,"

Page 1, line 20, delete everything after "2015" and insert a period

Page 1, delete line 21

Page 2, lines 21 and 25, after "provider" insert ", manufacturer,"

Page 2, after line 30, insert:

"(h) "Wireless communications device manufacturer" or "manufacturer" means an individual, partnership, limited partnership, limited liability company, corporation, or other entity engaged in the business of manufacturing wireless communications devices."

Page 5, line 35, after "dealer" insert ", CMRS provider, manufacturer, or retailer"

Page 6, line 2, delete "or (2)" and insert "(2) manufacturer as part of a trade-in program; or (3)"

Page 6, after line 8, insert:

"EFFECTIVE DATE. This section is effective July 1, 2014."

The motion prevailed. So the amendment was adopted.

Senator Petersen, B. moved to amend S.F. No. 1740 as follows:

Page 1, line 19, after the second period, insert "The antitheft functionality may be used by a third party only with the consent of the account holder of the smart phone."

Renumber the articles in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Sieben moved that S.F. No. 1740 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 2099: A bill for an act relating to campaign finance; requiring that certain political contributions be made from funds subject to the individual income tax; amending Minnesota Statutes 2012, section 10A.27, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 211B.

Senator Newman moved to amend S.F. No. 2099 as follows:

Page 1, line 9, delete "No pretax" and insert "Prohibited" and before "Political" insert "(a)"

Page 1, after line 14, insert:

"(b) A union or labor organization may not contribute, whether directly or indirectly, general treasury money, including money collected through membership dues, fees, or donations, to a candidate or candidate's principal campaign committee."

Page 1, line 15, delete "PROHIBITION ON PRETAX" and insert "PROHIBITED"

Page 1, line 16, before "Political" insert "(a)"

Page 1, after line 21, insert:

"(b) A union or labor organization may not contribute, whether directly or indirectly, general treasury money, including money collected through membership dues, fees, or donations, to a candidate or candidate's principal campaign committee."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Miller	Osmek	Thompson
Benson	Hall	Nelson	Petersen, B.	Weber
Chamberlain	Hann	Newman	Pratt	Westrom
Dahms	Housley	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Eaton	Johnson	Saxhaug	Tomassoni
Carlson	Eken	Kent	Scalze	Torres Ray
Champion	Franzen	Latz	Schmit	Wiger
Clausen	Goodwin	Lourey	Sheran	Wiklund
Cohen	Hawj	Marty	Sieben	
Dahle	Hayden	Pappas	Skoe	
Dibble	Hoffman	Reinert	Sparks	
Dziedzic	Jensen	Rest	Stumpf	

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

CALL OF THE SENATE

Senator Cohen imposed a call of the Senate for the balance of the proceedings on S.F. No. 2099. The Sergeant at Arms was instructed to bring in the absent members.

Senator Hann moved to amend S.F. No. 2099 as follows:

Page 1, after line 21, insert:

"Sec. 3. **COSTS ASSOCIATED WITH CONSTITUTIONAL DEFENSE.**

Notwithstanding any law to the contrary, all costs incurred by the attorney general, the campaign finance and public disclosure board, or any other agency or subdivision of the state for purposes of defending the provisions of this act against constitutional challenge in state or federal court shall be paid from the appropriations provided by law for the general operations of the house of representatives and the senate. The house of representatives shall pay two-thirds of the cost and the senate shall pay one-third."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Miller	Petersen, B.	Weber
Benson	Hall	Nelson	Pratt	Westrom
Chamberlain	Hann	Nienow	Ruud	
Dahms	Housley	Ortman	Senjem	
Fischbach	Kiffmeyer	Osmek	Thompson	

Those who voted in the negative were:

Bakk	Carlson	Clausen	Dahle	Dziedzic
Bonoff	Champion	Cohen	Dibble	Eaton

Eken	Jensen	Newman	Schmit	Tomassoni
Franzen	Johnson	Pappas	Sheran	Torres Ray
Goodwin	Kent	Reinert	Sieben	Wiger
Hawj	Latz	Rest	Skoe	Wiklund
Hayden	Lourey	Saxhaug	Sparks	
Hoffman	Marty	Scalze	Stumpf	

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

S.F. No. 2099 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 37 and nays 23, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Jensen	Rest	Stumpf
Bonoff	Eaton	Johnson	Saxhaug	Tomassoni
Carlson	Eken	Kent	Scalze	Torres Ray
Champion	Franzen	Latz	Schmit	Wiger
Clausen	Goodwin	Lourey	Sheran	Wiklund
Cohen	Hawj	Marty	Sieben	
Dahle	Hayden	Pappas	Skoe	
Dibble	Hoffman	Reinert	Sparks	

Those who voted in the negative were:

Anderson	Gazelka	Miller	Osmek	Thompson
Benson	Hall	Nelson	Petersen, B.	Weber
Chamberlain	Hann	Newman	Pratt	Westrom
Dahms	Housley	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Sieben moved that S.F. No. 1740 be taken from the table. The motion prevailed.

S.F. No. 1740: A bill for an act relating to telecommunications; consumer protection; requiring antitheft functionality for smart phones to deter theft; establishing requirements for acquisition and resale of wireless communications devices; proposing coding for new law in Minnesota Statutes, chapters 325E; 325F.

Senator Westrom moved to amend S.F. No. 1740 as follows:

Page 1, line 19, before the second period, insert "and easily operable by people with disabilities"

The motion prevailed. So the amendment was adopted.

S.F. No. 1740 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 44 and nays 14, as follows:

Those who voted in the affirmative were:

Bakk	Clausen	Dibble	Eken	Gazelka
Bonoff	Cohen	Dziedzic	Fischbach	Goodwin
Carlson	Dahle	Eaton	Franzen	Hawj

Hayden	Latz	Pappas	Sheran	Torres Ray
Hoffman	Lourey	Pratt	Sieben	Weber
Jensen	Marty	Rest	Skoe	Westrom
Johnson	Miller	Saxhaug	Sparks	Wiger
Kent	Nelson	Scalze	Stumpf	Wiklund
Kiffmeyer	Newman	Schmit	Tomassoni	

Those who voted in the negative were:

Anderson	Dahms	Housley	Osmek	Senjem
Benson	Hall	Nienow	Petersen, B.	Thompson
Chamberlain	Hann	Ortman	Ruud	

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

SPECIAL ORDER

S.F. No. 2423: A bill for an act relating to public safety; addressing the needs of incarcerated women related to pregnancy and childbirth; authorizing an advisory committee; proposing coding for new law in Minnesota Statutes, chapter 241.

Senator Goodwin moved to amend S.F. No. 2423 as follows:

Page 2, line 9, delete "a supervisor" and insert "the representative"

Page 3, lines 1, 4, and 7, delete "weeks" and insert "months"

Page 3, line 2, delete everything after "treatment" and insert a semicolon

Page 3, delete line 3

The motion prevailed. So the amendment was adopted.

S.F. No. 2423 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dziedzic	Housley	Ortman	Sieben
Bakk	Eaton	Jensen	Osmek	Skoe
Benson	Eken	Johnson	Pappas	Sparks
Bonoff	Fischbach	Kent	Petersen, B.	Stumpf
Carlson	Franzen	Kiffmeyer	Pratt	Thompson
Chamberlain	Gazelka	Latz	Rest	Tomassoni
Champion	Goodwin	Lourey	Ruud	Torres Ray
Clausen	Hall	Marty	Saxhaug	Weber
Cohen	Hann	Miller	Scalze	Westrom
Dahle	Hawj	Nelson	Schmit	Wiger
Dahms	Hayden	Newman	Senjem	Wiklund
Dibble	Hoffman	Nienow	Sheran	

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

SPECIAL ORDER

H.F. No. 2668: A bill for an act relating to courts; providing that petitioners in errors and omissions petitions shall also serve the petition on all candidates for the office in which the error or omission is alleged; eliminating requirements that court seal be a raised seal; removing

requirements for notarial act on pleadings and affidavits filed with the court in all cases; providing that court documents are signed under penalty of perjury; permitting alternative service in certain probate matters; requiring applicants in structured settlement transfer action to provide the court with information; providing that a request for a hearing in response to a temporary restraining order must be made within 20 days after the temporary restraining order is served; permitting application of fine payment to restitution before application to court fines; amending Minnesota Statutes 2012, sections 204B.44; 358.03; 359.01, subdivision 5; 524.1-401; 524.5-113; 549.32, subdivision 2; 600.13; 609.48, subdivision 1; 609.748, subdivision 3; 611A.04, subdivision 4; 645.44, subdivisions 10, 14; proposing coding for new law in Minnesota Statutes, chapter 358.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dziedzic	Jensen	Osmek	Sparks
Bakk	Eaton	Johnson	Pappas	Stumpf
Benson	Eken	Kent	Petersen, B.	Thompson
Bonoff	Fischbach	Kiffmeyer	Pratt	Tomassoni
Carlson	Franzen	Latz	Rest	Torres Ray
Chamberlain	Gazelka	Lourey	Ruud	Weber
Champion	Goodwin	Marty	Saxhaug	Westrom
Clausen	Hall	Miller	Schmit	Wiger
Cohen	Hann	Nelson	Senjem	Wiklund
Dahle	Hawj	Newman	Sheran	
Dahms	Hayden	Nienow	Sieben	
Dibble	Housley	Ortman	Skoe	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2192: A bill for an act relating to environment; prohibiting and regulating certain lead and mercury products; regulating certain products containing formaldehyde; amending Minnesota Statutes 2012, sections 115A.932, subdivision 1; 116.92, subdivisions 4, 5, 6, 8j, by adding a subdivision; Minnesota Statutes 2013 Supplement, sections 325F.176; 325F.177; proposing coding for new law in Minnesota Statutes, chapter 116.

Senator Marty moved to amend S.F. No. 2192 as follows:

Page 2, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 2012, section 116.92, subdivision 5, is amended to read:

Subd. 5. **Thermostats.** (a) The definitions in this paragraph apply to this subdivision:

(1) "contractor" means any person engaged in the business of installing, servicing, or removing thermostats and other heating, ventilation, and air conditioning components, including contractors removing thermostats in renovation and demolition activities in accordance with Minnesota Rules, chapter 7035;

(2) "qualified contractor" means any contractor who employs seven or more service technicians or installers or who is located in an area outside of an urban area, as defined by the United States Census Bureau, or whose primary business is renovation and demolition activities;

(3) "retailer" means any person who sells thermostats of any kind directly to homeowners or other nonprofessionals through any selling or distribution mechanism; and

(4) "wholesaler" means any person who is engaged in the distribution and wholesale sale of thermostats and other heating, ventilation, and air conditioning components to contractors who install heating, ventilation, and air conditioning components.

(b) A manufacturer of thermostats that contain mercury or that may replace thermostats that contain mercury is responsible for the costs of collecting and managing the replaced mercury-containing thermostats to ensure that the thermostats do not become part of the solid waste stream.

(c) A manufacturer of thermostats that contain mercury or that may replace thermostats that contain mercury shall, in addition to the requirements of subdivision 3, provide incentives for and sufficient information to purchasers and consumers of the thermostats for the purchasers or consumers to ensure that mercury in thermostats being removed from service is reused or recycled or otherwise managed in compliance with section 115A.932. A manufacturer that has complied with this subdivision is not liable for improper disposal by purchasers or consumers of thermostats.

(d) A manufacturer subject to this subdivision, or an organization of such manufacturers and its officers, members, employees, and agents, may participate in projects or programs to collect and properly manage waste thermostats. Any person who participates in such a project or program is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce for activities related to the collection and management of the thermostats under this subdivision.

(e) A manufacturer or organization of manufacturers that participates in a project or program as required under this subdivision must report at least annually to the agency. The report must include:

(1) a description of how the program operates;

(2) a description of program components, including incentives required under this subdivision, and an evaluation of their effectiveness in promoting participation and recovery;

(3) eligibility criteria for program participants;

(4) a list of program participants; and

(5) the number of thermostats remitted by each program participant during the reporting period.

(f) A wholesaler, qualified contractor, or retailer may participate as a collection site in a manufacturer's mercury thermostat collection and recycling program required under this subdivision. A wholesaler or retailer that participates as a collection site in a manufacturer's mercury thermostat collection and recycling program shall post visible signs at such wholesaler's or retailer's location concerning the collection and recycling of mercury thermostats.

(g) For the purposes of this subdivision, "thermostat" means a temperature control device that may contain elemental mercury in a sealed component that serves as a switch or temperature-sensing element and a sealed component that has been removed from such a temperature control device."

The motion prevailed. So the amendment was adopted.

S.F. No. 2192 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dziedzic	Johnson	Pappas	Sparks
Bakk	Eaton	Kent	Petersen, B.	Stumpf
Benson	Eken	Kiffmeyer	Pratt	Thompson
Bonoff	Franzen	Latz	Rest	Tomassoni
Carlson	Gazelka	Lourey	Ruud	Torres Ray
Chamberlain	Goodwin	Marty	Saxhaug	Weber
Champion	Hall	Miller	Scalze	Westrom
Clausen	Hann	Nelson	Schmit	Wiger
Cohen	Hawj	Newman	Senjem	Wiklund
Dahle	Hoffman	Nienow	Sheran	
Dahms	Housley	Ortman	Sieben	
Dibble	Jensen	Osmek	Skoe	

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

SPECIAL ORDER

H.F. No. 2925: A bill for an act relating to public safety; compensating exonerated persons; appropriating money; amending Minnesota Statutes 2012, section 609A.02, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 590; 611.

Senator Latz moved to amend H.F. No. 2925, as amended pursuant to Rule 45, adopted by the Senate April 30, 2014, as follows:

(The text of the amended House File is identical to S.F. No. 2480.)

Page 6, line 3, delete "(b)" and insert "(a)"

The motion prevailed. So the amendment was adopted.

H.F. No. 2925 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Hoffman	Nienow	Senjem
Bakk	Dziedzic	Jensen	Ortman	Sieben
Benson	Eaton	Johnson	Osmek	Skoe
Bonoff	Eken	Kent	Pappas	Sparks
Carlson	Franzen	Kiffmeyer	Petersen, B.	Stumpf
Chamberlain	Gazelka	Latz	Pratt	Thompson
Champion	Goodwin	Lourey	Rest	Tomassoni
Clausen	Hall	Marty	Ruud	Weber
Cohen	Hann	Miller	Saxhaug	Westrom
Dahle	Hawj	Nelson	Scalze	Wiger
Dahms	Hayden	Newman	Schmit	Wiklund

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

SPECIAL ORDER

S.F. No. 2454: A bill for an act relating to natural resources; modifying and repealing certain obsolete laws; providing for certain regulatory efficiencies; amending Minnesota Statutes 2012, sections 13.7411, subdivision 8; 84.025, subdivision 10; 84.028, subdivision 3; 84.081, subdivision 1; 84.781; 88.6435, subdivision 1; 103C.211; 103C.311, subdivision 1; 103C.401, subdivision 1; 103F.135, subdivision 1; 103G.005, subdivisions 9, 9a; 103G.315, subdivision 12; 115.06, subdivision 4; 115A.03, by adding a subdivision; 115A.54, subdivision 4; 116.03, subdivision 2b; 116.07, subdivision 4j; repealing Minnesota Statutes 2012, sections 14.04; 84.083, subdivisions 3, 4; 84.163; 84.361; 84.43; 84.44; 84.45; 84.46; 84.47; 84.48; 84.49; 84.50; 84.51; 84.52; 84.521; 84.53; 84.55; 84.965; 85.015, subdivision 3; 103B.701; 103B.702; 103F.131; 103F.155; 103F.378; 103F.381; 103F.383, subdivision 3; 103F.387; 103F.389, subdivisions 1, 2; 103F.391; 103G.305; 115.445; 115B.412, subdivision 10; 116.181; 116.182, subdivision 3a; 116.195, subdivision 5; 116.54; 116.90; 116C.712; 116C.833, subdivision 2; 173.0845; Laws 2013, chapter 114, article 4, section 100.

Senator Marty moved to amend S.F. No. 2454 as follows:

Page 12, line 5, delete "103G.305;"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2454 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 54 and nays 1, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Jensen	Ortman	Sieben
Benson	Eaton	Johnson	Osmek	Skoe
Bonoff	Eken	Kent	Pappas	Sparks
Carlson	Franzen	Kiffmeyer	Petersen, B.	Stumpf
Chamberlain	Gazelka	Latz	Pratt	Thompson
Champion	Goodwin	Lourey	Rest	Tomassoni
Clausen	Hall	Marty	Ruud	Weber
Cohen	Hann	Miller	Saxhaug	Westrom
Dahle	Hawj	Nelson	Scalze	Wiger
Dahms	Hayden	Newman	Schmit	Wiklund
Dibble	Hoffman	Nienow	Senjem	

Those who voted in the negative were:

Anderson

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

SPECIAL ORDER

H.F. No. 2479: A bill for an act relating to courts; allowing housing courts and housing calendars to use referees almost exclusively for landlord and tenant cases; amending Minnesota Statutes 2012, section 484.013, subdivision 3.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Hoffman	Nienow	Senjem
Bakk	Dziedzic	Jensen	Ortman	Sieben
Benson	Eaton	Johnson	Osmeck	Skoe
Bonoff	Eken	Kent	Pappas	Sparks
Carlson	Franzen	Kiffmeyer	Petersen, B.	Stumpf
Chamberlain	Gazelka	Latz	Pratt	Thompson
Champion	Goodwin	Lourey	Rest	Tomassoni
Clausen	Hall	Marty	Ruud	Weber
Cohen	Hann	Miller	Saxhaug	Westrom
Dahle	Hawj	Nelson	Scalze	Wiger
Dahms	Hayden	Newman	Schmit	Wiklund

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

REPORTS OF COMMITTEES

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

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

S.F. No. 2605: A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; authorizing the sale of state bonds; modifying programs; modifying prior appropriations; appropriating money; amending Minnesota Statutes 2012, sections 16A.641, by adding a subdivision; 16A.642, subdivisions 1, 2; 115A.0716, subdivision 1; 462A.37, subdivision 2, by adding subdivisions; Laws 2009, chapter 93, article 1, section 11, subdivision 4; Laws 2010, chapter 189, section 15, subdivision 5; Laws 2012, chapter 293, section 19, subdivision 4.

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

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

S.F. No. 1977: A bill for an act relating to capital investment; appropriating money for public housing rehabilitation and debt service on additional housing infrastructure bonds issued by the Minnesota Housing Finance Agency; authorizing the sale and issuance of state bonds; amending Minnesota Statutes 2012, section 462A.37, subdivision 2, by adding subdivisions.

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

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

S.F. No. 882: A bill for an act relating to capital investment; appropriating money for the Minnesota Museum of American Art; authorizing the sale and issuance of state bonds.

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

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

S.F. No. 2170: A bill for an act relating to capital investment; appropriating money for higher education asset preservation and replacement (HEAPR) at the University of Minnesota; authorizing the sale and issuance of state bonds.

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

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

H.F. No. 2446: A bill for an act relating to public safety; granting the Board of Pharmacy cease and desist authority to prevent the sale of synthetic drugs; modifying laws governing misbranding drugs, adulterated drugs; expanding the definition of drug; repealing the sunset and legislative reporting requirement for the Board of Pharmacy's emergency drug scheduling authority; providing for mandatory restitution when a person is convicted for selling controlled substance under false pretense of being legal; establishing a public education plan; appropriating money; amending Minnesota Statutes 2012, sections 151.01, subdivision 5; 151.06, subdivision 1a, by adding a subdivision; 151.26, subdivision 1; 151.34; 151.35; 151.36; 152.02, subdivision 8b; proposing coding for new law in Minnesota Statutes, chapter 152.

