

STATE OF MINNESOTA

EIGHTY-SIXTH SESSION — 2009

 TWENTY-SECOND DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 19, 2009

The House of Representatives convened at 10:30 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Joel Baranko, Our Savior's Lutheran Church, Outing, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Haws and Hosch were excused.

Hoppe was excused until 10:55 a.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 32 and H. F. No. 172, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Hilstrom moved that S. F. No. 32 be substituted for H. F. No. 172 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 978 and H. F. No. 782, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Sterner moved that the rules be so far suspended that S. F. No. 978 be substituted for H. F. No. 782 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

H. F. No. 7, A bill for an act relating to state government; clarifying and strengthening laws prohibiting misuse of state funds; amending Minnesota Statutes 2008, sections 3.975; 16A.139; proposing coding for new law in Minnesota Statutes, chapter 43A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 3.971, subdivision 6, is amended to read:

Subd. 6. **Financial audits.** The legislative auditor shall audit the financial statements of the state of Minnesota required by section 16A.50 and, as resources permit, shall audit Minnesota State Colleges and Universities, the University of Minnesota, state agencies, departments, boards, commissions, courts, and other state organizations subject to audit by the legislative auditor, including the State Agricultural Society, Agricultural Utilization Research Institute, Enterprise Minnesota, Inc., Minnesota Historical Society, Labor Interpretive Center, Minnesota Partnership for Action Against Tobacco, Metropolitan Sports Facilities Commission, Metropolitan Airports Commission, and Metropolitan Mosquito Control District. Financial audits must be conducted according to generally accepted government auditing standards. The legislative auditor shall see that all provisions of law respecting the appropriate and economic use of public funds are complied with and may, as part of a financial audit or separately, investigate allegations of noncompliance ~~by employees of departments and agencies of the state government and the other organizations listed in this subdivision.~~

Sec. 2. Minnesota Statutes 2008, section 3.975, is amended to read:

3.975 DUTIES CONCERNING MISUSE OF PUBLIC MONEY OR OTHER RESOURCES.

If a legislative auditor's examination discloses that a state official or employee has used money for a purpose other than the purpose for which the money was appropriated or discloses any other misuse of public money or other public resources, the legislative auditor shall file a report with the Legislative Audit Commission, the attorney general, and the appropriate county attorney. The attorney general shall seek recovery of money and other resources as the evidence may warrant. The county attorney shall cause criminal proceedings to be instituted as the evidence may warrant.

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

Sec. 3. Minnesota Statutes 2008, section 16A.139, is amended to read:

16A.139 MISAPPROPRIATION OF MONEY.

~~It is illegal for any~~ (a) No official or head of any state department, or any employee thereof of a state department, to may intentionally use moneys money appropriated by law, or fees collected knowing that the use is for any other a purpose other than the purpose for which the moneys have been money was appropriated, and any such act by any. Unless a greater penalty is specified elsewhere in law, a person who violates this paragraph is guilty of a gross misdemeanor.

(b) A violation of paragraph (a) by a head of a department, or any state official, is cause for immediate removal of the official or head of a state department from the position held with the government of this state. A criminal conviction under paragraph (a) is not a prerequisite for removal.

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

Sec. 4. **[43A.325] BEST PRACTICES FOR INVESTIGATIONS.**

The commissioner of finance must develop and make available to appointing authorities a best practices policy for conducting investigations in which the appointing authority compels its employees to answer questions about allegedly inappropriate activity. The best practices policy must be designed to facilitate effective investigations, without compromising the ability to prosecute criminal cases when appropriate. Each appointing authority must follow the best practices policy or, in consultation with the attorney general, must develop its own policy for conducting these investigations.

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

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety Policy and Oversight.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 253, A bill for an act relating to animals; providing standards of care for dog and cat breeders; authorizing rulemaking; providing criminal penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 347.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[347.57] DEFINITIONS.**

Subdivision 1. **Terms.** The definitions in this section apply to sections 347.57 to 347.64.

Subd. 2. **Animal.** "Animal" means a dog or a cat.

Subd. 3. **Board.** "Board" means the Minnesota Board of Animal Health.

Subd. 4. **Commercial breeder.** "Commercial breeder" means a person, other than a hobby breeder, who possesses or has an ownership interest in animals and is engaged in the business of breeding animals for sale or for exchange in return for consideration, and who possesses 20 or more adult intact animals and who produces five or more total litters of puppies or kittens per year.

Subd. 5. **Broker.** "Broker" means a person, firm, partnership, corporation, or association that purchases animals for resale to other brokers or pet dealers.

Subd. 6. **Cat.** "Cat" means a mammal that is wholly or in part of the species *Felis domesticus*. An adult cat is a cat 24 weeks of age or older. A kitten is a cat under 24 weeks of age.

Subd. 7. **Confinement area.** "Confinement area" means a structure used or designed for use to restrict an animal to a limited amount of space, such as a room, pen, cage, kennel, compartment, crate, or hutch.

Subd. 8. **Dog.** "Dog" means a mammal that is wholly or in part of the species *Canis familiaris*. An adult dog is a dog 24 weeks of age or older. A puppy is a dog under 24 weeks of age.

Subd. 9. **Facility.** "Facility" means the place used by a commercial breeder for breeding animals, and includes all buildings, property, confinement areas, and vehicles.

Subd. 10. **Hobby breeder.** "Hobby breeder" means a person who possesses or has an ownership interest in animals and is engaged in the business of breeding animals for sale or for exchange in return for consideration, and who possesses fewer than 20 adult intact animals or who produces fewer than five total litters of puppies or kittens per year.

Subd. 11. **Local animal control authority.** "Local animal control authority" means an agency of the state, county, municipality, or other political subdivision of the state that is responsible for animal control operations in its jurisdiction.

Subd. 12. **Person.** "Person" means a natural person, firm, partnership, corporation, or association, however organized.

Subd. 13. **Pet dealer.** "Pet dealer" means a person, including a commercial breeder, that is required to collect sales tax for the sale of animals to the public. "Pet dealer" does not include a humane society, nonprofit organization performing the functions of a humane society, or local animal control authority.

Subd. 14. **Possess.** "Possess" means to have custody of or have control over.

Subd. 15. **Veterinarian.** "Veterinarian" means a veterinarian in good standing and licensed in the state of Minnesota.

Sec. 2. **[347.58] LICENSING AND INSPECTIONS.**

Subdivision 1. **Licensing.** (a) The board may grant an operating license to a commercial breeder and shall enforce sections 347.58 to 347.63.

(b) Beginning July 1, 2010, a commercial breeder must obtain an annual license for each facility it owns or operates. More than one building on the same premises is considered one facility. The board shall establish by rule a range for the initial license fee and the annual license fee not to exceed \$..... for each facility where a commercial breeder possesses adult breeding animals. The range must increase the fee paid by a commercial breeder in relationship to the number of adult breeding animals possessed by the commercial breeder at each facility.

(c) The board or its agent shall inspect a commercial breeder's facility before an initial license is issued. An announced initial prelicense inspection must be performed no more than 30 days before filing a license application. The initial prelicense inspection fee must be included with the prelicense application. The application must include an inspection certificate signed by the inspector in a format approved by the board.

(d) The license application must indicate if a commercial breeder operates under more than one name from a single location or has an ownership interest in any other facility. License holders must keep separate records for each business name.

(e) The application must include a notarized statement that includes the following information:

(1) whether any license held by an applicant under this section or under any other federal, state, county, or local law, ordinance, or other regulation relating to dealing in or handling cats or dogs was ever suspended, revoked, or denied;

(2) whether the applicant was ever convicted of animal cruelty; and

(3) the estimated number of adult animals that will be kept, housed, and maintained by the applicant at the location that is the subject of the application and the estimated number of puppies and kittens to be kept, housed, and maintained during the term of the license.

(f) An application from a partnership, corporation, or limited liability company must include the name and address of all partners, directors, officers, or members and must include a notation of any partners, directors, officers, members, or others authorized to represent the partnership, corporation, or limited liability company.

(g) A nonresident applicant must consent to adjudication of any violation under the laws of the state of Minnesota and in Minnesota courts.

(h) A license issued under this section is not transferable.

(i) A license holder must apply for license renewal annually by submitting a renewal application on a form approved by the board. The license renewal application must be postmarked by July 1 of each year. A late renewal is subject to a 50 percent penalty fee. If a license is not renewed by August 1, the license holder must reapply for an initial license.

(j) A commercial breeder must submit to the board an annual report by August 1 on a form prepared by the board. The form must include the current number of cats and dogs at the facility on the date of the report, the number of animals during the preceding year that were sold, traded, bartered, leased, brokered, given away, euthanized, or deceased from other causes, and any other information required by the board.

(k) If a commercial breeder is required to be licensed by the United States Department of Agriculture, the initial application must include United States Department of Agriculture inspection reports for the past three years for any facility owned or operated by that commercial breeder. Current United States Department of Agriculture inspection reports and records must be made available during an inspection, upon request.

(l) A commercial breeder must prominently display the commercial breeder's license at each facility.

(m) A commercial breeder's state license number must be included in all of the commercial breeder's advertisements or promotions that pertain to animals being sold or traded including, but not limited to, all newspapers, internet, radio, or flyers.

(n) A commercial breeder must notify the board by certified mail within ten days of any change in address, name, management, or substantial control and ownership of the business or operation.

(o) The board shall refuse to issue an initial license when a commercial breeder:

(1) has violated any provision of chapter 343 or 346;

(2) has failed to meet any of the requirements of this section and section 347.59;

(3) has failed to meet any of the requirements of a local ordinance governing the license holder;

(4) has been convicted of cruelty to animals under Minnesota law or under the law of another jurisdiction;

(5) has been denied a similar license issued by another authority, either federal or state, or if the license has been revoked or suspended; or

(6) has falsified any material information requested by the board.

(p) A person who has been an officer, agent, direct family member, or employee of a commercial breeder whose license was revoked or suspended and who was responsible for or participated in the violation that was a basis for the revocation or suspension may not be licensed while the revocation or suspension is in effect.

Subd. 2. Inspections. (a) The board may delegate inspection authority to a county or a city pursuant to a written agreement between the board and an authorized official of the county or city. The board shall train a delegated agent in the board's inspection procedures. The board or its designated agent shall inspect each licensed facility at least annually. The unannounced inspection must be during normal business hours and with the commercial breeder or an agent of the commercial breeder present. The inspector must submit an inspection report to the board within ten days of each inspection on a form prepared by the board. The inspection report form must list separately each law, rule, regulation, and ordinance the facility is not in compliance with and what correction is required for compliance. The inspection report form must document the animal inventory on the date of the inspection.

(b) The board may request a veterinarian not affiliated with the commercial breeder, a peace officer, a local animal control authority, or a humane agent appointed under section 343.01 to assist in an inspection or investigation. A commercial breeder may also have the breeder's veterinarian of record available.

(c) If a license to operate is suspended, revoked, or denied, the board or its designated agent shall have access to the facility during normal business hours to verify that it is not operating.

Subd. 3. **Fees; rules.** The board shall adopt rules to establish the license fees required by this section.

Subd. 4. **Enforcement grants to local units of government.** The board may fully or partially reimburse local units of government for costs incurred by the local unit of government to perform the work authorized by an agreement under subdivision 1. A local unit of government seeking reimbursement must apply to the board for grant funding on forms provided by the board.

Sec. 3. **[347.59] STANDARDS OF CARE.**

(a) A commercial breeder must comply with the following:

(1) chapters 343 and 346; and

(2) the requirements of an applicable local ordinance governing the license holder.

(b) A commercial breeder must ensure that animals that are part of the commercial breeder's breeding business operations are cared for as follows:

(1) cats must not be housed in outdoor confinement areas;

(2) animals exercised in groups must be compatible and free of illness;

(3) females in estrus must not be housed with unneutered males, except for breeding purposes;

(4) animals must be provided daily socialization with human beings and compatible animals;

(5) animals must not be sold, traded, or given away before the age of eight weeks;

(6) the commercial breeder must provide identification and tracking for each animal, which is not transferable to another animal; and

(7) the commercial breeder must provide adequate staff to maintain the facility and properly care for the animals.

(c) A commercial breeder must not knowingly hire staff or independent contractors who have been convicted of cruelty to animals under the law of any jurisdiction.

(d) A commercial breeder must comply with any additional standards the board considers necessary to protect the public health and welfare of animals covered under sections 347.57 to 347.61. The standards must be established by rule.

(e) A United States Department of Agriculture (USDA) licensed breeder or dealer who is in compliance with the minimum USDA regulations governing the license holder as they relate to animal confinement areas as of the effective date of this section does not have to comply with the minimum confinement area measurements under section 346.39, subdivision 4, for existing confinement areas in each facility the breeder or dealer owns. If a USDA

licensed breeder or dealer builds a new confinement area after the effective date of this section, those minimum standards must meet or exceed the minimum specifications as they relate to confinement area size under section 346.39, subdivision 4.

Sec. 4. **[347.60] INVESTIGATIONS.**

The board, a local animal control authority, a peace officer, or a humane agent appointed under section 343.01 may initiate an investigation upon receiving a formal complaint alleging violations of section 347.58 or 347.59.

Sec. 5. **[347.61] SEIZURE.**

An animal may be seized for a violation of section 347.58 or 347.59 that threatens the health or welfare of the animal, or where conditions or practices exist that threaten the health or welfare of the animal. Section 343.235 applies to the disposition of animals seized under this section.

Sec. 6. **[347.62] CIVIL ENFORCEMENT.**

Subdivision 1. **Correction orders.** (a) The board may issue a correction order requiring a commercial breeder to correct a violation of state statutes, rules, and regulations governing breeding facilities. The correction order must state the deficiencies that constitute the violation; the specific statute, rule, or regulation violated; and when the violation must be corrected.

(b) A commercial breeder may ask the board to reconsider any portion of the correction order that the commercial breeder believes is in error. The request for reconsideration must be made in writing by certified mail within seven days after receipt of the correction order. The request for reconsideration does not stay the correction order. The board must respond to the request for reconsideration within 15 days after receiving a request. The board's disposition of a request for reconsideration is final. The board may extend the time for complying with a correction order after receiving a request for reconsideration if necessary.

(c) The board shall reinspect the facility within 15 days after the time for correcting the violation has passed to determine whether the violation has been corrected. If the violation has been corrected, the board shall notify the commercial breeder in writing that the commercial breeder is in compliance with the correction order.

Subd. 2. **Administrative penalty orders.** After the inspection required under subdivision 1, paragraph (c), the board may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations. The administrative penalty order must include a citation of the statute, rule, or regulation violated; a description of the violation; and the amount of the penalty for each violation. A single correction order may assess a maximum administrative penalty of \$5,000.

Subd. 3. **Injunctive relief.** In addition to any other remedy provided by law, the board may bring an action for injunctive relief in the district court in Ramsey County or in the county in which a violation of the statutes, rules, or regulations governing the breeding of cats and dogs occurred to enjoin the violation.

Subd. 4. **Cease and desist.** The board must issue an order to cease a practice if its continuation would result in an immediate risk to animal welfare or public health. An order issued under this subdivision is effective for a maximum of 72 hours. The board or its designated agent must seek an injunction or take other administrative action authorized by law to restrain a practice beyond 72 hours. The issuance of a cease-and-desist order does not preclude other enforcement action by the board.

Subd. 5. **Refusal to reissue license; license suspension or revocation.** (a) The board may suspend, revoke, or refuse to renew a license as follows:

- (1) for failure to comply with a correction order;
- (2) for failure to pay an administrative penalty;
- (3) for failure to meet the requirements of section 347.58 or 347.59; or
- (4) for falsifying information requested by the board.

A license suspension, revocation, or nonrenewal may be appealed through the Office of Administrative Hearings. A notice of intent to appeal must be filed in writing with the board within 20 days after receipt of the notice of suspension, revocation, or nonrenewal.

(b) The board shall revoke a license if a commercial breeder has been convicted of cruelty to animals under Minnesota law or the law of another jurisdiction, or for the denial, revocation, or suspension of a similar license by another federal or state authority. A license revocation under this subdivision may be appealed through the Office of Administrative Hearings. A notice of intent to appeal must be filed in writing with the board within 20 days after receipt of the notice of revocation.

(c) A commercial breeder whose license is revoked may not reapply for licensure for two years after the date of revocation. The license is permanently revoked if the basis for the revocation was a gross misdemeanor or felony conviction for animal cruelty.

(d) A commercial breeder whose license is suspended or revoked three times is permanently barred from licensure.

Subd. 6. **Administrative hearing rights.** (a) Except as provided in paragraph (b), if the board proposes to refuse to renew, suspend, or revoke a license, the board must first notify the commercial breeder in writing of the proposed action and provide an opportunity to request a hearing under the contested case provisions of chapter 14. If the commercial breeder does not request a hearing within 20 days after receipt of the notice of the proposed action, the board may proceed with the action without a hearing.

(b) The contested case provisions of chapter 14 do not apply when the board denies a license based on an applicant's failure to meet the minimum qualifications for licensure.

(c) A commercial breeder may appeal the amount of an administrative penalty order through the Office of Administrative Hearings pursuant to the procedures set forth in chapter 14. A commercial breeder wishing to file an appeal must notify the board in writing within 20 days after receipt of the administrative penalty order.

Subd. 7. **Other jurisdictions.** The board may accept as prima facie evidence of grounds for an enforcement action under this section any enforcement or disciplinary action from another jurisdiction, if the underlying violation would be grounds for a violation under the provisions of this section.

Subd. 8. **Appeals.** A final order by the board may be appealed to the Minnesota Court of Appeals.

Sec. 7. **[347.63] PENALTIES.**

(a) Except as provided in paragraph (b), a violation of section 347.58 or 347.59 is a misdemeanor.

(b) A violation of section 347.58 or 347.59 that results in cruelty or torture to an animal, as those terms are defined in section 343.20, subdivision 3, is subject to the penalties in section 343.21, subdivisions 9 and 10.

(c) It is a misdemeanor for a broker or pet dealer to knowingly purchase or trade a dog or cat for the purpose of resale or trade to another person from a person required to be licensed but who does not have a valid license.

(d) It is a misdemeanor for a pet dealer who is not the commercial breeder of any animal to knowingly possess an animal under the age of eight weeks. This restriction does not apply to humane societies, nonprofit organizations performing the functions of a humane society, or a local animal control authority.

(e) It is a misdemeanor to falsify information in a license application, annual report, or records.

(f) It is a misdemeanor for an unlicensed commercial breeder to advertise animals for sale.

Sec. 8. **[347.64] DOG AND CAT BREEDERS LICENSING ACCOUNT; APPROPRIATION.**

Subdivision 1. **Fees and penalties.** A dog and cat breeders licensing account is created in the special revenue fund. All fees and penalties collected by the board under sections 347.58 to 347.63 must be deposited in the state treasury and credited to the dog and cat breeders licensing account in the special revenue fund. Money in the account, including interest on the account, is annually appropriated to the board to administer those sections.

Subd. 2. **Donations for licensing and inspection program.** The board may accept donations and contributions from private parties for the development and administration of the licensing program under sections 347.57 to 347.64. Money received under this section must be deposited in the dog and cat breeders licensing account established under subdivision 1.

Sec. 9. **REGISTRATION.**

Beginning July 1, 2009, until June 30, 2010, a commercial breeder shall register each facility it owns or operates by paying a registration fee not to exceed \$..... per facility to the board. Fees collected under this section must be disposed of under Minnesota Statutes, section 347.64.

Sec. 10. **EFFECTIVE DATE.**

Sections 1 to 7 are effective July 1, 2010. Sections 8 and 9 are effective the day following final enactment. The implementation of section 9 is effective upon receiving private contributions of at least \$50,000 that have been deposited in the dog and cat breeders licensing account."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 330, A bill for an act relating to real estate; providing homeowners with a longer period within which to notify contractors of construction defects; amending Minnesota Statutes 2008, section 327A.03.

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

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

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

Reported the same back with the following amendments:

Page 1, line 12, reinstate the stricken "written" and insert "or actual"

Page 2, line 12, reinstate the stricken "in writing" and insert "or otherwise"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 420, A bill for an act relating to real estate; requiring that existing statutory implied residential construction warranties be made as express warranties and be provided to the buyer in writing; prohibiting waivers of the warranty; amending Minnesota Statutes 2008, sections 327A.04; 327A.06; 327A.07; 327A.08.

Reported the same back with the following amendments:

Page 3, lines 23 and 25, delete "explicit"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 497, A bill for an act relating to government data practices; authorizing access to certain firearm data by parole and probation authorities; amending Minnesota Statutes 2008, section 13.87, by adding a subdivision.

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

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 528, A bill for an act relating to reverse mortgages; eliminating the requirement that a reverse mortgage becomes due when committed principal has been fully paid; mandating counseling by an independent housing agency; regulating lender default; imposing liability on a subsequent purchaser of a reverse mortgage; providing for a right of rescission; defining suitability; amending Minnesota Statutes 2008, section 47.58, subdivisions 1, 3, 8, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapters 58; 60K.

Reported the same back with the following amendments:

Page 5, line 13, after the first "mortgage" insert "that is not federally insured"

Page 5, line 23, delete "30" and insert "ten" and delete everything after the period

Page 5, delete lines 24 to 27

Page 5, line 32, delete "thirty" and insert "ten"

Page 6, line 1, delete everything after the period

Page 6, line 2, delete everything before the quotation marks

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 569, A bill for an act relating to solid waste; requiring a pilot program to be implemented by paint manufacturers to recycle paint; amending Minnesota Statutes 2008, section 13.7411, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 115A.

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

The report was adopted.

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

H. F. No. 710, A bill for an act relating to agriculture; changing duties of the Food Safety and Defense Task Force; changing membership and procedures of the Minnesota Organic Advisory Task Force; eliminating language requiring two annual reports; amending Minnesota Statutes 2008, sections 28A.21, subdivision 5; 31.94; repealing Minnesota Statutes 2008, sections 17.49, subdivision 3; 18G.12, subdivision 5.

Reported the same back with the following amendments:

Page 3, after line 27, insert:

"Sec. 4. **EFFECTIVE DATE.**

Section 2 is effective June 30, 2009."

With the recommendation that when so amended the bill pass.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 819, A bill for an act relating to commerce; prohibiting certain unfair Internet ticket sales by original sellers; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[609.807] PROHIBITION OF EARLY INTERNET SALES OF EVENT TICKETS AT INFLATED PRICES.**

(a) Any person or entity that serves as the initial seller, over the Internet, of tickets of admission to a sporting event, theatre, musical performance, or place of public entertainment or amusement of any kind, shall make available for sale all tickets under the control of the initial seller in the manner directed by the provider of the event or provider of the venue. The initial seller shall not divert tickets from the initial sale to be sold in any other manner.

(b) No person or entity who sells or resells, over the Internet, tickets of admission to a sporting event, theatre, musical performance, or place of public entertainment or amusement of any kind, shall sell, resell, or offer to sell or resell, tickets prior to the tickets being offered for sale in the manner authorized by the provider of the event or provider of the venue.

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

Amend the title as follows:

Page 1, line 3, after "sellers" insert "and resellers"

With the recommendation that when so amended the bill pass.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 927, A bill for an act relating to labor and industry; modifying construction codes and licensing; adding provisions relating to high pressure piping profession; modifying previous appropriations restrictions; extending authority to adopt rules for obtaining boiler licenses; requiring rulemaking; amending Minnesota Statutes 2008, sections 326B.082, subdivision 12; 326B.084; 326B.43, subdivision 1; 326B.435, subdivision 2; 326B.475, subdivision 6; 326B.52, subdivision 1; 326B.53; 326B.55, subdivision 1; 326B.59; 326B.801; 326B.921, subdivision 1, by adding a subdivision; Laws 2008, chapter 363, article 10, section 4, subdivision 1; repealing Minnesota Statutes 2008, section 326B.43, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 326B.082, subdivision 12, is amended to read:

Subd. 12. **Issuance of licensing orders; hearings related to licensing orders.** (a) If the commissioner determines that a permit, license, registration, or certificate should be conditioned, limited, suspended, revoked, or denied under subdivision 11, or that the permit holder, licensee, registrant, or certificate holder should be censured under subdivision 11, then the commissioner shall issue to the person an order denying, conditioning, limiting, suspending, or revoking the person's permit, license, registration, or certificate, or censuring the permit holder, licensee, registrant, or certificate holder.

(b) Any order issued under paragraph (a) may include an assessment of monetary penalties and may require the person to cease and desist from committing the violation or committing the act, conduct, or practice set out in subdivision 11, paragraph (b). The monetary penalty may be up to \$10,000 for each violation or act, conduct, or practice committed by the person. The procedures in section 326B.083 must be followed when issuing orders under paragraph (a).

(c) The permit holder, licensee, registrant, certificate holder, or applicant to whom the commissioner issues an order under paragraph (a) shall have 30 days after ~~service~~ issuance of the order to request a hearing. The request for hearing must be in writing and must be served on or faxed to the commissioner at the address or fax number specified in the order by the 30th day after ~~service~~ issuance of the order. If the person does not request a hearing or if the person's written request for hearing is not served on or faxed to the commissioner by the 30th day after ~~service~~ issuance of the order, the order shall become a final order of the commissioner and will not be subject to review by any court or agency. The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. If the person submits to the commissioner a timely request for hearing, the order is stayed unless the commissioner summarily suspends the license, registration, certificate, or permit under subdivision 13, and a contested case hearing shall be held in accordance with chapter 14.

Sec. 2. Minnesota Statutes 2008, section 326B.084, is amended to read:

326B.084 FALSE INFORMATION.

Subdivision 1. False information. A person subject to any of the requirements in the applicable law may not make a false material statement, representation, or certification in; omit material information from; or alter, conceal, or fail to file or maintain a notice, application, record, report, plan, or other document required under the applicable law.

Subd. 2. **Unlicensed advertising.** No person shall offer to perform services for which a license issued by the commissioner is required unless the person holds an active license to perform those services. Nothing herein shall prohibit an offer to sell, repair, or perform services provided those services are performed by a licensed person.

Sec. 3. Minnesota Statutes 2008, section 326B.43, subdivision 1, is amended to read:

Subdivision 1. **Rules.** The Plumbing Board may, by rule, prescribe minimum standards which shall be uniform and which shall be effective for all new plumbing installations performed anywhere in the state, including additions, extensions, alterations, and replacements ~~connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which the installation is to be located.~~ Notwithstanding the provisions of Minnesota Rules, part 4715.3130, as they apply to review of plans and specifications, the commissioner may allow plumbing construction, alteration, or extension to proceed without approval of the plans or specifications by the commissioner.

Except for powers granted to the Plumbing Board, the commissioner of labor and industry shall administer the provisions of sections 326B.42 to 326B.49 and for such purposes may employ plumbing inspectors and other assistants.

Sec. 4. Minnesota Statutes 2008, section 326B.435, subdivision 2, is amended to read:

Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the power to:

- (1) elect its chair, vice-chair, and secretary;
- (2) adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing such other provisions as may be useful and necessary for the efficient conduct of the business of the board;
- (3) adopt the plumbing code that must be followed in this state and any plumbing code amendments thereto. The Plumbing Code shall include the minimum standards described in sections 326B.43, subdivision 1, and 326B.52, subdivision 1. The board shall adopt the plumbing code and any amendments thereto pursuant to chapter 14 and as provided in subdivision 6, paragraphs (b), (c), and (d);
- (4) review requests for final interpretations and issue final interpretations as provided in section 326B.127, subdivision 5;
- (5) except for rules regulating continuing education, adopt rules that regulate the licensure or registration of plumbing contractors, journeymen, apprentices, master plumbers, restricted master plumbers, ~~and~~ restricted journeymen, water conditioning contractors, and water conditioning installers, and other persons engaged in the design, installation, and alteration of plumbing systems or engaged in or working at the business of water conditioning installation or service, except for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f);
- (6) advise the commissioner regarding educational requirements for plumbing inspectors;
- (7) refer complaints or other communications to the commissioner, whether oral or written, as provided in subdivision 8, that allege or imply a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to code compliance, licensure, or an offering to perform or performance of unlicensed plumbing services;
- (8) approve per diem and expenses deemed necessary for its members as provided in subdivision 3;

- (9) approve license reciprocity agreements;
- (10) select from its members individuals to serve on any other state advisory council, board, or committee; and
- (11) recommend the fees for licenses and certifications.

Except for the powers granted to the Plumbing Board, the Board of Electricity, and the Board of High Pressure Piping Systems, the commissioner of labor and industry shall administer and enforce the provisions of this chapter and any rules promulgated pursuant thereto.

(b) The board shall comply with section 15.0597, subdivisions 2 and 4.

(c) The commissioner shall coordinate the board's rulemaking and recommendations with the recommendations and rulemaking conducted by the other boards created pursuant to this chapter. The commissioner shall provide staff support to the board. The support includes professional, legal, technical, and clerical staff necessary to perform rulemaking and other duties assigned to the board. The commissioner of labor and industry shall supply necessary office space and supplies to assist the board in its duties.

Sec. 5. Minnesota Statutes 2008, section 326B.475, subdivision 6, is amended to read:

Subd. 6. **Bond; insurance.** A restricted master ~~or a restricted journeyman~~ plumber licensee is subject to the bond and insurance requirements of section 326B.46, subdivision 2, unless the exemption provided by section 326B.46, subdivision 3, applies.

Sec. 6. Minnesota Statutes 2008, section 326B.52, is amended to read:

326B.52 WATER CONDITIONING CONTRACTOR AND INSTALLER STANDARDS.

Subdivision 1. **Rulemaking by ~~commissioner~~ Plumbing Board.** The ~~commissioner~~ Plumbing Board shall, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new water conditioning servicing and water conditioning installations performed anywhere in the state, including additions, extensions, alterations, and replacements ~~connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building or any other place of business, regardless of location or the population of the city, county or town in which located.~~

Subd. 2. **Inspectors.** Except for powers granted to the Plumbing Board, the commissioner shall administer the provisions of sections 326B.50 to 326B.59 and for such purposes may employ water conditioning inspectors and other assistants.

Sec. 7. Minnesota Statutes 2008, section 326B.53, is amended to read:

326B.53 LOCAL REGULATIONS.

Any city, county, or town ~~with a population of 5,000 or more according to the last federal census~~ may, by ordinance, adopt local regulations providing for water conditioning permits, bonds, approval of plans, and inspections of water conditioning installations and servicing, which regulations shall not be in conflict with the ~~water conditioning standards~~ rules on the same subject prescribed by the commissioner. No such city, county, or town shall prohibit water conditioning contractors or installers licensed by the commissioner from engaging in or working at the business.

Sec. 8. Minnesota Statutes 2008, section 326B.55, is amended to read:

326B.55 LICENSING IN CERTAIN CITIES; QUALIFICATIONS; RULES.

Subdivision 1. ~~Licensing in certain cities. In any city or town having a population of 5,000 or more according to the last federal census, No person shall engage in or work at the business of water conditioning installation or servicing after January 1, 1970, anywhere in the state unless (1) at all times an individual licensed as a water conditioning contractor by the commissioner shall be responsible for the proper water conditioning installation and servicing work of such person, and (2) all installations, other than exchanges of portable equipment, are performed by a licensed water conditioning contractor or licensed water conditioning installer. Any individual not so licensed may perform water conditioning work that complies with the minimum ~~standard~~ standards prescribed by the ~~commissioner~~ Plumbing Board on premises or that part of premises owned and occupied by the worker as a residence, unless otherwise prohibited by a local ordinance.~~

Subd. 2. **Qualifications for licensing.** A water conditioning contractor license shall be issued only to an individual who has demonstrated skill in planning, superintending, and servicing water conditioning installations, and has successfully passed the examination for water conditioning contractors. A water conditioning installer license shall only be issued to an individual other than a water conditioning contractor who has demonstrated practical knowledge of water conditioning installation, and has successfully passed the examination for water conditioning installers. A water conditioning installer must successfully pass the examination for water conditioning contractors before being licensed as a water conditioning contractor.

Subd. 3. **Rules Commissioner.** The commissioner shall:

- (1) ~~prescribe rules, not inconsistent herewith, for the licensing of water conditioning contractors and installers;~~
- (2) license water conditioning contractors and installers; and
- (3) ~~prescribe rules not inconsistent herewith for the examining of water conditioning contractors and installers prior to first granting a license as a water conditioning contractor or water conditioning installer; and~~
- (4) (2) collect an examination fee from each examinee for a license as a water conditioning contractor and an examination fee from each examinee for a license as a water conditioning installer in an amount set forth in section 326B.58. ~~A water conditioning installer must successfully pass the examination for water conditioning contractors before being licensed as a water conditioning contractor.~~

Sec. 9. Minnesota Statutes 2008, section 326B.57, is amended to read:

326B.57 RULES.

In order to provide effective protection of the public health, the ~~commissioner~~ Plumbing Board may by rule prescribe limitations on the nature of alteration to, extension of, or connection with, the said water distribution system initially established by a licensed plumber which may be performed by a person licensed hereunder, ~~and~~. The commissioner may by rule in appropriate instances require filing of plans, blueprints and specifications prior to commencement of installation. The installation of water heaters shall not constitute water conditioning installation and consequently such work shall be accomplished in accordance with the provisions of sections 326B.42 to 326B.49.

Sec. 10. Minnesota Statutes 2008, section 326B.58, is amended to read:

326B.58 FEES.

Examination fees for both water conditioning contractors and water conditioning installers shall be \$50 for each examination. Each water conditioning contractor and installer license shall expire on December 31 of the year for which it was issued. The license fee for each initial water conditioning contractor's license shall be \$70, except that the license fee shall be \$35 if the application is submitted during the last three months of the calendar year. The license fee for each renewal water conditioning contractor's license shall be \$70. The license fee for each initial water conditioning installer license shall be \$35, except that the license fee shall be \$17.50 if the application is submitted during the last three months of the calendar year. The license fee for each renewal water conditioning installer license shall be \$35. ~~The commissioner~~ Plumbing Board may by rule prescribe for the expiration and renewal of licenses. Any licensee who does not renew a license within two years after the license expires is no longer eligible for renewal. Such an individual must retake and pass the examination before a new license will be issued. A water conditioning contractor or water conditioning installer who submits a license renewal application after the time specified in rule but within two years after the license expired must pay all past due renewal fees plus a late fee of \$25.

Sec. 11. Minnesota Statutes 2008, section 326B.59, is amended to read:

326B.59 STATE LICENSE; EXAMINATION; APPLICATION; EXEMPTION.

The provisions of sections 326B.50 to ~~326B.59~~ 326B.58 that require licenses to engage in the work or business of water conditioning installation, and the provisions that provide for the examination of applicants for such licenses, ~~shall only apply to work accomplished in cities or towns having populations of 5,000 or more according to the last federal census, and shall do~~ not apply to master plumbers and journeymen plumbers licensed under the provisions of sections 326B.42 to 326B.49. In all areas of the state except in cities or towns with a population of more than 5,000 according to the last federal census, the provisions of sections 326B.50 to 326B.58 that require licenses to engage in the work or business of water conditioning installation, and the provisions that provide for the examination of applicants for such licenses, do not apply to restricted master plumbers and restricted journeyman plumbers licensed under the provisions of section 326B.475.

Sec. 12. Minnesota Statutes 2008, section 326B.801, is amended to read:

326B.801 SCOPE.

Except as otherwise provided by law, ~~the provisions of~~ sections 326B.801 to ~~326B.825~~ 326B.885 apply to residential contractors, residential remodelers, residential roofers, and manufactured home installers.

Sec. 13. Minnesota Statutes 2008, section 326B.84, is amended to read:

326B.84 GROUNDS FOR LICENSE SANCTIONS.

In addition to the grounds set forth in section 326B.082, subdivision 11, the commissioner may deny, suspend, limit, place conditions on, or revoke a license or certificate of exemption, or may censure the person holding the license or certificate of exemption, if the applicant, licensee, certificate of exemption holder, qualifying person, owner, officer, or affiliate of an applicant, licensee, or certificate of exemption holder, or other agent owner:

(1) has filed an application for licensure or a certificate of exemption which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

- (2) has engaged in a fraudulent, deceptive, or dishonest practice;
- (3) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the business;
- (4) has failed to reasonably supervise employees, agents, subcontractors, or salespersons, or has performed negligently or in breach of contract, so as to cause injury or harm to the public;
- (5) has violated or failed to comply with any provision of sections 326B.802 to 326B.885, any rule or order under sections 326B.802 to 326B.885, or any other law, rule, or order related to the duties and responsibilities entrusted to the commissioner;
- (6) has been convicted of a violation of the State Building Code or has refused to comply with a notice of violation or stop order issued by a certified building official, or in local jurisdictions that have not adopted the State Building Code has refused to correct a violation of the State Building Code when the violation has been documented or a notice of violation or stop order issued by a certified building official has been received;
- (7) has failed to use the proceeds of any payment made to the licensee for the construction of, or any improvement to, residential real estate, as defined in section 326B.802, subdivision 13, for the payment of labor, skill, material, and machinery contributed to the construction or improvement, knowing that the cost of any labor performed, or skill, material, or machinery furnished for the improvement remains unpaid;
- (8) has not furnished to the person making payment either a valid lien waiver as to any unpaid labor performed, or skill, material, or machinery furnished for an improvement, or a payment bond in the basic amount of the contract price for the improvement conditioned for the prompt payment to any person or persons entitled to payment;
- (9) has engaged in an act or practice that results in compensation to an aggrieved owner or lessee from the contractor recovery fund pursuant to section 326B.89, unless:
- (i) the applicant or licensee has repaid the fund twice the amount paid from the fund, plus interest at the rate of 12 percent per year; and
- (ii) the applicant or licensee has obtained a surety bond in the amount of at least \$40,000, issued by an insurer authorized to transact business in this state;
- (10) has engaged in bad faith, unreasonable delays, or frivolous claims in defense of a civil lawsuit or arbitration arising out of their activities as a licensee or certificate of exemption holder under this chapter;
- (11) has had a judgment entered against them for failure to make payments to employees, subcontractors, or suppliers, that the licensee has failed to satisfy and all appeals of the judgment have been exhausted or the period for appeal has expired;
- (12) if unlicensed, has obtained a building permit by the fraudulent use of a fictitious license number or the license number of another, or, if licensed, has knowingly allowed an unlicensed person to use the licensee's license number for the purpose of fraudulently obtaining a building permit; or has applied for or obtained a building permit for an unlicensed person;
- (13) has made use of a forged mechanic's lien waiver under chapter 514;
- (14) has provided false, misleading, or incomplete information to the commissioner or has refused to allow a reasonable inspection of records or premises;

(15) has engaged in an act or practice whether or not the act or practice directly involves the business for which the person is licensed, that demonstrates that the applicant or licensee is untrustworthy, financially irresponsible, or otherwise incompetent or unqualified to act under the license granted by the commissioner; or

(16) has failed to comply with requests for information, documents, or other requests from the department within the time specified in the request or, if no time is specified, within 30 days of the mailing of the request by the department.

Sec. 14. Minnesota Statutes 2008, section 326B.921, subdivision 1, is amended to read:

Subdivision 1. **License required; rules; time credit.** No individual shall engage in or work at the business of a contracting high pressure pipefitter unless issued a contracting high pressure pipefitter license to do so by the department under rules adopted by the board. No license shall be required for repairs on existing installations. No individual shall engage in or work at the business of journeyman high pressure pipefitter unless issued a journeyman high pressure pipefitter competency license to do so by the department under rules adopted by the board. An individual possessing a contracting high pressure pipefitter competency license may also work as a journeyman high pressure pipefitter.

No person shall construct or install high pressure piping, nor install high pressure piping in connection with the dealing in and selling of high pressure pipe material and supplies, unless, at all times, an individual possessing a contracting high pressure pipefitter competency license or a journeyman high pressure pipefitter competency license is responsible for ensuring that the high pressure pipefitting work is in conformity with Minnesota Statutes and Minnesota Rules.

The board shall prescribe rules, not inconsistent herewith, for the examination and competency licensing of contracting high pressure pipefitters and journeyman high pressure pipefitters ~~and for issuance of permits by the department and municipalities for the installation of high pressure piping.~~

An employee performing the duties of inspector for the department in regulating pipefitting shall not receive time credit for the inspection duties when making an application for a license required by this section.

Sec. 15. **[326B.961] TRIENNIAL AUDITS AND TEAM LEADER CERTIFICATIONS.**

Subdivision 1. **Triennial audits; assignment; qualifications.** The chief boiler inspector shall assign a qualified ASME designee or team leader to perform triennial audits on ASME Code and national board stamp holders at the request of the stamp holder. The department shall maintain qualifications for ASME designees and national board team leaders in accordance with ASME and national board requirements.

Subd. 2. **Fees.** The fee for performing ASME and national board triennial audits shall be the hourly rate pursuant to section 326B.986, subdivision 4.

Sec. 16. **TIME LIMIT.**

Notwithstanding the lapse of the time limit to adopt rules under Minnesota Statutes, section 14.125, the commissioner of labor and industry's authority to adopt rules under Minnesota Statutes, section 326B.978, subdivisions 4 and 18, is extended by 18 months following the effective date of this section.

Sec. 17. **RULE CHANGE.**

The Plumbing Board shall amend Minnesota Rules, part 4715.0320, subpart 1, so that it conforms with Minnesota Statutes, sections 326B.43 and 326B.52, as amended by this act. The Plumbing Board may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), in adopting the amendment, and Minnesota Statutes, section 14.386, does not apply.

Sec. 18. **REPEALER.**

Minnesota Statutes 2008, section 326B.43, subdivision 5, is repealed."

Delete the title and insert:

"A bill for an act relating to labor and industry; modifying construction codes and licensing; requiring rulemaking; amending Minnesota Statutes 2008, sections 326B.082, subdivision 12; 326B.084; 326B.43, subdivision 1; 326B.435, subdivision 2; 326B.475, subdivision 6; 326B.52; 326B.53; 326B.55; 326B.57; 326B.58; 326B.59; 326B.801; 326B.84; 326B.921, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2008, section 326B.43, subdivision 5."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 993, A bill for an act relating to charitable organizations; adjusting a requirement that financial statements submitted to the attorney general by charitable organizations be audited; amending Minnesota Statutes 2008, section 309.53, subdivision 3.

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

The report was adopted.