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 2012, section 151.01, subdivision 5, is amended to read:

Subd. 5. **Drug.** The term "drug" means all medicinal substances and preparations recognized by the United States Pharmacopoeia and National Formulary, or any revision thereof, and all substances and preparations intended for external and internal use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals, and all substances and preparations, other than food, intended to affect the structure or any function of the bodies of humans or other animals. The term drug shall also mean any compound, substance, or derivative that is not approved for human consumption by the United States Food and Drug Administration or specifically permitted for human consumption under Minnesota law, and when introduced into the body induces an effect similar to that of a Schedule I or Schedule II controlled substance listed in section 152.02, subdivisions 2 and 3, or Minnesota Rules, parts 6800.4210 and 6800.4220, regardless of whether the substance is marketed for the purpose of human consumption.

EFFECTIVE DATE. This section is effective August 1, 2014.

Sec. 2. Minnesota Statutes 2012, section 151.06, subdivision 1a, is amended to read:

Subd. 1a. ~~**Disciplinary action**~~ **Cease and desist orders.** ~~It shall be grounds for disciplinary action by the Board of Pharmacy against the registration of the pharmacy if the Board of Pharmacy~~

determines that any person with supervisory responsibilities at the pharmacy sets policies that prevent a licensed pharmacist from providing drug utilization review and patient counseling as required by rules adopted under subdivision 1. The Board of Pharmacy shall follow the requirements of chapter 14 in any disciplinary actions taken under this section. (a) Whenever it appears to the board that a person has engaged in an act or practice constituting a violation of a law, rule, or other order related to the duties and responsibilities entrusted to the board, the board may issue and cause to be served upon the person an order requiring the person to cease and desist from violations.

(b) The cease and desist order must state the reasons for the issuance of the order and must give reasonable notice of the rights of the person to request a hearing before an administrative law judge. A hearing must be held not later than ten days after the request for the hearing is received by the board. After the completion of the hearing, the administrative law judge shall issue a report within ten days. Within 15 days after receiving the report of the administrative law judge, the board shall issue a further order vacating or making permanent the cease and desist order. The time periods provided in this provision may be waived by agreement of the executive director of the board and the person against whom the cease and desist order was issued. If the person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the person is in default, and the proceeding may be determined against that person upon consideration of the cease and desist order, the allegations of which may be considered to be true. Unless otherwise provided, all hearings must be conducted according to chapter 14. The board may adopt rules of procedure concerning all proceedings conducted under this subdivision.

(c) If no hearing is requested within 30 days of service of the order, the cease and desist order will become permanent.

(d) A cease and desist order issued under this subdivision remains in effect until it is modified or vacated by the board. The administrative proceeding provided by this subdivision, and subsequent appellate judicial review of that administrative proceeding, constitutes the exclusive remedy for determining whether the board properly issued the cease and desist order and whether the cease and desist order should be vacated or made permanent.

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to violations occurring on or after that date.

Sec. 3. Minnesota Statutes 2012, section 151.06, is amended by adding a subdivision to read:

Subd. 1b. **Enforcement of violations of cease and desist orders.** (a) Whenever the board under subdivision 1a seeks to enforce compliance with a cease and desist order that has been made permanent, the allegations of the cease and desist order are considered conclusively established for purposes of proceeding under subdivision 1a for permanent or temporary relief to enforce the cease and desist order. Whenever the board under subdivision 1a seeks to enforce compliance with a cease and desist order when a hearing or hearing request on the cease and desist order is pending, or the time has not yet expired to request a hearing on whether a cease and desist order should be vacated or made permanent, the allegations in the cease and desist order are considered conclusively established for the purposes of proceeding under subdivision 1a for temporary relief to enforce the cease and desist order.

(b) Notwithstanding this subdivision or subdivision 1a, the person against whom the cease and desist order is issued and who has requested a hearing under subdivision 1a may, within 15 days after

service of the cease and desist order, bring an action in Ramsey County District Court for issuance of an injunction to suspend enforcement of the cease and desist order pending a final decision of the board under subdivision 1a to vacate or make permanent the cease and desist order. The court shall determine whether to issue such an injunction based on traditional principles of temporary relief.

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to violations occurring on or after that date.

Sec. 4. Minnesota Statutes 2012, section 151.26, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Nothing in this chapter shall subject a person duly licensed in this state to practice medicine, dentistry, or veterinary medicine, to inspection by the State Board of Pharmacy, nor prevent the person from administering drugs, medicines, chemicals, or poisons in the person's practice, nor prevent a duly licensed practitioner from furnishing to a patient properly packaged and labeled drugs, medicines, chemicals, or poisons as may be considered appropriate in the treatment of such patient; unless the person is engaged in the dispensing, sale, or distribution of drugs and the board provides reasonable notice of an inspection.

Except for the provisions of section 151.37, nothing in this chapter applies to or interferes with the dispensing, in its original package and at no charge to the patient, of a legend drug, other than a controlled substance, that was packaged by a manufacturer and provided to the dispenser for distribution as a professional sample.

Nothing in this chapter shall prevent the sale of drugs, medicines, chemicals, or poisons at wholesale to licensed physicians, dentists and veterinarians for use in their practice, nor to hospitals for use therein.

Nothing in this chapter shall prevent the sale of drugs, chemicals, or poisons either at wholesale or retail for use for commercial purposes, or in the arts, nor interfere with the sale of insecticides, as defined in Minnesota Statutes 1974, section 24.069, and nothing in this chapter shall prevent the sale of common household preparations and other drugs, chemicals, and poisons sold exclusively for use for nonmedicinal purposes; provided that this exception does not apply to any compound, substance, or derivative that is not approved for human consumption by the United States Food and Drug Administration or specifically permitted for human consumption under Minnesota law, and when introduced into the body induces an effect similar to that of a Schedule I or Schedule II controlled substance listed in section 152.02, subdivisions 2 and 3, or Minnesota Rules, parts 6800.4210 and 6800.4220, regardless of whether the substance is marketed for the purpose of human consumption.

Nothing in this chapter shall apply to or interfere with the vending or retailing of any nonprescription medicine or drug not otherwise prohibited by statute which is prepackaged, fully prepared by the manufacturer or producer for use by the consumer, and labeled in accordance with the requirements of the state or federal Food and Drug Act; nor to the manufacture, wholesaling, vending, or retailing of flavoring extracts, toilet articles, cosmetics, perfumes, spices, and other commonly used household articles of a chemical nature, for use for nonmedicinal purposes; provided that this exception does not apply to any compound, substance, or derivative that is not approved for human consumption by the United States Food and Drug Administration or specifically permitted for human consumption under Minnesota law, and when introduced into the body induces an effect similar to that of a Schedule I or Schedule II controlled substance listed in section 152.02, subdivisions 2 and 3, or Minnesota Rules, parts 6800.4210 and 6800.4220,

regardless of whether the substance is marketed for the purpose of human consumption. Nothing in this chapter shall prevent the sale of drugs or medicines by licensed pharmacists at a discount to persons over 65 years of age.

EFFECTIVE DATE. This section is effective August 1, 2014.

Sec. 5. Minnesota Statutes 2012, section 151.34, is amended to read:

151.34 PROHIBITED ACTS.

It shall be unlawful to:

- (1) manufacture, sell or deliver, hold or offer for sale any drug that is adulterated or misbranded;
- (2) adulterate or misbrand any drug;
- (3) receive in commerce any drug that is adulterated or misbranded, and to deliver or proffer delivery thereof for pay or otherwise;
- (4) refuse to permit entry or inspection, or to permit the taking of a sample, or to permit access to or copying of any record as authorized by this chapter;
- (5) remove or dispose of a detained or embargoed article in violation of this chapter;
- (6) alter, mutilate, destroy, obliterate, or remove the whole or any part of the labeling of, or to do any other act with respect to a drug, if such act is done while such drug is held for sale and results in such drug being adulterated or misbranded;
- (7) use for a person's own advantage or to reveal other than to the board or its authorized representative or to the courts when required in any judicial proceeding under this chapter any information acquired under authority of this chapter concerning any method or process ~~which~~ that is a trade secret and entitled to protection;
- (8) use on the labeling of any drug any representation or suggestion that an application with respect to such drug is effective under the federal act or that such drug complies with such provisions;
- (9) in the case of a manufacturer, packer, or distributor offering legend drugs for sale within this state, fail to maintain for transmittal or to transmit, to any practitioner licensed by applicable law to administer such drug who makes written request for information as to such drug, true and correct copies of all printed matter ~~which~~ that is required to be included in any package in which that drug is distributed or sold, or such other printed matter as is approved under the federal act. Nothing in this paragraph shall be construed to exempt any person from any labeling requirement imposed by or under provisions of this chapter;
- (10) conduct a pharmacy without a pharmacist in charge;
- (11) dispense a legend drug without first obtaining a valid prescription for that drug;
- (12) conduct a pharmacy without proper registration with the board;
- (13) practice pharmacy without being licensed to do so by the board; ~~or~~
- (14) sell at retail federally restricted medical gases without proper registration with the board except as provided in this chapter; or

(15) sell any compound, substance, or derivative that is not approved for human consumption by the United States Food and Drug Administration or specifically permitted for human consumption under Minnesota law, and when introduced into the body induces an effect similar to that of a Schedule I or Schedule II controlled substance listed in section 152.02, subdivisions 2 and 3, or Minnesota Rules, parts 6800.4210 and 6800.4220, regardless of whether the substance is marketed for the purpose of human consumption.

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to sales on or after that date.

Sec. 6. Minnesota Statutes 2012, section 151.35, is amended to read:

151.35 DRUGS, ADULTERATION.

A drug shall be deemed to be adulterated:

(1) if it consists in whole or in part of any filthy, putrid or decomposed substance; or if it has been produced, prepared, packed, or held under unsanitary conditions whereby it may have been rendered injurious to health, or whereby it may have been contaminated with filth; or if the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice as required under the federal act to assure that such drug is safe and has the identity, strength, quality, and purity characteristics, which it purports or is represented to possess; or the facility in which it was produced was not registered by the United States Food and Drug Administration or licensed by the board; or, its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or it bears or contains, for purposes of coloring only, a color additive which is unsafe within the meaning of the federal act, or it is a color additive, the intended use of which in or on drugs is for the purposes of coloring only, and is unsafe within the meaning of the federal act;

(2) if it purports to be or is represented as a drug the name of which is recognized in the United States Pharmacopoeia or the National Formulary, and its strength differs from, or its quality or purity falls below, the standard set forth therein. Such determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set forth in such compendium, or in the absence of or inadequacy of such tests or methods of assay, those prescribed under authority of the federal act. No drug defined in the United States Pharmacopoeia or the National Formulary shall be deemed to be adulterated under this paragraph because it differs from the standard of strength, quality, or purity therefor set forth in such compendium, if its difference in strength, quality, or purity from such standard is plainly stated on its label;

(3) if it is not subject to the provisions of paragraph (2) of this section and its strength differs from, or its purity or quality differs from that which it purports or is represented to possess;

(4) if any substance has been mixed or packed therewith so as to reduce its quality or strength, or substituted wholly or in part therefor.

EFFECTIVE DATE. This section is effective August 1, 2014.

Sec. 7. Minnesota Statutes 2012, section 151.36, is amended to read:

151.36 DRUGS, MISBRANDING.

A drug shall be deemed to be misbranded:

(1) if its labeling is false or misleading in any particular;

(2) if in package form and not dispensed pursuant to a prescription unless it bears a label containing (a) the name and place of business of the manufacturer, packer, or distributor, (b) a statement of ~~identity~~ ingredients, and (c) an accurate statement of the net quantity of the contents in terms of weight, measure, or numerical count, provided, however, that under (c) reasonable variations shall be permitted, and exceptions as to small packages shall be allowed in accordance with the federal act;

(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices, in the labeling) and in such terms as to render it to be read and understood by the ordinary individual under customary conditions of purchase and use;

(4) if it otherwise fails to meet the labeling requirements of the federal act.

EFFECTIVE DATE. This section is effective August 1, 2014.

Sec. 8. Minnesota Statutes 2012, section 152.02, subdivision 8b, is amended to read:

Subd. 8b. **Board of Pharmacy; expedited scheduling of additional substances.** (a) The state Board of Pharmacy may, by rule, add a substance to Schedule I provided that it finds that the substance has a high potential for abuse, has no currently accepted medical use in the United States, has a lack of accepted safety for use under medical supervision, has known adverse health effects, and is currently available for use within the state. For the purposes of this subdivision only, the board may use the expedited rulemaking process under section 14.389. ~~The scheduling of a substance under this subdivision expires the day after the adjournment of the legislative session immediately following the substance's scheduling unless the legislature by law ratifies the action.~~

~~(b) If the board schedules a substance under this subdivision, the board shall notify in a timely manner the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice and health policy and finance of the action and the reasons for it. The notice must include a copy of the administrative law judge's decision on the matter.~~

~~(c) This subdivision expires August 1, 2014.~~

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

Sec. 9. **EDUCATIONAL AWARENESS CAMPAIGN.**

The commissioner of human services shall increase public awareness of the dangers of synthetic drugs. The public awareness campaign must be designed to reach a broad audience, but contain targeted messages for students and young adults. The commissioners of education, health, human services, and public safety shall cooperate in the formulation and implementation of the educational awareness campaign.

Sec. 10. APPROPRIATION.

\$5,000 in fiscal year 2015 is appropriated from the state government special revenue fund to the Board of Pharmacy for the costs attributable to the board's cease and desist authority.

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

Amend the title accordingly

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

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

S.F. No. 2227: A bill for an act relating to natural resources; modifying game and fish laws; modifying use of vehicles for hunting; modifying oversight committee provisions; modifying provisions for wildlife management areas; modifying license provisions and fees; modifying trespass provisions; modifying provisions for taking wild animals; authorizing nonlethal hazing of Canada geese; creating a shooting sports facility program; requiring certain permits; modifying requirements for game and fish contests; updating and eliminating certain obsolete language; modifying prior appropriations; requiring rulemaking; providing criminal penalties; appropriating money; amending Minnesota Statutes 2012, sections 84.154, subdivisions 1, 2, 3; 84.777, subdivision 2; 84.87, by adding a subdivision; 84.944, subdivision 2; 84A.10; 84A.50; 97A.025; 97A.055, subdivision 4b; 97A.131; 97A.137, subdivision 3, by adding a subdivision; 97A.311, subdivision 5, by adding a subdivision; 97A.405, subdivision 2; 97A.434, subdivision 1; 97A.473, subdivisions 2a, 2b, 5, 5a; 97A.502; 97B.001, subdivisions 3, 4, 7; 97B.031, subdivision 5; 97B.081, subdivision 3; 97B.086; 97B.095; 97B.516; 97B.605; 97B.655, subdivision 1; 97B.667, subdivisions 3, 4; 97B.731, subdivision 1; 97C.821; 349.173; Minnesota Statutes 2013 Supplement, sections 97A.475, subdivisions 2, 3; 97A.485, subdivision 6; Laws 2008, chapter 363, article 5, section 4, subdivision 7, as amended; proposing coding for new law in Minnesota Statutes, chapters 87A; 97B; 97C; repealing Minnesota Statutes 2012, sections 84.154, subdivision 5; 84A.04; 84A.08; 84A.11; 97A.081; 97A.083; 97A.445, subdivision 3; 97A.4742, subdivision 3; 97B.061; 97B.611; 97B.615; 97B.621, subdivisions 1, 4; 97B.625; 97B.631; 97B.635; 97B.711; 97B.715, subdivision 2; 97B.803; 97B.911; 97B.915; 97B.921; 97B.925; 97C.011; 97C.081, subdivision 5; 97C.827; Minnesota Rules, part 6100.5100.

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

Page 3, after line 30 insert:

"Sec. 6. Minnesota Statutes 2012, section 84.92, subdivision 8, is amended to read:

Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means a motorized ~~flotation-tired~~ vehicle of not less than three ~~low pressure tires~~, but not more than six ~~low pressure or nonpneumatic~~ tires, that is limited in engine displacement of less than 1,000 cubic centimeters and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.

Sec. 7. Minnesota Statutes 2012, section 84.92, subdivision 9, is amended to read:

Subd. 9. **Class 1 all-terrain vehicle.** "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than ~~±,000~~ 1,200 pounds.

Sec. 8. Minnesota Statutes 2012, section 84.92, subdivision 10, is amended to read:

Subd. 10. **Class 2 all-terrain vehicle.** "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of ~~1,000~~ 1,200 to 1,800 pounds."

Page 4, delete section 9

Page 8, after line 28, insert:

"Sec. 22. Minnesota Statutes 2012, section 97A.441, subdivision 1, is amended to read:

Subdivision 1. **Angling and spearing; disabled residents.** (a) A person authorized to issue licenses must issue, without a fee, licenses to take fish by angling or spearing ~~shall be issued without a fee~~ to a resident who is:

- (1) blind;
- (2) a recipient of supplemental security income for the aged, blind, and disabled;
- (3) a recipient of Social Security aid to the disabled under United States Code, title 42, section 416, paragraph (i)(l) or section 423(d);
- (4) a recipient of workers' compensation based on a finding of total and permanent disability; ~~or~~
- (5) 65 years of age or older and was qualified under clause (2) or (3) at the age of 64; or
- (6) permanently disabled and meets the disability requirements for supplemental security income or Social Security aid to the disabled under United States Code, title 42, section 416, paragraph (i)(l) or section 423(d).

(b) A driver's license or Minnesota identification card bearing the applicable designation under section 171.07, subdivision 17, serves as satisfactory evidence to obtain a license under this subdivision at all agent locations.

Sec. 23. Minnesota Statutes 2012, section 97A.441, subdivision 5, is amended to read:

Subd. 5. **Angling; disabled veterans.** (a) A person authorized to issue licenses must issue, without a fee, a permanent license to take fish by angling to a resident who is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.

(b) A driver's license or Minnesota identification card bearing the designation under section 171.07, subdivision 15, paragraph (a), clause (2), serves as satisfactory evidence to obtain a license under this subdivision at all agent locations.

Sec. 24. Minnesota Statutes 2013 Supplement, section 97A.441, subdivision 6, is amended to read:

Subd. 6. **Taking deer; disabled veterans.** (a) A person authorized to issue licenses must issue, without a fee, a license to take deer with firearms or by archery to a resident that is a veteran, as defined in section 197.447, and that has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.

(b) The commissioner, upon request, must issue a permanent card documenting satisfactory evidence of 100 percent permanently disabled status.

(c) ~~The card serves following~~ serve as satisfactory evidence to obtain a license under this subdivision at all agent locations:

(1) a card issued under paragraph (b); or

(2) a driver's license or Minnesota identification card bearing the designation under section 171.07, subdivision 15, paragraph (a), clause (2).

Sec. 25. Minnesota Statutes 2013 Supplement, section 97A.441, subdivision 6a, is amended to read:

Subd. 6a. **Taking small game; disabled veterans.** (a) A person authorized to issue licenses must issue, without a fee, a license to take small game to a resident who is a veteran, as defined in section 197.447, and who has a 100 percent service connected disability as defined by the United States Veterans Administration upon being furnished satisfactory evidence.

(b) The commissioner, upon request, must issue a permanent card documenting satisfactory evidence of 100 percent permanently disabled status.

(c) ~~The card serves following~~ serve as satisfactory evidence to obtain a license under this subdivision at all agent locations:

(1) a card issued under paragraph (b); or

(2) a driver's license or Minnesota identification card bearing the designation under section 171.07, subdivision 15, paragraph (a), clause (2)."