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

H. F. No. 1011, A bill for an act relating to elections; changing certain election administration provisions; amending Minnesota Statutes 2008, sections 201.016, subdivision 1a; 201.056; 201.061, subdivision 1; 201.11; 201.12; 201.13; 202A.14, subdivision 3; 203B.02, by adding a subdivision; 204B.09, subdivision 3; 204B.14, subdivisions 2, 4, by adding a subdivision; 204B.16, subdivision 1; 204B.18, subdivision 1; 204B.27, subdivision 2; 204B.33; 204B.38; 204B.40; 204C.02; 204C.06, subdivision 1; 204C.08, subdivisions 1a, 3; 204C.13, subdivision 2; 204C.15, subdivision 1; 204C.17; 204C.30, by adding a subdivision; 204C.33, subdivision 1; 204C.37; 204D.04, subdivision 2; 204D.09, subdivision 2; 204D.28, subdivision 5; 205.065, subdivision 2; 205.13, subdivisions 1, 2; 205.16, subdivisions 2, 3; 205A.03, subdivision 1; 205A.05, subdivisions 1, 2; 205A.07, subdivision 2; 206.57, subdivision 6; 206.61, subdivision 5; 211A.02, subdivisions 1, 2; 211A.05, subdivision 2; 211B.11, by adding a subdivision; 211B.12; 412.02, subdivision 2a; 414.02, subdivision 4; 414.031, subdivision 6; 414.0325, subdivision 4; 414.033, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 204B; 204D; 205; 205A; repealing Minnesota Statutes 2008, sections 201.096; 206.805, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 23, delete "unintentionally" and strike "voted" and insert "": (1) provided the address at which the voter maintains residence, but was allowed to vote"

Page 1, line 24, before the period, insert ""; and (2) not voted in the wrong precinct previously"

Page 1, line 26, delete "intentionally" and insert "otherwise"

Page 2, lines 3 and 6, delete "intentionally"

Page 2, after line 11, insert:

"Sec. 2. Minnesota Statutes 2008, section 201.016, subdivision 2, is amended to read:

Subd. 2. **Duration of residence.** The governing body of any city by resolution may require an eligible voter to maintain residence in a precinct for a period of 30 days prior to voting on any question affecting only that precinct or voting to elect public officials representing only that precinct. The governing body of any town by resolution may require an eligible voter to maintain residence in that town for a period of 30 days prior to voting in a town election. The school board of any school district by resolution may require an eligible voter to maintain residence in that school district for a period of 30 days prior to voting in a school district election. If a political boundary, including a precinct, municipal, or school district boundary, is redrawn within the 30 days prior to an election in a manner that places an eligible voter in a new jurisdiction and the eligible voter has not changed residence during the 30 days prior to the election, the eligible voter meets any residency requirement imposed under this subdivision."

Page 7, delete section 10

Page 8, lines 26 and 29, after "any" insert "regularly"

Page 9, line 29, after the period, insert "Any funds received for use of the accessible voting equipment must be treated as program income and deposited into the jurisdiction's Help America Vote Act account."

Page 10, line 23, delete "either"

Page 10, line 24, delete "or" and insert "and"

Page 10, line 25, before the period, insert ", if one is available"

Page 11, line 13, delete "identical" and insert "similar"

Page 11, delete section 19

Page 12, after line 16, insert:

"Sec. 20. Minnesota Statutes 2008, section 204C.04, subdivision 1, is amended to read:

Subdivision 1. **Right to be absent.** Every employee who is eligible to vote in an election has the right to be absent from work for the purpose of voting during the morning of for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election, without penalty or deduction from salary or wages because of the absence. An employer or other person may not directly or indirectly refuse, abridge, or interfere with this right or any other election right of an employee."

Page 13, line 2, strike "during the morning of" and insert "on"

Page 14, delete section 25 and insert:

"Sec. 25. Minnesota Statutes 2008, section 204C.15, subdivision 3, is amended to read:

Subd. 3. **Voting lines.** In all polling places two election judges shall assist a disabled voter to enter the polling place and go through the registration and voting lines. The election judges must inform voters that a chair is available for use by an elderly or disabled voter while voting or waiting in a voting line, and that an elderly or disabled voter may request to be moved to the front of the line, or be provided other assistance as appropriate, in the event waiting in the voting line would cause unreasonable physical strain on the voter. The voter may also request the assistance of election judges or any other individual in marking ballots, as provided in subdivision 1."

Page 15, line 18, after "law" insert "or takes a picture of the voter's ballot"

Page 15, line 21, delete everything after the period

Page 15, delete line 22

Page 18, after line 10, insert:

"Sec. 33. Minnesota Statutes 2008, section 204D.28, subdivision 6, is amended to read:

Subd. 6. **Special election required; exception; when held.** Every vacancy shall be filled for the remainder of the term by a special election held pursuant to this subdivision; except that no special election shall be held in the year before the term expires.

The special election shall be held at the next November election if the vacancy occurs at least ~~six~~ nine weeks before the regular state primary preceding that election. If the vacancy occurs less than ~~six~~ nine weeks before the regular state primary preceding the next November election, the special election shall be held at the second November election after the vacancy occurs.

Sec. 34. Minnesota Statutes 2008, section 204D.28, subdivision 8, is amended to read:

Subd. 8. **Notice of special election.** The secretary of state shall issue an official notice of any special election required to be held pursuant to this section not later than ~~ten~~ 12 weeks before the special primary, except that if the vacancy occurs ~~ten~~ 12 weeks or less before the special primary, the secretary of state shall issue the notice no later than two days after the vacancy occurs. The notice shall state the office to be filled, the opening and closing dates for filing of candidacy and the dates of the special primary and special election. For the purposes of those provisions of sections 204D.17 to 204D.27 that apply generally to special elections, this notice shall be used in place of the writ of the governor.

Sec. 35. Minnesota Statutes 2008, section 204D.28, subdivision 9, is amended to read:

Subd. 9. **Filing by candidates.** The time for filing of affidavits and nominating petitions for candidates to fill a vacancy at a special election shall open ~~six~~ ten weeks before the special primary or on the day the secretary of state issues notice of the special election, whichever occurs later. Filings shall close ~~four~~ eight weeks before the special primary."

Page 18, line 27, delete "major"

Page 22, delete lines 5 to 26 and insert:

"Subdivision 1. **Odd year to even.** (a) The governing body of a school district may change from an odd-numbered year election to an even-numbered year election by adopting a resolution that contains an orderly plan for the transition. The resolution may include a onetime, one-year extension of the term of each board member.

(b) The governing body of the school district must adopt the resolution permitted by paragraph (a) no later than 30 days before the first day to file an affidavit of candidacy for the election at which the change will take effect.

Subd. 2. **Even year to odd.** (a) The governing body of a school district may change from an even-numbered year election to an odd-numbered year election by adopting a resolution that contains an orderly plan for the transition. The resolution may include a onetime, one-year extension of the term of each board member.

(b) The governing body of the school district must adopt the resolution permitted by paragraph (a) no later than 30 days before the first day to file an affidavit of candidacy for the election at which the change will take effect."

Page 24, line 32, after the period, insert "The application must be accompanied by the certification report of the voting systems test laboratory. A certification under this section from an independent testing authority accredited by the Election Assistance Commission meets the requirement of Minnesota Rules, part 8220.0350, item L."

Page 24, line 33, delete "must either:"

Page 25, delete lines 1 to 11 and insert "must provide a copy of the source code for the voting system to the secretary of state. A chair of a major political party or the secretary of state may select, in consultation with the vendor, an independent third-party evaluator to examine the source code to ensure that it functions as represented by the vendor and that the code is free from defects. A major political party that elects to have the source code examined must pay for the examination. Except as provided by this subdivision, a source code that is trade secret information must be treated as nonpublic information, according to section 13.37. A third-party evaluator must not disclose the source code to anyone else."

Page 25, delete section 50

Page 27, line 3, delete everything after "prohibited."

Page 27, delete line 4

Page 27, line 5, delete "tabulators."

Page 27, lines 7 and 8, delete "fine" and insert "civil penalty"

Page 27, line 9, after the period, insert "Notwithstanding section 211B.37, the costs of a complaint alleging a violation of this subdivision shall be assessed against the candidate."

Page 28, line 25, delete "state primary or state general" and insert "regularly scheduled" and after the period, insert "Failure to comply with the provisions of this subdivision with respect to regularly scheduled elections, or to set the right effective date in relation to regularly scheduled elections, does not invalidate the annexation."

Page 28, line 29, delete everything after "a" and insert "regularly scheduled"

Page 28, line 30, after the period, insert "Failure to comply with the provisions of this subdivision with respect to regularly scheduled elections, or to set the right effective date in relation to regularly scheduled elections, does not invalidate the annexation."

Page 28, after line 30, insert:

"Sec. 60. Minnesota Statutes 2008, section 414.0325, subdivision 1, is amended to read:

Subdivision 1. **Initiating the proceeding.** (a) One or more townships and one or more municipalities, by joint resolution, may designate an unincorporated area as in need of orderly annexation. One or more municipalities, by joint resolution with the county, may designate an unincorporated area in which there is no organized township government as in need of orderly annexation.

(b) A designated area is any area which the signatories to a joint resolution for orderly annexation have identified as being appropriate for annexation, either currently or at some point in the future, pursuant to the negotiated terms and conditions set forth in the joint resolution. Land described as a designated area is not, by virtue of being so described, considered also to be annexed for purposes of this chapter.

(c) The joint resolution will confer jurisdiction on the chief administrative law judge over annexations in the designated area and over the various provisions in said agreement by submission of said joint resolution to the chief administrative law judge.

(d) The resolution shall include a description of the designated area and the reasons for designation.

(e) Thereafter, an annexation of any part of the designated area may be initiated by:

(1) submitting to the chief administrative law judge a resolution of any signatory to the joint resolution; or

(2) the chief administrative law judge.

(f) Whenever a state agency, other than the pollution control agency, orders a municipality to extend a municipal service to an area, the order confers jurisdiction on the chief administrative law judge to consider designation of the area for orderly annexation.

(g) If a joint resolution designates an area as in need of orderly annexation and states that no alteration of its stated boundaries is appropriate, the chief administrative law judge may review and comment, but may not alter the boundaries.

(h) If a joint resolution designates an area as in need of orderly annexation, provides for the conditions for its annexation, and states that no consideration by the chief administrative law judge is necessary, the chief administrative law judge may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the resolution. A joint resolution filed within the 51 days before a regularly scheduled election must provide in the conditions for its annexation that the annexation will not be effective until the day after the regularly scheduled election. Failure to comply with the provisions of this subdivision with respect to regularly scheduled elections, or to set the right effective date in relation to regularly scheduled elections, does not invalidate the annexation.

Page 29, line 1, delete "state primary"

Page 29, line 2, delete "or state general" and insert "regularly scheduled" and after the period, insert "Failure to comply with the provisions of this subdivision with respect to regularly scheduled elections, or to set the right effective date in relation to regularly scheduled elections, does not invalidate the annexation."

Page 29, line 7, before the period, insert ", except that an ordinance approved within the 21 days before a regularly scheduled election is not effective until the day after the regularly scheduled election" and delete "The effective date must"

Page 29, line 8, delete the new language

Page 29, line 10, after the period, insert "Failure to comply with the provisions of this subdivision with respect to regularly scheduled elections, or to set the right effective date in relation to regularly scheduled elections, does not invalidate the annexation."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "changing and clarifying certain election procedures, deadlines, and requirements;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1098, A bill for an act relating to gambling; appropriating money for compulsive gambling.

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

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 1126, A bill for an act relating to public safety; modifying and expanding the conditional release program for nonviolent drug offenders; extending the program's sunset; modifying the mandatory minimum sentence for repeat fifth-degree controlled substance offenders; amending Minnesota Statutes 2008, sections 152.025, subdivision 3; 244.055, subdivisions 2, 3, 5, 11, by adding a subdivision; repealing Minnesota Statutes 2008, section 244.055, subdivision 6.

Reported the same back with the following amendments:

Pages 2 to 3, delete sections 2 to 5 and insert:

"Sec. 2. Minnesota Statutes 2008, section 244.055, subdivision 7, is amended to read:

Subd. 7. **Release procedures.** After consulting with the advisory board created under subdivision 7a, the commissioner may deny conditional release to an offender under this section if the commissioner determines that the offender's release may reasonably pose a danger to the public or an individual. In making this determination, the commissioner shall follow the procedures contained in section 244.05, subdivision 5, and the rules adopted by the commissioner under that subdivision. The commissioner shall consider whether the offender was involved in criminal gang activity during the offender's prison term. The commissioner shall also consider the offender's

custody classification and level of risk of violence and the availability of appropriate community supervision for the offender. Conditional release granted under this section continues until the offender's sentence expires, unless release is rescinded under subdivision 8. The commissioner may not grant conditional release unless a release plan is in place for the offender that addresses, at a minimum, plans for aftercare, community-based chemical dependency treatment, gaining employment, and securing housing.

Sec. 3. Minnesota Statutes 2008, section 244.055, is amended by adding a subdivision to read:

Subd. 7a. **Advisory board.** The Chief Justice of the Supreme Court shall appoint three retired judges to advise the commissioner of corrections on release decisions made pursuant to this section."

Page 3, delete section 7

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 2 to 4

Page 1, line 5, delete "substance offenders;" and insert "relating to public safety; modifying the mandatory minimum sentence for repeat fifth-degree controlled substance offenders; modifying the conditional release program to include an advisory board for consultation with the commissioner of public safety;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 1140, A bill for an act relating to human services; requiring patient-centered decision-making process before certain procedures are reimbursed under state employee health insurance program and medical assistance; amending Minnesota Statutes 2008, sections 43A.23, subdivision 1; 256B.76, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62U.

Reported the same back with the following amendments:

Pages 1 to 2, delete section 1

Renumber the sections in sequence and correct internal references

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 1164, A bill for an act relating to drivers' licenses; halting cumulative suspensions; imposing penalty for certain driving after suspension offenses; amending Minnesota Statutes 2008, sections 171.18, subdivision 1; 171.24, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 171.18, subdivision 1, is amended to read:

Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

- (1) has committed an offense for which mandatory revocation of license is required upon conviction;
- (2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic, other than a conviction for a petty misdemeanor, and department records show that the violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;
- (3) is an habitually reckless or negligent driver of a motor vehicle;
- (4) is an habitual violator of the traffic laws;
- (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;
- (6) has permitted an unlawful or fraudulent use of the license;
- (7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;
- (8) has committed a violation of section 169.444, subdivision 2, paragraph (a), within five years of a prior conviction under that section;
- (9) has committed a violation of section 171.22, except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card;
- (10) has failed to appear in court as provided in section 169.92, subdivision 4;
- (11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges;
- (12) has been found to have committed an offense under section 169A.33; or
- (13) has paid or attempted to pay a fee required under this chapter for a license or permit by means of a dishonored check issued to the state or a driver's license agent, which must be continued until the registrar determines or is informed by the agent that the dishonored check has been paid in full.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

(b) The commissioner may not suspend the driver's license of an individual under paragraph (a) who was convicted of a violation of section 171.24, subdivision 1, ~~whose license was under suspension at the time solely because of the individual's failure to appear in court or failure to pay a fine.~~"

Delete the title and insert:

"A bill for an act relating to drivers' licenses; halting cumulative suspensions; amending Minnesota Statutes 2008, section 171.18, subdivision 1."

With the recommendation that when so amended the bill pass and be re-referred to the Transportation and Transit Policy and Oversight Division.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 1213, A bill for an act relating to public safety; clarifying the prostitution penalty enhancement provision for repeat offenders; broadening the prostitution in a public place crime; making driving records relating to prostitution offenses public for repeat offenders and ensuring that they are available to law enforcement for first-time offenders; amending Minnesota Statutes 2008, sections 609.321, by adding a subdivision; 609.324, subdivisions 2, 3, 5.

Reported the same back with the following amendments:

Page 2, delete section 4

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, delete line 5

Page 1, line 6, delete "offenders;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Hilstrom from the Committee on Public Safety Policy and Oversight to which was referred:

H. F. No. 1237, A bill for an act relating to natural resources; modifying wild rice season; modifying certain definitions; modifying state park permit requirements; modifying authority to establish secondary units; eliminating liquor service at John A. Latsch State Park; providing for establishment of boater waysides; modifying watercraft operation requirements; providing for appeals and enforcement of certain civil penalties; providing for taking wild animals to protect public safety; modifying Board of Water and Soil Resources membership; modifying local water

program; modifying Reinvest in Minnesota Resources Law; modifying certain easement authority; providing for notice of changes to public waters inventory; modifying critical habitat plate eligibility; modifying cost-share program; amending Minnesota Statutes 2008, sections 84.105; 84.66, subdivision 2; 84.92, subdivision 8; 85.053, subdivision 3; 85.054, by adding subdivisions; 86A.05, by adding a subdivision; 86A.08, subdivision 1; 86A.09, subdivision 1; 86B.311, by adding a subdivision; 97A.321; 103B.101, subdivisions 1, 2; 103B.3369, subdivision 5; 103F.505; 103F.511, subdivisions 5, 8a, by adding a subdivision; 103F.515, subdivisions 1, 2, 4, 5, 6; 103F.521, subdivision 1; 103F.525; 103F.526; 103F.531; 103F.535, subdivision 5; 103G.201; 168.1296, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2008, sections 85.0505, subdivision 2; 103F.511, subdivision 4; 103F.521, subdivision 2; Minnesota Rules, parts 8400.3000; 8400.3030, subparts 1, 2, 3a, 4, 5, 6, 6a, 9, 10, 10a, 10b, 11, 11a, 14, 15, 17, 17a, 17b, 19, 20, 20a, 20b, 23, 24, 25, 26, 27, 28, 29, 30, 31, 31a, 32, 33, 33a, 33b, 36, 36a, 39a, 39b, 39c, 40, 42, 42a, 43, 43a, 44, 45, 46, 47a, 48; 8400.3060; 8400.3110; 8400.3130; 8400.3160; 8400.3200; 8400.3210; 8400.3230; 8400.3260; 8400.3300; 8400.3330; 8400.3360; 8400.3390; 8400.3400; 8400.3460; 8400.3500; 8400.3530, subparts 1, 2, 2a; 8400.3560; 8400.3600; 8400.3610; 8400.3630; 8400.3700; 8400.3730; 8400.3800; 8400.3830; 8400.3870; 8400.3930, subparts 1, 2, 3.

Reported the same back with the following amendments:

Page 5, line 18, after "must" insert "protect all evidence and"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 1238, A bill for an act relating to game and fish; modifying refund provisions; modifying certain definitions; modifying publication requirements; modifying restrictions in migratory feeding and resting areas; providing certain exemptions from local law; modifying wild animal and fish taking, possession, and licensing requirements; authorizing certain fees; requiring rulemaking; amending Minnesota Statutes 2008, sections 17.4981; 17.4988, subdivision 3; 84.788, subdivision 11; 84.798, subdivision 10; 84.82, subdivision 11; 84.922, subdivision 12; 86B.415, subdivision 11; 97A.015, subdivision 39; 97A.051, subdivision 2; 97A.095, subdivision 2; 97A.137, by adding a subdivision; 97A.445, subdivision 1, by adding a subdivision; 97A.451, subdivision 3; 97A.475, subdivisions 3, 11, 12, 29; 97A.525, subdivision 1; 97B.041; 97B.086; 97B.111, subdivision 1; 97B.651; 97C.355, subdivision 2; repealing Minnesota Statutes 2008, sections 97A.525, subdivision 2; 97C.405; Laws 2008, chapter 368, article 2, section 25.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 17.4981, is amended to read:

17.4981 GENERAL CONDITIONS FOR REGULATION OF AQUATIC FARMS.

(a) Aquatic farms are licensed to culture private aquatic life. Cultured aquatic life is not wildlife. Aquatic farms must be licensed and given classifications to prevent or minimize impacts on natural resources. The purpose of sections 17.4981 to 17.4997 is to:

- (1) prevent public aquatic life from entering an aquatic farm;
- (2) prevent release of nonindigenous or exotic species into public waters without approval of the commissioner;
- (3) protect against release of disease pathogens to public waters;
- (4) protect existing natural aquatic habitats and the wildlife dependent on them; and
- (5) protect private aquatic life from unauthorized taking or harvest.

(b) Private aquatic life that is legally acquired and possessed is an article of interstate commerce and may be restricted only as necessary to protect state fish and water resources.

(c) The commissioner of natural resources shall establish license and other fees as provided in section 16A.1285, subdivision 2, that would make aquaculture licensing and enforcement self-sustaining. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish the fees required by this section. The fees are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply. The commissioner shall develop best management practices for aquaculture to ensure the long-term sustainability of aquaculture and wetlands used for aquaculture, including, but not limited to, fish farming in man-made ponds.

Sec. 2. Minnesota Statutes 2008, section 17.4988, subdivision 3, is amended to read:

Subd. 3. **Inspection and additional fees.** Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish fees for the services listed in clauses (1) to (3) and the additional fee required under subdivision 2, paragraph (a). The fees must be set in an amount that does not recover significantly more or less than the cost of providing the service. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The services covered under this provision include:

- (1) initial inspection of each water to be licensed;
- (2) fish health inspection and certification, including initial tissue sample collection, basic fish health assessment, viral pathogen testing, and bacteriological testing; and
- (3) initial inspection for containment and quarantine facility inspections.

Sec. 3. Minnesota Statutes 2008, section 84.027, subdivision 13, is amended to read:

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

- (1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game and fish, to prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife disease, to open or close bodies of water or portions of bodies of water for night bow fishing, and to prohibit or allow importation, transportation, or possession of a wild animal;
- (2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas; and
- (3) section 84D.12 to designate prohibited invasive species, regulated invasive species, unregulated nonnative species, and infested waters.

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

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

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

(2) the attorney general approves the rule; and

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

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

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

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

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

Sec. 4. Minnesota Statutes 2008, section 84.788, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 3, paragraph (e), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12 months~~ 60 days of the original registration, the registration is not used or transferred, and:

(1) the off-highway motorcycle was registered incorrectly ~~by the commissioner or the deputy registrar~~, or

(2) the off-highway motorcycle was registered twice, once by the dealer and once by the customer.

Sec. 5. Minnesota Statutes 2008, section 84.798, subdivision 10, is amended to read:

Subd. 10. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 3, paragraph (b), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12 months~~ 60 days of the original registration ~~and the vehicle was registered incorrectly by the commissioner or the deputy registrar~~, the registration is not used or transferred, and:

(1) the off-road vehicle was registered incorrectly; or

(2) the off-road vehicle was registered twice, once by the dealer and once by the customer.

Sec. 6. Minnesota Statutes 2008, section 84.82, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 2, paragraph (e), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12 months~~ 60 days of the original registration, the registration is not used or transferred, and:

(1) the snowmobile was registered incorrectly ~~by the commissioner or the deputy registrar~~; or

(2) the snowmobile was registered twice, once by the dealer and once by the customer.

Sec. 7. Minnesota Statutes 2008, section 84.922, subdivision 12, is amended to read:

Subd. 12. **Refunds.** The commissioner may issue a refund on a registration, not including any issuing fees paid under subdivision 2, paragraph (e), or section 84.027, subdivision 15, paragraph (a), clause (3), if the refund request is received within ~~12 months~~ 60 days of the original registration, the registration is not used or transferred, and:

(1) the vehicle was registered incorrectly ~~by the commissioner or the deputy registrar~~; or

(2) the vehicle was registered twice, once by the dealer and once by the customer.

Sec. 8. Minnesota Statutes 2008, section 86B.415, subdivision 11, is amended to read:

Subd. 11. **Refunds.** The commissioner may issue a refund on a license or title, not including any issuing fees paid under subdivision 8 or section 84.027, subdivision 15, paragraph (a), clause (3), or 86B.870, subdivision 1, paragraph (b), if the refund request is received within ~~12 months~~ 60 days of the original license or title, the license or title is not used or transferred, and:

(1) the watercraft was licensed or titled incorrectly ~~by the commissioner or the deputy registrar~~;

(2) the customer was incorrectly charged a title fee; or

(3) the watercraft was licensed or titled twice, once by the dealer and once by the customer.

Sec. 9. Minnesota Statutes 2008, section 97A.051, subdivision 2, is amended to read:

Subd. 2. **Summary of fish and game laws.** (a) The commissioner shall prepare a summary of the hunting and fishing laws and rules and deliver a sufficient supply to ~~county auditors~~ license vendors to furnish one copy to each person obtaining a hunting, fishing, or trapping license.

(b) At the beginning of the summary, under the heading "Trespass," the commissioner shall summarize the trespass provisions under sections 97B.001 to 97B.945, state that conservation officers and peace officers must enforce the trespass laws, and state the penalties for trespassing.

(c) In the summary the commissioner shall, under the heading "Duty to Render Aid," summarize the requirements under section 609.662 and state the penalties for failure to render aid to a person injured by gunshot.

Sec. 10. Minnesota Statutes 2008, section 97A.075, subdivision 1, is amended to read:

Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision, "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5), (6), (7), ~~(11)~~, (13), (14), and (15), ~~(16)~~, and ~~(17)~~, and 3, clauses (2), (3), (4), ~~(9)~~ (10), (11), and (12), and ~~(13)~~, and licenses issued under section 97B.301, subdivision 4.

(b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer management account and shall be used for deer habitat improvement or deer management programs.

(c) \$1 from each annual deer license and each bear license and \$1 annually from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued under section 97A.473, subdivision 4, shall be credited to the deer and bear management account and shall be used for deer and bear management programs, including a computerized licensing system.

(d) Fifty cents from each deer license is credited to the emergency deer feeding and wild cervidae health management account and is appropriated for emergency deer feeding and wild cervidae health management. Money appropriated for emergency deer feeding and wild cervidae health management is available until expended. When the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management at the end of a fiscal year exceeds \$2,500,000 for the first time, \$750,000 is canceled to the unappropriated balance of the game and fish fund. The commissioner must inform the legislative chairs of the natural resources finance committees every two years on how the money for emergency deer feeding and wild cervidae health management has been spent.

Thereafter, when the unencumbered balance in the appropriation for emergency deer feeding and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear management programs and computerized licensing.

Sec. 11. Minnesota Statutes 2008, section 97A.095, subdivision 2, is amended to read:

Subd. 2. **Waterfowl feeding and resting areas.** The commissioner may, by rule, designate any part of a lake as a migratory feeding and resting area. Before designation, the commissioner must receive a petition signed by at least ten local resident licensed hunters describing the area of a lake that is a substantial feeding or resting area for migratory waterfowl, and find that the statements in the petition are correct, and that adequate, free public access to the lake exists near the designated area. The commissioner shall post the area as a migratory waterfowl feeding and resting area. Except as authorized in rules adopted by the commissioner, a person may not enter a posted migratory waterfowl feeding and resting area, during a period when hunting of migratory waterfowl is allowed, with watercraft or aircraft propelled by a motor, other than an electric motor ~~of less than 30 pounds thrust with battery power of 12 volts or less.~~ The commissioner may, by rule, further restrict the use of electric motors in migratory waterfowl feeding and resting areas.

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

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

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

- (1) restrict trapping;
- (2) restrict the discharge of archery equipment;
- (3) restrict the discharge of shotguns with shot sizes of FF or .23 diameter shot or smaller diameter shot;
- (4) restrict noise;
- (5) require dogs on a leash; or
- (6) would in any manner restrict the management of the unit as authorized by state law.

Sec. 13. Minnesota Statutes 2008, section 97A.137, is amended by adding a subdivision to read:

Subd. 5. **Portable stands.** Prior to the Saturday on or nearest September 16, a portable stand may be left overnight in a wildlife management area by a person with a valid bear license who is hunting within 100 yards of a bear bait site that is legally tagged and registered as prescribed under section 97B.425. Any person leaving a portable stand overnight under this subdivision must affix the person's name and address to the stand in such a manner that it can be read from the ground.

Sec. 14. Minnesota Statutes 2008, section 97A.405, subdivision 4, is amended to read:

Subd. 4. **Replacement licenses.** (a) The commissioner may permit licensed deer hunters to change zone, license, or season options. The commissioner may issue a replacement license if the applicant submits the original deer license and unused tags that are being replaced and the applicant pays any increase in cost between the original and the replacement license. A refund of the difference in fees may be issued when a person changes from a regular deer license to a youth deer license. ~~When a person submits both an archery and a firearms license for replacement, the commissioner may apply the value of both licenses towards the replacement license fee.~~

(b) A replacement license may be issued only if the applicant has not used any tag from the original license or licenses and meets the conditions of paragraph (c). The original license or licenses and all unused tags for the licenses being replaced must be submitted to the issuing agent at the time the replacement license is issued.

(c) A replacement license may be issued under the following conditions, or as otherwise prescribed by rule of the commissioner:

- (1) when the season for the license being surrendered has not yet opened; or
- (2) when the person is upgrading from a regular firearms or archery deer license to an all season deer license;
- (3) when the person is upgrading from a regular firearms license to a multizone deer license; or
- (4) when the person is changing from a regular firearms deer license to a youth deer license.

(d) Notwithstanding section 97A.411, subdivision 3, a replacement license is valid immediately upon issuance if the license being surrendered is valid at that time.

Sec. 15. Minnesota Statutes 2008, section 97A.421, subdivision 1, is amended to read:

Subdivision 1. **General.** (a) The annual license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void when:

(1) a second conviction occurs within three years under a license to trap fur-bearing animals, take small game or to take fish by angling or spearing;

(2) a third conviction occurs within one year under a minnow dealer's license;

(3) a second conviction occurs within three years for violations of section 97A.425 that do not involve falsifications or intentional omissions of information required to be recorded, or attempts to conceal unlawful acts within the records;

(4) two or more misdemeanor convictions occur within a three-year period under a private fish hatchery license;

(5) the conviction occurs under a license not described in clause (1), (2), or (4) or is for a violation of section 97A.425 not described in clause (3); or

(6) the conviction is related to assisting a person in the illegal taking, transportation, or possession of wild animals, when acting as a hunting or angling guide.

(b) Except for big game licenses and as otherwise provided in this section, for one year after the conviction the person may not obtain the kind of license or take wild animals under a lifetime license, issued under section 97A.473 or 97A.474, relating to the game and fish law violation.

Sec. 16. Minnesota Statutes 2008, section 97A.441, subdivision 7, is amended to read:

Subd. 7. **Owners or tenants of agricultural land.** (a) The commissioner may issue, without a fee, a license to take an antlerless deer to a resident who is an owner or tenant, or a nonresident who is an owner, of at least 80 acres of agricultural land, as defined in section 97B.001, in deer permit areas that have deer archery licenses to take additional deer under section 97B.301, subdivision 4. A person may receive only one license per year under this subdivision. For properties with co-owners or cotenants, only one co-owner or cotenant may receive a license under this subdivision per year. The license issued under this subdivision is restricted to land leased for agricultural purposes or owned by the holder of the license within the permit area where the qualifying land is located. The holder of the license may transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an additional license for taking deer and may take an additional deer under that license.

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, ~~clauses (4) and (13)~~ clause (5).

Sec. 17. Minnesota Statutes 2008, section 97A.445, subdivision 1, is amended to read:

Subdivision 1. **Angling; Take a Kid Fishing Weekends.** A resident ~~over age 18~~ age 16 years or older may take fish by angling without an angling or fish house license during one three-day consecutive period of the open water angling season and one three-day consecutive period of the ice angling season designated by rule of the commissioner if accompanied by a child who is under age 16. The commissioner shall publicize the three-day periods as "Take a Kid Fishing Weekend" for the open water angling season and "Take a Kid Ice Fishing Weekend" for the ice angling season.

Sec. 18. Minnesota Statutes 2008, section 97A.445, is amended by adding a subdivision to read:

Subd. 1a. **Angling in a state park.** A resident may take fish by angling without an angling license when shore fishing or wading on state-owned land within a state park. When angling from a boat or float, this subdivision applies only to those water bodies completely encompassed within the statutory boundary of the state park. The exemption from an angling license does not apply to waters where a trout stamp is required.

Sec. 19. Minnesota Statutes 2008, section 97A.451, subdivision 2, is amended to read:

Subd. 2. **Residents under age 16; fishing.** A resident under the age of 16 years may take fish without a license. A person authorized to issue licenses must issue a license to a resident under the age of 16 without a fee to net ciscoes and whitefish for personal consumption under section 97A.475, subdivision 13.

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

Sec. 20. Minnesota Statutes 2008, section 97A.465, subdivision 1b, is amended to read:

Subd. 1b. Residents discharged from active service. (a) A resident who has served at any time during the preceding 24 months in federal active service, as defined in section 190.05, subdivision 5c, outside the United States as a member of the National Guard, or as a reserve component or active duty member of the United States armed forces and has been discharged from active service may take small game and fish without a license if the resident possesses official military discharge papers. The resident must obtain the seals, tags, and coupons required of a licensee, which must be furnished without charge.

(b) The commissioner shall issue, without fee, a deer license, valid for a deer of either sex, to a resident who has served at any time during the preceding 24 months in federal active service, as defined in section 190.05, subdivision 5c, outside the United States as a member of the National Guard, or as a reserve component or active duty member of the United States armed forces and has been discharged from active service. Eligibility under this paragraph is limited to one license per resident.

Sec. 21. Minnesota Statutes 2008, section 97A.475, subdivision 2, is amended to read:

Subd. 2. Resident hunting. Fees for the following licenses, to be issued to residents only, are:

- (1) for persons age 18 or over and under age 65 to take small game, \$12.50;
- (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;
- (3) for persons age 18 or over to take turkey, \$23;
- (4) for persons under age 18 to take turkey, \$12;
- (5) for persons age 18 or over to take deer with firearms during the regular firearms season, \$26;
- (6) for persons age 18 or over to take deer by archery, \$26;
- (7) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$26;
- (8) to take moose, for a party of not more than six persons, \$310;
- (9) to take bear, \$38;

(10) to take elk, for a party of not more than two persons, \$250;

(11) ~~multizone license to take antlered deer in more than one zone, \$52;~~

~~(12)~~ to take Canada geese during a special season, \$4;

~~(13) all season license to take three deer throughout the state in any open deer season, except as restricted under section 97B.305, \$78;~~

~~(14)~~ (12) to take prairie chickens, \$20;

~~(15)~~ (13) for persons under age 18 to take deer with firearms during the regular firearms season, \$13;

~~(16)~~ (14) for persons under age 18 to take deer by archery, \$13; and

~~(17)~~ (15) for persons under age 18 to take deer by muzzleloader during the muzzleloader season, \$13.

Sec. 22. Minnesota Statutes 2008, section 97A.475, subdivision 3, is amended to read:

Subd. 3. **Nonresident hunting.** (a) Fees for the following licenses, to be issued to nonresidents, are:

(1) for persons age 18 or over to take small game, \$73;

(2) for persons age 18 or over to take deer with firearms during the regular firearms season, \$135;

(3) for persons age 18 or over to take deer by archery, \$135;

(4) for persons age 18 or over to take deer by muzzleloader during the muzzleloader season, \$135;

(5) to take bear, \$195;

(6) for persons age 18 and older to take turkey, \$78;

(7) for persons under age 18 to take turkey, \$12;

(8) to take raccoon or bobcat, \$155;

(9) ~~multizone license to take antlered deer in more than one zone, \$270;~~

~~(10)~~ to take Canada geese during a special season, \$4;

~~(11)~~ (10) for persons under age 18 to take deer with firearms during the regular firearms season in any open season option or time period, \$13;

~~(12)~~ (11) for persons under age 18 to take deer by archery, \$13; and

~~(13)~~ (12) for persons under age 18 to take deer during the muzzleloader season, \$13.

(b) A \$5 surcharge shall be added to nonresident hunting licenses issued under paragraph (a), clauses (1) to ~~(9)~~ (8). An additional commission may not be assessed on this surcharge.

Sec. 23. Minnesota Statutes 2008, section 97A.475, subdivision 7, is amended to read:

Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued to nonresidents, are:

- (1) to take fish by angling, \$37.50;
- (2) to take fish by angling limited to seven consecutive days selected by the licensee, \$26.50;
- (3) to take fish by angling for a 72-hour period selected by the licensee, \$22;
- (4) to take fish by angling for a combined license for a family for one or both parents and dependent children under the age of 16, \$50.50;
- (5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; ~~and~~
- (6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$38.50; and
- (7) to take fish by spearing from a dark house, \$37.50.

(b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses issued under paragraph (a), clause (5). An additional commission may not be assessed on this surcharge.

Sec. 24. Minnesota Statutes 2008, section 97A.475, subdivision 11, is amended to read:

Subd. 11. **Fish houses ~~and~~, dark houses, and shelters; residents.** Fees for the following licenses are:

- (1) annual for a fish house ~~or~~, dark house, or shelter that is not rented, \$11.50;
- (2) annual for a fish house ~~or~~, dark house, or shelter that is rented, \$26;
- (3) three-year for a fish house ~~or~~, dark house, or shelter that is not rented, \$34.50; and
- (4) three-year for a fish house ~~or~~, dark house, or shelter that is rented, \$78.

Sec. 25. Minnesota Statutes 2008, section 97A.475, subdivision 12, is amended to read:

Subd. 12. **Fish houses, dark houses, and shelters; nonresident.** Fees for fish house, dark house, and shelter licenses for a nonresident are:

- (1) annual, \$33;
- (2) seven consecutive days, \$19; and
- (3) three-year, \$99.

Sec. 26. Minnesota Statutes 2008, section 97A.475, subdivision 29, is amended to read:

Subd. 29. **Private fish hatcheries.** The fees for the following licenses to be issued to residents and nonresidents are:

- (1) for a private fish hatchery, with annual sales under \$200, \$70;

(2) for a private fish hatchery, with annual sales of \$200 or more, \$210 for the base license. The commissioner must establish an additional fee based on the acreage of the operation. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish the additional fee required by this subdivision. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply; and

(3) to take sucker eggs from public waters for a private fish hatchery, \$400, plus \$6 for each quart in excess of 100 quarts.

Sec. 27. Minnesota Statutes 2008, section 97A.525, subdivision 1, is amended to read:

Subdivision 1. **Residents Generally.** A resident person may transport wild animals ~~within the state~~ by common carrier without being in the vehicle if the resident person has the license required to take the animals and they are shipped to the resident. ~~The wild animals that may be transported by common carrier are:~~ person or to a licensed taxidermist, tanner, or fur buyer.

~~(1) deer, bear, elk, and moose;~~

~~(2) undressed game birds; and~~

~~(3) fish.~~

Sec. 28. Minnesota Statutes 2008, section 97B.035, subdivision 2, is amended to read:

Subd. 2. **Possession of crossbows.** A person may not possess a crossbow ~~outdoors or~~ in a motor vehicle during the open season for any game, unless the crossbow is ~~unstrung, and in a case or in a closed trunk of a motor vehicle~~ not armed with a bolt or arrow.

Sec. 29. Minnesota Statutes 2008, section 97B.041, is amended to read:

97B.041 POSSESSION OF FIREARMS AND AMMUNITION RESTRICTED IN DEER ZONES.

A person may not possess a firearm or ammunition outdoors during the period beginning the fifth day before the open firearms season and ending the second day after the close of the season within an area where deer may be taken by a firearm, except:

(1) during the open season and in an area where big game may be taken, a firearm and ammunition authorized for taking big game in that area may be used to take big game in that area if the person has a valid big game license in possession;

(2) an unloaded firearm ~~that is in a case or in a closed trunk of a motor vehicle;~~

(3) a shotgun and shells containing No. 4 buckshot or smaller diameter lead shot or steel shot;

(4) a handgun or rifle capable of firing only rimfire cartridges of .17 and .22 caliber, including .22 magnum caliber cartridges;

(5) handguns possessed by a person authorized to carry a handgun under sections 624.714 and 624.715 for the purpose authorized; and

(6) on a target range operated under a permit from the commissioner.

This section does not apply during an open firearms season in an area where deer may be taken only by muzzleloader, except that muzzleloading firearms lawful for the taking of deer may be possessed only by persons with a valid license to take deer by muzzleloader during that season.

Sec. 30. Minnesota Statutes 2008, section 97B.045, subdivision 1, is amended to read:

Subdivision 1. **Restrictions.** (a) A person may not transport a firearm in a motor vehicle unless the firearm is:

(1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;

(2) unloaded and in the closed trunk of a motor vehicle; or

(3) a handgun carried in compliance with sections 624.714 and 624.715.

(b) Notwithstanding paragraph (a), a person may transport an unloaded, uncased firearm, excluding a pistol as defined under section 624.712, subdivision 2, unless:

(1) within an area where the discharge of a firearm has been prohibited under section 471.633;

(2) within the boundaries of a home rule charter or statutory city with a population of 2,500 or more;

(3) on school grounds as regulated under section 609.66, subdivision 1d; or

(4) otherwise restricted under section 97A.091, 97B.081, or 97B.086.

Sec. 31. Minnesota Statutes 2008, section 97B.045, subdivision 2, is amended to read:

Subd. 2. **Exception for disabled persons.** The restrictions in subdivision 1 do not apply to a disabled person if:

(1) the person possesses a permit under section 97B.055, subdivision 3; and

~~(2) the person is participating in a hunt sponsored by a nonprofit organization under a permit from the commissioner or is hunting on property owned or leased by the person; and~~

~~(3)~~ (2) the firearm is not loaded in the chamber until the vehicle is stationary, or is a hinge action firearm with the action open until the vehicle is stationary.

Sec. 32. Minnesota Statutes 2008, section 97B.051, is amended to read:

97B.051 TRANSPORTATION OF ARCHERY BOWS.

Except as specified under section 97B.055, subdivision 2, a person may not transport an archery bow in a motor vehicle unless the bow is: not armed with a bolt or arrow.

~~(1) unstrung;~~

~~(2) completely contained in a case; or~~

~~(3) in the closed trunk or rear most enclosed portion of a motor vehicle that is not accessible from the passenger compartment.~~

Sec. 33. Minnesota Statutes 2008, section 97B.055, subdivision 3, is amended to read:

Subd. 3. **Hunting from vehicle by disabled hunters.** (a) The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a person who obtains the required licenses and who has a permanent physical disability that is more substantial than discomfort from walking. The permit recipient must be:

(1) unable to step from a vehicle without aid of a wheelchair, crutches, braces, or other mechanical support or prosthetic device; or

(2) unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing.

(b) The permanent physical disability must be established by medical evidence verified in writing by a licensed physician or chiropractor. The commissioner may request additional information from the physician or chiropractor if needed to verify the applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner may, in consultation with appropriate advocacy groups, establish reasonable minimum standards for permits to be issued under this section. In addition to providing the medical evidence of a permanent disability, the applicant must possess a valid disability parking certificate authorized by section 169.345 or license plates issued under section 168.021.

(c) A person issued a special permit under this subdivision and hunting deer may take a deer of either sex, except in those antlerless permit areas and seasons where no antlerless permits are offered. This subdivision does not authorize another member of a party to take an antlerless deer under section 97B.301, subdivision 3.

(d) A permit issued under this subdivision is valid for five years.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this section for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this section is guilty of a misdemeanor. A physician or chiropractor who fraudulently certifies to the commissioner that a person is permanently disabled as described in this section is guilty of a misdemeanor.

(g) Notwithstanding paragraph (d), the commissioner may issue a permit valid for the entire life of the applicant if the commissioner determines that there is no chance that an applicant will become ineligible for a permit under this section and the applicant requests a lifetime permit.

Sec. 34. Minnesota Statutes 2008, section 97B.086, is amended to read:

97B.086 POSSESSION OF NIGHT VISION EQUIPMENT.

(a) A person may not possess night vision ~~goggle~~ equipment while taking wild animals or while having in possession, either individually or as one of a group of persons, a firearm, bow, or other implement that could be used to take wild animals.

(b) This section does not apply to a firearm that is:

(1) unloaded;

(2) in a gun case expressly made to contain a firearm that fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened without any portion of the firearm exposed; and

(3) in the closed trunk of a motor vehicle.

(c) This section does not apply to a bow that is:

(1) completely encased or unstrung; and

(2) in the closed trunk of a motor vehicle.

(d) If the motor vehicle under paragraph (b) or (c) does not have a trunk, the firearm or bow must be placed in the rearmost location of the vehicle.

~~(e) This section does not apply to night vision goggle equipment possessed by peace officers or military personnel while exercising their duties.~~

Sec. 35. Minnesota Statutes 2008, section 97B.111, subdivision 1, is amended to read:

Subdivision 1. **Establishment; requirements.** 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 have a verified statement of the disability by a licensed physician and must be participating in a program for physically disabled hunters sponsored by a nonprofit organization that is permitted under subdivision 2. 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 hunting during a special season under this section.