Page 15, line 11, delete "public" and insert "state-owned or local government-owned"

Page 18, after line 5, insert:

"Sec. 43. Minnesota Statutes 2012, section 97B.111, subdivision 1, is amended to read:

Subdivision 1. **Establishment; requirements.** (a) The commissioner may establish criteria, special seasons, and limits for persons who have a physical disability to take big game and small game with firearms and by archery in designated areas. A person hunting under this section who has a physical disability must:

(1) have:

(i) a verified statement of the disability by a licensed physician; or

(ii) a driver's license or Minnesota identification card bearing the applicable designation under section 171.07, subdivision 17; and must

(2) be participating in a program for physically disabled hunters sponsored by a nonprofit organization that is permitted under subdivision 2.

(b) Notwithstanding section 97B.055, subdivision 3, the commissioner may authorize hunt participants to shoot from a stationary motor vehicle. A license is not required for a person to assist a physically disabled person with a physical disability who is hunting during a special season under this section."

Page 21, after line 1, insert:

"Sec. 53. Minnesota Statutes 2012, section 171.07, subdivision 15, is amended to read:

Subd. 15. **Veteran designation.** (a) At the request of the an eligible applicant and on payment of the required fee, the department shall issue, renew, or reissue to the applicant a driver's license or Minnesota identification card bearing the a designation of:

- (1) "Veteran" to an applicant who is a veteran, as defined in section 197.447.; or
- (2) "Veteran 100% T&P."

(b) At the time of the initial application for the designation provided under this subdivision, the applicant must:

- (1) be a veteran, as defined in section 197.447;
- (2) have a certified copy of the veteran's discharge papers; and
- (3) if the applicant is seeking the disability designation under paragraph (a), clause (2), provide satisfactory evidence of a 100 percent total and permanent service-connected disability as determined by the United States Department of Veterans Affairs.

(c) The commissioner of public safety is required to issue drivers' licenses and Minnesota identification cards with the veteran designation only after entering a new contract or in coordination with producing a new card design with modifications made as required by law.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to applications submitted on or after January 1, 2016, or the date the new driver and vehicle services information technology system is implemented, whichever comes later.

Sec. 54. Minnesota Statutes 2012, section 171.07, is amended by adding a subdivision to read:

Subd. 17. **Disability designation.** At the request of an applicant with permanent eligibility for a disability designation and on payment of the required fee, the department shall issue, renew, or reissue to the applicant a driver's license or Minnesota identification card bearing a physical disability designation based on the following medical conditions:

- (1) type 1, to an applicant who is permanently blind or disabled and meets the requirements for a free license to take fish under section 97A.441, subdivision 1, paragraph (a), clauses (1), (4), (5), or (6); or
- (2) type 2, to an applicant who permanently meets the requirements for disability under section 97B.111, subdivision 1, paragraph (a), clause (1), item (i).

EFFECTIVE DATE. This section is effective the day following final enactment and applies to applications submitted on or after January 1, 2016, or the date the new driver and vehicle services information technology system is implemented, whichever comes later."

Page 23, line 16, delete "The" and insert "By March 1, 2015, the"

Page 23, line 17, after "waters" insert ", except for muskellunge-northern pike hybrid lakes in the seven-county metropolitan area,"

Page 23, line 18, delete "55" and insert "50" and delete the period and insert "and shall establish a size limit of 56 inches for at least 20 individual lakes. Minnesota Statutes, section 97C.005 does not

apply to establishment of size limits for individual lakes under this section, except the commissioner shall hold public meetings in the area of the lakes at least 90 days prior to adoption of the rule."

Page 24, delete section 53 and insert:

"Sec. 63. **FISHING PIER ON LONG LAKE; STEARNS COUNTY.**

The commissioner of natural resources shall work with a nonstate entity to establish a fishing pier on Long Lake in Stearns County."

Page 24, delete lines 22 to 24

Page 24, line 25, delete "(b)"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "modifying all-terrain vehicle definitions;"

Page 1, line 6, delete "creating a shooting sports facility"

Page 1, line 7, delete "program;"

Page 1, line 8, after the first semicolon, insert "providing for certain actions by the commissioner of natural resources;"

Page 1, line 9, delete "appropriating"

Page 1, line 10, delete "money;"

Amend the title numbers accordingly

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

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

S.F. No. 2467: A bill for an act relating to state government; regulating agency rulemaking; amending Minnesota Statutes 2012, sections 3.842, subdivision 4a; 14.05, subdivisions 5, 6, by adding a subdivision; 14.07, subdivision 4; 14.08; 14.101, subdivision 1; 14.116; 14.125; 14.126, subdivision 2; 14.131; 14.14, subdivisions 1a, 2a; 14.16, subdivisions 1, 3; 14.22; 14.25; 14.26; 14.388, subdivision 1; 14.389; 115.44, subdivision 7; 116.07, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 2012, sections 14.04; 14.14, subdivision 1b; 14.3895.

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 2012, section 3.842, subdivision 4a, is amended to read:

Subd. 4a. **Objections to rules.** (a) For purposes of this subdivision, "committee" means the house of representatives policy committee or senate policy committee with primary jurisdiction over state governmental operations. The commission or a committee may object to a rule as provided in this subdivision. If the commission or a committee objects to all or some portion of a rule because the commission or committee considers it to be beyond the procedural or substantive authority delegated

to the agency, including a proposed rule submitted under section 14.15, subdivision 4, or 14.26, subdivision 3, ~~paragraph (c) 6~~, the commission or committee may file that objection in the Office of the Secretary of State. The filed objection must contain a concise statement of the commission's or committee's reasons for its action. An objection to a proposed rule submitted by the commission or a committee under section 14.15, subdivision 4, or 14.26, subdivision 3, ~~paragraph (c) 6~~, may not be filed before the rule is adopted.

(b) The secretary of state shall affix to each objection a certification of the date and time of its filing and as soon after the objection is filed as practicable shall transmit a certified copy of it to the agency issuing the rule in question and to the revisor of statutes. The secretary of state shall also maintain a permanent register open to public inspection of all objections by the commission or committee.

(c) The commission or committee shall publish and index an objection filed under this section in the next issue of the State Register. The revisor of statutes shall indicate the existence of the objection adjacent to the rule in question when that rule is published in Minnesota Rules.

(d) Within 14 days after the filing of an objection by the commission or committee to a rule, the issuing agency shall respond in writing to the objecting entity. After receipt of the response, the commission or committee may withdraw or modify its objection.

(e) After the filing of an objection by the commission or committee that is not subsequently withdrawn, the burden is upon the agency in any proceeding for judicial review or for enforcement of the rule to establish that the whole or portion of the rule objected to is valid.

(f) The failure of the commission or a committee to object to a rule is not an implied legislative authorization of its validity.

(g) In accordance with sections 14.44 and 14.45, the commission or a committee may petition for a declaratory judgment to determine the validity of a rule objected to by the commission or committee. The action must be started within two years after an objection is filed in the Office of the Secretary of State.

(h) The commission or a committee may intervene in litigation arising from agency action. For purposes of this paragraph, agency action means the whole or part of a rule, or the failure to issue a rule.

Sec. 2. Minnesota Statutes 2012, section 14.05, is amended by adding a subdivision to read:

Subd. 5a. **Review and repeal of rules.** By December 1 of each odd-numbered year, beginning December 1, 2015, an agency must submit to the governor, the Legislative Coordinating Commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. A report submitted under this subdivision must be signed by the person in the agency who is responsible for identifying and initiating repeal of

obsolete rules. The report also must identify the status of any rules identified in the prior report as obsolete, unnecessary, or duplicative. If none of an agency's rules are obsolete, unnecessary, or duplicative, an agency's report must state that conclusion.

Sec. 3. Minnesota Statutes 2012, section 14.05, subdivision 6, is amended to read:

Subd. 6. **Veto of adopted rules.** The governor may veto all or a severable portion of a rule of an agency as defined in section 14.02, subdivisions 2 and 4, by submitting notice of the veto to the State Register within 14 days of receiving a copy of the rule from the secretary of state under section 14.16, subdivision 3, 14.26, subdivision 3, or 14.386 or the agency under section 14.389, subdivision 3, ~~or section 14.3895~~. The veto is effective when the veto notice is submitted to the State Register. This authority applies only to the extent that the agency itself would have authority, through rulemaking, to take such action. If the governor vetoes a rule or portion of a rule under this section, the governor shall notify the chairs of the legislative committees having jurisdiction over the agency whose rule was vetoed.

Sec. 4. Minnesota Statutes 2012, section 14.05, is amended by adding a subdivision to read:

Subd. 7. **Electronic notices permitted.** If sections 14.05 to 14.389 require an agency to provide notice or documents to the public, the legislature, or another state agency, the agency may send the notice or document, or a link to the notice or document, using any reliable method of electronic transmission. An agency may file rule-related documents with the Office of Administrative Hearings by electronic transmission in the manner approved by that office and the Office of the Revisor of Statutes by electronic transmission in the manner approved by that office.

Sec. 5. Minnesota Statutes 2012, section 14.07, subdivision 4, is amended to read:

Subd. 4. **Incorporations by reference.** (a) An agency may incorporate by reference into its rules the text from Minnesota Statutes, Minnesota Rules, United States Statutes at Large, United States Code, Laws of Minnesota, Code of Federal Regulations, the Federal Register, and other publications and documents which are determined by the revisor of statutes, to be conveniently available to the public. If the rule incorporates by reference other publications and documents, the rule must contain a statement of incorporation. The statement of incorporation by reference must include the words "incorporated by reference"; must identify by title, author, publisher, and, if applicable, date of publication of the standard or material to be incorporated; must state whether the material is subject to frequent change; and must contain a statement of availability. When presented with a rule for certification pursuant to subdivision 2 and this subdivision, the revisor of statutes should indicate in the certification that the rule incorporates by reference text from other publications or documents. If the revisor certifies that the form of a rule is approved, that approval constitutes the revisor's finding that the publication or other document other than one listed by name in this subdivision, and which is incorporated by reference into the rules, is conveniently available to the public.

(b) For the purposes of paragraph (a), "conveniently available to the public" means available on the Internet without charge, or available for loan or inspection and copying to a person living anywhere in Minnesota through a statewide interlibrary loan system or in a public library without charge except for reasonable copying fees and mailing costs.

Sec. 6. Minnesota Statutes 2012, section 14.08, is amended to read:

14.08 APPROVAL OF RULE AND RULE FORM; COSTS.

(a) One copy of a rule adopted under section 14.26 must be submitted by the agency to the chief administrative law judge. The chief administrative law judge shall request from the revisor certified copies of the rule when it is submitted by the agency under section 14.26. Within five days after the request for certification of the rule is received by the revisor, excluding weekends and holidays, the revisor shall either return the rule with a certificate of approval of the form of the rule to the chief administrative law judge or notify the chief administrative law judge and the agency that the form of the rule will not be approved.

If the chief administrative law judge disapproves a rule, the agency may modify it and the agency shall submit one copy of the modified rule, approved as to form by the revisor, to the chief administrative law judge.

(b) One copy of a rule adopted after a public hearing must be submitted by the agency to the chief administrative law judge. The chief administrative law judge shall request from the revisor certified copies of the rule when it is submitted by the agency. Within five working days after receipt of the request, the revisor shall either return the rule with a certificate of approval to the chief administrative law judge or notify the chief administrative law judge and the agency that the form of the rule will not be approved.

(c) If the revisor refuses to approve the form of the rule, the revisor's notice must revise the rule so it is in the correct form.

(d) After the agency has notified the chief administrative law judge that it has adopted the rule, the chief administrative law judge shall promptly file four paper copies or an electronic copy of the adopted rule in the Office of the Secretary of State. The secretary of state shall forward one copy of each rule filed to the agency, to the revisor of statutes, and to the governor.

~~(d)~~ (e) The chief administrative law judge shall assess an agency for the actual cost of processing rules under this section. Each agency shall include in its budget money to pay the assessments. Receipts from the assessment must be deposited in the administrative hearings account established in section 14.54.

Sec. 7. Minnesota Statutes 2012, section 14.101, subdivision 1, is amended to read:

Subdivision 1. **Required notice.** In addition to seeking information by other methods designed to reach persons or classes of persons who might be affected by the proposal, an agency, at least 60 days before publication of a notice of intent to adopt or a notice of hearing, shall solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by causing notice to be published in the State Register. The notice must include a description of the subject matter of the proposal and the types of groups and individuals likely to be affected, and must indicate where, when, and how persons may comment on the proposal and whether and how drafts of any proposal may be obtained from the agency.

This notice must be published within 60 days of the effective date of any new or amendatory law requiring rules to be adopted, amended, or repealed.

An agency intending to adopt an expedited rule under section 14.389 is exempt from the requirements of this section.

Sec. 8. **[14.105] RULE NOTIFICATION.**

Subdivision 1. **Rule notification list.** (a) Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule proceedings. A person may register to receive notice of rule proceedings by submitting to the agency:

- (1) the person's electronic mail address; or
- (2) the person's name and United States mail address, along with a request to receive copies of the notices by mail.
- (b) The agency shall post information on its Web site describing the registration process.
- (c) The agency may inquire as to whether those persons on the list in paragraph (a) wish to remain on it and may remove persons for whom there is a negative reply or no reply within 60 days.

Subd. 2. **Additional notice.** (a) Each agency shall make reasonable efforts to notify persons or classes of persons who may be significantly affected by the rule being proposed by giving notice of its rule proceedings in newsletters, newspapers, or other publications, or through other means of communication.

(b) For each rulemaking, the agency shall develop an additional notice plan describing its efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made. The additional notice plan must be submitted to the administrative law judge with the other submissions required by section 14.14, subdivision 2a, or 14.26. The agency also may seek prior approval of the additional notice plan under the rules of the Office of Administrative Hearings.

Sec. 9. Minnesota Statutes 2012, section 14.116, is amended to read:

14.116 NOTICE TO LEGISLATURE.

(a) By January 15 each year, each agency must submit its current rulemaking docket maintained under section 14.366, and the official rulemaking record required under section 14.365 for any rule adopted during the preceding calendar year, to the chairs and ranking minority members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rule.

(b) When an agency ~~mails~~ sends a notice of ~~intent to adopt rules hearing~~ intent to adopt rules under section 14.14 or a notice of intent to adopt rules under section 14.22, the agency must send a copy of the same notice ~~and a copy of the statement of need and reasonableness~~ to the chairs and ranking minority party members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rules and to the Legislative Coordinating Commission.

(c) ~~In addition, if the mailing of the notice is within two years of the effective date of the law granting the agency authority to adopt the proposed rules, the agency shall make reasonable efforts to send a copy of the notice and the statement to all sitting legislators who were chief house of representatives and senate authors of the bill granting the rulemaking authority. If the bill was amended to include this rulemaking authority, the agency shall make reasonable efforts to send the notice and the statement to the chief house of representatives and senate authors of the amendment granting rulemaking authority, rather than to the chief authors of the bill.~~

Sec. 10. Minnesota Statutes 2012, section 14.125, is amended to read:

14.125 TIME LIMIT ON AUTHORITY TO ADOPT, AMEND, OR REPEAL RULES.

An agency shall publish a ~~notice of intent to adopt rules or a notice of hearing~~ under section 14.14 or a notice of intent to adopt rules under section 14.22 within 18 months of the effective date of the law authorizing or requiring rules to be adopted, amended, or repealed. If the notice is not published within the time limit imposed by this section, the authority for the rules expires. ~~The agency shall not use other law in existence at the time of the expiration of rulemaking authority under this section as authority to adopt, amend, or repeal these rules~~ agency shall report to the Legislative Coordinating Commission, other appropriate committees of the legislature, and the governor its failure to publish a notice and the reasons for that failure.

~~An agency that publishes a notice of intent to adopt rules or a notice of hearing within the time limit specified in this section may subsequently amend or repeal the rules without additional legislative authorization.~~

Sec. 11. Minnesota Statutes 2012, section 14.126, subdivision 2, is amended to read:

Subd. 2. **Vote.** A committee vote under this section must be by a majority of the committee. The vote may occur any time after the publication of the rulemaking notice under section 14.14, subdivision 1a, 14.22, or 14.389, subdivision 2, ~~or 14.3895, subdivision 3;~~ and before notice of adoption is published in the State Register under section 14.18, 14.27, or 14.389, subdivision 3, ~~or 14.3895, subdivision 3.~~ A committee voting under this section shall notify the agency, the revisor of statutes, and the chief administrative law judge of the vote as soon as possible. The committee shall publish notice of the vote in the State Register as soon as possible.

Sec. 12. Minnesota Statutes 2012, section 14.131, is amended to read:

14.131 STATEMENT OF NEED AND REASONABLENESS.

By the date of the section 14.14, subdivision 1a, notice, the agency must prepare, review, and make available for public review a statement of the need for and reasonableness of the rule. The statement of need and reasonableness must be prepared under rules adopted by the chief administrative law judge and must include a citation to the most specific statutory authority for the rule and the following to the extent the agency, through reasonable effort, can ascertain this information:

(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule;

(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues;

(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule;

(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule;

~~(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals;~~

~~(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals;~~

(1) a description of the persons or classifications of persons who will probably be affected by the proposed rule;

(2) the probable costs of the rule to affected persons and the agency, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals, and the probable benefits of adopting the rule;

~~(7) (3) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference; and~~

~~(8) (4) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.~~

~~The statement must describe how the agency, in developing the rules, considered and implemented the legislative policy supporting performance-based regulatory systems set forth in section 14.002.~~

For purposes of clause ~~(8) (4)~~, "cumulative effect" means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time.

The statement must also describe the agency's efforts to provide additional notification under section 14.14, subdivision 1a, to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

The agency must consult with the commissioner of management and budget to help evaluate the fiscal impact and fiscal benefits of the proposed rule on units of local government. The agency must send a copy of the statement of need and reasonableness to the Legislative Reference Library no later than when the notice of hearing is ~~mailed under section 14.14, subdivision 1a~~ sent.

Sec. 13. Minnesota Statutes 2012, section 14.14, subdivision 1a, is amended to read:

Subd. 1a. **Notice of rule hearing.** (a) ~~Each agency shall maintain a list of all persons who have registered with the agency for the purpose of receiving notice of rule proceedings. Persons may register to receive notice of rule proceedings by submitting to the agency:~~

~~(1) their electronic mail address; or~~

~~(2) their name and United States mail address.~~

The agency may inquire as to whether those persons on the list wish to remain on it and may remove persons for whom there is a negative reply or no reply within 60 days. The agency shall, at least 30 days before the date set for the hearing, give notice of its intention to ~~adopt~~ hold a hearing on the

proposed rules by United States mail or electronic mail to all persons on its list who have registered their names with the agency under section 14.105, and by publication in the State Register.

~~The mailed notice must include either a copy of the proposed rule or an easily readable and understandable description of its nature and effect and an announcement that a free copy of the proposed rule is available on request from the agency. In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be significantly affected by the rule being proposed by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication. The notice in the State Register must include the proposed rule or an amended rule in the form required by the revisor under section 14.07, together with an easily readable and understandable summary of the overall nature and effect of the proposed rule, a citation to the most specific statutory authority for the proposed rule, a statement of the place, date, and time of the public hearing, a statement that a free copy of the proposed rule and the statement of need and reasonableness may be requested from the agency, a statement that persons may register with the agency for the purpose of receiving notice of rule proceedings and notice that the agency intends to adopt a rule and other information required by law or rule. When an entire rule is proposed to be repealed, the agency need only publish that fact, along with an easily readable and understandable summary of the overall nature of the rules proposed for repeal, and a citation to the rule to be repealed.~~

The mailed notice of hearing must be the same as the notice published in the State Register, except that the mailed notice may omit the text of the proposed rule.