Sec. 36. Minnesota Statutes 2008, section 97B.211, subdivision 1, is amended to read:

Subdivision 1. **Possession of firearms prohibited.** (a) A person may not take deer by archery while in possession of a firearm.

(b) Paragraph (a) does not apply to a handgun carried in compliance with section 624.714.

Sec. 37. Minnesota Statutes 2008, section 97B.328, subdivision 3, is amended to read:

Subd. 3. **Definition.** For purposes of this section, "bait or feed" includes grains, fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer and that has been placed by a person. Liquid scents, salt, and minerals, ~~and bird feeders containing grains or nuts that are at least six feet above the ground~~ are not bait or feed. Food that has not been placed by a person and resulting from normal or accepted farming, forest management, wildlife food plantings, orchard management, or other similar land management activities is not bait or feed.

Sec. 38. Minnesota Statutes 2008, section 97B.425, is amended to read:

97B.425 BAITING BEARS.

(a) Notwithstanding section 609.68, a person may place bait to take bear and must display a tag at each site where bait is placed and register the sites. The commissioner shall prescribe the method of tagging and registering the sites. The tag displayed at each site where bait is placed must contain identification information for a licensed bear hunter or a licensed bear outfitter. A person must have the license identification number of the person with the bear license in their possession or be a licensed bear outfitter while attending a bear bait station. To attract bear a person may not use a bait with:

- (1) a carcass from a mammal, if the carcass contains more than 25 percent of the intact carcass;
- (2) meat from mammals, if the meat contains bones;
- (3) bones of mammals;
- (4) solid waste containing bottles, cans, plastic, paper, or metal;
- (5) materials that are not readily biodegradable; or
- (6) any part of a swine, except cured pork.

(b) A private landowner or person authorized by the private landowner may use a barrel to bait bear on the person's private land. The barrel must be securely chained or cabled to a tree so that it cannot be moved from the site by a bear and the barrel may not include a mechanical device for dispensing feed. The barrel must be marked with the name and address of the person who registered the bait site. For purposes of this paragraph, "barrel" means a 30 gallon or larger drum.

Sec. 39. Minnesota Statutes 2008, section 97B.651, is amended to read:

97B.651 UNPROTECTED MAMMALS AND BIRDS.

Subdivision 1. **Taking unprotected mammals and birds.** Mammals that are unprotected wild animals and unprotected birds may be taken at any time and in any manner, except with artificial lights, or by using a motor vehicle in violation of section 97B.091. Poison may not be used to take unprotected mammals or unprotected birds unless the safety of humans and domestic livestock is ensured. Unprotected mammals and unprotected birds may be possessed, bought, sold, or transported in any quantity, except importation or exportation is restricted as provided in subdivision 2.

Subd. 2. **Taking and possessing live coyotes.** A person may not export a live coyote out of the state or import a live coyote into the state unless authorized under a permit from the commissioner.

Sec. 40. Minnesota Statutes 2008, section 97B.811, subdivision 2, is amended to read:

Subd. 2. **Hours for placing decoys.** Except as provided in subdivisions 3 and 4, a person may not place decoys in public waters or on public lands more than ~~one hour~~ two hours before lawful shooting hours for waterfowl.

Sec. 41. Minnesota Statutes 2008, section 97B.811, subdivision 3, is amended to read:

Subd. 3. **Restrictions on leaving decoys unattended.** During the open season for waterfowl, a person may not leave decoys in public waters between sunset and one hour before lawful shooting hours or leave decoys unattended during other times for more than four consecutive hours unless:

~~(1) the decoys are in waters adjacent to completely surrounded by private land under the control of the hunter; and~~ and there is no public access to the water.

~~(2) there is not natural vegetation growing in water sufficient to partially conceal a hunter.~~

Sec. 42. Minnesota Statutes 2008, section 97B.931, subdivision 1, is amended to read:

Subdivision 1. **Restrictions.** A person may not tend a trap set for wild animals between 10:00 p.m. and 5:00 a.m. Between 5:00 a.m. and 10:00 p.m. a person on foot may use a portable artificial light to tend traps. While using a light in the field, the person may not possess or use a firearm other than a handgun or rifle capable of firing only rimfire cartridges of .17 or .22 caliber including .22 magnum.

Sec. 43. Minnesota Statutes 2008, section 97C.315, subdivision 1, is amended to read:

Subdivision 1. **Lines.** An angler may ~~not use more than one line except:~~

~~(1) two lines may be used to take fish through the ice; and,~~

~~(2) the commissioner may, by rule, authorize the use of two lines in areas designated by the commissioner in Lake Superior.~~

Sec. 44. Minnesota Statutes 2008, section 97C.355, subdivision 2, is amended to read:

Subd. 2. **License required.** A person may not leave a dark house ~~or~~ fish house, or shelter unattended on the ice at any time between midnight and one hour before sunrise unless the house or shelter is licensed and has ~~a~~ the license tag attached to the exterior in a readily visible location, except as provided in this subdivision. The commissioner must issue a tag with a dark house ~~or~~ fish house, or shelter license, marked with a number to correspond with the license and the year of issue. A dark house ~~or~~ fish house, or shelter license is not required of a resident on boundary waters where the adjacent state does not charge a fee for the same activity.

Sec. 45. Minnesota Statutes 2008, section 97C.371, is amended by adding a subdivision to read:

Subd. 5. Nonresidents. Nonresidents may spear from a fish house or dark house.

Sec. 46. Minnesota Statutes 2008, section 97C.385, subdivision 2, is amended to read:

Subd. 2. **~~Summer Angling limits must be same as and spearing limits.~~** (a) If the commissioner reduces the limit of a species of game fish taken by spearing in any waters under section 97A.045, subdivision 2, the commissioner must reduce the limit for taking of the species by angling in the waters during the following open season for angling.

(b) The commissioner shall not limit the size of a northern pike allowed to be taken by spear.

Sec. 47. Minnesota Statutes 2008, section 97C.395, subdivision 1, is amended to read:

Subdivision 1. **Dates for certain species.** (a) The open seasons to take fish by angling are as follows:

(1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend to the last Sunday in February;

(2) for lake trout, from January 1 to October 31;

(3) for the winter season for lake trout on all lakes located outside or partially within the Boundary Waters Canoe Area, from January 15 to March 31;

(4) for the winter season for lake trout on all lakes located entirely within the Boundary Waters Canoe Area, from January 1 to March 31;

(5) for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by rule except as provided in section 97C.415, subdivision 2;

~~(5)~~ (6) for the winter season for brown trout, brook trout, rainbow trout, and splake on all lakes, from January 15 to March 31; and

~~(6)~~ (7) for salmon, as prescribed by the commissioner by rule.

(b) The commissioner shall close the season in areas of the state where fish are spawning and closing the season will protect the resource.

Sec. 48. Laws 2008, chapter 368, article 2, section 25, the effective date, is amended to read:

EFFECTIVE DATE. The amendments to paragraph (a) are effective March 1, ~~2009~~ 2010.

EFFECTIVE DATE. This section is effective retroactively from March 1, 2009.

Sec. 49. **ELK MANAGEMENT PLAN.**

(a) Within 90 days of the effective date of this section, the commissioner of natural resources shall:

(1) develop an elk management plan consistent with the requirements under Minnesota Statutes, section 97B.516;

(2) present the elk management plan to the Kittson, Marshall, and Roseau County Boards; and

(3) begin implementing the plan.

(b) If the commissioner fails to meet all the requirements in paragraph (a), the commissioner shall establish an open season for elk in Kittson, Marshall, and Roseau Counties to begin in 2009 and continue until the elk population reaches 30 or less in Marshall County and 30 or less in Kittson County.

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

Sec. 50. **RULEMAKING.**

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

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

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

<u>LAKE</u>	<u>COUNTY</u>
<u>Bryant</u>	<u>Hennepin</u>
<u>Bush</u>	<u>Hennepin</u>
<u>Calhoun</u>	<u>Hennepin</u>

<u>Cedar</u>	<u>Hennepin</u>
<u>Cedar</u>	<u>Scott</u>
<u>Clear</u>	<u>Washington</u>
<u>Crystal</u>	<u>Dakota</u>
<u>Crystal</u>	<u>Hennepin</u>
<u>Eagle</u>	<u>Carver</u>
<u>Elmo</u>	<u>Washington</u>
<u>Gervais</u>	<u>Ramsey</u>
<u>Island</u>	<u>Ramsey</u>
<u>Isles</u>	<u>Hennepin</u>
<u>Johanna</u>	<u>Ramsey</u>
<u>Nokomis</u>	<u>Hennepin</u>
<u>Orchard</u>	<u>Dakota</u>
<u>Phalen</u>	<u>Ramsey</u>
<u>Pierson</u>	<u>Carver</u>
<u>Silver</u>	<u>Ramsey</u>
<u>Wasserman</u>	<u>Carver</u>
<u>Weaver</u>	<u>Hennepin</u>

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

Sec. 51. **REPEALER.**

Minnesota Statutes 2008, sections 97A.525, subdivision 2; 97B.301, subdivisions 7 and 8; and 97C.405, are repealed."

Delete the title and insert:

"A bill for an act relating to game and fish; modifying refund provisions; modifying publication requirements; modifying restrictions in migratory feeding and resting areas; providing certain exemptions from local law; modifying wild animal and fish taking, possession, and licensing requirements; modifying provisions relating to the possession of certain weapons; removing bow and gun case requirements; authorizing certain fees; requiring rulemaking; amending Minnesota Statutes 2008, sections 17.4981; 17.4988, subdivision 3; 84.027, subdivision 13; 84.788, subdivision 11; 84.798, subdivision 10; 84.82, subdivision 11; 84.922, subdivision 12; 86B.415, subdivision 11; 97A.051, subdivision 2; 97A.075, subdivision 1; 97A.095, subdivision 2; 97A.137, by adding subdivisions; 97A.405, subdivision 4; 97A.421, subdivision 1; 97A.441, subdivision 7; 97A.445, subdivision 1, by adding a subdivision; 97A.451, subdivision 2; 97A.465, subdivision 1b; 97A.475, subdivisions 2, 3, 7, 11, 12, 29; 97A.525, subdivision 1; 97B.035, subdivision 2; 97B.041; 97B.045, subdivisions 1, 2; 97B.051; 97B.055, subdivision 3; 97B.086; 97B.111, subdivision 1; 97B.211, subdivision 1; 97B.328, subdivision 3; 97B.425; 97B.651; 97B.811, subdivisions 2, 3; 97B.931, subdivision 1; 97C.315, subdivision 1; 97C.355, subdivision 2; 97C.371, by adding a subdivision; 97C.385, subdivision 2; 97C.395, subdivision 1; Laws 2008, chapter 368, article 2, section 25; repealing Minnesota Statutes 2008, sections 97A.525, subdivision 2; 97B.301, subdivisions 7, 8; 97C.405."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 1275, A bill for an act relating to environment; modifying sewage treatment systems provisions; changing terminology; amending Minnesota Statutes 2008, sections 115.55, subdivisions 1, 2, 3, 4, 5, 5a, 5b, 6, 9; 115.56, subdivisions 1, 2, 3; repealing Minnesota Statutes 2008, sections 115.55, subdivision 10; 115.56, subdivision 2a.

Reported the same back with the following amendments:

Page 9, delete line 1

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

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

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

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

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

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

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

Page 11, after line 20, insert:

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

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

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

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 1341, A bill for an act relating to health; changing provisions in the newborn screening program; amending Minnesota Statutes 2008, sections 13.386, subdivision 3; 144.125, subdivision 3, by adding subdivisions.

Reported the same back with the following amendments:

Page 3, line 14, delete everything after "144.128" and insert ", to the extent that section 144.128 pertains to the elected alternative. If the parent or legal guardian objects to the testing itself, section 144.128 does not apply."

Page 3, delete line 15

Page 3, line 20, before "The" insert "(a)"

Page 3, delete lines 23 to 25 and insert:

"(b) Notwithstanding paragraph (a), the department may use and store the newborn screening samples for individual health-related studies or any other purpose with a written informed consent of the parent or legal guardian."

Page 4, line 15, before "Unless" insert "(a)"

Page 4, after line 17, insert:

"(b) The department must implement this subdivision by July 1, 2010."

Page 4, after line 23, insert:

"Sec. 8. Minnesota Statutes 2008, section 144.125, is amended by adding a subdivision to read:

Subd. 9. **Destruction of existing samples.** Unless a parent or legal guardian has given written informed consent, the department must destroy all newborn screening blood samples retained by the department as of June 1, 2009, within 25 months of that date.

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

Page 4, line 24, delete "8" and insert "9"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

H. F. No. 1351, A bill for an act relating to elections; changing certain absentee ballot requirements and provisions; amending Minnesota Statutes 2008, sections 203B.04, subdivisions 1, 6; 203B.05, subdivision 1; 203B.06, subdivision 3; 203B.07, subdivision 3; 203B.08, subdivisions 2, 3; 203B.12; 203B.23, subdivision 2; 203B.24, subdivision 1; 203B.26; 204B.45, subdivision 2; 204B.46; 204C.10; 204C.13, subdivision 6; 204C.27; 204C.30, by adding a subdivision; 204C.33, subdivisions 1, 3; 205.185, subdivision 3; 205A.10, subdivisions 2, 3; 206.89, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 203B; repealing Minnesota Statutes 2008, sections 203B.04, subdivision 5; 203B.10; 203B.13; 203B.25.

Reported the same back with the following amendments:

Page 3, after line 9, insert:

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested and shown to properly allow for the issuance of ballots to ongoing absentee voters.

Page 3, delete lines 17 to 24 and insert:

"A clerk may only administer the provisions of sections 203B.04 to 203B.15 if the clerk has technical capacity to access the absentee ballot module of the statewide voter registration system in the secure manner prescribed by the secretary of state. The secretary of state must identify hardware, software, security, or other technical prerequisites necessary to ensure the security, access controls, and performance of the statewide voter registration system. A clerk designated under this subdivision must receive training approved by the secretary of state on the use of the statewide voter registration system. A clerk may not use the statewide voter registration system until the clerk has received the required training.

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Page 4, after line 17, insert:

EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Page 4, after line 33, insert:

"EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 6. Minnesota Statutes 2008, section 203B.07, subdivision 2, is amended to read:

Subd. 2. **Design of envelopes.** The return envelope shall be of sufficient size to conveniently enclose and contain the ballot envelope and a folded voter registration application. The return envelope shall be designed to open on the left-hand end. ~~If the voter was not previously registered,~~ The return envelope must be designed in one of the following ways:

(1) it must be of sufficient size to contain an additional envelope that when sealed, conceals the signature, identification, and other information; or

(2) it must provide an additional flap that when sealed, conceals the signature, identification, and other information.

Election officials may open the flap or the additional envelope at any time after receiving the returned ballot to inspect the returned certificate for completeness or to ascertain other information."

Page 5, after line 25, insert:

"EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use."

Page 6, after line 2, insert:

"EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use.

Sec. 10. Minnesota Statutes 2008, section 203B.081, is amended to read:

203B.081 LOCATIONS FOR ABSENTEE VOTING IN PERSON.

An eligible voter may vote by absentee ballot during the 30 days before the election up until the third day before the election in the office of the county auditor and at any other polling place designated by the county auditor. On the day before the election, voters who had planned on voting in person in the polling place and only learned of circumstances in the last four days that will prevent them from doing so may vote by absentee ballot. The county auditor shall make such designations at least 90 days before the election. At least one voting booth in each polling place must be made available by the county auditor for this purpose. The county auditor must also make available at least one electronic ballot marker in each polling place that has implemented a voting system that is accessible for individuals with disabilities pursuant to section 206.57, subdivision 5.

Sec. 11. Minnesota Statutes 2008, section 203B.085, is amended to read:

203B.085 COUNTY AUDITOR'S AND MUNICIPAL CLERK'S OFFICES TO REMAIN OPEN DURING CERTAIN HOURS PRECEDING ELECTION.

The county auditor's office in each county and the clerk's office in each city or town authorized under section 203B.05 to administer absentee balloting must be open for acceptance of absentee ballot applications and casting of absentee ballots ~~from 10:00 a.m. to 3:00 p.m. on Saturday and until 5:00 p.m. noon~~ on the ~~day immediately Saturday~~ preceding a primary, special, or general election ~~unless that day falls on a Saturday or Sunday~~. On the day before the election, the office must be open for acceptance of absentee ballot applications and casting of absentee ballots for voters who additionally certify that they had planned on voting in person in the polling place and only learned of circumstances in the last four days that will prevent them from doing so. Town clerks' offices must be open for absentee voting from 10:00 a.m. to 12:00 noon on the Saturday before a town general election held in March. The school district clerk, when performing the county auditor's election duties, need not comply with this section."

Page 6, line 9, delete "administer" and insert "accept and reject"

Page 6, line 12, delete "and certified"

Page 6, line 22, delete "election judges of a" and insert "members of the"

Page 8, line 24, after "(2)" insert "without inspecting the ballots."

Page 9, after line 28, insert:

"EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use."

Page 10, after line 19, insert:

"EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use."

Page 11, after line 21, insert:

"EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use."

Page 11, after line 32, insert:

"EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use."

Page 12, line 13, delete "and certified"

Page 12, after line 32, insert:

"EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use."

Page 13, line 7, strike "20 or" and insert "30 nor"

Page 13, line 9, after the period, insert "No later than 14 days before the election, the auditor or clerk must make a subsequent mailing of ballots to those voters who register to vote after the initial mailing but before the 20th day before the election."

Page 13, line 13, delete "and certified"

Page 13, after line 30, insert:

"EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use."

Page 14, line 19, delete "municipal clerk" and insert "ballot board"

Page 14, line 21, delete "early or"

Page 14, after line 27, insert:

"EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use."

Page 15, after line 5, insert:

"EFFECTIVE DATE. This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use."

Page 17, after line 25, insert:

"Sec. 25. Minnesota Statutes 2008, section 205.185, is amended by adding a subdivision to read:

Subd. 5. Review of rejected absentee ballots. Prior to an election not held in conjunction with a state election, a clerk may arrange to have a certified election administrator from another city or county review all ballots that were marked rejected to determine whether any were rejected in error. These arrangements must be made at least seven days before the date of the election. If no arrangements are made, rejected absentee ballots must not be reviewed outside of an election contest under chapter 209. If the certified election administrator determines that any were rejected in error, the canvassing board must publicly open the return and ballot envelopes and initial and count the ballots to include the votes in all races in the results canvassed by the board. The canvassing board must protect the privacy of the voters' choices to the extent practicable. If the number of rejected absentee ballots could not possibly change the outcome in any of the elections or questions on the ballot, the clerk may cancel the review of the rejected absentee ballots."

Page 18, after line 3, insert:

"**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use."

Page 18, after line 22, insert:

"Sec. 28. Minnesota Statutes 2008, section 205A.10, is amended by adding a subdivision to read:

Subd. 6. **Review of rejected absentee ballots.** Prior to an election not held in conjunction with a state election, a clerk may arrange to have a certified election administrator from another city or county review all ballots that were marked rejected to determine whether any were rejected in error. These arrangements must be made at least seven days before the date of the election. If no arrangements are made, rejected absentee ballots must not be reviewed outside of an election contest under chapter 209. If the certified election administrator determines that any were rejected in error, the canvassing board must publicly open the return and ballot envelopes and initial and count the ballots to include the votes in all races in the results canvassed by the board. The canvassing board must protect the privacy of the voters' choices to the extent practicable. If the number of rejected absentee ballots could not possibly change the outcome in any of the elections or questions on the ballot, the clerk may cancel the review of the rejected absentee ballots."

Page 19, after line 8, insert:

"**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use."

Page 19, after line 11, insert:

"**EFFECTIVE DATE.** This section is not effective until the secretary of state has certified that the statewide voter registration system has been tested, shown to properly allow municipal clerks to update absentee voting records, and to be able to handle the expected volume of use."

Page 19, delete section 26

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 1372, A bill for an act relating to environment; modifying Infectious Waste Control Act; amending Minnesota Statutes 2008, section 116.78, subdivision 4.

Reported the same back with the following amendments:

Page 1, line 17, after the period, insert "A purchaser may decline to accept the sharps disposal container."

With the recommendation that when so amended the bill pass.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1406, A bill for an act relating to taxes; modifying provisions relating to lawful gambling taxes; amending Minnesota Statutes 2008, sections 297E.01, subdivisions 7, 8; 297E.02, subdivisions 1, 2, 3, 7, 10; 297E.13, subdivision 5; 349.12, subdivision 25; 349.166, subdivision 2; 349.19, subdivision 2; repealing Minnesota Statutes 2008, sections 297E.02, subdivisions 4, 6, 11; 349.15, subdivision 3; 349.19, subdivision 2a.

Reported the same back with the following amendments:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 2008, section 240.13, is amended by adding a subdivision to read:

Subd. 10. **Reimbursement.** The commission may permit a class B licensee who conducts pari-mutuel wagering on horse races at a class A licensed racetrack to accept compensation from an out-of-state vendor where the out-of-state vendor is using or selling the televised signal of races conducted by the licensee as a component of a system that is operating in compliance with the Interstate Horse Racing Act of 1978, United States Code, title 15, sections 3001 to 3007. If the compensation is in the form of payment of cash, the receipts shall be treated as if they were simulcasting revenue for purposes of purse set-aside and breeders fund contributions. An agreement by the class B licensee to receive compensation in a form other than cash payment must be agreed to by the horsepersons' association representing the majority of horsepersons racing at the class B licensee's class A racetrack. In any case where an out-of-state vendor is using or selling the televised signal of a race conducted by a licensee without compensating the licensee, the licensee has a cause of action against the out-of-state vendor and may recover three times the amount of damages incurred in addition to reasonable costs and attorney fees. Damages shall be measured utilizing the highest established rate of compensation existing in the industry as of the date of the sale or use of the televised signal."

Pages 3 and 4, delete section 6 and insert:

"Sec. 7. Minnesota Statutes 2008, section 297E.02, subdivision 7, is amended to read:

Subd. 7. **Untaxed Tax on illegal or lost gambling product.** (a) In addition to penalties or criminal sanctions imposed by this chapter, a person, organization, or business entity possessing, playing, or selling a pull-tab or tipboard ~~upon which the tax imposed by subdivision 4 has not been paid~~ for which:

(1) they are not authorized under chapter 349 to have in their possession;

(2) they do not possess a valid invoice from a licensed distributor; or

(3) the game does not conform with the standards as set forth in chapter 349, including the bar code information;

is liable for a tax of six percent of the ideal gross of each pull-tab or tipboard. The tax on a partial deal must be assessed as if it were a full deal.

(b) In addition to penalties and criminal sanctions imposed by this chapter, a person not licensed or exempt by the board who conducts bingo, raffles, or paddle wheel games is liable for a tax of six percent of the gross receipts from that activity.

(c) In addition to penalties or criminal sanctions imposed by this chapter, a licensed organization, an organization exempt from licensing under section 349.166, subdivision 2, or a lawful licensed distributor, is liable for a tax of 9.8 percent of the ideal gross profits for gambling equipment registered with the state in inventory but later found to be missing or lost.

(d) The tax must be assessed by the commissioner. An assessment must be considered a jeopardy assessment or jeopardy collection as provided in section 270C.36. The commissioner shall assess the tax based on personal knowledge or information available to the commissioner. The commissioner shall mail to the taxpayer at the taxpayer's last known address, or serve in person, a written notice of the amount of tax, demand its immediate payment, and, if payment is not immediately made, collect the tax by any method described in chapter 270C, except that the commissioner need not await the expiration of the times specified in chapter 270C. The tax assessed by the commissioner is presumed to be valid and correctly determined and assessed. The burden is upon the taxpayer to show its incorrectness or invalidity. The tax imposed under this subdivision does not apply to gambling that is exempt from taxation under subdivision 2."

Page 4, delete section 8 and insert:

"Sec. 9. Minnesota Statutes 2008, section 297E.13, subdivision 5, is amended to read:

Subd. 5. **Untaxed gambling equipment.** It is a gross misdemeanor for a person to possess gambling equipment for resale in this state that has not been stamped or bar-coded in accordance with this chapter and chapter 349 and in compliance with section 297E.02, subdivision 7, and upon which the taxes imposed by chapter 297A ~~or section 297E.02, subdivision 4,~~ have not been paid. The director of alcohol and gambling enforcement or the commissioner or the designated inspectors and employees of the director or commissioner may seize in the name of the state of Minnesota any unregistered ~~or untaxed~~ gambling equipment."

Page 10, line 21, delete "Sections 1 to 12" and insert "Section 1 is effective the day following final enactment and sections 2 to 13"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete the first "taxes" and insert "gambling; providing for certain reimbursement relating to pari-mutuel wagering"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 1454, A bill for an act relating to health; requiring commissioner of health to develop a uniform formulary exception document; amending Minnesota Statutes 2008, section 62J.497, by adding a subdivision.

Reported the same back with the following amendments:

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

Page 1, line 13, after "(2)" insert "effective January 1, 2011."

Page 1, line 15, before "Beginning" insert "(b)" and delete "January 1, 2010" and insert "July 1, 2009"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1463, A bill for an act relating to the secretary of state; regulating various filings and fees; defining certain terms; amending Minnesota Statutes 2008, sections 5.12, subdivision 1; 5.29; 5.32; 270C.63, subdivision 13; 302A.821; 303.14; 303.16, subdivision 4; 308A.995; 308B.121, subdivisions 1, 2; 317A.823; 321.0206; 321.0210; 321.0810; 322B.960; 323A.1003; 333.055; 336A.04, subdivision 3; 336A.09, subdivision 2; 359.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 5.

Reported the same back with the following amendments:

Page 2, after line 5, insert:

"EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section."

Page 2, after line 33, insert:

"EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section."

Page 7, line 6, strike "must"

Page 7, line 10, before "send" insert "may"

Page 7, line 12, delete "organization" and insert "incorporation"

Page 8, line 24, strike "must"

Page 8, line 28, before "send" insert "may"

Page 9, after line 6, insert:

"**EFFECTIVE DATE.** This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section."

Page 9, line 23, strike "must" and insert "may"

Page 13, line 31, strike "must" and insert "may"

Page 15, line 19, strike "must"

Page 15, line 24, before "send" insert "may"

Page 18, line 12, after "each" insert "lien notice or"

Page 18, line 14, after "each" insert "lien notice or"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1511, A bill for an act relating to lawful gambling; modifying lawful purpose and other definitions; establishing a rating system for annual lawful purpose expenditures and imposing civil penalties; modifying provisions relating to licensing and permits and providing for fees; regulating conduct of bingo and other games; modifying lease requirements; regulating who may participate in lawful gambling; providing for expenditures of gross profits; providing for local approval; making clarifying, technical, and conforming changes to lawful gambling provisions; amending Minnesota Statutes 2008, sections 349.11; 349.12, subdivisions 3a, 7, 7a, 12a, 18, 19, 21, 25, 29, 32a, 33; 349.15, subdivisions 1, 1a; 349.151, subdivision 4; 349.154, subdivision 1; 349.155, subdivisions 3, 4a; 349.16, subdivisions 2, 3, 6, 8, 11, by adding subdivisions; 349.162, subdivision 6; 349.1635, subdivision 3; 349.1641; 349.165, subdivisions 1, 2, 3, by adding a subdivision; 349.166, subdivision 2; 349.167, subdivision 2; 349.168, subdivision 8; 349.169, subdivisions 1, 3; 349.17, subdivisions 3, 5, 6, 7; 349.173; 349.18, subdivision 1; 349.19, subdivisions 2, 2a, 3, 5, 10; 349.191, subdivisions 1, 1a, 1b, 2, 3, 4; 349.213, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 2008, sections 349.15, subdivisions 4, 5; 349.154, subdivision 2; 349.155, subdivision 7; 349.16, subdivisions 9, 10; 349.166, subdivision 3; 349.168, subdivisions 4, 6, 7, 10; 349.18, subdivisions 2, 3; 349.2127, subdivision 8.

Reported the same back with the following amendments:

Page 1, after line 22, insert:

"ARTICLE 1

MISCELLANEOUS"

Page 2, line 14, reinstate the first stricken comma and reinstate the stricken "(15)," and delete "to (14)" and reinstate the stricken "(19)" and delete "(18)"

Page 5, after line 13, insert:

"(12) an expenditure for citizen monitoring of surface water quality by individuals or nongovernmental organizations that is consistent with section 115.06, subdivision 4, and Minnesota Pollution Control Agency guidance on monitoring procedures, quality assurance protocols, and data management, provided that the resulting data is submitted to the Minnesota Pollution Control Agency for review and inclusion in the state water quality database;"

Page 5, lines 14, 22, 24, 27, and 31, reinstate the stricken language and delete the new language

Page 6, lines 1 and 3, reinstate the stricken language and delete the new language

Page 6, line 6, delete "(19)" and insert "(20)"

Page 6, line 8, delete "(10) to (14), (18), and (24)" and insert "(11) to (15), (19), and (25)"

Page 6, line 9, delete "(20)" and insert "(21)"

Page 6, line 14, delete "(21)" and insert "(22)"

Page 6, line 16, after "profits" insert "from the previous fiscal year"

Page 6, line 33, delete "(22)" and insert "(23)"

Page 7, line 1, delete "(23)" and insert "(24)"

Page 7, line 4, delete "(24)" and insert "(25)"

Page 7, line 12, delete "(23) and (24)" and insert "(24) and (25)"

Page 11, line 21, reinstate the stricken language and delete the new language

Page 25, line 19, strike everything after the period

Page 25, strike line 20

Page 30, lines 29 and 32, reinstate the stricken language and delete the new language

Page 35, after line 11, insert:

"Sec. 59. Minnesota Statutes 2008, section 349.2127, subdivision 7, is amended to read:

Subd. 7. **Checks for gambling purchases.** An organization may not accept checks or debit cards in payment for the purchase of any gambling equipment or for the chance to participate in any form of lawful gambling except a raffle. If an organization accepts a check or debit card, the payment of which is subsequently dishonored, the organization shall reimburse its gambling account for the amount of the dishonored ~~check~~ payment within 30 days of receiving notice of the dishonor. This subdivision does not apply to gaming activities conducted pursuant to the Indian Gaming Regulatory Act, United States Code, title 25, section 2701 et seq."

Page 35, line 20, delete "act" and insert "article"

Page 35, after line 20, insert:

"ARTICLE 2

STATIONARY ELECTRONIC BINGO

Section 1. Minnesota Statutes 2008, section 349.12, subdivision 5, is amended to read:

Subd. 5. **Bingo occasion.** "Bingo occasion" means a single gathering or session at which a series of one or more successive bingo games is played. There is no limit on the number of games conducted during a bingo occasion ~~but~~. A bingo occasion must not last longer than eight consecutive hours, except that all linked bingo games played on stationary electronic bingo devices during the regular daily business hours of the permitted premises are considered a separate bingo occasion.

Sec. 2. Minnesota Statutes 2008, section 349.12, subdivision 12a, is amended to read:

Subd. 12a. **Electronic bingo device.** (a) "Electronic bingo device" means ~~an~~ a portable or stationary electronic bingo device used by a bingo player to (1) monitor bingo paper sheets or facsimile of a bingo paper sheet when purchased at the time and place of an organization's bingo occasion and which (1) ~~provides a means for bingo players to input;~~ (2) ~~activate~~ numbers announced by a bingo caller; (2) ~~compares or displayed and compare~~ the numbers ~~entered by the player~~ to the bingo faces previously stored in the memory of the device; and (3) ~~identifies~~ identify a winning bingo pattern.

(b) An electronic bingo device may be used only in the conduct of bingo permitted under this chapter and may not display or simulate any other form of gambling or entertainment. A portable electronic bingo device is considered a device that is handheld and portable and must be provided by a licensed distributor. A stationary electronic bingo device is considered a device that is not readily portable and must be provided by a linked bingo game provider as part of its linked bingo game system. Electronic bingo device does not mean any device into which coin, currency, or tokens are inserted to activate play.

Sec. 3. Minnesota Statutes 2008, section 349.12, subdivision 18, is amended to read:

Subd. 18. **Gambling equipment.** "Gambling equipment" means: bingo hard cards or paper sheets, linked bingo paper sheets, devices for selecting bingo numbers, portable electronic bingo devices, pull-tabs, jar tickets, paddle wheels, paddle wheel tables, paddle tickets, paddle ticket cards, tipboards, tipboard tickets, promotional tickets that mimic a pull-tab or tipboard, and pull-tab dispensing devices.

Sec. 4. Minnesota Statutes 2008, section 349.12, subdivision 25b, is amended to read:

Subd. 25b. **Linked bingo game provider.** "Linked bingo game provider" means any person who provides the means to link bingo prizes in a linked bingo game, ~~who provides linked bingo paper sheets to the participating organizations~~ games, who provides linked bingo prize management, and who provides the linked bingo game system.

Sec. 5. Minnesota Statutes 2008, section 349.12, subdivision 25c, is amended to read:

Subd. 25c. **Linked bingo game system.** "Linked bingo game system" means the equipment used by the linked bingo provider to conduct, transmit, and track a linked bingo game. The system must be approved by the board before its use in this state and it must have ~~dial-up or other~~ the capability to permit the board to monitor its operation remotely.

Sec. 6. Minnesota Statutes 2008, section 349.12, subdivision 25d, is amended to read:

Subd. 25d. **Linked bingo prize pool.** "Linked bingo prize pool" means the total of all prize money that each participating organization has contributed to a linked bingo game prize and includes any portion of the prize pool that is carried over from one ~~occasion~~ game to another in a progressive linked bingo game.

Sec. 7. Minnesota Statutes 2008, section 349.151, subdivision 4b, is amended to read:

Subd. 4b. **Pull-tab sales from dispensing devices.** (a) The board may by rule authorize but not require the use of pull-tab dispensing devices.

(b) Rules adopted under paragraph (a):

~~(1) must limit the number of pull-tab dispensing devices on any permitted premises to three; and~~

~~(2) must limit the use of pull-tab dispensing devices to a permitted premises which is (i) a licensed premises for on sales of intoxicating liquor or 3.2 percent malt beverages; or (ii) a premises where bingo is conducted and admission is restricted to persons 18 years or older.~~

~~(c) Notwithstanding rules adopted under paragraph (b), pull tab dispensing devices may be used in establishments licensed for the off sale of intoxicating liquor, other than drugstores and general food stores licensed under section 340A.405, subdivision 1.~~

Sec. 8. Minnesota Statutes 2008, section 349.151, subdivision 4c, is amended to read:

Subd. 4c. **Electronic bingo.** (a) The board may by rule authorize but not require the use of electronic bingo devices.

(b) Rules adopted under paragraph (a):

(1) must limit the number of bingo faces that can be played using an electronic bingo device to 36;

(2) must require that an electronic bingo device be used with corresponding bingo paper sheets or a facsimile; ~~printed at the point of sale; of a bingo paper sheet~~ as approved by the board;

(3) must require that the electronic bingo device site system have ~~dialed up the~~ the capability to permit the board to remotely monitor the operation of the device and the internal accounting systems; and

(4) must prohibit the price of a face played on an electronic bingo device from being less than the price of a face on a bingo paper sheet sold at the same occasion.

Sec. 9. Minnesota Statutes 2008, section 349.16, subdivision 7, is amended to read:

Subd. 7. **Purchase of gambling equipment.** An organization may purchase or lease gambling equipment only from a person licensed as a distributor or linked bingo game provider.

Sec. 10. Minnesota Statutes 2008, section 349.1635, subdivision 1, is amended to read:

Subdivision 1. **License required.** No person may do any of the following without having first obtained a license from the board:

(1) provide the means to link prizes in a linked bingo game;

- (2) provide linked bingo game prize management;
- (3) provide the linked bingo system; or
- (4) provide linked bingo paper sheets or stationary electronic bingo devices to an organization.

Sec. 11. Minnesota Statutes 2008, section 349.17, subdivision 6, is amended to read:

Subd. 6. **Conduct of bingo.** (a) Each bingo hard card and paper sheets must have five horizontal rows of spaces with each row except one having five numbers. The center row must have four numbers and the center space marked "free." Each column must have one of the letters B-I-N-G-O in order at the top. Bingo paper sheets may also have numbers that are not preprinted but are filled in by players.

(b) A game of bingo begins with the first letter and number called or displayed. Each player must cover ~~or~~ mark, or activate the numbers when bingo numbers are randomly ~~selected, announced, and selected and announced~~ or displayed to the players, ~~either manually or with a flashboard and monitor~~. The game is won when a player, using bingo paper, bingo hard card, or a facsimile of a bingo paper sheet, has covered or marked completed, as described in the bingo program, a previously designated arrangement of numbers on the card or sheet pattern or previously determined requirements of the game and declared bingo. The game is completed when a winning card ~~or sheet, or facsimile~~ is verified and a prize awarded, ~~except that prizes won in linked bingo games may be awarded pursuant to subdivision 3.~~

Sec. 12. Minnesota Statutes 2008, section 349.17, subdivision 7, is amended to read:

Subd. 7. **Bar bingo.** An organization may conduct bar bingo subject to the following restrictions:

(1) the bingo is conducted at a site the organization owns or leases and which has a license for the sale of intoxicating beverages on the premises under chapter 340A; and

~~(2) the bingo is conducted using only bingo paper sheets purchased from a licensed distributor;~~

~~(3) no rent may be paid for a bar bingo occasion; and~~

~~(4) the lessor's immediate family and employees may participate if they are not involved with the sale or operation of bar bingo.~~

(2) bingo hard cards are not used.

Sec. 13. Minnesota Statutes 2008, section 349.17, subdivision 8, is amended to read:

Subd. 8. **Linked bingo games.** (a) A licensed organization may conduct or participate in ~~not more than two~~ linked bingo games ~~per occasion, one, some~~ of which may be a progressive game in which a portion of the prize is carried over from one ~~occasion game~~ to another until won by a player achieving a bingo within a predetermined amount of bingo numbers called.

~~(b) Each participating licensed organization shall contribute to each prize awarded in a linked bingo game in an amount not to exceed \$300.~~

~~(c)~~ An electronic bingo device as defined in section 349.12, subdivision 12a, may be used for a linked bingo game. No more than six stationary electronic bingo devices may be located at a permitted premises with 200 seats or less. No more than 12 stationary electronic bingo devices may be located at a permitted premises with 201 seats or more. Seating capacity is determined as specified under local fire code.

~~(d)~~ (c) A stationary electronic bingo device may be located only at a permitted premises where the organization conducts another form of gambling and the premises is:

(1) a licensed premises for on-sales and off-sales of intoxicating liquor or 3.2 percent malt beverages; or

(2) where bingo is conducted and admission is restricted to persons 18 years or older.

(d) Prior to a bingo occasion for linked bingo games played on stationary electronic bingo devices, the linked bingo game provider, on behalf of the participating organizations, must provide to the board a bingo program in a format prescribed by the board.

(e) The board may adopt rules to:

(1) specify the manner in which a linked bingo game must be played and how the linked bingo prizes must be awarded;

(2) specify the records to be maintained by a linked bingo game provider;

(3) require the submission of periodic reports by the linked bingo game provider and specify the content of the reports;

(4) establish the qualifications required to be licensed as a linked bingo game provider; and

(5) any other matter involving the operation of a linked bingo game.

Sec. 14. Minnesota Statutes 2008, section 349.18, subdivision 1, is amended to read:

Subdivision 1. **Lease or ownership required; rent limitations.** (a) An organization may conduct lawful gambling only on premises it owns or leases. Leases must be on a form prescribed by the board. The term of the lease may not begin before the effective date of the premises permit and must expire on the same day that the premises permit expires. Leases approved by the board must specify that the board may authorize an organization to withhold rent from a lessor for a period of up to 90 days if the board determines that illegal gambling occurred on the premises and that the lessor or its employees participated in the illegal gambling or knew of the gambling and did not take prompt action to stop the gambling. The lease must authorize the continued tenancy of the organization without the payment of rent during the time period determined by the board under this paragraph. Copies of all leases must be made available to employees of the board and the Division of Alcohol and Gambling Enforcement on request. ~~The board may prescribe by rule limits on the amount of rent which an organization may pay to a lessor for premises leased for bingo. Any rule adopted by the board limiting the amount of rent to be paid may only be effective for leases entered into, or renewed, after the effective date of the rule.~~

(b) Rent paid by an organization for leased premises for the conduct of pull-tabs, tipboards, and paddle wheels is subject to the following limits:

(1) for booth operations, including booth operations where a pull-tab dispensing device is located, booth operations where a bar operation is also conducted, and booth operations where both a pull-tab dispensing device is located and a bar operation is also conducted, the maximum rent is:

(i) in any month where the organization's gross profit at those premises does not exceed \$4,000, up to \$400; and

(ii) in any month where the organization's gross profit at those premises exceeds \$4,000, up to \$400 plus not more than ten percent of the gross profit for that month in excess of \$4,000;

(2) for bar operations, including bar operations where a pull-tab dispensing device is located but not including bar operations subject to clause (1), and for locations where only a pull-tab dispensing device is located:

(i) in any month where the organization's gross profit at those premises does not exceed \$1,000, up to \$200; and

(ii) in any month where the organization's gross profit at those premises exceeds \$1,000, up to \$200 plus not more than 20 percent of the gross profit for that month in excess of \$1,000;

(3) a lease not governed by clauses (1) and (2) must be approved by the board before becoming effective;

(4) total rent paid to a lessor from all organizations from leases governed by clause (1) may not exceed \$1,750 per month. Total rent paid to a lessor from all organizations from leases governed by clause (2) may not exceed \$2,500 per month.

(c) Rent paid by an organization for leased premises for the conduct of bingo is subject to either of the following limits at the option of the parties to the lease:

(1) not more than ten percent of the monthly gross profit from all lawful gambling activities held during bingo occasions excluding bar bingo or at a rate based on a cost per square foot not to exceed 110 percent of a comparable cost per square foot for leased space as approved by the director; and

(2) no rent may be paid for bar bingo, except as allowed under section 349.185.

(d) Amounts paid as rent under leases are all-inclusive. No other services or expenses provided or contracted by the lessor may be paid by the organization, including, but not limited to, trash removal, janitorial and cleaning services, snow removal, lawn services, electricity, heat, security, security monitoring, storage, other utilities or services, and, in the case of bar operations, cash shortages, unless approved by the director. Any other expenditure made by an organization that is related to a leased premises must be approved by the director. An organization may not provide any compensation or thing of value to a lessor or the lessor's employees from any fund source other than its gambling account. Rent payments may not be made to an individual.

(e) Notwithstanding paragraph (b), an organization may pay a lessor for food or beverages or meeting room rental if the charge made is comparable to similar charges made to other individuals or groups.

(f) No entity other than the licensed organization may conduct any activity within a booth operation on a leased premises.

(g) Employees of a lessor not involved in the conduct of lawful gambling on the premises or nongambling employees of an organization conducting lawful gambling on the premises may participate in lawful gambling on the premises provided if pull-tabs or tipboards are sold, the organization posts the major prizes awarded.

(h) A gambling employee may purchase pull-tabs or tipboards at the site of the employee's place of employment provided:

(1) the organization posts the major prizes for pull-tab or tipboard games; and

(2) the employee is not involved in the sale of pull-tabs or tipboards at that site.