(b) The chief administrative law judge may authorize an agency to omit from the notice of rule hearing the text of any proposed rule, the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient if:

- (1) knowledge of the rule is likely to be important to only a small class of persons;
- (2) the notice of rule hearing states that a free copy of the entire rule is available upon request to the agency; and
- (3) the notice of rule hearing states in detail the specific subject matter of the omitted rule, cites the statutory authority for the proposed rule, and details the proposed rule's purpose and motivation.

Sec. 14. Minnesota Statutes 2012, section 14.14, subdivision 2a, is amended to read:

Subd. 2a. **Hearing procedure.** When a hearing is held on a proposed rule, it shall be conducted by an administrative law judge assigned by the chief administrative law judge. The administrative law judge shall ensure that all persons involved in the rule hearing are treated fairly and impartially. The agency shall submit into the record the jurisdictional documents, including the statement of need and reasonableness, comments and hearing requests received, and any written exhibits in support of the proposed rule. The agency may also present additional oral evidence. Interested persons may present written and oral evidence. The administrative law judge shall allow questioning of agency representatives or witnesses, or of interested persons making oral statements, in order to explain the purpose or intended operation of a proposed rule, or a suggested modification, or for other purposes if material to the evaluation or formulation of the proposed rule. The administrative law judge may limit repetitive or immaterial oral statements and questioning.

Sec. 15. Minnesota Statutes 2012, section 14.16, subdivision 3, is amended to read:

Subd. 3. **Filing.** After the agency has ~~adopted~~ provided the chief administrative law judge with a signed order adopting the rule, the ~~agency~~ chief administrative law judge shall promptly file ~~three~~ four paper copies or an electronic copy of it the adopted rule in the Office of the Secretary of State. The secretary of state shall forward one copy of each rule filed to the agency, to the revisor of statutes, and to the governor.

Sec. 16. Minnesota Statutes 2012, section 14.22, is amended to read:

14.22 NOTICE OF PROPOSED ADOPTION OF RULES.

Subdivision 1. **Contents.** (a) ~~Unless an agency proceeds directly to a public hearing on a proposed rule and gives the notice prescribed in section 14.14, subdivision 1a, the agency shall give notice of its intention to adopt a rule without public hearing. The agency shall give the notice required by this section, unless the agency gives notice of a hearing under section 14.14. The agency shall give notice must be given of its intention to adopt a rule by publication in the State Register and by United States mail or electronic mail to persons who have registered their names with the agency under section 14.14, subdivision 1a 14.105. The mailed notice must include either a copy of the proposed rule or an easily readable and understandable description of its nature and effect and an announcement that a free copy of the proposed rule is available on request from the agency. In addition, each agency shall make reasonable efforts to notify persons or classes of persons who may be significantly affected by the rule by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication. The notice in the State Register must include the proposed rule or the amended rule in the form required by the revisor under section 14.07; an easily readable and understandable summary of the overall nature and effect of the proposed rule; a citation to the most specific statutory authority for the proposed rule; a statement that persons may register with the agency for the purpose of receiving to receive notice of rule proceedings and notice that a rule has been submitted to the chief administrative law judge; and other information required by law or rule. When an entire rule is proposed to be repealed, the notice need only state that fact, along with an easily readable and understandable summary of the overall nature of the rules rule proposed for repeal, and a citation to the rule to be repealed. The notice must include a statement advising the public:~~

(1) that the public has at least 30 days in which to submit comment in support of or in opposition to the proposed rule and that comment is encouraged;

(2) that each comment should identify the ~~portion~~ part and subpart, if any, of the proposed rule addressed, the reason for the comment, and any change proposed;

(3) that the requester is encouraged to propose any change desired;

~~(3)~~ (4) that if ~~25~~ 50 or more persons submit a written request for a public hearing within the ~~30-day~~ comment period, a public hearing will be held and the agency will use the process under section 14.14;

~~(4)~~ (5) of the manner in which persons must request a public hearing on the proposed rule, including the requirements contained in section 14.25 relating to a written request for a public hearing; and

~~(5) of the requirements contained in section 14.25 relating to a written request for a public hearing, and that the requester is encouraged to propose any change desired;~~

(6) that the agency may modify the proposed rule ~~may be modified~~ if the modifications are supported by the data and views submitted; ~~and.~~

(7) ~~that if a hearing is not required, notice of the date of submission of the proposed rule to the chief administrative law judge for review will be mailed to any person requesting to receive the notice.~~

In connection with the statements required in clauses (1) and ~~(3)~~ (4), the notice must also include the date on which the ~~30-day~~ comment period ends. The mailed notice of intent to adopt a rule must be the same as the notice published in the State Register, except that the mailed notice may omit the text of the proposed rule if it includes an announcement of where a copy of the proposed rule may be obtained.

(b) The chief administrative law judge may authorize an agency to omit from the notice of intent to adopt the text of any proposed rule, the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient if:

(1) knowledge of the rule is likely to be important to only a small class of persons;

(2) the notice of intent to adopt states that a free copy of the entire rule is available upon request to the agency; and

(3) the notice of intent to adopt states in detail the specific subject matter of the omitted rule, cites the statutory authority for the proposed rule, and details the proposed rule's purpose and motivation.

Subd. 2. **Dual notices.** The agency may, at the same time notice is given under subdivision 1, give notice of a public hearing and of its intention to proceed under sections 14.14 to 14.20, if one is required under section 14.25. The notice must include a statement advising the public of its intention to cancel the public hearing if 25 50 or more persons do not request one. If a hearing is required, there must be at least ten calendar days between the last day for requesting a hearing and the day of the hearing.

Sec. 17. Minnesota Statutes 2012, section 14.23, is amended to read:

14.23 STATEMENT OF NEED AND REASONABLENESS.

By the date of the section 14.22 notice, the agency shall prepare a statement of need and reasonableness, which must be available to the public. The statement of need and reasonableness must include the analysis information required in section 14.131. ~~The statement must also describe the agency's efforts to provide additional notification under section 14.22 to persons or classes of persons who may be affected by the proposed rules or must explain why these efforts were not made. For at least 30 days following the notice, the agency shall afford the public an opportunity to request a public hearing and to submit data and views on the proposed rule in writing.~~

The agency shall send a copy of the statement of need and reasonableness to the Legislative Reference Library no later than when the notice of intent to adopt is mailed sent.

Sec. 18. Minnesota Statutes 2012, section 14.25, is amended to read:

14.25 PUBLIC HEARING.

Subdivision 1. **Requests for hearing.** If, during the ~~30-day~~ period allowed for comment under section 14.22, 25 50 or more persons submit to the agency a written request for a public hearing

of the proposed rule, the agency shall proceed under the provisions of sections 14.14 to 14.20. The written request must include: (1) the name and address of the person requesting the public hearing; ~~and (2) the portion or portions part or subpart, if any, of the rule to which the person objects or a statement that the person opposes the entire rule. If not previously published under section 14.22, subdivision 2, a notice of the public hearing must be published in the State Register and mailed to those persons who submitted a written request for the public hearing. Unless the agency has modified the proposed rule, the notice need not include the text of the proposed rule but only a citation to the State Register pages where the text appears;~~ and (3) the reasons for the objection to each portion of the rule identified.

A written request for a public hearing that does not comply with the requirements of this section is invalid and may not be counted by the agency for purposes of determining whether a public hearing must be held.

Subd. 2. Withdrawal of hearing requests. If a request for a public hearing has been withdrawn so as to reduce the number of requests below 25 50, the agency must give written notice of that fact to all persons who have requested the public hearing. No public hearing may be canceled by an agency within three working days of the hearing. The notice must explain why the request is being withdrawn, and must include a description of any action the agency has taken or will take that affected or may have affected the decision to withdraw the requests. The notice must also invite persons to submit written comments within five working days to the agency relating to the withdrawal. The notice and any written comments received by the agency is part of the rulemaking record submitted to the administrative law judge under section 14.14 or 14.26. The administrative law judge shall review the notice and any comments received and determine whether the withdrawal is consistent with section 14.001, clauses (2), (4), and (5).

This subdivision applies only to a withdrawal of a hearing request that affects whether a public hearing must be held and only if the agency has taken any action to obtain the withdrawal of the hearing request.

Sec. 19. Minnesota Statutes 2012, section 14.26, is amended to read:

14.26 ADOPTION OF PROPOSED RULE; SUBMISSION TO ADMINISTRATIVE LAW JUDGE.

Subdivision 1. **Submission.** If no hearing is required, the agency shall submit to an administrative law judge assigned by the chief administrative law judge the proposed rule and notice as published, the rule as adopted, any written comments received by the agency, and a statement of need and reasonableness for the rule. The agency shall give notice to all persons who requested to be informed that these materials have been submitted to the administrative law judge. This notice must be given on the same day that the record is submitted. If the proposed rule has been modified, the notice must state that fact, and must also state that a free copy of the proposed rule, as modified, is available upon request from the agency. The rule and these materials must be submitted to the administrative law judge within 180 days of the day that the comment period for the rule is over or the rule is automatically withdrawn. The agency may not adopt the withdrawn rules without again following the procedures of sections 14.05 to 14.28, with the exception of section 14.101, if the noncompliance is approved by the chief administrative law judge. The agency shall report its failure to adopt the rules and the reasons for that failure to the Legislative Coordinating Commission, other appropriate legislative committees, and the governor.

Subd. 2. **Resubmission.** Even if the 180-day period expires while the administrative law judge reviews the rule, if the administrative law judge rejects the rule, the agency may resubmit it after taking corrective action. The resubmission must occur within 30 days of when the agency receives written notice of the disapproval. If the rule is again disapproved, the rule is withdrawn. An agency may resubmit at any time before the expiration of the 180-day period. If the agency withholds some of the proposed rule, it may not adopt the withheld portion without again following the procedures of sections 14.14 to 14.28.

Subd. 3. **Review.** (a) Within 14 days of receiving a submission under subdivision 1, the administrative law judge shall approve or disapprove the rule as to its legality and its form to the extent that the form relates to legality, including the issues of whether the rule if modified is substantially different, as determined under section 14.05, subdivision 2, from the rule as originally proposed, whether the agency has the authority to adopt the rule, and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rule. If the rule is approved, the administrative law judge shall promptly file four copies of it in the Office of the Secretary of State. The secretary of state shall forward one copy of each rule to the revisor of statutes, one to the agency, and one to the governor. If the rule is disapproved, the administrative law judge shall state in writing the reasons for the disapproval and make recommendations to overcome the defects.

Subd. 4. **Harmless error.** The administrative law judge shall disregard any error or defect in the proceeding due to the agency's failure to satisfy any procedural requirements imposed by law or rule if the administrative law judge finds:

(1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or

(2) that the agency has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.

Subd. 5. **Correction of defects.** (b) (a) The written disapproval must be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves of the findings of the administrative law judge, the chief administrative law judge shall send the statement of the reasons for disapproval of the rule to the agency, the Legislative Coordinating Commission, the house of representatives and senate policy committees with primary jurisdiction over state governmental operations, and the revisor of statutes and advise the agency and the revisor of statutes of actions that will correct the defects. The rule may not be filed in the Office of the Secretary of State, nor be published, until the chief administrative law judge determines that the defects have been corrected or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule.

(b) The agency may resubmit the disapproved rule under paragraph (a) to the chief administrative law judge after correcting the defects. If the 180-day period expires while the chief administrative law judge is reviewing the rule, the agency may resubmit the rule within 30 days of the date the agency received written notice of disapproval. In all other cases, the agency may resubmit the rule at any time before the expiration of the 180-day period in subdivision 1. If the resubmitted rule is disapproved by the chief administrative law judge, the rule is withdrawn. If the agency does not resubmit a portion of the rule, it may not adopt that portion of the rule without again following the procedures of sections 14.14 to 14.28.

Subd. 6. **Need or reasonableness not established.** (c) If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the Legislative Coordinating Commission and to the house of representatives and senate policy committees with primary jurisdiction over state governmental operations for advice and comment. The agency may not adopt the rule until it has received and considered the advice of the commission and committees. However, the agency need not wait for advice for more than 60 days after the commission and committees have received the agency's submission.

(d) ~~The administrative law judge shall disregard any error or defect in the proceeding due to the agency's failure to satisfy any procedural requirements imposed by law or rule if the administrative law judge finds:~~

~~(1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or~~

~~(2) that the agency has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.~~

Subd. 7. **Filing.** If the rule is approved, the administrative law judge shall promptly file four paper copies or an electronic copy of it in the Office of the Secretary of State. The secretary of state shall forward one copy of each rule to the revisor of statutes, one to the agency, and one to the governor.

Subd. 4 8. **Costs.** The Office of Administrative Hearings shall assess an agency for the actual cost of processing rules under this section. Each agency shall include in its budget money to pay the assessment. Receipts from the assessment must be deposited in the administrative hearings account created in section 14.54.

Sec. 20. Minnesota Statutes 2012, section 14.388, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** If an agency for good cause finds that the rulemaking provisions of this chapter are unnecessary, impracticable, or contrary to the public interest when adopting, amending, or repealing a rule to:

(1) address a serious and immediate threat to the public health, safety, or welfare;

(2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with sections 14.14 to 14.28;

(3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required; or

(4) make changes that do not alter the sense, meaning, or effect of a rule,

the agency may adopt, amend, or repeal the rule after satisfying the requirements of subdivision 2 and section 14.386, paragraph (a), clauses (1) to (4). The agency shall incorporate its findings and a brief statement of its supporting reasons in its order adopting, amending, or repealing the rule.

After considering the agency's statement and any comments received, the Office of Administrative Hearings shall determine whether the agency has provided adequate justification for its use of this section.

Rules adopted, amended, or repealed under ~~clauses~~ clause (1) ~~and~~ (2) are effective for a period of two years from the date of publication of the rule in the State Register.

Rules adopted, amended, or repealed under clause (2), (3), or (4) are effective upon publication in the State Register.

Sec. 21. Minnesota Statutes 2012, section 14.389, is amended to read:

14.389 EXPEDITED PROCESS.

Subdivision 1. **Application.** (a) This section applies when a law requiring or authorizing rules to be adopted states that this section must or may be used to adopt the rules. When a law refers to this section, the process in this section is the only process an agency must follow for its rules to:

(1) a law requiring or authorizing rules to be adopted states that this section must or may be used to adopt the rules;

(2) an agency is adopting or incorporating by reference a specific code or standard referenced in a law requiring or authorizing rules to be adopted under this chapter;

(3) an agency is adopting or modifying a rule to conform to a change in federal law or regulation that is binding on the state or a state law or rule; or

(4) an agency is repealing rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

(b) An agency may also use this process to adopt rules it determines are noncontroversial if there is other law authorizing the rules.

(c) Rules adopted under this section have the force and effect of law. Sections 14.19 and 14.366 apply to rules adopted under this section.

Subd. 2. **Notice and comment.** (a) The agency must publish notice of the proposed rule in the State Register and must mail the notice by United States mail or electronic mail to persons who have registered with the agency to receive mailed notices.

(b) The notice for rules adopted under the authority granted in subdivision 1, paragraph (b), must include a statement that if 50 or more persons request that the agency follow all of the requirements for rules adopted with or without a public hearing, as appropriate, except section 14.101, the agency shall adopt the rule only after complying with all of the requirements for rules adopted with or without a public hearing, as appropriate, except section 14.101. The notice must also include an easily readable and understandable description of the purpose, nature, and effect of the proposed rules, including a description of the persons or classes of persons who are likely to be affected by the proposed rulemaking. A hearing request made pursuant to this subdivision must be in writing and include: (1) the name and address of the person requesting the agency to adopt the rule in compliance with the procedures under sections 14.05 to 14.28; and (2) the portion or portions of the rule to which the person objects or a statement that the person is opposed to the entire rule.

(c) The mailed notice must include either a copy of the proposed rule or a description of the nature and effect of the proposed rule and a statement that a free copy is available from the agency upon request.

(d) The notice in the State Register must include the proposed rule or the amended rule in the form required by the revisor under section 14.07, an easily readable and understandable summary of the overall nature and effect of the proposed rule, and a citation to the most specific statutory authority for the rule, including authority for the rule to be adopted under the process in this section.

(e) The agency must allow 30 days after publication in the State Register for comment on the rule.

Subd. 3. **Adoption.** The agency may modify a proposed rule if the modifications do not result in a substantially different rule, as defined in section 14.05, subdivision 2, paragraphs (b) and (c). If the final rule is identical to the rule originally published in the State Register, the agency must publish a notice of adoption in the State Register. If the final rule is different from the rule originally published in the State Register, the agency must publish a copy of the changes in the State Register. The agency must also file a copy of the rule with the governor. The rule is effective upon publication in the State Register.

Subd. 4. **Legal review.** Before publication of the final rule in the State Register, the agency must submit the rule and its order adopting, amending, or repealing the rule to an administrative law judge in the Office of Administrative Hearings. The agency's order must include the agency's findings and a brief statement summarizing its reasons for using this expedited process. The administrative law judge shall make a determination that the agency's submission establishes the need for and reasonableness of the proposed rules and fulfills any relevant substantive or procedural requirements imposed on the agency by law or rule. This shall not be construed to mean that the agency must submit a statement of need and reasonableness as required in section 14.131. The administrative law judge shall within 14 days approve or disapprove the rule as to its legality and its form to the extent the form relates to legality.

Subd. 5. **Option.** A law authorizing or requiring rules to be adopted under this section may refer specifically to this subdivision. If the law contains a specific reference to this subdivision, as opposed to a general reference to this section:

(1) the notice required in subdivision 2 must include a statement that a public hearing will be held if 100 or more people request a hearing. The request must be in the manner specified in section 14.25; and

(2) if 100 or more people submit a written request for a public hearing, the agency may adopt the rule only after complying with all of the requirements of chapter 14 for rules adopted after a public hearing, except for section 14.101.

Subd. 6. **Additional notice plan.** An agency proposing expedited rules under subdivision 1 must give notice by methods designed to reach persons or classes of persons who might be affected by the proposal before publication of the notice required by subdivision 2 in the State Register. The agency must submit its additional notice plan to the Office of Administrative Hearings and receive approval of the plan before publication. The request for approval must include a description of the proposed additional notice plan; a description or a draft of the proposed rules; and an explanation of why the agency believes that its additional notice plan provides sufficient notice. The administrative law judge must approve or disapprove the plan within five working days after the office receives it.

Sec. 22. Minnesota Statutes 2012, section 115.44, subdivision 7, is amended to read:

Subd. 7. **Rule notices.** ~~For rules authorized under this section, the notices required to be mailed under sections 14.14, subdivision 1a, and 14.22 must also be mailed~~ When a rulemaking conducted under this section will change the use classification of a particular water, the agency must provide notice to the governing body of each municipality bordering the affected water or through which the waters for which standards are sought to be adopted flow affected water flows.

Sec. 23. Minnesota Statutes 2012, section 116.07, subdivision 2, is amended to read:

Subd. 2. **Adoption of standards.** (a) The Pollution Control Agency shall improve air quality by promoting, in the most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the Pollution Control Agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the Pollution Control Agency.

(b) The Pollution Control Agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation, storage, processing, and disposal of solid waste and sewage sludge for the prevention and abatement of water, air, and land pollution, recognizing that due to variable factors, no single standard of control is applicable to all areas of the state. In adopting standards, the Pollution Control Agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of control shall be premised on technical criteria and commonly accepted practices.

(c) The Pollution Control Agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the Pollution Control

Agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the Pollution Control Agency.

(d) The Pollution Control Agency shall adopt standards for the identification of hazardous waste and for the management, identification, labeling, classification, storage, collection, transportation, processing, and disposal of hazardous waste, recognizing that due to variable factors, a single standard of hazardous waste control may not be applicable to all areas of the state. In adopting standards, the Pollution Control Agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of hazardous waste control shall be premised on technical knowledge, and commonly accepted practices. Hazardous waste generator licenses may be issued for a term not to exceed five years. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the Pollution Control Agency.

(e) A person who generates less than 100 kilograms of hazardous waste per month is exempt from the following agency hazardous waste rules:

(1) rules relating to transportation, manifesting, storage, and labeling for photographic fixer and x-ray negative wastes that are hazardous solely because of silver content; and

(2) any rule requiring the generator to send to the agency or commissioner a copy of each manifest for the transportation of hazardous waste for off-site treatment, storage, or disposal, except that counties within the metropolitan area may require generators to provide manifests.

Nothing in this paragraph exempts the generator from the agency's rules relating to on-site accumulation or outdoor storage. A political subdivision or other local unit of government may not adopt management requirements that are more restrictive than this paragraph.

(f) In any rulemaking proceeding under chapter 14 to adopt standards for air quality, solid waste, or hazardous waste under this chapter, or standards for water quality under chapter 115, the statement of need and reasonableness must include:

~~(1) an assessment of any differences between the proposed rule and:~~

~~(i) existing federal standards adopted under the Clean Air Act, United States Code, title 42, section 7412(b)(2); the Clean Water Act, United States Code, title 33, sections 1312(a) and 1313(c)(4); and the Resource Conservation and Recovery Act, United States Code, title 42, section 6921(b)(1);~~

~~(ii) similar standards in states bordering Minnesota; and~~

(iii) similar standards in states within the Environmental Protection Agency Region 5; and

(2) a specific analysis of the need and reasonableness of each difference assess and provide a specific analysis of the need and reasonableness of each difference between the proposed rule and existing or proposed federal standards and similar standards in relevant states bordering Minnesota or within Environmental Protection Agency Region 5.

Sec. 24. **REPEALER.**

Minnesota Statutes 2012, sections 14.04; 14.05, subdivision 5; 14.14, subdivision 1b; and 14.3895, are repealed.

Sec. 25. **EFFECTIVE DATE; APPLICATION.**

This act is effective August 1, 2014, and applies to rules for which a notice of hearing under Minnesota Statutes, section 14.14; a notice of intent to adopt under Minnesota Statutes, section 14.22; or a dual notice under Minnesota Statutes, section 14.225, is published in the State Register on or after that date."

Delete the title and insert:

"A bill for an act relating to state government; regulating agency rulemaking; amending Minnesota Statutes 2012, sections 3.842, subdivision 4a; 14.05, subdivision 6, by adding subdivisions; 14.07, subdivision 4; 14.08; 14.101, subdivision 1; 14.116; 14.125; 14.126, subdivision 2; 14.131; 14.14, subdivisions 1a, 2a; 14.16, subdivision 3; 14.22; 14.23; 14.25; 14.26; 14.388, subdivision 1; 14.389; 115.44, subdivision 7; 116.07, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 2012, sections 14.04; 14.05, subdivision 5; 14.14, subdivision 1b; 14.3895."

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

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

H.F. No. 1863: A bill for an act relating to state government; modifying laws governing certain executive branch advisory groups; amending Minnesota Statutes 2012, sections 3.922, subdivision 8; 15B.11, subdivision 2; 16B.055, subdivision 1; 28A.21, subdivision 6; 43A.316, subdivisions 2, 3, 6; 62J.495, subdivision 2; 79A.02, subdivision 1; 85.0146, subdivision 1; 89A.03, subdivision 5; 89A.08, subdivision 1; 92.35; 93.0015, subdivision 3; 97A.055, subdivision 4b; 103F.518, subdivision 1; 115.55, subdivision 12; 115.741, by adding a subdivision; 116U.25; 120B.365, subdivision 2; 134.31, subdivision 6; 144.1255, subdivision 1; 144.1481, subdivision 1; 144.608, subdivision 2; 144G.06; 145A.10, subdivision 10; 148.7805, subdivision 2; 153A.20, subdivision 2; 162.07, subdivision 5; 162.13, subdivision 3; 174.52, subdivision 3; 175.007, subdivision 1; 182.656, subdivision 3; 206.805; 214.13, subdivision 4; 216B.813, subdivision 2; 216B.815; 216C.02, subdivision 1; 240.18, subdivision 4; 241.021, subdivision 4c; 243.1606, subdivision 4; 252.30; 256B.0625, subdivisions 13c, 13i; 256B.27, subdivision 3; 256C.28, subdivision 1; 270C.12, subdivision 5; 298.2213, subdivision 5; 298.2214, subdivision 1; 298.297; 299A.62, subdivision 2; 299A.63, subdivision 2; 299E.04, subdivision 5; 326B.07, subdivision 1; 611A.32, subdivision 2; 611A.33; 611A.345; 611A.35; 629.342, subdivision 2; Minnesota Statutes 2013 Supplement, sections 103I.105; 125A.28; 136A.031, subdivision 3; 144.98, subdivision 10; 254A.035, subdivision 2; 254A.04; 256B.064, subdivision 1a; 256B.093, subdivision 1; 260.835, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 162; repealing

Minnesota Statutes 2012, sections 6.81; 15.059, subdivision 5; 15B.32, subdivision 7; 16E.0475; 43A.316, subdivision 4; 43A.317, subdivision 4; 62U.09; 82B.021, subdivision 10; 82B.05, subdivisions 1, 3, 5, 6, 7; 82B.06; 84.964; 103F.518, subdivision 11; 116L.361, subdivision 2; 116L.363; 127A.70, subdivision 3; 136A.031, subdivision 5; 144.011, subdivision 2; 145.98, subdivisions 1, 3; 147E.35, subdivision 4; 162.02, subdivisions 2, 3; 162.09, subdivisions 2, 3; 196.30; 197.585, subdivision 4; 243.93; 245.97, subdivision 7; 252.31; 270C.991, subdivision 4; 298.2213, subdivision 5; 299C.156; 299M.02; 402A.15; 611A.34; Minnesota Statutes 2013 Supplement, sections 15.059, subdivision 5b; 197.585, subdivision 2.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

STATE GOVERNMENT

Section 1. Minnesota Statutes 2012, section 16C.137, subdivision 2, is amended to read:

Subd. 2. **SmartFleet Committee.** ~~(a) The commissioner of administration, or the commissioner's designee, shall chair a SmartFleet Committee consisting of representatives designated by the commissioners of the Pollution Control Agency, the Departments of Agriculture and Commerce, and other state departments that wish to participate. To ensure effective and efficient state participation, the SmartFleet Committee must assist state departments in implementing the requirements of this section, including providing information, guidance, sample policies and procedures, and technical and planning assistance.~~

~~(b) The SmartFleet Committee must evaluate the goals and directives established in this section by December 2006 and periodically thereafter. The committee may make recommendations to the governor and appropriate committees of the legislature for new or adjusted goals and directives, in light of the progress the state has made implementing this section, and of the availability of new or improved technologies.~~

~~(c) For the systematic and efficient monitoring of progress in implementing this section by the SmartFleet Committee, The Department of Administration shall implement a fleet reporting and information management system. Each department will use this management system to demonstrate its progress in complying with this section.~~

Sec. 2. Minnesota Statutes 2012, section 43A.316, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purpose of this section, the terms defined in this subdivision have the meaning given them.

(a) **Commissioner.** "Commissioner" means the commissioner of management and budget.

(b) **Employee.** "Employee" means:

(1) a person who is a public employee within the definition of section 179A.03, subdivision 14, who is insurance eligible and is employed by an eligible employer;

(2) an elected public official of an eligible employer who is insurance eligible;

(3) a person employed by a labor organization or employee association certified as an exclusive representative of employees of an eligible employer or by another public employer approved by the commissioner, so long as the plan meets the requirements of a governmental plan under United States Code, title 29, section 1002(32); or

(4) a person employed by a county or municipal hospital.

(c) **Eligible employer.** "Eligible employer" means:

(1) a public employer within the definition of section 179A.03, subdivision 15, that is a town, county, city, school district as defined in section 120A.05, service cooperative as defined in section 123A.21, intermediate district as defined in section 136D.01, Cooperative Center for Vocational Education as defined in section 123A.22, regional management information center as defined in section 123A.23, or an education unit organized under the joint powers action, section 471.59; or

(2) an exclusive representative of employees, as defined in paragraph (b);

(3) a county or municipal hospital; or

(4) another public employer approved by the commissioner.

(d) **Exclusive representative.** "Exclusive representative" means an exclusive representative as defined in section 179A.03, subdivision 8.

~~(e) **Labor-Management Committee.** "Labor-Management Committee" means the committee established by subdivision 4.~~

~~(f) **(e) Program.** "Program" means the statewide public employees insurance program created by subdivision 3.~~

Sec. 3. Minnesota Statutes 2012, section 43A.316, subdivision 3, is amended to read:

Subd. 3. **Public employee insurance program.** The commissioner shall be the administrator of the public employee insurance program and may determine its funding arrangements. The commissioner shall model the program after the plan established in section 43A.18, subdivision 2, but may modify that plan, ~~in consultation with the Labor-Management Committee.~~

Sec. 4. Minnesota Statutes 2012, section 43A.316, subdivision 6, is amended to read:

Subd. 6. **Coverage.** (a) By January 1, 1989, the commissioner shall announce the benefits of the program. The program shall include employee hospital, medical, dental, and life insurance for employees and hospital and medical benefits for dependents. Health maintenance organization options and other delivery system options may be provided if they are available, cost-effective, and capable of servicing the number of people covered in the program. Participation in optional coverages may be provided by collective bargaining agreements. For employees not represented by an exclusive representative, the employer may offer the optional coverages to eligible employees and their dependents provided in the program.

(b) ~~The commissioner, with the assistance of the Labor-Management Committee,~~ shall periodically assess whether it is financially feasible for the program to offer or to continue an individual retiree program that has competitive premium rates and benefits. If the commissioner determines it to be feasible to offer an individual retiree program, the commissioner shall announce the applicable benefits, premium rates, and terms of participation. Eligibility to participate in the

individual retiree program is governed by subdivision 8, but applies to retirees of eligible employers that do not participate in the program and to those retirees' dependents and surviving spouses.

Sec. 5. Minnesota Statutes 2012, section 206.805, is amended to read:

206.805 STATE VOTING SYSTEMS CONTRACTS.

Subdivision 1. **Contracts required.** (a) The secretary of state, with the assistance of the commissioner of administration, shall establish one or more state voting systems contracts. The contracts should, if practical, include provisions for maintenance of the equipment purchased. The voting systems contracts must address precinct-based optical scan voting equipment, and ballot marking equipment for persons with disabilities and other voters. The contracts must give the state a perpetual license to use and modify the software. The contracts must include provisions to escrow the software source code, as provided in subdivision 2. Bids for voting systems and related election services must be solicited from each vendor selling or leasing voting systems that have been certified for use by the secretary of state. The contracts must be renewed from time to time.

~~(b) The secretary of state shall appoint an advisory committee, including representatives of the state chief information officer, county auditors, municipal clerks who have had operational experience with the use of electronic voting systems, and members of the disabilities community to advise the secretary of state in reviewing and evaluating the merits of proposals submitted from voting equipment vendors for the state contracts.~~

(e) (b) Counties and municipalities may purchase or lease voting systems and obtain related election services from the state contracts. All counties and municipalities are members of the cooperative purchasing venture of the Department of Administration for the purpose of this section. For the purpose of township elections, counties must aggregate orders under contracts negotiated under this section for products and services and may apportion the costs of those products and services proportionally among the townships receiving the products and services. The county is not liable for the timely or accurate delivery of those products or services.

Sec. 6. **REPEALER.**

(a) Minnesota Statutes 2012, sections 6.81; 15.059, subdivision 5; 16E.0475; 43A.316, subdivision 4; 43A.317, subdivision 4; 196.30; 197.585, subdivision 4; and 270C.991, subdivision 4, are repealed.

(b) Minnesota Statutes 2013 Supplement, sections 15.059, subdivision 5b; and 197.585, subdivision 2, are repealed.

ARTICLE 2

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Section 1. Minnesota Statutes 2012, section 92.35, is amended to read:

92.35 DUTIES AND POWERS.

The commissioner of natural resources must classify all public and private lands in the state by the use to which the lands are adapted, but principally as to adaptability to present known uses, such as agriculture and forestry. This classification must be based on consideration of the known physical and economic factors affecting use of the land. The commissioner must consult private, state, and federal agencies concerned with land use. ~~The commissioner may appoint advisory committees of~~

~~residents of the state concerned with and interested in land use. The advisory committees shall serve without pay, at the pleasure of the commissioner. The advisory committee must consider and report on land use problems submitted by the commissioner. The classification must be done first in the counties having land classification committees. In determining the land classification, the commissioner must consult and cooperate with the land classification committee. The determination of the land classification committee is final.~~

Sec. 2. Minnesota Statutes 2012, section 103F.518, subdivision 1, is amended to read:

Subdivision 1. **Establishment of program.** (a) ~~The board, in consultation with the technical committee established in subdivision 11,~~ shall establish and administer a reinvest in Minnesota (RIM) clean energy program that is in addition to the program under section 103F.515. Selection of land for the clean energy program must be based on its potential benefits for bioenergy crop production, water quality, soil health, reduction of chemical inputs, soil carbon storage, biodiversity, and wildlife habitat.

(b) For the purposes of this section, "diverse native prairie" means a prairie planted from a mix of local Minnesota native prairie species. A selection from all available native prairie species may be made so as to match species appropriate to local site conditions.

Sec. 3. Minnesota Statutes 2012, section 115.55, subdivision 12, is amended to read:

Subd. 12. **Advisory committee; county subsurface sewage treatment system management plan.** (a) A county may adopt a subsurface sewage treatment system management plan that describes how the county plans on carrying out subsurface sewage treatment system needs. ~~The commissioner of the Pollution Control Agency shall form an advisory committee to determine what the plans should address. The advisory committee shall be made up of representatives of the Association of Minnesota Counties, Pollution Control Agency, Board of Water and Soil Resources, Department of Health, and other public agencies or local units of government that have an interest in subsurface sewage treatment systems.~~

~~(b) The advisory committee shall advise the agency on the standards, management, monitoring, and reporting requirements for performance-based systems.~~

Sec. 4. **REPEALER.**

Minnesota Statutes 2012, sections 84.964; 103F.518, subdivision 11; 116C.711; 116C.712; and 216C.265, subdivision 4, are repealed.

ARTICLE 3

EDUCATION

Section 1. Minnesota Statutes 2013 Supplement, section 136A.031, subdivision 3, is amended to read:

Subd. 3. **Student Advisory Council.** (a) A Student Advisory Council (SAC) to the Minnesota office of Higher Education is established. The members of SAC shall include: the chair of the University of Minnesota student senate; the state chair of the Minnesota State University Student Association; the president of the Minnesota State College Student Association and an officer of the Minnesota State College Student Association, one in a community college course of study and one in a technical college course of study; ~~the president of the Minnesota Association of Private~~

~~College Students; and a student who is enrolled in a private vocational school, to be appointed by the Minnesota Career College Association~~ a student who is enrolled in a private nonprofit postsecondary institution, to be elected by students enrolled in Minnesota Private College Council institutions; and a student who is enrolled in a private for-profit postsecondary institution, to be elected by students enrolled in Minnesota Career College Association institutions. If students from the Minnesota Private College Council institutions do not elect a representative, the Minnesota Private College Council must appoint the private nonprofit representative. If students from the Minnesota Career College Association institutions do not elect a representative, the Minnesota Career College Association must appoint the private for-profit representative. A member may be represented by a student designee who attends an institution from the same system that the absent member represents. The SAC shall select one of its members to serve as chair.

(b) ~~The Minnesota office of Higher Education~~ shall inform the SAC of all matters related to student issues under consideration. The SAC shall report to the ~~Minnesota office of Higher Education~~ quarterly and at other times that the SAC considers desirable. The SAC shall determine its meeting times, but it shall also meet with the office within 30 days after the commissioner's request for a meeting.

(c) The SAC shall:

(1) bring to the attention of the ~~Minnesota office of Higher Education~~ any matter that the SAC believes needs the attention of the office;

(2) make recommendations to the ~~Minnesota office of Higher Education~~ as it finds appropriate; and

(3) approve student appointments by the ~~Minnesota office of Higher Education~~ for each advisory group as provided in subdivision 4.

Sec. 2. **REPEALER.**

Minnesota Statutes 2012, section 124D.94, is repealed.

ARTICLE 4

TRANSPORTATION

Section 1. **[162.152] RULES; ADVISORY COMMITTEE.**

Subdivision 1. **Advisory committee membership.** The rules referenced in sections 162.02, subdivision 1, and 162.09, subdivision 1, shall be made and promulgated by the commissioner acting with the advice of a committee selected as follows:

(1) nine members must be selected by the county boards acting through the officers of the statewide association of county commissioners. The committee members shall be selected so that each member is from a different state highway construction district. Not more than five of the nine members shall be county commissioners, and the remaining members shall be county highway engineers; and

(2) 12 members must be selected by the governing bodies of cities, acting through the officers of the statewide association of municipal officials. The committee members shall be selected so that there is one member from each state highway construction district and one member from each city

of the first class. Not more than six of the 12 members shall be elected officials of the cities, and the remaining members shall be city engineers.

Subd. 2. **Commissioner's determination.** If agreement cannot be reached on a rule, the commissioner's determination on what rule will be proposed for adoption is final.

Subd. 3. **Rules have force of law.** The rules have the force and effect of law as provided in chapter 14.

Subd. 4. **No expiration.** The committee created in this section does not expire.

Sec. 2. **REPEALER.**

Minnesota Statutes 2012, sections 162.02, subdivisions 2 and 3; 162.09, subdivisions 2 and 3; and 174.86, subdivision 5, are repealed.

ARTICLE 5

COMMERCE AND ECONOMIC DEVELOPMENT

Section 1. Minnesota Statutes 2012, section 216B.813, subdivision 2, is amended to read:

Subd. 2. **Grants.** (a) The commissioner of commerce shall operate a competitive grant program for projects to assist the state in attaining its renewable hydrogen energy goals. ~~The commissioner of commerce shall assemble an advisory committee made up of industry, university, government, and nongovernment organizations to:~~

- ~~(1) help identify the most promising technology deployment projects for public investment;~~
- ~~(2) advise on the technical specifications for those projects; and~~
- ~~(3) make recommendations on project grants.~~

(b) The commissioner shall give preference to project concepts included in the department's most recent biennial report: Strategic Demonstration Projects to Accelerate the Commercialization of Renewable Hydrogen and Related Technologies in Minnesota. Projects eligible for funding must combine one or more of the hydrogen production options listed in the department's report with an end use that has significant commercial potential, preferably high visibility, and relies on fuel cells or related technologies. Each funded technology deployment must include an explicit education and awareness-raising component, be compatible with the renewable hydrogen deployment criteria defined in section 216B.812, and receive 50 percent of its total cost from nonstate sources. The 50 percent requirement does not apply for recipients that are public institutions.