(i) At a leased site where an organization uses a paddle wheel consisting of 32 numbers or less or a tipboard consisting of 32 tickets or less, tickets may be sold throughout the permitted premises, but winning tickets must be redeemed, the paddle wheel must be located, and the tipboard seal must be opened within the leased premises.

Sec. 15. **[349.185] GROSS PROFIT ALLOCATION; STATIONARY ELECTRONIC BINGO.**

Subdivision 1. **Definition.** For the purposes of this section, a "year" is determined to start on the first date of operation of a stationary electronic bingo device at a permitted premises.

Subd. 2. **Gross profit allocation.** The allocation of gross profits from the operation of a stationary electronic bingo device is as follows:

(a) The licensed organization shall receive:

(1) a minimum 50 percent of gross profits to be used exclusively for lawful purpose expenditures as defined under section 349.12, subdivision 25; and

(2) no more than 15 percent each year for allowable expenses as defined under section 349.12, subdivision 3a, including the cost of a lease or purchase of the stationary electronic bingo devices.

(b) A linked bingo game provider shall receive no more than 25 percent of gross profits in the first year, no more than 19 percent in the second year, and no more than 15 percent thereafter.

(c) When a stationary electronic bingo device is placed in a location where the primary business is not bingo, the allocation for rent to the lessor shall be no more than ten percent of gross profits in the first year, no more than 16 percent in the second year, and no more than 20 percent thereafter. The lessor and the lessor's employees shall operate the devices on behalf of the licensed organization, and the lessor is responsible for cash shortages.

(d) When a stationary electronic bingo device is placed in a location where the primary business is bingo, the lessor is limited to the rent limitations under section 349.18, subdivision 1, paragraph (c), clause (1).

Sec. 16. Minnesota Statutes 2008, section 349.211, subdivision 1a, is amended to read:

Subd. 1a. **Linked bingo prizes.** Prizes for a linked bingo game shall be limited as follows:

(1) ~~no~~ for each participating permitted premises, an organization may not contribute more than \$300 per linked bingo game to a linked bingo prize pool; and for a linked bingo game played with stationary electronic bingo devices an organization may not contribute more than 85 percent of the gross receipts to a linked bingo game prize pool;

(2) ~~no~~ an organization may not award more than \$200 for a linked bingo game consolation prize. For purposes of this subdivision, a linked bingo game consolation prize is a prize awarded by an organization after a prize from the linked bingo prize pool has been won; and

(3) for a progressive linked bingo game, if no player declares a valid bingo within the predetermined amount of bingo numbers called, a portion of the prize is carried over to another ~~occasion~~ game until the accumulated prize is won. The portion of the prize that is not carried over must be awarded to the first player or players who declares a valid bingo as additional numbers are called. If a valid bingo is declared within the predetermined amount of bingo numbers called, the entire prize pool for that game is awarded to the winner. ~~The annual limit for progressive bingo game prizes contained in subdivision 2 must be reduced by the amount an organization contributes to progressive linked bingo games during the same calendar year.~~

Sec. 17. **EFFECTIVE DATE.**

Sections 1 to 16 are effective July 1, 2009."

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 1532, A bill for an act relating to the secretary of state; regulating various filings, forms, records, submissions, motions, and orders; regulating certain dissolutions; defining a term; amending Minnesota Statutes 2008, sections 5.15; 5.23, subdivisions 1, 4; 5.26, subdivision 1; 270C.63, subdivision 4; 272.488, subdivision 2; 302A.151; 303.06; 303.11; 308B.215; 321.0809; 321.0902; 321.0906; 321.0909; 322B.91, subdivision 1; 322B.92; 336.9-519; 336.9-521; 336.9-525; 336A.03, subdivision 3; 545.05, subdivisions 1, 2, 4, 7, 10, 11, 13; repealing Minnesota Statutes 2008, sections 5.03; 308B.121, subdivision 3; Minnesota Rules, part 8280.0470.

Reported the same back with the following amendments:

Page 1, after line 26, insert:

"EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section."

Page 2, line 6, after "filed" insert "or relating to the same assumed name or trademark filing"

Page 2, line 12, after "notary" insert "or relating to the same assumed name or trademark filing"

Page 2, line 29, after "entity" insert "or other filer of an assumed name or trademark filing"

Page 2, line 31, after "entity" insert "or other filer of an assumed name or trademark filing"

Page 3, after line 2, insert:

"EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section."

Page 3, before line 3, insert:

"Sec. 5. **[5.35] AUTOMATIC NAME RESERVATION.**

Upon the dissolution or termination of the filing of any business entity for failure to file the annual renewal, the secretary of state shall automatically file a name reservation to hold that name on behalf of the dissolved or terminated entity for a period of one year from the date of the dissolution or termination.

EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section."

Page 3, after line 27, insert:

"Sec. 8. Minnesota Statutes 2008, section 302A.115, subdivision 1, is amended to read:

Subdivision 1. **Requirements; prohibitions.** The corporate name:

- (a) Shall be in the English language or in any other language expressed in English letters or characters;
- (b) Shall contain the word "corporation," "incorporated," or "limited," or shall contain an abbreviation of one or more of these words, or the word "company" or the abbreviation "Co." if that word or abbreviation is not immediately preceded by the word "and" or the character "&";
- (c) Shall not contain a word or phrase that indicates or implies that it is incorporated for a purpose other than a legal business purpose;
- (d) Shall be distinguishable upon the records in the Office of the Secretary of State from the name of each domestic corporation, limited partnership, limited liability partnership, and limited liability company, whether profit or nonprofit, and each foreign corporation, limited partnership, limited liability partnership, and limited liability company on file, authorized or registered to do business in this state at the time of filing, whether profit or nonprofit, and each name the right to which is, at the time of incorporation, reserved as provided for in sections 5.35, 302A.117, 321.0109, 322B.125, or 333.001 to 333.54, unless there is filed with the articles one of the following:
 - (1) The written consent of the domestic corporation, limited partnership, limited liability partnership, or limited liability company, or the foreign corporation, limited partnership, limited liability partnership, or limited liability company authorized or registered to do business in this state or the holder of a reserved name or a name filed by or registered with the secretary of state under sections 333.001 to 333.54 having a name that is not distinguishable;
 - (2) A certified copy of a final decree of a court in this state establishing the prior right of the applicant to the use of the name in this state; or
 - (3) The applicant's affidavit that the domestic or foreign corporation, limited partnership, or limited liability company with the name that is not distinguishable has been incorporated or on file in this state for at least three years prior to the affidavit, if it is a domestic corporation, limited partnership, or limited liability company, or has been authorized or registered to do business in this state for at least three years prior to the affidavit, if it is a foreign corporation, limited partnership, or limited liability company, or that the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 filed or registered that name at least three years prior to the affidavit; that the domestic or foreign corporation, limited partnership, or limited liability company or holder has not during the three-year period before the affidavit filed any document with the secretary of state; that the applicant has mailed written notice to the domestic or foreign corporation, limited partnership, or limited liability company or the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 by certified mail, return receipt requested, properly addressed to the registered office of the domestic or foreign corporation or limited liability company or in care of the agent of the limited partnership, or the address of the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54, shown in the records of the secretary of state, stating that the applicant intends to use a name that is not distinguishable and the notice has been returned to the applicant as undeliverable to the addressee domestic or foreign corporation, limited partnership, limited liability company, or holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54; that the applicant, after diligent inquiry, has been unable to find any telephone listing for the domestic or foreign corporation, limited partnership, or limited liability company with the name that is not distinguishable in the county in which is located the registered office of the domestic or foreign corporation, limited partnership, or limited liability company shown in the records of the secretary of state or has been unable to find any telephone listing for the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 in the county in

which is located the address of the holder shown in the records of the secretary of state; and that the applicant has no knowledge that the domestic or foreign corporation, limited partnership, limited liability company, or holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 is currently engaged in business in this state.

EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section."

Page 4, after line 28, insert:

"Sec. 12. Minnesota Statutes 2008, section 308A.121, subdivision 1, is amended to read:

Subdivision 1. **Name.** The name of a cooperative must distinguish the cooperative upon the records in the Office of the Secretary of State from the name of a domestic corporation, whether profit or nonprofit, or a limited partnership, or a foreign corporation or a limited partnership ~~authorized or registered to do business in this state~~, whether profit or nonprofit, a limited liability company, whether domestic or foreign, a limited liability partnership, whether domestic or foreign, on file, authorized or registered to do business in this state at the time of filing or a name the right to which is, at the time of incorporation, reserved or provided for in sections 5.35, 302A.117, 317A.117, 321.0109, 322B.125, or 333.001 to 333.54.

EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section.

Sec. 13. Minnesota Statutes 2008, section 308B.211, subdivision 1, is amended to read:

Subdivision 1. **Distinguished name.** The name of a cooperative shall distinguish the cooperative upon the records in the Office of the Secretary of State from the name of a domestic business entity or a foreign business entity, on file, authorized or registered to do business in this state at the time of filing, or a name the right to which is, at the time of organization, reserved or provided for by law.

EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section."

Page 5, after line 19, insert:

"Sec. 15. Minnesota Statutes 2008, section 317A.115, subdivision 2, is amended to read:

Subd. 2. **Name must be distinguishable.** (a) A corporate name must be distinguishable upon the records in the Office of the Secretary of State from the name of a domestic corporation or limited partnership, a foreign corporation or limited partnership ~~authorized or registered to do business in this state~~, whether profit or nonprofit, a limited liability company, whether domestic or foreign, on file, authorized to do business in this state at the time of filing, a limited liability partnership, whether domestic or foreign, or a name the right to which is, at the time of incorporation, reserved, registered, or provided for in section 5.35, 317A.117, 302A.117, 321.0109, 322B.125, or sections 333.001 to 333.54, unless one of the following is filed with the articles:

- (1) the written consent of the organization having the name that is not distinguishable;
- (2) a certified copy of a final decree of a court in this state establishing the prior right of the applicant to use its corporate name in this state; or
- (3) an affidavit of nonuse of the kind required by section 302A.115, subdivision 1, paragraph (d), clause (3).

(b) The secretary of state shall determine whether a name is distinguishable from another name for purposes of this section and section 317A.117.

(c) This subdivision does not affect the right of a corporation existing on January 1, 1991, or a foreign corporation authorized to do business in this state on that date, to use its corporate name.

EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section.

Sec. 16. Minnesota Statutes 2008, section 321.0108, is amended to read:

321.0108 NAME.

(a) The name of a limited partnership may contain the name of any partner.

(b) The name of a limited partnership that is not a limited liability limited partnership must contain the phrase "limited partnership" or the abbreviation "L.P." or "LP" and may not contain the phrase "limited liability limited partnership" or the abbreviation "LLLLP" or "L.L.L.P."

(c) Except as provided in section 321.1206(e)(1), the name of a limited liability limited partnership must contain the phrase "limited liability limited partnership" or the abbreviation "LLLLP" or "L.L.L.P." and must not otherwise contain the abbreviation "L.P." or "LP."

(d) The limited partnership name shall not contain a word or phrase that indicates or implies that it is formed for a purpose other than a legal purpose.

(e) The limited partnership name shall be distinguishable upon the records in the Office of the Secretary of State from the name of each domestic corporation, limited partnership, limited liability partnership, and limited liability company, whether profit or nonprofit, and each foreign corporation, limited partnership, limited liability partnership, and limited liability company on file, authorized or registered to do business in this state at the time of filing, whether profit or nonprofit, and each name the right to which is, at the time of formation, reserved as provided for in sections 5.35, 302A.117, 322A.03, 322B.125, or 333.001 to 333.54, unless there is filed with the certificate of limited partnership one of the following:

(1) the written consent of the domestic corporation, limited partnership, limited liability partnership, or limited liability company, or the foreign corporation, limited partnership, limited liability partnership, or limited liability company authorized or registered to do business in this state or the holder of a reserved name or a name filed by or registered with the secretary of state under sections 333.001 to 333.54 having a name that is not distinguishable;

(2) a certified copy of a final decree of a court in this state establishing the prior right of the applicant to the use of the name in this state; or

(3) the applicant's affidavit that the corporation, limited partnership, or limited liability company with the name that is not distinguishable has been incorporated or on file in this state for at least three years prior to the affidavit, if it is a domestic corporation, limited partnership, or limited liability company, or has been authorized or registered to do business in this state for at least three years prior to the affidavit, if it is a foreign corporation, limited partnership, or limited liability company, or that the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 filed or registered that name at least three years prior to the affidavit; that the corporation, limited partnership, or limited liability company or holder has not during the three-year period before the affidavit filed any document with the secretary of state; that the applicant has mailed written notice to the corporation, limited partnership, or limited liability company or the holder of a name filed or registered with the secretary of state under

sections 333.001 to 333.54 by certified mail, return receipt requested, properly addressed to the registered office of the corporation or limited liability company or in care of the agent of the limited partnership, or the address of the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54, shown in the records of the secretary of state, stating that the applicant intends to use a name that is not distinguishable and the notice has been returned to the applicant as undeliverable to the addressee corporation, limited partnership, limited liability company, or holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54; that the applicant, after diligent inquiry, has been unable to find any telephone listing for the corporation, limited partnership, or limited liability company with the name that is not distinguishable in the county in which is located the registered office of the corporation, limited partnership, or limited liability company shown in the records of the secretary of state or has been unable to find any telephone listing for the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 in the county in which is located the address of the holder shown in the records of the secretary of state; and that the applicant has no knowledge that the corporation, limited partnership, limited liability company, or holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 is currently engaged in business in this state.

(f) The secretary of state shall determine whether a name is distinguishable from another name for purposes of this section and section 321.0109.

(g) This section and section 321.0109 do not abrogate or limit the law of unfair competition or unfair practices; nor sections 333.001 to 333.54; nor the laws of the United States with respect to the right to acquire and protect copyrights, trade names, trademarks, service names, service marks, or any other rights to the exclusive use of names or symbols; nor derogate the common law or the principles of equity.

(h) A limited partnership that is the surviving organization in a merger with one or more other organizations, or that is formed by the reorganization of one or more organizations, or that acquires by sale, lease, or other disposition to or exchange with an organization all or substantially all of the assets of another organization, including its name, may have the same name as that used in this state by any of the other organizations, if the other organization whose name is sought to be used was organized under the laws of, or is authorized to transact business in, this state.

(i) The use of a name by a limited partnership in violation of this section does not affect or vitiate its existence, but a court in this state may, upon application of the state or of a person interested or affected, enjoin the limited partnership from doing business under a name assumed in violation of this section, although its certificate of limited partnership may have been filed with the secretary of state and a certificate of formation issued.

EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section."

Page 7, after line 18, insert:

"Sec. 21. Minnesota Statutes 2008, section 322B.12, subdivision 1, is amended to read:

Subdivision 1. **Requirements and prohibitions.** The limited liability company name must:

- (1) be in the English language or in any other language expressed in English letters or characters;
- (2) contain the words "limited liability company," or must contain the abbreviation "LLC" or, in the case of an organization formed pursuant to chapter 319B, must meet the requirements of section 319B.05 applicable to a limited liability company;
- (3) not contain the word corporation or incorporated and must not contain the abbreviation of either or both of these words;

(4) not contain a word or phrase that indicates or implies that it is organized for a purpose other than a legal business purpose; and

(5) be distinguishable upon the records in the Office of the Secretary of State from the name of each domestic limited liability company, limited liability partnership, corporation, and limited partnership, whether profit or nonprofit, and each foreign limited liability company, limited liability partnership, corporation, and limited partnership on file, authorized or registered to do business in this state at the time of filing, whether profit or nonprofit, and each name the right to which is, at the time of organization, reserved as provided for in sections 5.35, 302A.117, 317A.117, 321.0109, 322B.125, or 333.001 to 333.54, unless there is filed with the articles of organization one of the following:

(i) the written consent of the domestic limited liability company, limited liability partnership, corporation, or limited partnership or the foreign limited liability company, limited liability partnership, corporation, or limited partnership authorized or registered to do business in this state or the holder of a reserved name or a name filed by or registered with the secretary of state under sections 333.001 to 333.54 having a name that is not distinguishable;

(ii) a certified copy of a final decree of a court in this state establishing the prior right of the applicant to the use of the name in this state; or

(iii) the applicant's affidavit that the domestic or foreign limited liability company, domestic or foreign corporation, or domestic or foreign limited partnership with the name that is not distinguishable has been organized, incorporated, or on file in this state for at least three years prior to the affidavit, if it is a domestic limited liability company, corporation, or limited partnership, or has been authorized or registered to do business in this state for at least three years prior to the affidavit, if it is a foreign limited liability company, corporation, or limited partnership, or that the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 filed or registered that name at least three years prior to the affidavit, that the domestic or foreign limited liability company, domestic or foreign corporation, or domestic or foreign limited partnership or holder has not during the three-year period before the affidavit filed any document with the secretary of state; that the applicant has mailed written notice to the domestic or foreign limited liability company, domestic or foreign corporation, or domestic or foreign limited partnership or the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 by certified mail, return receipt requested, properly addressed to the registered office of the domestic or foreign limited liability company or domestic or foreign corporation or in care of the agent of the domestic or foreign limited partnership, or the address of the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54, shown in the records of the secretary of state, stating that the applicant intends to use a name that is not distinguishable and the notice has been returned to the applicant as undeliverable to the addressee of the domestic or foreign limited liability company, domestic or foreign corporation, or domestic or foreign limited partnership or holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54; that the applicant, after diligent inquiry, has been unable to find any telephone listing for the domestic or foreign limited liability company, domestic or foreign corporation, or domestic or foreign limited partnership with the name that is not distinguishable in the county in which is located the registered office of the domestic or foreign limited liability company, domestic or foreign corporation, or domestic or foreign limited partnership shown in the records of the secretary of state or has been unable to find any telephone listing for the holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 in the county in which is located the address of the holder shown in the records of the secretary of state; and that the applicant has no knowledge that the domestic or foreign limited liability company, domestic or foreign corporation, or domestic or foreign limited partnership or holder of a name filed or registered with the secretary of state under sections 333.001 to 333.54 is currently engaged in business in this state.

EFFECTIVE DATE. This section is effective 30 days after the secretary of state certifies that the information systems of the Office of the Secretary of State have been modified to implement this section."

Page 10, line 28, delete "Corporation" and insert "Commercial"

Page 11, after line 22, insert:

"Sec. 28. Minnesota Statutes 2008, section 336A.09, subdivision 1, is amended to read:

Subdivision 1. **Procedure.** (a) Oral and written inquiries regarding information provided by the filing of effective financing statements or lien notices may be made at any filing office during regular business hours.

(b) A filing office receiving an oral or written inquiry shall, upon request, provide an oral or facsimile response to the inquiry ~~and must send a confirmation of the inquiry in writing by the end of the next business day after the inquiry is received.~~

(c) A filing office shall maintain a record of inquiries made under this section including:

- (1) the date of the inquiry;
- (2) the name of the debtor inquired about; and
- (3) identification of the person making the request for inquiry."

Page 11, line 24, strike "Definitions" and insert "Scope"

Page 11, line 25, delete "(Uniform" and insert "of the Uniform"

Page 11, line 26, delete "Transactions)" and insert "Transactions"

Page 13, line 4, delete "or"

Page 13, line 14, strike everything after "involved"

Page 13, line 15, strike everything before the period

Page 16, line 19, delete "is" and insert "IS"

Page 16, line 27, delete "is" and insert "IS"

Page 16, line 30, delete "is filed" and insert "purports"

Page 16, line 31, after "Transactions" insert a comma

Page 17, after line 22, insert:

"Sec. 37. **EFFECTIVE DATE.**

Sections 22 to 36 are effective the day following final enactment."

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Civil Justice.

The report was adopted.

Thissen from the Committee on Health Care and Human Services Policy and Oversight to which was referred:

H. F. No. 1567, A bill for an act relating to health; making technical changes to electronic prescription drug program; amending Minnesota Statutes 2008, section 62J.497, subdivisions 1, 2.

Reported the same back with the following amendments:

Page 2, line 21, strike everything after "care"

Page 2, line 22, strike everything before the period and insert "practitioner, other than a veterinarian, as defined in section 151.01, subdivision 23"

Page 3, after line 17, insert:

"Sec. 3. **[62Q.676] MEDICATION THERAPY MANAGEMENT.**

A pharmacy benefit manager that provides prescription drug services must provide medication therapy management services for enrollees taking four or more prescriptions to treat or prevent two or more chronic medical conditions. For purposes of this subdivision, "medication therapy management" means the provision of the following pharmaceutical care services by a Minnesota licensed pharmacist to optimize the therapeutic outcomes of the patient's medications:

(1) performing a comprehensive medication review to identify, resolve, and prevent medication-related problems, including adverse drug events;

(2) communicating essential information to the patient's other primary care providers; and

(3) providing verbal education and training designed to enhance patient understanding and appropriate use of the patient's medications.

Nothing in this section shall be construed to expand or modify the scope of practice of the pharmacist as defined in section 151.01, subdivision 27."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring medication therapy management;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Eken from the Committee on Environment Policy and Oversight to which was referred:

H. F. No. 1612, A bill for an act relating to natural resources; establishing the Minnesota Naturalist Corps; appropriating money for Minnesota Naturalist Corps, additional state park naturalists, and information centers and kiosks in state parks; proposing coding for new law in Minnesota Statutes, chapter 84.

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

The report was adopted.

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

S. F. No. 41, A bill for an act relating to Jackson County; providing a process for making office of county auditor-treasurer appointive.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 710, 819, 993, 1011, 1275, 1372 and 1511 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 32, 978 and 41 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Thissen and Abeler introduced:

H. F. No. 1889, A bill for an act relating to state government; allowing all public employees to buy into the state long-term care insurance program; amending Minnesota Statutes 2008, section 43A.318, subdivision 2.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Hosch introduced:

H. F. No. 1890, A bill for an act relating to health; extending the approval period for certain nursing home moratorium exception projects; authorizing additional moratorium exceptions; appropriating money; amending Minnesota Statutes 2008, section 144A.073, by adding a subdivision.