Sec. 2. Minnesota Statutes 2012, section 216B.815, is amended to read:

216B.815 REGIONAL ENERGY RESEARCH AND EDUCATION PARTNERSHIP.

(a) The state's public research and higher education institutions should work with one another and with similar institutions in the region to establish Minnesota and the Upper Midwest as a center of research, education, outreach, and technology transfer for the production of renewable energy and products, including hydrogen, fuel cells, and related technologies. The partnership should be designed to create a critical mass of research and education capability that can compete effectively for federal and private investment in these areas.

~~(b) The partnership must include an advisory committee comprised of government, industry, academic, and nonprofit representatives to help focus its research and education efforts on the most critical issues.~~

~~(c)~~ (b) Initiatives undertaken by the partnership may include:

(1) collaborative and interdisciplinary research, demonstration projects, and commercialization of market-ready technologies;

(2) creation of undergraduate and graduate course offerings and eventually degreed and vocational programs with reciprocity;

(3) establishment of fellows programs at the region's institutes of higher learning that provide financial incentives for relevant study, research, and exchange; and

(4) development and field-testing of relevant curricula, teacher kits for all educational levels, and widespread teacher training, in collaboration with state energy offices, teachers, nonprofits, businesses, the United States Department of Energy, and other interested parties.

Sec. 3. Minnesota Statutes 2012, section 216C.02, subdivision 1, is amended to read:

Subdivision 1. **Powers.** (a) The commissioner may:

(1) apply for, receive, and spend money received from federal, municipal, county, regional, and other government agencies and private sources;

(2) apply for, accept, and disburse grants and other aids from public and private sources;

(3) contract for professional services if work or services required or authorized to be carried out by the commissioner cannot be satisfactorily performed by employees of the department or by another state agency;

(4) enter into interstate compacts to carry out research and planning jointly with other states or the federal government when appropriate;

(5) upon reasonable request, distribute informational material at no cost to the public; and

(6) enter into contracts for the performance of the commissioner's duties with federal, state, regional, metropolitan, local, and other agencies or units of government and educational institutions, including the University of Minnesota, without regard to the competitive bidding requirements of chapters 16A and 16C.

(b) The commissioner shall collect information on conservation and other energy-related programs carried on by other agencies, by public utilities, by cooperative electric associations, by municipal power agencies, by other fuel suppliers, by political subdivisions, and by private organizations. Other agencies, cooperative electric associations, municipal power agencies, and political subdivisions shall cooperate with the commissioner by providing information requested by the commissioner. The commissioner may by rule require the submission of information by other program operators. The commissioner shall make the information available to other agencies and to the public and, as necessary, shall recommend to the legislature changes in the laws governing conservation and other energy-related programs to ensure that:

(1) expenditures on the programs are adequate to meet identified needs;

- (2) the needs of low-income energy users are being adequately addressed;
- (3) duplication of effort is avoided or eliminated;
- (4) a program that is ineffective is improved or eliminated; and
- (5) voluntary efforts are encouraged through incentives for their operators.

~~The commissioner shall appoint an advisory task force to help evaluate the information collected and formulate recommendations to the legislature. The task force must include low-income energy users.~~

(c) By January 15 of each year, the commissioner shall report to the legislature on the projected amount of federal money likely to be available to the state during the next fiscal year, including grant money and money received by the state as a result of litigation or settlements of alleged violations of federal petroleum-pricing regulations. The report must also estimate the amount of money projected as needed during the next fiscal year to finance a level of conservation and other energy-related programs adequate to meet projected needs, particularly the needs of low-income persons and households, and must recommend the amount of state appropriations needed to cover the difference between the projected availability of federal money and the projected needs.

Sec. 4. **REPEALER.**

Minnesota Statutes 2012, sections 82B.021, subdivision 10; 82B.05, subdivisions 1, 3, 5, 6, and 7; 82B.06; 116L.361, subdivision 2; and 116L.363, are repealed.

ARTICLE 6

PUBLIC SAFETY

Section 1. Minnesota Statutes 2012, section 299A.62, subdivision 2, is amended to read:

Subd. 2. **Awarding grant.** Grants under this section shall be awarded by the commissioner of public safety. ~~Before any grants are awarded, a committee consisting of the attorney general, and representatives from the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, and the Minnesota Police and Peace Officers Association, shall evaluate the grant applications. Before grants are awarded, the commissioner shall meet and consult with the committee concerning its evaluation of and recommendations on grant proposals.~~ A grant under subdivision 1, paragraph (b), clause (1), may be awarded only to a law enforcement agency that demonstrates in its application that it currently has a need for an additional officer to be assigned to: (1) community-oriented policing duties; or (2) the investigation and prevention of juvenile crime, based on the juvenile crime rate in the area over which the agency has jurisdiction. More than one grant under subdivision 1, paragraph (b), clause (1), may be awarded to an agency; however, each grant may fund only one position. At least 50 percent of the grants awarded under subdivision 1, paragraph (b), clause (1), must be awarded to the cities of Minneapolis and St. Paul.

Sec. 2. Minnesota Statutes 2012, section 611A.32, subdivision 2, is amended to read:

Subd. 2. **Applications.** Any public or private nonprofit agency may apply to the commissioner for a grant to provide emergency shelter services to battered women, support services to domestic abuse victims, or both, to battered women and their children. The application shall be submitted in a form approved by the commissioner by rule adopted under chapter 14, ~~after consultation with the advisory council~~; and shall include:

(1) a proposal for the provision of emergency shelter services for battered women, support services for domestic abuse victims, or both, for battered women and their children;

(2) a proposed budget;

(3) the agency's overall operating budget, including documentation on the retention of financial reserves and availability of additional funding sources;

(4) evidence of an ability to integrate into the proposed program the uniform method of data collection and program evaluation established under sections section 611A.33 and 611A.34;

(5) evidence of an ability to represent the interests of battered women and domestic abuse victims and their children to local law enforcement agencies and courts, county welfare agencies, and local boards or departments of health;

(6) evidence of an ability to do outreach to unserved and underserved populations and to provide culturally and linguistically appropriate services; and

(7) any other content the commissioner may require by rule adopted under chapter 14, after considering the recommendations of the advisory council.

Programs which have been approved for grants in prior years may submit materials which indicate changes in items listed in clauses (1) to (7), in order to qualify for renewal funding. Nothing in this subdivision may be construed to require programs to submit complete applications for each year of renewal funding.

Sec. 3. Minnesota Statutes 2012, section 611A.33, is amended to read:

611A.33 DUTIES OF COMMISSIONER.

The commissioner shall:

(1) review applications for and award grants to a program pursuant to section 611A.32, subdivision 1, ~~after considering the recommendation of the advisory council~~;

~~(2) appoint the members of the advisory council created under section 611A.34, and provide consultative staff and other administrative services to the advisory council;~~

~~(3) after considering the recommendation of the advisory council,~~ (2) appoint a program director to perform the duties set forth in section 611A.35;

~~(4)~~ (3) design and implement a uniform method of collecting data on domestic abuse victims to be used to evaluate the programs funded under section 611A.32;

~~(5)~~ (4) provide technical aid to applicants in the development of grant requests and provide technical aid to programs in meeting the data collection requirements established by the commissioner; and

~~(6)~~ (5) adopt, under chapter 14, all rules necessary to implement the provisions of sections 611A.31 to 611A.36.

Sec. 4. Minnesota Statutes 2012, section 611A.35, is amended to read:

611A.35 ADVISORY COUNCIL ON BATTERED WOMEN AND DOMESTIC ABUSE PROGRAM DIRECTOR.

The commissioner shall appoint a program director. ~~In appointing the program director the commissioner shall give due consideration to the list of applicants submitted to the commissioner pursuant to section 611A.34, subdivision 3, clause (3).~~ The program director shall administer the funds appropriated for sections 611A.31 to 611A.36, ~~consult with and provide staff to the advisory council;~~ and perform other duties related to battered women's and domestic abuse programs as the commissioner may assign. The program director shall serve at the pleasure of the commissioner in the unclassified service.

Sec. 5. Minnesota Statutes 2012, section 629.342, subdivision 2, is amended to read:

Subd. 2. **Policies required.** (a) By July 1, 1993, each law enforcement agency shall develop, adopt, and implement a written policy regarding arrest procedures for domestic abuse incidents. In the development of a policy, each law enforcement agency shall consult with domestic abuse advocates, community organizations, and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents. The policy shall discourage dual arrests, include consideration of whether one of the parties acted in self defense, and provide guidance to officers concerning instances in which officers should remain at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated.

(b) ~~The Bureau of Criminal Apprehension; and the Board of Peace Officer Standards and Training, and the Advisory Council on Battered Women and Domestic Abuse appointed by the commissioner of corrections under section 611A.34;~~ in consultation with the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, and the Minnesota Police and Peace Officers Association, shall develop a written model policy regarding arrest procedures for domestic abuse incidents for use by local law enforcement agencies. Each law enforcement agency may adopt the model policy in lieu of developing its own policy under the provisions of paragraph (a).

(c) Local law enforcement agencies that have already developed a written policy regarding arrest procedures for domestic abuse incidents before July 1, 1992, are not required to develop a new policy but must review their policies and consider the written model policy developed under paragraph (b).

Sec. 6. **CLARIFICATION OF CONTINUED EXISTENCE.**

This section clarifies that the groups listed in this section did not expire June 30, 2009. Actions taken by the groups listed in this section and public funds spent on behalf of these groups since June 30, 2009, are valid:

(1) Automobile Theft Prevention Advisory Board, created in Minnesota Statutes, section 65B.84, subdivision 4; and

(2) Fire Service Advisory Committee, created in Minnesota Statutes, section 299F.012, subdivision 2.

EFFECTIVE DATE. This section is effective the day following final enactment and applies retroactively from June 30, 2009.

Sec. 7. **REPEALER.**

Minnesota Statutes 2012, sections 299A.63; 299C.156; 299M.02; and 611A.34, are repealed.

ARTICLE 7

HEALTH AND HUMAN SERVICES

Section 1. Minnesota Statutes 2012, section 115.741, is amended by adding a subdivision to read:

Subd. 5. **Repeal.** This section is repealed June 30, 2019.

Sec. 2. Minnesota Statutes 2013 Supplement, section 144.98, subdivision 10, is amended to read:

Subd. 10. **Establishing a selection committee.** (a) The commissioner shall establish a selection committee for the purpose of recommending approval of qualified laboratory assessors and assessment bodies. Committee members shall demonstrate competence in assessment practices. The committee shall initially consist of seven members appointed by the commissioner as follows:

- (1) one member from a municipal laboratory accredited by the commissioner;
 - (2) one member from an industrial treatment laboratory accredited by the commissioner;
 - (3) one member from a commercial laboratory located in this state and accredited by the commissioner;
 - (4) one member from a commercial laboratory located outside the state and accredited by the commissioner;
 - (5) one member from a nongovernmental client of environmental laboratories;
 - (6) one member from a professional organization with a demonstrated interest in environmental laboratory data and accreditation; and
 - (7) one employee of the laboratory accreditation program administered by the department.
- (b) Committee appointments begin on January 1 and end on December 31 of the same year.
- (c) The commissioner shall appoint persons to fill vacant committee positions, expand the total number of appointed positions, or change the designated positions upon the advice of the committee.
- (d) The commissioner shall rescind the appointment of a selection committee member for sufficient cause as the commissioner determines, such as:
- (1) neglect of duty;
 - (2) failure to notify the commissioner of a real or perceived conflict of interest;
 - (3) nonconformance with committee procedures;
 - (4) failure to demonstrate competence in assessment practices; or
 - (5) official misconduct.
- (e) Members of the selection committee shall be compensated according to the provisions in section 15.059, subdivision 3.
- (f) The selection committee expires June 30, 2018.

Sec. 3. Minnesota Statutes 2012, section 144G.06, is amended to read:

144G.06 UNIFORM CONSUMER INFORMATION GUIDE.

~~(a) The commissioner of health shall establish an advisory committee consisting of representatives of consumers, providers, county and state officials, and other groups the commissioner considers appropriate. The advisory committee shall present recommendations to the commissioner on:~~

~~(1) a format for a guide to be used by individual providers of assisted living, as defined in section 144G.01, that includes information about services offered by that provider, which services may be covered by Medicare, service costs, and other relevant provider-specific information, as well as a statement of philosophy and values associated with assisted living, presented in uniform categories that facilitate comparison with guides issued by other providers; and~~

~~(2) requirements for informing assisted living clients, as defined in section 144G.01, of their applicable legal rights.~~

~~(b) The commissioner, after reviewing the recommendations of the advisory committee, shall adopt a uniform format for the guide to be used by individual providers, and the required components of materials to be used by providers to inform assisted living clients of their legal rights, and shall make the uniform format and the required components available to assisted living providers.~~

Sec. 4. Minnesota Statutes 2012, section 152.126, subdivision 3, is amended to read:

Subd. 3. **Prescription Electronic Reporting Advisory Committee.** (a) The board shall convene an advisory committee. The committee must include at least one representative of:

(1) the Department of Health;

(2) the Department of Human Services;

(3) each health-related licensing board that licenses prescribers;

(4) a professional medical association, which may include an association of pain management and chemical dependency specialists;

(5) a professional pharmacy association;

(6) a professional nursing association;

(7) a professional dental association;

(8) a consumer privacy or security advocate; and

(9) a consumer or patient rights organization.

(b) The advisory committee shall advise the board on the development and operation of the electronic reporting system, including, but not limited to:

(1) technical standards for electronic prescription drug reporting;

(2) proper analysis and interpretation of prescription monitoring data; and

(3) an evaluation process for the program.

(c) The advisory committee expires June 30, 2018.

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

Sec. 5. Minnesota Statutes 2012, section 252.30, is amended to read:

252.30 AUTHORIZATION TO MAKE GRANTS FOR COMMUNITY RESIDENTIAL FACILITIES.

The commissioner of human services may make grants to nonprofit organizations, municipalities or local units of government to provide up to 25 percent of the cost of constructing, purchasing or remodeling small community residential facilities for persons with developmental disabilities allowing such persons to live in a homelike atmosphere near their families. Operating capital grants may also be made for up to three months of reimbursable operating costs after the facility begins processing applications for admission and prior to reimbursement for services. Repayment of the operating grants shall be made to the commissioner of human services at the end of the provider's first fiscal year, or at the conclusion of the interim rate period, whichever occurs first. No aid under this section shall be granted to a facility providing for more than 16 residents in a living unit and with more than two living units. ~~The advisory council established by section 252.31 shall recommend to the commissioner appropriate disbursement of the funds appropriated by Laws 1973, chapter 673, section 3.~~ Prior to any disbursement of funds the commissioner shall review the plans and location of any proposed facility to determine whether such a facility is needed. The commissioner shall promulgate such rules for the making of grants and for the administration of this section as the commissioner deems proper. The remaining portion of the cost of constructing, purchasing, remodeling facilities, or of operating capital shall be borne by nonstate sources including federal grants, local government funds, funds from charitable sources, gifts and mortgages.

Sec. 6. Minnesota Statutes 2013 Supplement, section 254A.035, subdivision 2, is amended to read:

Subd. 2. **Membership terms, compensation, removal and expiration.** The membership of this council shall be composed of 17 persons who are American Indians and who are appointed by the commissioner. The commissioner shall appoint one representative from each of the following groups: Red Lake Band of Chippewa Indians; Fond du Lac Band, Minnesota Chippewa Tribe; Grand Portage Band, Minnesota Chippewa Tribe; Leech Lake Band, Minnesota Chippewa Tribe; Mille Lacs Band, Minnesota Chippewa Tribe; Bois Forte Band, Minnesota Chippewa Tribe; White Earth Band, Minnesota Chippewa Tribe; Lower Sioux Indian Reservation; Prairie Island Sioux Indian Reservation; Shakopee Mdewakanton Sioux Indian Reservation; Upper Sioux Indian Reservation; International Falls Northern Range; Duluth Urban Indian Community; and two representatives from the Minneapolis Urban Indian Community and two from the St. Paul Urban Indian Community. The terms, compensation, and removal of American Indian Advisory Council members shall be as provided in section 15.059. The council expires June 30, ~~2014~~ 2018.

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

Sec. 7. Minnesota Statutes 2013 Supplement, section 254A.04, is amended to read:

254A.04 CITIZENS ADVISORY COUNCIL.

There is hereby created an Alcohol and Other Drug Abuse Advisory Council to advise the Department of Human Services concerning the problems of alcohol and other drug dependency and

abuse, composed of ten members. Five members shall be individuals whose interests or training are in the field of alcohol dependency and abuse; and five members whose interests or training are in the field of dependency and abuse of drugs other than alcohol. The terms, compensation and removal of members shall be as provided in section 15.059. The council expires June 30, ~~2014~~ 2018. The commissioner of human services shall appoint members whose terms end in even-numbered years. The commissioner of health shall appoint members whose terms end in odd-numbered years.

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

Sec. 8. Minnesota Statutes 2012, section 256B.0625, subdivision 13c, is amended to read:

Subd. 13c. **Formulary committee.** The commissioner, after receiving recommendations from professional medical associations and professional pharmacy associations, and consumer groups shall designate a Formulary Committee to carry out duties as described in subdivisions 13 to 13g. The Formulary Committee shall be comprised of four licensed physicians actively engaged in the practice of medicine in Minnesota one of whom must be actively engaged in the treatment of persons with mental illness; at least three licensed pharmacists actively engaged in the practice of pharmacy in Minnesota; and one consumer representative; the remainder to be made up of health care professionals who are licensed in their field and have recognized knowledge in the clinically appropriate prescribing, dispensing, and monitoring of covered outpatient drugs. Members of the Formulary Committee shall not be employed by the Department of Human Services, but the committee shall be staffed by an employee of the department who shall serve as an ex officio, nonvoting member of the committee. The department's medical director shall also serve as an ex officio, nonvoting member for the committee. Committee members shall serve three-year terms and may be reappointed by the commissioner. The Formulary Committee shall meet at least twice per year. The commissioner may require more frequent Formulary Committee meetings as needed. An honorarium of \$100 per meeting and reimbursement for mileage shall be paid to each committee member in attendance. The Formulary Committee expires June 30, 2018.

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

Sec. 9. Minnesota Statutes 2013 Supplement, section 256B.064, subdivision 1a, is amended to read:

Subd. 1a. **Grounds for sanctions against vendors.** The commissioner may impose sanctions against a vendor of medical care for any of the following: (1) fraud, theft, or abuse in connection with the provision of medical care to recipients of public assistance; (2) a pattern of presentment of false or duplicate claims or claims for services not medically necessary; (3) a pattern of making false statements of material facts for the purpose of obtaining greater compensation than that to which the vendor is legally entitled; (4) suspension or termination as a Medicare vendor; (5) refusal to grant the state agency access during regular business hours to examine all records necessary to disclose the extent of services provided to program recipients and appropriateness of claims for payment; (6) failure to repay an overpayment or a fine finally established under this section; (7) failure to correct errors in the maintenance of health service or financial records for which a fine was imposed or after issuance of a warning by the commissioner; and (8) any reason for which a vendor could be excluded from participation in the Medicare program under section 1128, 1128A, or 1866(b)(2) of the Social Security Act. ~~The determination of services not medically necessary may be made by the commissioner in consultation with a peer advisory task force appointed by the commissioner on the recommendation of appropriate professional organizations. The task force expires as provided in section 15.059, subdivision 5.~~

Sec. 10. Minnesota Statutes 2013 Supplement, section 256B.093, subdivision 1, is amended to read:

Subdivision 1. **State traumatic brain injury program.** The commissioner of human services shall:

- (1) maintain a statewide traumatic brain injury program;
- (2) supervise and coordinate services and policies for persons with traumatic brain injuries;
- (3) contract with qualified agencies or employ staff to provide statewide administrative case management and consultation;
- (4) maintain an advisory committee to provide recommendations in reports to the commissioner regarding program and service needs of persons with brain injuries;
- (5) investigate the need for the development of rules or statutes for the brain injury home and community-based services waiver;
- (6) investigate present and potential models of service coordination which can be delivered at the local level; and
- (7) the advisory committee required by clause (4) must consist of no fewer than ten members and no more than 30 members. The commissioner shall appoint all advisory committee members to one- or two-year terms and appoint one member as chair. ~~Notwithstanding section 15.059, subdivision 5, The advisory committee does not terminate until June 30, 2014~~ 2018.

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

Sec. 11. Minnesota Statutes 2012, section 256B.27, subdivision 3, is amended to read:

Subd. 3. **Access to medical records.** The commissioner of human services, with the written consent of the recipient, on file with the local welfare agency, shall be allowed access to all personal medical records of medical assistance recipients solely for the purposes of investigating whether or not: (a) a vendor of medical care has submitted a claim for reimbursement, a cost report or a rate application which is duplicative, erroneous, or false in whole or in part, or which results in the vendor obtaining greater compensation than the vendor is legally entitled to; or (b) the medical care was medically necessary. The vendor of medical care shall receive notification from the commissioner at least 24 hours before the commissioner gains access to such records. The determination of provision of services not medically necessary shall be made by the commissioner. ~~The commissioner may consult with an advisory task force of vendors the commissioner may appoint, on the recommendation of appropriate professional organizations. The task force expires as provided in section 15.059, subdivision 6.~~ Notwithstanding any other law to the contrary, a vendor of medical care shall not be subject to any civil or criminal liability for providing access to medical records to the commissioner of human services pursuant to this section.

Sec. 12. Minnesota Statutes 2013 Supplement, section 260.835, subdivision 2, is amended to read:

Subd. 2. **Expiration.** ~~Notwithstanding section 15.059, subdivision 5, the American Indian Child Welfare Advisory Council expires June 30, 2014~~ 2018.

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

Sec. 13. **CLARIFICATION OF CONTINUED EXISTENCE.**

This section clarifies that the groups listed in this section did not expire June 30, 2009. Actions taken by the groups listed in this section and public funds spent on behalf of these groups since June 30, 2009, are valid:

(1) Medical Assistance Drug Formulary Committee, created in Minnesota Statutes, section 256B.0625, subdivision 13c;

(2) Environmental Health Tracking and Biomonitoring Advisory Panel, created in Minnesota Statutes, section 144.998;

(3) Water Supply Systems and Wastewater Treatment Facilities Advisory Council, created in Minnesota Statutes, section 115.741; and

(4) Prescription Electronic Reporting Advisory Committee, created in Minnesota Statutes, section 152.126, subdivision 3.

EFFECTIVE DATE. This section is effective the day following final enactment and applies retroactively from June 30, 2009.

Sec. 14. **REPEALER.**

Minnesota Statutes 2012, sections 62U.09; 144.011, subdivision 2; 145.98, subdivisions 1 and 3; 252.31; and 402A.15, are repealed.

ARTICLE 8

CONFORMING CHANGES

Section 1. Minnesota Statutes 2012, section 3.922, subdivision 8, is amended to read:

Subd. 8. **Advisory board.** An advisory board on urban Indians shall advise the council on the unique problems and concerns of Minnesota Indians who reside in urban areas of the state. The board must be appointed by the council at the direction of the elected tribal leadership and consist of six Indians residing in the vicinity of Minneapolis, St. Paul, Bemidji, and Duluth. At least one member of the board must be a resident of each city. The terms, compensation, and removal of members are as provided in section 15.059, ~~but the expiration dates provided in that section do not apply.~~

Sec. 2. Minnesota Statutes 2012, section 15B.11, subdivision 2, is amended to read:

Subd. 2. **Advisory committee.** (a) A three-member advisory committee to the CAAPB is established. Each of the three must be either an architect or a planner. One must be appointed by the CAAPB; one, by the State Board of the Arts; and one, by the Minnesota Society of the American Institute of Architects.

(b) The advisory committee must advise the CAAPB on all architectural and planning matters.

~~(c) Notwithstanding section 15.059, subdivision 5, or other law, the authority for appointment of an advisory committee does not expire.~~

~~(c)~~ (c) An advisory committee member must not be a contestant in a CAAPB competition.

Sec. 3. Minnesota Statutes 2012, section 16B.055, subdivision 1, is amended to read:

Subdivision 1. **Federal Assistive Technology Act.** (a) The Department of Administration is designated as the lead agency to carry out all the responsibilities under the Assistive Technology Act of 1998, as provided by Public Law 108-364, as amended. The Minnesota Assistive Technology Advisory Council is established to fulfill the responsibilities required by the Assistive Technology Act, as provided by Public Law 108-364, as amended. Because the existence of this council is required by federal law, this council does not expire and the expiration date provided in section 15.059, subdivision 5, does not apply.

(b) The governor shall appoint the membership of the council as required by the Assistive Technology Act of 1998, as provided by Public Law 108-364, as amended. After the governor has completed the appointments required by this subdivision, the commissioner of administration, or the commissioner's designee, shall convene the first meeting of the council following the appointments. Members shall serve two-year terms commencing July 1 of each odd-numbered year, and receive the compensation specified by the Assistive Technology Act of 1998, as provided by Public Law 108-364, as amended. The members of the council shall select their chair at the first meeting following their appointment.

Sec. 4. Minnesota Statutes 2012, section 28A.21, subdivision 6, is amended to read:

Subd. 6. **Expiration.** ~~Notwithstanding section 15.059, subdivision 5,~~ This section expires June 30, 2017.

Sec. 5. Minnesota Statutes 2012, section 62J.495, subdivision 2, is amended to read:

Subd. 2. **E-Health Advisory Committee.** (a) The commissioner shall establish an e-Health Advisory Committee governed by section 15.059 to advise the commissioner on the following matters:

(1) assessment of the adoption and effective use of health information technology by the state, licensed health care providers and facilities, and local public health agencies;

(2) recommendations for implementing a statewide interoperable health information infrastructure, to include estimates of necessary resources, and for determining standards for clinical data exchange, clinical support programs, patient privacy requirements, and maintenance of the security and confidentiality of individual patient data;

(3) recommendations for encouraging use of innovative health care applications using information technology and systems to improve patient care and reduce the cost of care, including applications relating to disease management and personal health management that enable remote monitoring of patients' conditions, especially those with chronic conditions; and

(4) other related issues as requested by the commissioner.

(b) The members of the e-Health Advisory Committee shall include the commissioners, or commissioners' designees, of health, human services, administration, and commerce and additional members to be appointed by the commissioner to include persons representing Minnesota's local public health agencies, licensed hospitals and other licensed facilities and providers, private purchasers, the medical and nursing professions, health insurers and health plans, the state quality improvement organization, academic and research institutions, consumer advisory organizations with an interest and expertise in health information technology, and other stakeholders as identified by the commissioner to fulfill the requirements of section 3013, paragraph (g), of the HITECH Act.

(c) The commissioner shall prepare and issue an annual report not later than January 30 of each year outlining progress to date in implementing a statewide health information infrastructure and recommending action on policy and necessary resources to continue the promotion of adoption and effective use of health information technology.

(d) ~~Notwithstanding section 15.059~~, This subdivision expires June 30, 2015.

Sec. 6. Minnesota Statutes 2012, section 79A.02, subdivision 1, is amended to read:

Subdivision 1. **Membership.** For the purposes of assisting the commissioner, there is established a Workers' Compensation Self-insurers' Advisory Committee of five members that are employers authorized to self-insure in Minnesota. Three of the members and three alternates shall be elected by the self-insurers' security fund board of trustees and two members and two alternates shall be appointed by the commissioner. ~~Notwithstanding section 15.059, the advisory committee does not expire.~~

Sec. 7. Minnesota Statutes 2012, section 85.0146, subdivision 1, is amended to read:

Subdivision 1. **Advisory council created.** The Cuyuna Country State Recreation Area Citizens Advisory Council is established. ~~Notwithstanding section 15.059, the council does not expire.~~ Membership on the advisory council shall include:

- (1) a representative of the Cuyuna Range Mineland Recreation Area Joint Powers Board;
- (2) a representative of the Croft Mine Historical Park Joint Powers Board;
- (3) a designee of the Cuyuna Range Mineland Reclamation Committee who has worked as a miner in the local area;
- (4) a representative of the Crow Wing County Board;
- (5) an elected state official;
- (6) a representative of the Grand Rapids regional office of the Department of Natural Resources;
- (7) a designee of the Iron Range Resources and Rehabilitation Board;
- (8) a designee of the local business community selected by the area chambers of commerce;
- (9) a designee of the local environmental community selected by the Crow Wing County District 5 commissioner;
- (10) a designee of a local education organization selected by the Crosby-Ironton School Board;
- (11) a designee of one of the recreation area user groups selected by the Cuyuna Range Chamber of Commerce; and
- (12) a member of the Cuyuna Country Heritage Preservation Society.

Sec. 8. Minnesota Statutes 2012, section 89A.03, subdivision 5, is amended to read:

Subd. 5. **Membership regulation.** Terms, compensation, nomination, appointment, and removal of council members are governed by section 15.059. ~~Section 15.059, subdivision 5, does not govern the expiration date of the council.~~

Sec. 9. Minnesota Statutes 2012, section 89A.08, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The council shall appoint a Forest Resources Research Advisory Committee. ~~Notwithstanding section 15.059, the council does not expire.~~ The committee must consist of representatives of:

- (1) the College of Natural Resources, University of Minnesota;
- (2) the Natural Resources Research Institute, University of Minnesota;
- (3) the department;
- (4) the North Central Forest Experiment Station, United States Forest Service; and
- (5) other organizations as deemed appropriate by the council.

Sec. 10. Minnesota Statutes 2012, section 93.0015, subdivision 3, is amended to read:

Subd. 3. **Expiration.** ~~Notwithstanding section 15.059, subdivision 5, or other law to the contrary,~~ The committee expires June 30, 2016.

Sec. 11. Minnesota Statutes 2012, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. **Citizen oversight committees.** (a) The commissioner shall appoint committees of affected persons to review the reports prepared under subdivision 4; review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following committees, each comprised of at least ten affected persons:

- (1) a Fisheries Oversight Committee to review fisheries funding and expenditures, including activities related to trout and salmon stamps and walleye stamps; and
- (2) a Wildlife Oversight Committee to review wildlife funding and expenditures, including activities related to migratory waterfowl, pheasant, and wild turkey management and deer and big game management.

(c) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee, and four additional members from each committee, shall form a Budgetary Oversight Committee to coordinate the integration of the fisheries and wildlife oversight committee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; and provide a forum to address issues that transcend the fisheries and wildlife oversight committees.

(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner and to the senate and house of representatives committees with jurisdiction over natural resources finance.

(e) The chairs of the Fisheries Oversight Committee and the Wildlife Oversight Committee shall be chosen by their respective committees. The chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of either of the other oversight committees.

(f) The Budgetary Oversight Committee may make recommendations to the commissioner and to the senate and house of representatives committees with jurisdiction over natural resources finance for outcome goals from expenditures.

(g) ~~Notwithstanding section 15.059, subdivision 5, or other law to the contrary,~~ The Fisheries Oversight Committee, the Wildlife Oversight Committee, and the Budgetary Oversight Committee ~~do not expire until June 30, 2015.~~

Sec. 12. Minnesota Statutes 2013 Supplement, section 103I.105, is amended to read:

103I.105 ADVISORY COUNCIL ON WELLS AND BORINGS.

(a) The Advisory Council on Wells and Borings is established as an advisory council to the commissioner. The advisory council shall consist of 18 voting members. Of the 18 voting members:

(1) one member must be from the Department of Health, appointed by the commissioner of health;

(2) one member must be from the Department of Natural Resources, appointed by the commissioner of natural resources;

(3) one member must be a member of the Minnesota Geological Survey of the University of Minnesota, appointed by the director;

(4) one member must be a responsible individual for a licensed explorer;

(5) one member must be a certified representative of a licensed elevator boring contractor;

(6) two members must be members of the public who are not connected with the boring or well drilling industry;

(7) one member must be from the Pollution Control Agency, appointed by the commissioner of the Pollution Control Agency;

(8) one member must be from the Department of Transportation, appointed by the commissioner of transportation;

(9) one member must be from the Board of Water and Soil Resources appointed by its chair;

(10) one member must be a certified representative of a monitoring well contractor;

(11) six members must be residents of this state appointed by the commissioner, who are certified representatives of licensed well contractors, with not more than two from the seven-county metropolitan area and at least four from other areas of the state who represent different geographical regions; and

(12) one member must be a certified representative of a licensed bored geothermal heat exchanger contractor.

(b) An appointee of the well drilling industry may not serve more than two consecutive terms.

(c) The appointees to the advisory council from the well drilling industry must:

(1) have been residents of this state for at least three years before appointment; and

(2) have at least five years' experience in the well drilling business.

(d) The terms of the appointed members and the compensation and removal of all members are governed by section 15.059, ~~except section 15.059, subdivision 5, relating to expiration of the advisory council does not apply.~~

Sec. 13. Minnesota Statutes 2012, section 116U.25, is amended to read:

116U.25 EXPLORE MINNESOTA TOURISM COUNCIL.

(a) The director shall be advised by the Explore Minnesota Tourism Council consisting of up to 28 voting members appointed by the governor for four-year terms, including:

(1) the director of Explore Minnesota Tourism who serves as the chair;

(2) eleven representatives of statewide associations representing bed and breakfast establishments, golf, festivals and events, counties, convention and visitor bureaus, lodging, resorts, trails, campgrounds, restaurants, and chambers of commerce;

(3) one representative from each of the tourism marketing regions of the state as designated by the office;

(4) six representatives of the tourism business representing transportation, retail, travel agencies, tour operators, travel media, and convention facilities;

(5) one or more ex officio nonvoting members including at least one from the University of Minnesota Tourism Center;

(6) four legislators, two from each house, one each from the two largest political party caucuses in each house, appointed according to the rules of the respective houses; and

(7) other persons, if any, as designated from time to time by the governor.

(b) The council shall act to serve the broader interests of tourism in Minnesota by promoting activities that support, maintain, and expand the state's domestic and international travel market, thereby generating increased visitor expenditures, tax revenue, and employment.

(c) Filling of membership vacancies is as provided in section 15.059. The terms of one-half of the members shall be coterminous with the governor and the terms of the remaining one-half of the members shall end on the first Monday in January one year after the terms of the other members. Members may serve until their successors are appointed and qualify. Members are not compensated. A member may be reappointed.

(d) The council shall meet at least four times per year and at other times determined by the council. ~~Notwithstanding section 15.059, the council does not expire.~~

(e) If compliance with section 13D.02 is impractical, the Explore Minnesota Tourism Council may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the council participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the council can hear clearly all discussion and testimony and all votes of members of the council and, if needed, receive those services required by sections 15.44 and 15.441;

(3) at least one member of the council is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(f) Each member of the council participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(g) If telephone or other electronic means is used to conduct a meeting, the council, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The council may require the person making such a connection to pay for documented marginal costs that the council incurs as a result of the additional connection.

(h) If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the council shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of the provisions of paragraph (g). The timing and method of providing notice is governed by section 13D.04.

Sec. 14. Minnesota Statutes 2013 Supplement, section 125A.28, is amended to read:

125A.28 STATE INTERAGENCY COORDINATING COUNCIL.

An Interagency Coordinating Council of at least 17, but not more than 25 members is established, in compliance with Public Law 108-446, section 641. The members must be appointed by the governor and reasonably represent the population of Minnesota. Council members must elect the council chair, who may not be a representative of the Department of Education. The council must be composed of at least five parents, including persons of color, of children with disabilities under age 12, including at least three parents of a child with a disability under age seven, five representatives of public or private providers of services for children with disabilities under age five, including a special education director, county social service director, local Head Start director, and a community health services or public health nursing administrator, one member of the senate, one member of the house of representatives, one representative of teacher preparation programs in early childhood-special education or other preparation programs in early childhood intervention, at least one representative of advocacy organizations for children with disabilities under age five, one physician who cares for young children with special health care needs, one representative each from the commissioners of commerce, education, health, human services, a representative from the state agency responsible for child care, foster care, mental health, homeless coordinator of education of homeless children and youth, and a representative from Indian health services or a tribal council. Section 15.059, subdivisions 2 to ~~5~~ 4, apply to the council. The council must meet at least quarterly.

The council must address methods of implementing the state policy of developing and implementing comprehensive, coordinated, multidisciplinary interagency programs of early intervention services for children with disabilities and their families.

The duties of the council include recommending policies to ensure a comprehensive and coordinated system of all state and local agency services for children under age five with disabilities and their families. The policies must address how to incorporate each agency's services into a unified state and local system of multidisciplinary assessment practices, individual intervention plans, comprehensive systems to find children in need of services, methods to improve public awareness, and assistance in determining the role of interagency early intervention committees.

On the date that Minnesota Part C Annual Performance Report is submitted to the federal Office of Special Education, the council must recommend to the governor and the commissioners of education, health, human services, commerce, and employment and economic development policies for a comprehensive and coordinated system.

Annually, the council must prepare and submit a report to the governor and the secretary of the federal Department of Education on the status of early intervention services and programs for infants and toddlers with disabilities and their families under the Individuals with Disabilities Education Act, United States Code, title 20, sections 1471 to 1485 (Part C, Public Law 102-119), as operated in Minnesota. The Minnesota Part C annual performance report may serve as the report.

Notwithstanding any other law to the contrary, the State Interagency Coordinating Council does not expire unless federal law no longer requires the existence of the council or committee.

Sec. 15. Minnesota Statutes 2012, section 134.31, subdivision 6, is amended to read:

Subd. 6. **Advisory committee.** The commissioner shall appoint an advisory committee of five members to advise the staff of the Minnesota Braille and Talking Book Library on long-range plans and library services. Members shall be people who use the library. Section 15.059 governs this committee ~~except that the committee shall not expire.~~

Sec. 16. Minnesota Statutes 2012, section 144.1255, subdivision 1, is amended to read:

Subdivision 1. **Creation and membership.** (a) By July 1, 2003, the commissioner of health shall appoint an advisory committee to provide advice and recommendations to the commissioner concerning tests and treatments for heritable and congenital disorders found in newborn children. Membership of the committee shall include, but not be limited to, at least one member from each of the following representative groups:

- (1) parents and other consumers;
- (2) primary care providers;
- (3) clinicians and researchers specializing in newborn diseases and disorders;
- (4) genetic counselors;
- (5) birth hospital representatives;
- (6) newborn screening laboratory professionals;
- (7) nutritionists; and
- (8) other experts as needed representing related fields such as emerging technologies and health insurance.

(b) The terms and removal of members are governed by section 15.059. Members shall not receive per diems but shall be compensated for expenses. ~~Notwithstanding section 15.059, subdivision 5, the advisory committee does not expire.~~

Sec. 17. Minnesota Statutes 2012, section 144.1481, subdivision 1, is amended to read:

Subdivision 1. **Establishment; membership.** The commissioner of health shall establish a 15-member Rural Health Advisory Committee. The committee shall consist of the following

members, all of whom must reside outside the seven-county metropolitan area, as defined in section 473.121, subdivision 2:

- (1) two members from the house of representatives of the state of Minnesota, one from the majority party and one from the minority party;
- (2) two members from the senate of the state of Minnesota, one from the majority party and one from the minority party;
- (3) a volunteer member of an ambulance service based outside the seven-county metropolitan area;
- (4) a representative of a hospital located outside the seven-county metropolitan area;
- (5) a representative of a nursing home located outside the seven-county metropolitan area;
- (6) a medical doctor or doctor of osteopathy licensed under chapter 147;
- (7) a midlevel practitioner;
- (8) a registered nurse or licensed practical nurse;
- (9) a licensed health care professional from an occupation not otherwise represented on the committee;
- (10) a representative of an institution of higher education located outside the seven-county metropolitan area that provides training for rural health care providers; and
- (11) three consumers, at least one of whom must be an advocate for persons who are mentally ill or developmentally disabled.

The commissioner will make recommendations for committee membership. Committee members will be appointed by the governor. In making appointments, the governor shall ensure that appointments provide geographic balance among those areas of the state outside the seven-county metropolitan area. The chair of the committee shall be elected by the members. The advisory committee is governed by section 15.059, except that the members do not receive per diem compensation. ~~Notwithstanding section 15.059, the advisory committee does not expire.~~

Sec. 18. Minnesota Statutes 2012, section 144.608, subdivision 2, is amended to read:

Subd. 2. **Council administration.** (a) The council must meet at least twice a year but may meet more frequently at the call of the chair, a majority of the council members, or the commissioner.

(b) The terms, compensation, and removal of members of the council are governed by section 15.059, ~~except that~~. The council expires June 30, 2015.

(c) The council may appoint subcommittees and work groups. Subcommittees shall consist of council members. Work groups may include noncouncil members. Noncouncil members shall be compensated for work group activities under section 15.059, subdivision 3, but shall receive expenses only.

Sec. 19. Minnesota Statutes 2012, section 145A.10, subdivision 10, is amended to read:

Subd. 10. **State and local advisory committees.** (a) A State Community Health Advisory Committee is established to advise, consult with, and make recommendations to the commissioner

on the development, maintenance, funding, and evaluation of community health services. Each community health board may appoint a member to serve on the committee. The committee must meet at least quarterly, and special meetings may be called by the committee chair or a majority of the members. Members or their alternates may be reimbursed for travel and other necessary expenses while engaged in their official duties. ~~Notwithstanding section 15.059, the State Community Health Advisory Committee does not expire.~~

(b) The city councils or county boards that have established or are members of a community health board may appoint a community health advisory committee to advise, consult with, and make recommendations to the community health board on the duties under subdivision 5a.

Sec. 20. Minnesota Statutes 2012, section 148.7805, subdivision 2, is amended to read:

Subd. 2. **Administration.** The advisory council is established and administered under section 15.059. ~~Notwithstanding section 15.059, subdivision 5, the council shall not expire.~~

Sec. 21. Minnesota Statutes 2012, section 153A.20, subdivision 2, is amended to read:

Subd. 2. **Organization.** The advisory council shall be organized and administered according to section 15.059; ~~except that, notwithstanding any other law to the contrary, the advisory council shall not expire.~~ The council may form committees to carry out its duties.

Sec. 22. Minnesota Statutes 2012, section 162.07, subdivision 5, is amended to read:

Subd. 5. **Screening board.** (a) On or before September 1 of each year the county engineer of each county shall forward to the commissioner, on forms prepared by the commissioner, all information relating to the mileage, in lane-miles, of the county state-aid highway system in the county, and the money needs of the county that the commissioner deems necessary in order to apportion the county state-aid highway fund in accordance with the formula heretofore set forth. Upon receipt of the information the commissioner shall appoint a board consisting of the following county engineers:

- (1) two county engineers from the metropolitan highway construction district;
- (2) one county engineer from each nonmetropolitan highway district; and
- (3) one additional county engineer from each county with a population of 175,000 or more.

No county engineer shall be appointed under clause (1) or (2) so as to serve consecutively for more than four years. The board shall investigate and review the information submitted by each county and shall on or before the first day of November of each year submit its findings and recommendations in writing as to each county's lane-mileage and money needs to the commissioner on a form prepared by the commissioner. Final determination of the lane-mileage of each system and the money needs of each county shall be made by the commissioner.

~~(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.~~

Sec. 23. Minnesota Statutes 2012, section 162.13, subdivision 3, is amended to read:

Subd. 3. **Screening board.** (a) On or before September 1 of each year, the engineer of each city having a population of 5,000 or more shall forward to the commissioner on forms prepared by the commissioner, all information relating to the money needs of the city that the commissioner deems necessary in order to apportion the municipal state-aid street fund in accordance with the apportionment formula heretofore set forth. Upon receipt of the information the commissioner

shall appoint a board of city engineers. The board shall be composed of one engineer from each state highway construction district, and in addition thereto, one engineer from each city of the first class. The board shall investigate and review the information submitted by each city. On or before November 1 of each year, the board shall submit its findings and recommendations in writing as to each city's money needs to the commissioner on a form prepared by the commissioner. Final determination of the money needs of each city shall be made by the commissioner. In the event that any city shall fail to submit the information provided for herein, the commissioner shall estimate the money needs of the city. The estimate shall be used in solving the apportionment formula. The commissioner may withhold payment of the amount apportioned to the city until the information is submitted.

~~(b) Notwithstanding section 15.059, subdivision 5, the board does not expire.~~

Sec. 24. Minnesota Statutes 2012, section 174.52, subdivision 3, is amended to read:

Subd. 3. **Advisory committee.** (a) The commissioner shall establish an advisory committee consisting of five members, including:

- (1) one county commissioner;
- (2) one county engineer;
- (3) one city engineer;
- (4) one city council member or city administrator representing a city with a population over 5,000; and
- (5) one city council member or city administrator representing a city with a population under 5,000. The advisory committee shall provide recommendations to the commissioner regarding expenditures from the trunk highway corridor projects account.

~~(b) Notwithstanding section 15.059, subdivision 5, the committee does not expire.~~

Sec. 25. Minnesota Statutes 2012, section 175.007, subdivision 1, is amended to read:

Subdivision 1. **Creation; composition.** (a) There is created a permanent Council on Workers' Compensation consisting of 12 voting members as follows: the presidents of the largest statewide Minnesota business and organized labor organizations as measured by the number of employees of its business members and in its affiliated labor organizations in Minnesota on July 1, 1992, and every five years thereafter; five additional members representing business, and five additional members representing organized labor. The commissioner of labor and industry shall serve as chair of the council and shall be a nonvoting member. ~~Notwithstanding section 15.059,~~ This council does not expire unless the council no longer fulfills the purpose for which the council was established, the council has not met in the last 18 months, or the council does not comply with the registration requirements of section 15.0599, subdivision 3.

(b) The governor, the majority leader of the senate, the speaker of the house, the minority leader of the senate, and the minority leader of the house of representatives shall each select a business and a labor representative. At least four of the labor representatives shall be chosen from the affiliated membership of the Minnesota AFL-CIO. At least two of the business representatives shall be representatives of small employers as defined in section 177.24, subdivision 1, paragraph (a), clause (2). None of the council members shall represent attorneys, health care providers,

qualified rehabilitation consultants, or insurance companies. If the appointing officials cannot agree on a method of appointing the required number of Minnesota AFL-CIO and small business representatives by the second Monday in June of the year in which appointments are made, they shall notify the secretary of state. The distribution of appointments shall then be determined publicly by lot by the secretary of state or a designee in the presence of the appointing officials or their designees on the third Monday in June.

(c) Each council member shall appoint an alternate. Alternates shall serve in the absence of the member they replace.

(d) The ten appointed voting members shall serve for terms of five years and may be reappointed.

(e) The council shall designate liaisons to the council representing workers' compensation insurers; medical, hospital, and rehabilitation providers; and the legal profession. The speaker and minority leader of the house of representatives shall each appoint a caucus member as a liaison to the council. The majority and minority leaders of the senate shall each appoint a caucus member to serve as a liaison to the council.

(f) The compensation and removal of members shall be as provided in section 15.059.

Sec. 26. Minnesota Statutes 2012, section 182.656, subdivision 3, is amended to read:

Subd. 3. **Meetings.** A majority of the council members constitutes a quorum. The council shall meet at the call of its chair, or upon request of any six members. A tape recording of the meeting with the tape being retained for a one-year period will be available upon the request and payment of costs to any interested party. The council shall expire and the terms, compensation, and removal of members shall be as provided in section 15.059, ~~except that the council shall not expire.~~

Sec. 27. Minnesota Statutes 2012, section 214.13, subdivision 4, is amended to read:

Subd. 4. **Delegation of regulation activities.** The commissioner of health shall wherever possible delegate the administration of regulation activities to a health-related licensing board with the concurrence of that board. If the commissioner of health delegates this function, the licensing board may regularly bill the commissioner of health for the cost of performing this function. The licensing board may directly set and charge fees in accordance with the provisions of section 214.06. The commissioner of health may establish an advisory council to advise the commissioner or the appropriate health-related licensing board on matters relating to the registration and regulation of an occupation. A council shall have seven members appointed by the commissioner of which five are members of the registered occupation or related registered or licensed occupations, and two are public members. ~~A council shall expire, and~~ The terms, compensation, and removal of members shall be as provided in section 15.059.

Sec. 28. Minnesota Statutes 2012, section 240.18, subdivision 4, is amended to read:

Subd. 4. **Rules; advisory committees.** The commission shall adopt rules governing the distribution of the fund. The commission may establish advisory committees to advise it on the distribution of money under this section, provided that the members of an advisory committee shall serve without compensation. ~~The expiration date provided in section 15.059, subdivision 5, does not apply to this subdivision.~~

Sec. 29. Minnesota Statutes 2012, section 241.021, subdivision 4c, is amended to read:

Subd. 4c. **Duration of peer review committee.** The peer review committee under subdivision 4b does not expire and the expiration date provided in section 15.059, subdivision 5, does not apply to this section.

Sec. 30. Minnesota Statutes 2012, section 243.1606, subdivision 4, is amended to read:

Subd. 4. **Expiration; expenses.** The provisions of section 15.059 apply to the council except that it does not expire.

Sec. 31. Minnesota Statutes 2012, section 256B.0625, subdivision 13i, is amended to read:

Subd. 13i. **Drug Utilization Review Board; report.** (a) A nine-member Drug Utilization Review Board is established. The board must be comprised of at least three but no more than four licensed physicians actively engaged in the practice of medicine in Minnesota; at least three licensed pharmacists actively engaged in the practice of pharmacy in Minnesota; and one consumer representative. The remainder must be made up of health care professionals who are licensed in their field and have recognized knowledge in the clinically appropriate prescribing, dispensing, and monitoring of covered outpatient drugs. Members of the board must be appointed by the commissioner, shall serve three-year terms, and may be reappointed by the commissioner. The board shall annually elect a chair from among its members.

(b) The board must be staffed by an employee of the department who shall serve as an ex officio nonvoting member of the board.

(c) The commissioner shall, with the advice of the board:

(1) implement a medical assistance retrospective and prospective drug utilization review program as required by United States Code, title 42, section 1396r-8, subsection (g), paragraph (3);

(2) develop and implement the predetermined criteria and practice parameters for appropriate prescribing to be used in retrospective and prospective drug utilization review;

(3) develop, select, implement, and assess interventions for physicians, pharmacists, and patients that are educational and not punitive in nature;

(4) establish a grievance and appeals process for physicians and pharmacists under this section;

(5) publish and disseminate educational information to physicians and pharmacists regarding the board and the review program;

(6) adopt and implement procedures designed to ensure the confidentiality of any information collected, stored, retrieved, assessed, or analyzed by the board, staff to the board, or contractors to the review program that identifies individual physicians, pharmacists, or recipients;

(7) establish and implement an ongoing process to:

(i) receive public comment regarding drug utilization review criteria and standards; and

(ii) consider the comments along with other scientific and clinical information in order to revise criteria and standards on a timely basis; and

(8) adopt any rules necessary to carry out this section.

(d) The board may establish advisory committees. The commissioner may contract with appropriate organizations to assist the board in carrying out the board's duties. The commissioner

may enter into contracts for services to develop and implement a retrospective and prospective review program.

(e) The board shall report to the commissioner annually on the date the drug utilization review annual report is due to the Centers for Medicare and Medicaid Services. This report must cover the preceding federal fiscal year. The commissioner shall make the report available to the public upon request. The report must include information on the activities of the board and the program; the effectiveness of implemented interventions; administrative costs; and any fiscal impact resulting from the program. An honorarium of \$100 per meeting and reimbursement for mileage must be paid to each board member in attendance.

(f) This subdivision is exempt from the provisions of section 15.059. ~~Notwithstanding section 15.059, subdivision 5, the board is permanent and does not expire.~~

Sec. 32. Minnesota Statutes 2012, section 256C.28, subdivision 1, is amended to read:

Subdivision 1. **Membership.** The Commission of Deaf, DeafBlind and Hard-of-Hearing Minnesotans consists of seven members appointed at large and one member from each advisory committee established under section 256C.24, subdivision 3. At least 50 percent of the members must be deaf or deafblind or hard of hearing. Members shall include persons who are deaf, deafblind, and hard of hearing, parents of children who are deaf, deafblind, and hard of hearing, and representatives of county and regional human services, including representatives of private service providers. Commission members are appointed by the governor for a three-year term and shall serve no more than two consecutive terms. The commission shall select one member as chair. ~~Notwithstanding section 15.059, the commission does not expire.~~

Sec. 33. Minnesota Statutes 2012, section 270C.12, subdivision 5, is amended to read:

Subd. 5. **Duration.** Notwithstanding the provisions of any statutes to the contrary, ~~including section 15.059,~~ the coordinating committee as established by this section to oversee and coordinate preparation of the microdata samples of income tax returns and other information shall not expire.

Sec. 34. Minnesota Statutes 2012, section 298.2213, subdivision 5, is amended to read:

Subd. 5. **Advisory committees.** Before submission to the board of a proposal for a project for expenditure of money appropriated under this section, the commissioner of Iron Range resources and rehabilitation shall appoint a technical advisory committee consisting of at least seven persons who are knowledgeable in areas related to the objectives of the proposal. If the project involves investment in a scientific research proposal, at least four of the committee members must be knowledgeable in the specific scientific research area relating to the project. Members of the committees must be compensated as provided in section 15.059, subdivision 3. The board shall not act on a proposal until it has received the evaluation and recommendations of the technical advisory committee. ~~Notwithstanding section 15.059, the committees do not expire.~~

Sec. 35. Minnesota Statutes 2012, section 298.2214, subdivision 1, is amended to read:

Subdivision 1. **Creation of committee; purpose.** A committee is created to advise the commissioner of Iron Range resources and rehabilitation on providing higher education programs in the taconite assistance area defined in section 273.1341. The committee is subject to section 15.059 ~~but does not expire.~~

Sec. 36. Minnesota Statutes 2012, section 298.297, is amended to read:

298.297 ADVISORY COMMITTEES.

Before submission of a project to the board, the commissioner of Iron Range resources and rehabilitation shall appoint a technical advisory committee consisting of one or more persons who are knowledgeable in areas related to the objectives of the proposal. Members of the committees shall be compensated as provided in section 15.059, subdivision 3. The board shall not act on a proposal until it has received the evaluation and recommendations of the technical advisory committee or until 15 days have elapsed since the proposal was transmitted to the advisory committee, whichever occurs first. ~~Notwithstanding section 15.059, the committees do not expire.~~

Sec. 37. Minnesota Statutes 2012, section 299E.04, subdivision 5, is amended to read:

Subd. 5. **Expiration.** ~~Notwithstanding section 15.059, subdivision 5,~~ The advisory committee on Capitol Area Security expires June 30, 2022.

Sec. 38. Minnesota Statutes 2012, section 326B.07, subdivision 1, is amended to read:

Subdivision 1. **Membership.** (a) The Construction Codes Advisory Council consists of the following members:

(1) the commissioner or the commissioner's designee representing the department's Construction Codes and Licensing Division;

(2) the commissioner of public safety or the commissioner of public safety's designee representing the Department of Public Safety's State Fire Marshal Division;

(3) one member, appointed by the commissioner, engaged in each of the following occupations or industries:

(i) certified building officials;

(ii) fire chiefs or fire marshals;

(iii) licensed architects;

(iv) licensed professional engineers;

(v) commercial building owners and managers;

(vi) the licensed residential building industry;

(vii) the commercial building industry;

(viii) the heating and ventilation industry;

(ix) a member of the Plumbing Board;

(x) a member of the Board of Electricity;

(xi) a member of the Board of High Pressure Piping Systems;

(xii) the boiler industry;

(xiii) the manufactured housing industry;

- (xiv) public utility suppliers;
- (xv) the Minnesota Building and Construction Trades Council; and
- (xvi) local units of government.

(b) The commissioner or the commissioner's designee representing the department's Construction Codes and Licensing Division shall serve as chair of the advisory council. For members who are not state officials or employees, compensation and removal of members of the advisory council are governed by section 15.059. The terms of the members of the advisory council shall be four years. The terms of eight of the appointed members shall be coterminous with the governor and the terms of the remaining nine appointed members shall end on the first Monday in January one year after the terms of the other appointed members expire. An appointed member may be reappointed. Each council member shall appoint an alternate to serve in their absence. ~~The committee is not subject to the expiration provision of section 15.059, subdivision 5.~~

Sec. 39. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall: (1) remove cross-references to the sections repealed in articles 1 to 8 wherever they appear in Minnesota Statutes and Minnesota Rules; and (2) make changes necessary to correct the punctuation, grammar, or structure of the remaining text and preserve its meaning.

Sec. 40. **REPEALER.**

Minnesota Statutes 2012, sections 15B.32, subdivision 7; 127A.70, subdivision 3; 136A.031, subdivision 5; 147E.35, subdivision 4; and 245.97, subdivision 7, are repealed."

Amend the title numbers accordingly

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

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

H.F. No. 683: A bill for an act relating to water; creating Legislative Water Commission; providing appointments; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2227 and 2467 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2446, 1863 and 683 were read the second time.

MEMBERS EXCUSED

Senators Limmer; Metzen; Pederson J. and Rosen were excused from the Session of today. Senator Dibble was excused from the Session of today from 11:00 to 11:25 a.m. Senators Newman, Pappas, Pratt, Stumpf and Tomassoni were excused from the Session of today from 11:00 to 11:30 a.m. Senator Scalze was excused from the Session of today from 11:00 to 11:30 a.m. and from

3:30 to 3:50 p.m. Senator Koenen was excused from the Session of today at 12:30 p.m. Senator Chamberlain was excused from the Session of today from 12:30 to 12:45 p.m. Senator Hall was excused from the Session of today from 12:30 to 1:20 p.m. Senator Schmit was excused from the Session of today from 12:30 to 2:00 p.m. Senator Eken was excused from the Session of today from 12:45 to 1:00 p.m. Senator Brown was excused from the Session of today at 1:05 p.m. Senator Nelson was excused from the Session of today from 1:20 to 1:25 p.m. Senator Ingebrigtsen was excused from the Session of today at 2:20 p.m. Senator Reinert was excused from the Session of today at 3:15 p.m. Senator Fischbach was excused from the Session of today at 3:40 p.m. Senators Housley, Sheran and Torres Ray were excused from the Session of today at 3:50 p.m.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 12:00 noon, Monday, May 5, 2014. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate