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

Johnson introduced:

H. F. No. 1891, A bill for an act relating to state government; requiring state agencies to develop policies regarding telecommuting by state employees; requiring a report.

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

Johnson, Smith, Pelowski and Atkins introduced:

H. F. No. 1892, A bill for an act relating to public employment; modifying definition of supervisory employee; amending Minnesota Statutes 2008, section 179A.03, subdivision 17.

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

Carlson and Rukavina introduced:

H. F. No. 1893, A bill for an act relating to public employment; authorizing retirement incentives.

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

Loeffler, Solberg, Pelowski and Kahn introduced:

H. F. No. 1894, A bill for an act relating to employment; specifying duties and rights of classified employees; amending Minnesota Statutes 2008, section 181.932, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

Doty introduced:

H. F. No. 1895, A bill for an act relating to Morrison County; providing a process for making office of county treasurer appointive.

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

Clark introduced:

H. F. No. 1896, A bill for an act relating to finance; establishing an alcohol health and judicial impact fund; imposing an alcohol health and judicial impact fee; amending Minnesota Statutes 2008, sections 295.75, subdivisions 2, 11; 297G.04, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16A; 297G.

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

Masin, Morgan, Sterner and Mack introduced:

H. F. No. 1897, A bill for an act relating to Metropolitan Council; requiring conveyance of land and buildings in Dakota County.

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

Hornstein introduced:

H. F. No. 1898, A bill for an act relating to metropolitan area public transit; modifying provisions related to local planning and development of transit and providing of financial assistance to public transit providers; amending Minnesota Statutes 2008, sections 473.382; 473.384, subdivisions 1, 3, 4, 5; repealing Minnesota Statutes 2008, section 473.384, subdivisions 6, 7; Laws 1997, chapter 159, article 2, section 4, as amended.

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

Gottwalt, Zellers, Holberg, Brod, Drazkowski, Shimanski, Beard, Severson, Eastlund, Hamilton and Peppin introduced:

H. F. No. 1899, A bill for an act relating to employment; providing for a suspension of the prevailing wage during certain budget deficits; proposing coding for new law in Minnesota Statutes, chapter 177.

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

Jackson introduced:

H. F. No. 1900, A bill for an act relating to natural resources; removing certain land in the Rum River area from the wild and scenic rivers program.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Haws and Bigham introduced:

H. F. No. 1901, A bill for an act relating to employment; appropriating money for the Minnesota youth program.

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

Davids introduced:

H. F. No. 1902, A bill for an act relating to taxation; sales and use; providing an exemption for items given away; amending Minnesota Statutes 2008, section 297A.68, by adding subdivisions.

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

Davids introduced:

H. F. No. 1903, A bill for an act relating to public safety; appropriating money for grants for disaster readiness and recovery efforts.

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

Severson, by request; Liebling and Haws introduced:

H. F. No. 1904, A bill for an act relating to human services; appropriating money for correctional discharge planning.

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

Gunther introduced:

H. F. No. 1905, A bill for an act relating to economic development; providing grants for entrepreneurial and small business assistance; appropriating money.

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

Loeffler, Reinert, Kahn and Huntley introduced:

H. F. No. 1906, A bill for an act relating to taxation; property; prohibiting new nonagricultural relative homesteads; reducing class rates for certain residential rental property; amending Minnesota Statutes 2008, sections 273.124, subdivision 1; 273.13, subdivision 25.

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

Severson introduced:

H. F. No. 1907, A bill for an act relating to elections; changing recount procedures; requiring certain verification programs; amending Minnesota Statutes 2008, sections 204C.35; 204C.36, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 201; 204C.

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

Zellers introduced:

H. F. No. 1908, A bill for an act relating to commerce; regulating insurance industry trade practices; regulating the reporting of loss experience data; amending Minnesota Statutes 2008, section 72A.20, subdivision 26.

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

Abeler introduced:

H. F. No. 1909, A bill for an act relating to health; increasing base funding for positive abortion alternatives.

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

Davids introduced:

H. F. No. 1910, A bill for an act relating to capital budget; specifying application of debt management guideline to the outdoor heritage, clean water, parks and trails, and arts and cultural heritage sales tax; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

Eastlund introduced:

H. F. No. 1911, A bill for an act relating to family law; prohibiting withdrawal of denial of a passport restriction based on child support arrearages; proposing coding for new law in Minnesota Statutes, chapter 518A.

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

Eastlund introduced:

H. F. No. 1912, A bill for an act relating to natural resources; allowing suspension of registrations or licenses of off-highway motorcycles, off-road vehicles, snowmobiles, all-terrain vehicles, and watercraft in case of payment by dishonored checks; amending Minnesota Statutes 2008, sections 84.788, by adding a subdivision; 84.798, by adding a subdivision; 84.82, by adding a subdivision; 84.922, by adding a subdivision; 86B.415, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Davnie and Carlson introduced:

H. F. No. 1913, A bill for an act relating to environment; authorizing uses for the Hennepin County solid and hazardous waste fund; proposing coding for new law in Minnesota Statutes, chapter 383B.

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

Hilty introduced:

H. F. No. 1914, A bill for an act relating to energy; authorizing commissioner of commerce to prepare and plan for receipt of federal stimulus money for investment in energy conservation and efficiency and broadband deployment.

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

Hilty introduced:

H. F. No. 1915, A bill for an act relating to energy; providing funding for residential energy conservation using federal stimulus funding.

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

Olin; Jackson; Anderson, P.; Sterner and Persell introduced:

H. F. No. 1916, A bill for an act relating to public safety; creating advisory task force to study fire protection and first responder services.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Davnie introduced:

H. F. No. 1917, A bill for an act relating to alcohol; modifying provision relating to wine tastings conducted by exclusive liquor store; amending Minnesota Statutes 2008, section 340A.419, subdivision 2.

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

Hornstein, Slocum, Beard, Lieder, Reinert, Hortman, Morrow, Demmer, Kalin and Severson introduced:

H. F. No. 1918, A bill for an act relating to passenger rail; prescribing duties and powers of commissioner of transportation; requiring report; proposing coding for new law in Minnesota Statutes, chapter 174.

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

Thao, Fritz, Smith and Koenen introduced:

H. F. No. 1919, A bill for an act relating to human services; modifying medical assistance, MinnesotaCare, and general assistance medical care coverage of chiropractic services; amending Minnesota Statutes 2008, section 256B.0625, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Liebling, Welti, Thissen, Fritz, Huntley and Norton introduced:

H. F. No. 1920, A bill for an act relating to human services; appropriating money for the Region 10 Quality Assurance Commission.

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

Falk introduced:

H. F. No. 1921, A bill for an act relating to capital improvements; appropriating money for a new well in the city of Benson; authorizing the sale and issuance of state bonds.

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

Falk introduced:

H. F. No. 1922, A bill for an act relating to appropriations; appropriating money for a new well in the city of Benson.

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

Sailer introduced:

H. F. No. 1923, A bill for an act relating to retirement; extending filing date for inclusion of Clearwater County Memorial Hospital in Public Employees Retirement Association; amending Laws 2006, chapter 271, article 5, section 5, as amended.

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

Champion introduced:

H. F. No. 1924, A bill for an act relating to public safety; establishing certificates of good conduct and describing the effects of a certificate and eligibility for one; appropriating money; amending Minnesota Statutes 2008, sections 364.03, subdivision 3; 364.09; 609A.03, subdivisions 1, 2; 611A.06, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 364.

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

Kiffmeyer introduced:

H. F. No. 1925, A bill for an act relating to taxation; property; repealing the 2008 changes to the Green Acres law; providing appointments; amending Minnesota Statutes 2008, section 273.111, subdivisions 3, 4, 8, 9, 11, 11a, by adding a subdivision; Laws 2008, chapter 366, article 6, section 52; repealing Minnesota Statutes 2008, section 273.111, subdivision 3a.

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

Clark introduced:

H. F. No. 1926, A bill for an act relating to public safety; appropriating money for grants for restorative justice programs.

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

Anderson, S., introduced:

H. F. No. 1927, A bill for an act relating to taxation; property; exempting certain leased seasonal-recreational land; amending Minnesota Statutes 2008, sections 272.02, by adding a subdivision; 273.19, subdivision 1; repealing Minnesota Statutes 2008, section 272.0213.

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

Hansen, Eken, Wagenius and Davids introduced:

H. F. No. 1928, A bill for an act relating to natural resources; appropriating money for high-resolution digital elevation data.

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

Bunn introduced:

H. F. No. 1929, A bill for an act relating to retirement; waiving general employees retirement plan of the Public Employees Retirement Association annuity repayment requirement for a certain city of Bayport independent contractor.

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

Holberg introduced:

H. F. No. 1930, A bill for an act relating to data practices; amending the regulation of business screening services; amending Minnesota Statutes 2008, section 332.70, subdivisions 1, 2.

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

Falk introduced:

H. F. No. 1931, A bill for an act relating to education; appropriating money to provide a grant to Independent School Districts Nos. 402, Hendricks and 403, Ivanhoe for energy improvement to Lincoln High School.

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

Murphy, E., introduced:

H. F. No. 1932, A bill for an act relating to higher education; providing a grant to a higher education institution for a summer scientific research program for students; appropriating money.

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

Champion introduced:

H. F. No. 1933, A bill for an act relating to public safety; establishing a pilot project to provide services to ex-criminal offenders now in the community; requiring a report; appropriating money.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Champion; Mariani; Hayden; Wagenius; Liebling; Anzelc; Hornstein; Davnie; Clark; Abeler; Reinert; Lesch; Paymar; Mullery; Loeffler; Murphy, E.; Thao; Fritz; Knuth and Hansen introduced:

H. F. No. 1934, A bill for an act relating to state government; establishing principles for allocation and expenditure of federal stimulus funds; requiring a report.

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

Murphy, E., and Thissen introduced:

H. F. No. 1935, A bill for an act relating to health care; consolidating MinnesotaCare and medical assistance; streamlining enrollment and eligibility procedures; amending Minnesota Statutes 2008, sections 256B.056, subdivisions 1a, 4, 5c, 10; 256L.01, subdivision 3a, by adding a subdivision; 256L.02, subdivisions 2, 3, by adding a subdivision; 256L.03, subdivision 5, by adding a subdivision; 256L.04, subdivisions 1, 8, 13; 256L.05; 256L.07, subdivisions 1, 2, 3; 256L.15, subdivisions 1, 2; 256L.17, subdivisions 1, 2, 3, 5; proposing coding for new law in Minnesota Statutes, chapter 256L; repealing Minnesota Statutes 2008, sections 256B.055, subdivisions 3, 3a, 5, 6, 9, 10, 10b; 256B.056, subdivisions 1c, 3c; 256B.057, subdivisions 1, 1c, 2, 2c, 7, 8; 256L.07, subdivision 7; 256L.15, subdivision 3; 256L.17, subdivision 6.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Juhnke introduced:

H. F. No. 1936, A bill for an act relating to agriculture; establishing a star farms program; establishing the Star Farm Board; appropriating money from the clean water fund; proposing coding for new law in Minnesota Statutes, chapter 17.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Masin, by request, introduced:

H. F. No. 1937, A bill for an act relating to taxation; sales and use; expanding the exemption for meals served at certain residential facilities; amending Minnesota Statutes 2008, section 297A.67, subdivision 4.

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

Poppe and Brown introduced:

H. F. No. 1938, A bill for an act relating to taxation; sales and use; exempting construction materials and equipment used to construct the Mower County courts facility; removing an obsolete provision; amending Minnesota Statutes 2008, sections 297A.71, by adding a subdivision; 297A.75, subdivision 1.

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

Kahn introduced:

H. F. No. 1939, A bill for an act relating to natural resources; appropriating money for Midtown Greenway trail wayfinding signage and kiosks.

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

Brod and Dean introduced:

H. F. No. 1940, A bill for an act relating to veterans; permitting a dependent returning from active military service to enroll as a dependent in the state employee group insurance program regardless of status as a full-time student; amending Minnesota Statutes 2008, section 43A.23, subdivision 1.

The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs.

Brynaert, Rukavina, Mahoney and Sertich introduced:

H. F. No. 1941, A bill for an act relating to employment; appropriating money for extended employment services for persons with disabilities; establishing purpose and need for extended employment services.

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

Urdahl, by request, introduced:

H. F. No. 1942, A bill for an act relating to marriage; establishing a Minnesota divorce reconciliation project; redirecting disposition of a portion of the marriage license fee; requiring participation in a marriage dissolution education program before commencing marriage dissolution proceedings involving minor children; appropriating money; amending Minnesota Statutes 2008, section 517.08, subdivision 1c; proposing coding for new law in Minnesota Statutes, chapters 256; 518.

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

Loeffler introduced:

H. F. No. 1943, A bill for an act relating to natural resources; appropriating money for riparian restoration and stream bank stabilization.

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

Hosch introduced:

H. F. No. 1944, A bill for an act relating to the Minnesota family investment program; appropriating money for supported work.

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

Masin introduced:

H. F. No. 1945, A bill for an act relating to taxation; city of Eagan; extending duration and time for certain activities in a tax increment financing district; establishing certain adjustments to original net tax capacity.

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

Seifert introduced:

H. F. No. 1946, A bill for an act relating to construction codes; providing a limited exemption.

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

Lesch introduced:

H. F. No. 1947, A bill for an act relating to public safety; establishing the statewide Minnesota prescription program; requiring use of tamper-resistant prescription drug forms; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 151.

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight.

Haws introduced:

H. F. No. 1948, A bill for an act relating to economic development; establishing an investment fund for eligible organizations; authorizing loans; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Dittrich, Hortman and Newton introduced:

H. F. No. 1949, A bill for an act relating to taxation; city of Coon Rapids; tax increment financing.

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

Kahn, Sailer, Rosenthal, Howes, Hausman, Lesch, Ward, Paymar, Falk and Sertich introduced:

H. F. No. 1950, A bill for an act relating to state government; appropriating money for digital television conversion.

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

Kahn and Ruud introduced:

H. F. No. 1951, A bill for an act relating to health; requiring certain information be provided to patients seeking in vitro fertilization therapy or donating gametes; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Abeler and Clark introduced:

H. F. No. 1952, A bill for an act relating to health; limiting fees for hearing aid dispensers; amending Minnesota Statutes 2008, section 153A.17.

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

Slocum and Thissen introduced:

H. F. No. 1953, A bill for an act relating to local government; permitting metropolitan area local governments to impose reasonable area or response time residency requirements for job-related reasons; amending Minnesota Statutes 2008, section 415.16, subdivision 2.

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

Nornes, Westrom and Murdock introduced:

H. F. No. 1954, A bill for an act relating to health; exempting dentists from certain electronic transaction requirements; amending Minnesota Statutes 2008, section 62J.536, subdivision 1.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Holberg introduced:

H. F. No. 1955, A bill for an act relating to transit; authorizing temporary transfers from the metropolitan livable communities fund accounts and the right-of-way loan acquisition fund for transit operating deficits; modifying funding sources for metropolitan livable communities fund accounts; amending Minnesota Statutes 2008, section 473.254, subdivision 5.

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

Loon, Hornstein, Magnus, Severson, Swails, Brod, Doepke, Persell and Ruud introduced:

H. F. No. 1956, A bill for an act relating to transportation; temporarily allowing hybrid vehicles to be used toll free and on high-occupancy vehicle lanes; proposing coding for new law in Minnesota Statutes, chapter 160.

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

Mack and Hamilton introduced:

H. F. No. 1957, A bill for an act relating to education; allowing charter school students to participate in extracurricular activities in their resident school district; amending Minnesota Statutes 2008, sections 123B.36, subdivision 1; 123B.49, subdivision 4; 124D.10, subdivision 8.

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

Juhnke and McNamara introduced:

H. F. No. 1958, A bill for an act relating to environment; modifying certain rulemaking authority; requiring a study; providing for legislative oversight; providing appointments; appropriating money.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Bunn and Swails introduced:

H. F. No. 1959, A bill for an act relating to employment; regulating minimum wage for tipped employees; amending Minnesota Statutes 2008, section 177.24, subdivision 1.

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

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

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

S. F. No. 740.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 740, A bill for an act relating to highways; authorizing use by the county of Anoka of a design-build process to award contract for construction of intersection of U.S. Highway 10 and County State-Aid Highway 83.

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Thursday, March 19, 2009:

H. F. Nos. 801, 85, 789, 668 and 602.

CALENDAR FOR THE DAY

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

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 789, A bill for an act relating to utilities; modifying provisions relating to deadline for rate determination by Public Utilities Commission; making clarifying correction; amending Minnesota Statutes 2008, section 216B.16, subdivisions 2, 7b.

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

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 12 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Anderson, B.	Dettmer	Eastlund	Gottwalt	Peppin	Shimanski
Buesgens	Drazkowski	Emmer	Kiffmeyer	Severson	Zellers

The bill was passed and its title agreed to.

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

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 602 was reported to the House.

Beard moved to amend H. F. No. 602, the first engrossment, as follows:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2008, section 216A.03, subdivision 6, is amended to read:

Subd. 6. **Record of proceedings.** An audio magnetic or audio electronic recording device shall be used to keep a record of all proceedings before the commission ~~unless the commission provides a hearing reporter to record the proceeding.~~

Sec. 2. Minnesota Statutes 2008, section 216A.03, is amended by adding a subdivision to read:

Subd. 6a. **Hearing reporter.** A magnetically or electronically recorded record is not required if the commission requires a hearing reporter to record the proceeding. The commission may delegate to the executive secretary authority to require hearing reporter services. The cost of hearing reporter services thus required must be borne by the utility, telephone company, or telecommunications carrier that is the subject of the proceeding. If more than one company is the subject of a proceeding, the commission, or if the commission so delegates the executive secretary, shall determine how the hearing reporter costs are to be allocated for the proceeding."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

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

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

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

Those who voted in the affirmative were:

Abeler	Brynaert	Dill	Gardner	Holberg	Kelly
Anderson, B.	Buesgens	Dittrich	Garofalo	Hoppe	Kiffmeyer
Anderson, P.	Bunn	Doepke	Gottwalt	Hornstein	Knuth
Anderson, S.	Carlson	Doty	Greiling	Hortman	Koenen
Anzelc	Champion	Downey	Gunther	Howes	Kohls
Atkins	Clark	Drazkowski	Hackbarth	Huntley	Laine
Beard	Cornish	Eastlund	Hamilton	Jackson	Lanning
Benson	Davids	Eken	Hansen	Johnson	Lenczewski
Bigham	Davnie	Emmer	Hausman	Juhnke	Lesch
Bly	Dean	Falk	Hayden	Kahn	Liebling
Brod	Demmer	Faust	Hilstrom	Kalin	Lieder
Brown	Dettmer	Fritz	Hilty	Kath	Lillie

Loeffler	Morgan	Obermueller	Rosenthal	Shimanski	Tillberry
Loon	Morrow	Olin	Rukavina	Simon	Torkelson
Mack	Mullery	Otremba	Ruud	Slawik	Urdahl
Magnus	Murdock	Paymar	Sailer	Slocum	Wagenius
Mahoney	Murphy, E.	Pelowski	Sanders	Smith	Ward
Mariani	Murphy, M.	Peppin	Scalze	Solberg	Welti
Marquart	Nelson	Persell	Scott	Sterner	Westrom
Masin	Newton	Peterson	Seifert	Swails	Winkler
McFarlane	Nornes	Poppe	Sertich	Thao	Zellers
McNamara	Norton	Reinert	Severson	Thissen	Spk. Kelliher

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

MOTIONS AND RESOLUTIONS

Thissen moved that the name of Sanders be added as an author on H. F. No. 458. The motion prevailed.

Slawik moved that her name be stricken as an author on H. F. No. 612. The motion prevailed.

Winkler moved that the name of Poppe be added as an author on H. F. No. 1029. The motion prevailed.

Dean moved that the name of Shimanski be added as an author on H. F. No. 1173. The motion prevailed.

Hosch moved that the name of Gottwalt be added as an author on H. F. No. 1329. The motion prevailed.

Hilstrom moved that the names of Slocum and Davnie be added as authors on H. F. No. 1397. The motion prevailed.

Rosenthal moved that the name of Reinert be added as an author on H. F. No. 1432. The motion prevailed.

Nelson moved that the name of Newton be added as an author on H. F. No. 1467. The motion prevailed.

Hilstrom moved that the name of Champion be added as an author on H. F. No. 1542. The motion prevailed.

Davnies moved that the name of Mariani be added as an author on H. F. No. 1621. The motion prevailed.

Howes moved that his name be stricken as an author on H. F. No. 1679. The motion prevailed.

Juhnke moved that the name of Westrom be added as an author on H. F. No. 1723. The motion prevailed.

Hilty moved that the name of Westrom be added as an author on H. F. No. 1744. The motion prevailed.

Bigham moved that the name of Smith be added as an author on H. F. No. 1746. The motion prevailed.

Urdahl moved that the names of Reinert and Slocum be added as authors on H. F. No. 1825. The motion prevailed.

Davnies moved that H. F. No. 549, now on the General Register, be re-referred to the Committee on Finance. The motion prevailed.

Reinert moved that H. F. No. 1005 be recalled from the Transportation and Transit Policy and Oversight Division and be re-referred to the Committee on Finance. The motion prevailed.

Slawik moved that H. F. No. 1543 be recalled from the Committee on Health Care and Human Services Policy and Oversight and be re-referred to the Committee on Public Safety Policy and Oversight. The motion prevailed.

Sertich moved that H. F. No. 1511, now on the General Register, be re-referred to the Committee on Finance. The motion prevailed.

Kahn moved that H. F. No. 1479 be recalled from the Committee on Taxes and be re-referred to the Committee on Finance. The motion prevailed.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, March 23, 2009. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Monday, March 23, 2009.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives