

## STATE OF MINNESOTA

## EIGHTY-SIXTH SESSION — 2009

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 FORTY-FOURTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 29, 2009

The House of Representatives convened at 11:00 a.m. and was called to order by Melissa Hortman, Speaker pro tempore.

Prayer was offered by the Reverend Tim Johnson, Cherokee Park United Church, St. Paul, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Slocum was excused until 11:50 a.m. Kelliher was excused until 12:00 noon. Lanning was excused until 12:05 p.m. Wagenius was excused until 12:40 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Anderson, S., 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. 122 and H. F. No. 1306, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Hornstein moved that S. F. No. 122 be substituted for H. F. No. 1306 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 412 and H. F. No. 632, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Jackson moved that the rules be so far suspended that S. F. No. 412 be substituted for H. F. No. 632 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 474 and H. F. No. 166, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sanders moved that S. F. No. 474 be substituted for H. F. No. 166 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 484 and H. F. No. 710, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

## SUSPENSION OF RULES

Faust moved that the rules be so far suspended that S. F. No. 484 be substituted for H. F. No. 710 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 532 and H. F. No. 1857, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Pelowski moved that S. F. No. 532 be substituted for H. F. No. 1857 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 707 and H. F. No. 448, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Mullery moved that S. F. No. 707 be substituted for H. F. No. 448 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 729 and H. F. No. 940, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Zellers moved that the rules be so far suspended that S. F. No. 729 be substituted for H. F. No. 940 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1033 and H. F. No. 1670, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Mariani moved that the rules be so far suspended that S. F. No. 1033 be substituted for H. F. No. 1670 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1096 and H. F. No. 1171, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Jackson moved that the rules be so far suspended that S. F. No. 1096 be substituted for H. F. No. 1171 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1431 and H. F. No. 1685, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Davnie moved that S. F. No. 1431 be substituted for H. F. No. 1685 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1810 and H. F. No. 2082, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Hortman moved that the rules be so far suspended that S. F. No. 1810 be substituted for H. F. No. 2082 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1910 and H. F. No. 2099, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

#### SUSPENSION OF RULES

Zellers moved that the rules be so far suspended that S. F. No. 1910 be substituted for H. F. No. 2099 and that the House File be indefinitely postponed. The motion prevailed.

## PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2009 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2009</i>	<i>Date Filed 2009</i>
643		25	4:51 p.m. April 27	April 27
978		26	4:49 p.m. April 27	April 27

Sincerely,

MARK RITCHIE  
Secretary of State

## REPORTS OF STANDING COMMITTEES AND DIVISIONS

Carlson from the Committee on Finance to which was referred:

H. F. No. 818, A bill for an act relating to vulnerable adults; authorizing disclosure of financial records in connection with financial exploitation investigations; modifying procedures and duties for reporting and investigating maltreatment; specifying duties of financial institutions in cases alleging financial exploitation; modifying the crime of financial exploitation; imposing criminal and civil penalties; amending Minnesota Statutes 2008, sections 13A.02, subdivisions 1, 2; 13A.04, subdivision 1; 256B.0595, subdivisions 4, 9; 299A.61, subdivision 1; 388.23, subdivision 1; 609.2335; 609.52, subdivision 3; 611A.033; 626.557, subdivisions 4, 5, 9, 9a, 9b, 9e, by adding subdivisions; 626.5572, subdivisions 5, 21; 628.26.

Reported the same back with the following amendments:

Page 10, delete section 14

Page 11, delete section 15

Page 13, delete section 17

Page 15, delete section 20

Page 17, after line 29, insert:

"Sec. 23. **FEDERAL GRANTS TO ESTABLISH AND MAINTAIN A SINGLE COMMON ENTRY POINT FOR REPORTING MALTREATMENT OF A VULNERABLE ADULT.**

(a) The commissioner of human services shall seek federal funding for activities to design, implement, maintain, and evaluate the common entry point for reports of suspected maltreatment made pursuant to Minnesota Statutes, section 626.557. The purpose of the federal grant funds is to establish a common entry point with a statewide toll-free telephone number and Web-based system to report known or suspected abuse, neglect, or exploitation of a vulnerable adult.

(b) A common entry point must be operated in such a manner as to enable the common entry point staff to:

(1) operate pursuant to Minnesota Statutes, section 626.557, subdivisions 9, paragraph (b), and 9a;

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

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

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

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

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

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

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

(5) develop a system to manage consumer complaints related to the common entry point.

(d) The commissioner of human services may take the actions necessary to design and implement the common entry point in paragraph (a). Funds awarded by the federal government for the purposes of this section are appropriated to the commissioner of human services."

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 927, 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.121, by adding a subdivision; 326B.43, subdivision 1, by adding a subdivision; 326B.435, subdivisions 2, 6; 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.

Reported the same back with the following amendments:

Page 6, line 14, after the period, insert "The certification must be renewed annually for as long as the certificate holder engages in the installation, maintenance, or repair of medical gas and vacuum systems. Failure to renew a medical gas and vacuum system certificate within 12 months after the expiration date will result in permanent forfeiture of that medical gas and vacuum certificate."

Page 6, line 15, delete "Temporary"

Page 6, line 19, delete "and may maintain and repair a medical gas system" and delete "a" and insert "the"

Page 6, line 20, delete "for the duration of the"

Page 6, line 21, delete everything before the period

Page 6, line 28, delete "for the duration of the exemption period"

Page 6, delete lines 29 and 30

Page 7, after line 2, insert:

"Sec. 9. Minnesota Statutes 2008, section 326B.475, subdivision 1, is amended to read:

Subdivision 1. **Licensure.** (a) The commissioner of labor and industry shall grant a restricted journeyman or restricted master plumber license to an individual if:

(1) the individual completes an application with information required by the commissioner of labor and industry;

(2) the completed application is accompanied by a fee of \$30;

(3) the commissioner of labor and industry receives the completed application and fee ~~before October 1, 2008~~ between October 1, 2009, and October 15, 2009;

(4) the completed application for a restricted journeyman plumber license demonstrates that, prior to the application, the applicant has had at least two years of practical plumbing experience in the plumbing trade; and

(5) the completed application for a restricted master plumber license demonstrates that, prior to the application, the applicant has had:

(i) at least four years of practical plumbing experience in the plumbing trade; or

(ii) at least two years of practical plumbing experience as a plumbing contractor in the plumbing trade.

(b) ~~Until October 1, 2008~~ For applications received between October 1, 2009, and October 15, 2009, the commissioner may waive penalties for an applicant who failed to post a bond after June 30, 1999, under section 326B.46, subdivision 2, if the commissioner finds that the penalty would cause undue hardship or the waiver is otherwise warranted under the circumstances."

Page 7, after line 6, insert:

"Sec. 11. Minnesota Statutes 2008, section 326B.50, is amended by adding a subdivision to read:

Subd. 2a. **Multifamily housing.** "Multifamily housing" means a building arranged, designed, used, or intended to be used for residential occupancy by more than one family, but not including a motel, hotel, or rooming house.

Sec. 12. Minnesota Statutes 2008, section 326B.50, subdivision 3, is amended to read:

Subd. 3. **Water conditioning installation.** "Water conditioning installation" means the installation of appliances, appurtenances, and fixtures designed to treat water so as to alter, modify, add or remove mineral, chemical or bacterial content, said installation to be made in a water distribution system serving a single family residential unit or multifamily housing, which has been initially established by a licensed plumber, and does not involve a direct connection without an air gap to a soil or waste pipe."

Page 12, after line 34, insert:

"Sec. 23. Minnesota Statutes 2008, section 326B.974, is amended to read:

**326B.974 SCHOOL ENGINEER OPERATIONAL REQUIREMENTS.**

Subdivision 1. **License required.** Any custodial engineer employed by a school whose duties include the operation of a boiler shall be licensed pursuant to section 326B.978, to operate the particular class of boiler used in the school.

Subd. 2. **School district training.** A school district shall provide annually at least eight hours of training related to boiler operation to a licensee described in subdivision 1. The training must be administered by a licensed first or chief class engineer during the licensee's normal working hours. Two hours of the required training shall occur in the boiler room and must include demonstration of tasks associated with operating boilers. The tasks associated with operating boilers acceptable for the training must be from the list of approved tasks supplied by the chief boiler inspector. The administrator of the training shall receive training credit for time spent administering training pursuant to this subdivision."

Reorder 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 Ways and Means.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 1081, A bill for an act relating to economic development; expanding eligibility for the small business growth acceleration program; requiring matching funds; appropriating money; amending Minnesota Statutes 2008, section 116O.115, subdivisions 2, 4.

Reported the same back with the following amendments:

Page 2, delete section 3

Amend the title as follows:

Page 1, line 3, delete "appropriating money;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Carlson from the Committee on Finance 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:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 84.105, is amended to read:

**84.105 WILD RICE SEASON.**

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

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

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

(1) "forest land" has the meaning given under section 89.001, subdivision 4;

(2) "forest resources" has the meaning given under section 89.001, subdivision 8;

(3) "guidelines" has the meaning given under section 89A.01, subdivision 8;

(4) "riparian land" has the meaning given under section 103F.511, subdivision ~~8a~~ 8b; and

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

Sec. 3. Minnesota Statutes 2008, section 84.793, subdivision 1, is amended to read:

Subdivision 1. **Prohibitions on youthful operators.** (a) After January 1, 1995, a person less than 16 years of age operating an off-highway motorcycle on public lands or waters must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

(b) Except for operation on public road rights-of-way that is permitted under section 84.795, subdivision 1, a driver's license issued by the state or another state is required to operate an off-highway motorcycle along or on a public road right-of-way.

(c) A person under 12 years of age may not:

(1) make a direct crossing of a public road right-of-way;

(2) operate an off-highway motorcycle on a public road right-of-way in the state; or

(3) operate an off-highway motorcycle on public lands or waters unless accompanied ~~on another off-highway motorcycle~~ by a person 18 years of age or older or participating in an event for which the commissioner has issued a special use permit.

(d) Except for public road rights-of-way of interstate highways, a person less than 16 years of age may make a direct crossing of a public road right-of-way of a trunk, county state-aid, or county highway only if that person is accompanied ~~on another off-highway motorcycle~~ by a person 18 years of age or older who holds a valid driver's license.

(e) A person less than 16 years of age may operate an off-highway motorcycle on public road rights-of-way in accordance with section 84.795, subdivision 1, paragraph (a), only if that person is accompanied ~~on another off-highway motorcycle~~ by a person 18 years of age or older who holds a valid driver's license.

Sec. 4. Minnesota Statutes 2008, section 84.83, subdivision 3, is amended to read:

Subd. 3. **Purposes for the account.** The money deposited in the account and interest earned on that money may be expended only as appropriated by law for the following purposes:

(1) for a grant-in-aid program to counties and municipalities for construction and maintenance of snowmobile trails, including maintenance of trails on lands and waters of Voyageurs National Park; ~~on Lake of the Woods; on Rainy Lake, and;~~ on the following lakes in St. Louis County: Burntside, Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion; and on the following lakes in Cook County: Devil Track and Hungry Jack;

(2) for acquisition, development, and maintenance of state recreational snowmobile trails;

(3) for snowmobile safety programs; and

(4) for the administration and enforcement of sections 84.81 to 84.91 and appropriated grants to local law enforcement agencies.

Sec. 5. Minnesota Statutes 2008, section 84.92, subdivision 8, is amended to read:

Subd. 8. **All-terrain vehicle or vehicle.** "All-terrain vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than ~~800~~ 900 cubic centimeters and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.

Sec. 6. Minnesota Statutes 2008, section 85.015, subdivision 13, is amended to read:

Subd. 13. **Arrowhead Region Trails, in Cook, Lake, St. Louis, Pine, Carlton, Koochiching, and Itasca Counties.** (a)(1) The Taconite Trail shall originate at Ely in St. Louis County and extend southwesterly to Tower in St. Louis County, thence westerly to McCarthy Beach State Park in St. Louis County, thence southwesterly to Grand Rapids in Itasca County and there terminate;

(2) The Northshore Trail shall originate in Duluth in St. Louis County and extend northeasterly to Two Harbors in Lake County, thence northeasterly to Grand Marais in Cook County, thence northeasterly to the international boundary in the vicinity of the north shore of Lake Superior, and there terminate;

(3) The Grand Marais to International Falls Trail shall originate in Grand Marais in Cook County and extend northwesterly, outside of the Boundary Waters Canoe Area, to Ely in St. Louis County, thence southwesterly along the route of the Taconite Trail to Tower in St. Louis County, thence northwesterly through the Pelican Lake area in St. Louis County to International Falls in Koochiching County, and there terminate; and

(4) The Minnesota-Wisconsin Boundary Trail shall originate in Duluth in St. Louis County and extend southerly to St. Croix State Forest in Pine County.

(b) The trails shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Arrowhead Region trails may be acquired by eminent domain. Before acquiring any land or interest in land by eminent domain the commissioner of administration shall obtain the approval of the governor. The governor shall consult with the Legislative Advisory Commission before granting approval. Recommendations of the Legislative Advisory Commission shall be advisory only. Failure or refusal of the commission to make a recommendation shall be deemed a negative recommendation.

Sec. 7. Minnesota Statutes 2008, section 85.015, subdivision 14, is amended to read:

Subd. 14. **Willard Munger Trail System, Chisago, Ramsey, Pine, St. Louis, Carlton, and Washington Counties.** (a) The trail shall consist of six segments. One segment shall be known as the Gateway Trail and shall originate at the State Capitol and extend northerly and northeasterly to William O'Brien State Park, thence northerly to Taylors Falls in Chisago County. ~~One segment shall be known as the Boundary Trail and shall originate in Chisago County and extend into Duluth in St. Louis County.~~ One segment shall be known as the Browns Creek Trail and shall originate at Duluth Junction and extend into Stillwater in Washington County. One segment shall be known as the Munger Trail and shall originate at Hinckley in Pine County and extend through Moose Lake in Carlton County to Duluth in St. Louis County. One segment shall be known as the Alex Laveau Trail and shall

originate in Carlton County at Carlton and extend through Wrenshall to the Minnesota-Wisconsin border. One segment shall be established that extends the trail to include the cities of Proctor, Duluth, and Hermantown in St. Louis County.

(b) The Gateway and Browns Creek Trails shall be developed primarily for hiking and nonmotorized riding and the remaining trails shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Gateway and Browns Creek Trails may be acquired by eminent domain.

Sec. 8. Minnesota Statutes 2008, section 85.053, subdivision 3, is amended to read:

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

Sec. 9. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision to read:

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

Sec. 10. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision to read:

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

Sec. 11. Minnesota Statutes 2008, section 85.054, is amended by adding a subdivision to read:

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

Sec. 12. Minnesota Statutes 2008, section 86A.05, is amended by adding a subdivision to read:

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

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

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

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

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

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

Sec. 13. Minnesota Statutes 2008, section 86A.08, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

Sec. 14. Minnesota Statutes 2008, section 86A.09, subdivision 1, is amended to read:

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

Sec. 15. Minnesota Statutes 2008, section 86B.311, is amended by adding a subdivision to read:

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

Sec. 16. Minnesota Statutes 2008, section 97A.321, is amended to read:

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

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

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

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

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

Sec. 17. **[97B.657] TAKING WILD ANIMALS TO PROTECT PUBLIC SAFETY.**

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

Sec. 18. Minnesota Statutes 2008, section 103B.101, subdivision 1, is amended to read:

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

Sec. 19. Minnesota Statutes 2008, section 103B.101, subdivision 2, is amended to read:

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

- (1) three county commissioners;
- (2) three soil and water conservation district supervisors;
- (3) three watershed district or watershed management organization representatives;
- (4) three citizens who are not employed by, or the appointed or elected officials of, a governmental office, board, or agency;
- (5) one township officer;
- (6) two elected city officials, one of whom must be from a city located in the metropolitan area, as defined under section 473.121, subdivision 2;
- ~~(7)~~ (7) the commissioner of agriculture;

- ~~(6)~~ (8) the commissioner of health;
- ~~(7)~~ (9) the commissioner of natural resources;
- ~~(8)~~ (10) the commissioner of the Pollution Control Agency; and
- ~~(9)~~ (11) the director of the University of Minnesota Extension Service.

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

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

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

Sec. 20. Minnesota Statutes 2008, section 103B.3355, is amended to read:

**103B.3355 WETLAND FUNCTIONS FOR DETERMINING PUBLIC VALUES.**

(a) The public values of wetlands must be determined based upon the functions of wetlands for:

(1) water quality, including filtering of pollutants to surface and groundwater, utilization of nutrients that would otherwise pollute public waters, trapping of sediments, shoreline protection, and utilization of the wetland as a recharge area for groundwater;

(2) floodwater and stormwater retention, including the potential for flooding in the watershed, the value of property subject to flooding, and the reduction in potential flooding by the wetland;

(3) public recreation and education, including hunting and fishing areas, wildlife viewing areas, and nature areas;

(4) commercial uses, including wild rice and cranberry growing and harvesting and aquaculture;

(5) fish, wildlife, native plant habitats;

(6) low-flow augmentation; ~~and~~

(7) carbon sequestration; and

(8) other public uses.

(b) The Board of Water and Soil Resources, in consultation with the commissioners of natural resources and agriculture and local government units, shall adopt rules establishing:

(1) scientific methodologies for determining the functions of wetlands; and

(2) criteria for determining the resulting public values of wetlands.

(c) The methodologies and criteria established under this section or other methodologies and criteria that include the functions in paragraph (a) and are approved by the board, in consultation with the commissioners of natural resources and agriculture and local government units, must be used to determine the functions and resulting public values of wetlands in the state. The functions listed in paragraph (a) are not listed in order of priority.

(d) Public value criteria established or approved by the board under this section do not apply in areas subject to local comprehensive wetland protection and management plans established under section 103G.2243.

(e) The Board of Water and Soil Resources, in consultation with the commissioners of natural resources and agriculture and local government units, may identify regions of the state where preservation, enhancement, restoration, and establishment of wetlands would have high public value. The board, in consultation with the commissioners, may identify high priority wetland regions using available information relating to the factors listed in paragraph (a). The board shall notify local units of government with water planning authority of these high priority regions.

**EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to rulemaking that begins after that date.

Sec. 21. Minnesota Statutes 2008, section 103B.3369, subdivision 5, is amended to read:

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

Sec. 22. Minnesota Statutes 2008, section 103C.501, subdivision 2, is amended to read:

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

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

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

Sec. 23. Minnesota Statutes 2008, section 103C.501, subdivision 4, is amended to read:

Subd. 4. **Cost-sharing funds.** (a) The state board shall allocate at least 70 percent of cost-sharing funds to areas with high priority erosion, sedimentation, or water quality problems or water quantity problems due to altered hydrology. The areas must be selected based on the statewide priorities established by the state board. The allocated funds must be used for conservation practices for high priority problems identified in the comprehensive and annual work plans of the districts.

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

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

Sec. 24. Minnesota Statutes 2008, section 103C.501, subdivision 5, is amended to read:

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

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

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

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

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

Sec. 25. Minnesota Statutes 2008, section 103C.501, subdivision 6, is amended to read:

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

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

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

Sec. 26. Minnesota Statutes 2008, section 103F.505, is amended to read:

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

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

Sec. 27. Minnesota Statutes 2008, section 103F.511, subdivision 5, is amended to read:

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

Sec. 28. Minnesota Statutes 2008, section 103F.511, is amended by adding a subdivision to read:

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

Sec. 29. Minnesota Statutes 2008, section 103F.511, subdivision 8a, is amended to read:

~~Subd. 8a~~ 8b. **Riparian land.** "Riparian land" means lands adjacent to public waters, drainage systems, wetlands, or locally designated priority waters identified in a comprehensive local water plan, as defined in section 403B.3363, subdivision 3.

Sec. 30. Minnesota Statutes 2008, section 103F.515, subdivision 1, is amended to read:

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

Sec. 31. Minnesota Statutes 2008, section 103F.515, subdivision 2, is amended to read:

Subd. 2. **Eligible land.** (a) Land may be placed in the ~~conservation~~ reinvest in Minnesota reserve program if the land meets the requirements of paragraphs (b) and (c).

(b) Land is eligible if the land:

(1) is marginal agricultural land;

(2) is adjacent to marginal agricultural land and is either beneficial to resource protection or necessary for efficient recording of the land description;

(3) consists of a drained wetland;

(4) is land that with a windbreak or water quality improvement practice would be beneficial to resource protection;

(5) is land in a sensitive groundwater area;

(6) is riparian land;

(7) is cropland or noncropland adjacent to restored wetlands to the extent of up to four acres of cropland or one acre of noncropland for each acre of wetland restored;

(8) is a woodlot on agricultural land;

(9) is abandoned building site on agricultural land, provided that funds are not used for compensation of the value of the buildings; or

(10) is land ~~on a hillside~~ used for pasture that is marginal in nature.

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

(1) be owned by the landowner, or a parent or other blood relative of the landowner, for at least one year before the date of application;

(2) be at least five acres in size, except for a drained wetland area, riparian area, windbreak, woodlot, wellhead protection area, or abandoned building site, or be a whole field ~~as defined by the United States Agricultural Stabilization and Conservation Services;~~

(3) not be set aside, enrolled or diverted under another federal or state government program unless enrollment in the ~~conservation~~ reinvest in Minnesota reserve program would provide additional conservation benefits or a longer term of enrollment than under the current federal or state program; and

(4) have been in agricultural crop production for at least two of the last five years before the date of application, except drained wetlands, riparian lands, woodlots, abandoned building sites, environmentally sensitive areas, wellhead protection area, or land ~~on a hillside~~ used for pasture.

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

(d) Land is eligible if the land is a wellhead protection area as defined under section 103I.005, subdivision 24, and has a wellhead protection plan approved by the commissioner of health.

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

Sec. 32. Minnesota Statutes 2008, section 103F.515, subdivision 4, is amended to read:

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

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

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

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

~~(4) (3) spraying with chemicals or mowing, except:~~

~~(i) as necessary to comply with noxious weed control laws or;~~

~~(ii) for emergency control of pests necessary to protect public health; or~~

~~(iii) as approved by the board for conservation management purposes.~~

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

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

(d) Notwithstanding paragraph (a), the board must permit the harvest of native grasses for use in seed production or bioenergy on wellhead protection lands eligible under subdivision 2, paragraph (d).

Sec. 33. Minnesota Statutes 2008, section 103F.515, subdivision 5, is amended to read:

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

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

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

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

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

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

Sec. 34. Minnesota Statutes 2008, section 103F.515, subdivision 6, is amended to read:

Subd. 6. **Payments for conservation easements and establishment of ~~cover~~ conservation practices.** (a) The board ~~must make the following shall establish rates for~~ payments to the landowner for the conservation easement and ~~agreement:~~ related practices. The board shall consider market factors, including the township average equalized estimated market value of property as established by the commissioner of revenue at the time of easement application.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 35. Minnesota Statutes 2008, section 103F.521, subdivision 1, is amended to read:

Subdivision 1. **Cooperation.** In implementing sections 103F.505 to 103F.531, the board must share information and cooperate with the Department of Agriculture, the Department of Natural Resources, the Pollution Control Agency, the United States Fish and Wildlife Service, ~~the Agricultural Stabilization and Conservation Service and Soil Conservation Service~~ of the United States Department of Agriculture, the Minnesota Extension Service, the University of Minnesota, county boards, soil and water conservation districts, watershed districts, and interested private organizations and individuals.

Sec. 36. Minnesota Statutes 2008, section 103F.525, is amended to read:

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

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

Sec. 37. Minnesota Statutes 2008, section 103F.526, is amended to read:

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

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

Sec. 38. Minnesota Statutes 2008, section 103F.531, is amended to read:

**103F.531 RULEMAKING.**

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

Sec. 39. Minnesota Statutes 2008, section 103F.535, subdivision 5, is amended to read:

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

Sec. 40. Minnesota Statutes 2008, section 103G.201, is amended to read:

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

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

(b) The commissioner is authorized to revise the list of public waters established under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify public waters wetlands as public waters if:

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

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

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

(c) The commissioner must provide notice of the reclassification to the local government unit, the county board, the watershed district, if one exists for the area, and the soil and water conservation district. Within 60 days of receiving notice from the commissioner, a party required to receive the notice may provide a resolution stating objections to the reclassification. If the commissioner receives an objection from a party required to receive the

notice, the reclassification is not effective. If the commissioner does not receive an objection from a party required to receive the notice, the reclassification of a wetland under paragraph (b) is effective 60 days after the notice is received by all of the parties.

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

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

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

(2) as needed, to:

(i) correct errors in the original inventory;

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

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

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

Sec. 41. Minnesota Statutes 2008, section 168.1296, subdivision 1, is amended to read:

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

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

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

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

(4) pays the fees required under this chapter;

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

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

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

(c) Owners of one-ton pickup trucks or recreational vehicles under paragraph (a), clause (1), ~~are~~ may be eligible ~~only~~ for special critical habitat license plates ~~for which the designs are selected under subdivision 2, on or after January 1, 2006~~ 2012.

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

Sec. 42. **WILD RICE HARVEST AUTHORITY.**

Notwithstanding Minnesota Statutes, section 84.15, subdivision 1, until December 31, 2009, the commissioner of natural resources may, by posting, restrict or prohibit the harvesting of wild rice on public waters based on the stage of ripeness of the wild rice stands in the waters.

Sec. 43. **REVISOR'S INSTRUCTION.**

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

Sec. 44. **REPEALER.**

(a) Minnesota Statutes 2008, sections 85.0505, subdivision 2; 103B.101, subdivision 11; 103F.511, subdivision 4; and 103F.521, subdivision 2, are repealed.

(b) Minnesota Rules, parts 8400.3130; 8400.3160; 8400.3200; 8400.3230; 8400.3330; 8400.3360; 8400.3390; 8400.3500; 8400.3530, subparts 1, 2, and 2a; and 8400.3560, are repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying wild rice season and harvest authority; 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 and off-highway motorcycle operation requirements; expanding snowmobile grant-in-aid program; modifying state trails; modifying Water Law; 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; 84.793, subdivision 1; 84.83, subdivision 3; 84.92, subdivision 8; 85.015, subdivisions 13, 14; 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.3355; 103B.3369, subdivision 5; 103C.501, subdivisions 2, 4, 5, 6; 103F.505; 103F.511, subdivisions 5, 8a, by adding a subdivision; 103F.515, subdivisions 1, 2, 4, 5, 6; 103F.521, subdivision 1; 103F.525; 103F.526; 103F.531; 103F.535, subdivision 5; 103G.201; 168.1296, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2008, sections 85.0505, subdivision 2; 103B.101, subdivision 11; 103F.511, subdivision 4; 103F.521, subdivision 2; Minnesota Rules, parts 8400.3130; 8400.3160; 8400.3200; 8400.3230; 8400.3330; 8400.3360; 8400.3390; 8400.3500; 8400.3530, subparts 1, 2, 2a; 8400.3560."

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

The report was adopted.

Carlson from the Committee on Finance 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, 5, 7, 7a, 12a, 18, 19, 21, 25, 25b, 25c, 25d, 29, 32a, 33; 349.15, subdivisions 1, 1a; 349.151, subdivisions 4, 4b, 4c; 349.154, subdivision 1; 349.155, subdivisions 3, 4a; 349.16, subdivisions 2, 3, 6, 7, 8, 11, by adding subdivisions; 349.162, subdivision 6; 349.1635, subdivisions 1, 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, 8; 349.173; 349.18, subdivision 1; 349.19, subdivisions 2, 2a, 3, 5, 10; 349.191, subdivisions 1, 1a, 1b, 2, 3, 4; 349.211, subdivision 1a; 349.2127, subdivision 7; 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, delete lines 24 and 25

Page 1, before line 26, insert:

"Section 1. Minnesota Statutes 2008, section 297E.06, subdivision 4, is amended to read:

Subd. 4. **Annual audit, certified inventory, and cash count.** (a) An organization licensed under chapter 349 with gross receipts from lawful gambling of more than ~~\$300,000~~ \$500,000 in any year must have an annual financial audit of its lawful gambling activities and funds for that year. ~~An organization licensed under chapter 349 with gross receipts from lawful gambling of more than \$150,000 but not more than \$300,000 in any year must have an annual financial review of its lawful gambling activities and funds for that year.~~

(b) The commissioner may require a financial audit of the lawful gambling activities and funds of an organization licensed under chapter 349, with gross receipts less than \$500,000 annually, when an organization has:

- (1) failed to timely file required gambling tax returns;
- (2) failed to timely pay the gambling tax or regulatory fee;
- (3) filed fraudulent gambling tax returns;
- (4) failed to take corrective actions required by the commissioner; or
- (5) failed to otherwise comply with chapter 297E.

(c) Audits ~~and financial reviews~~ under this subdivision must be performed by an independent accountant licensed by the state of Minnesota.

(d) An organization licensed under chapter 349 must perform an annual certified inventory and cash count at the end of its fiscal year and submit the report to the commissioner within 30 days after the end of its fiscal year. The report shall be on a form prescribed by the commissioner.

~~(b)~~ (e) The commissioner of revenue shall prescribe standards for the audits ~~and financial review~~, certified inventory, and cash count reports required under this subdivision. The standards may vary based on the gross receipts of the organization. The standards must incorporate and be consistent with standards prescribed by the American Institute of Certified Public Accountants. A complete, true, and correct copy of the ~~audit~~ audits, certified inventory, and cash count report must be filed as prescribed by the commissioner."

Page 2, line 17, strike "(10)," and before "(15)" insert "(10) to"

Page 8, delete section 10

Page 10, line 27, delete "that exceeds \$1,000" and insert "up to \$10,000"

Page 17, line 26, strike "three months" and insert "45 days"

Page 30, delete section 49 and insert:

"Sec. 49. Minnesota Statutes 2008, section 349.19, subdivision 9, is amended to read:

Subd. 9. **Annual financial audit; filing requirement.** An organization licensed under this chapter must have an annual financial audit ~~or financial review~~ when required by section 297E.06, subdivision 4."

Page 36, line 9, delete "article" and insert "act"

Pages 36 to 44, delete article 2

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 7, after "approval;" insert "changing annual audit requirements;"

Correct the title numbers accordingly

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 1805, A bill for an act relating to occupations and professions; creating licensing standards for full-time firefighters; establishing fees; amending Minnesota Statutes 2008, section 299N.02, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 299N.

Reported the same back with the following amendments:

Page 4, after line 20, insert:

"Subd. 9. **Fees.** Fees collected under this section must be deposited in the state treasury and credited to a special account and are appropriated to the board to pay costs incurred under this section and section 299N.04."

Amend the title as follows:

Page 1, line 3, after "fees;" insert "appropriating money;"

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 2036, A bill for an act relating to health; requiring the commissioner of health to convene an Alzheimer's disease working group; requiring a report.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **ALZHEIMER'S DISEASE WORKING GROUP.**

Subdivision 1. **Establishment; members.** The Minnesota Board on Aging must convene an Alzheimer's disease working group that consists of no more than 20 members including, but not limited to:

- (1) at least one caregiver of a person who has been diagnosed with Alzheimer's disease;
- (2) at least one person who has been diagnosed with Alzheimer's disease;
- (3) a representative of the nursing facility industry;
- (4) a representative of the assisted living industry;
- (5) a representative of the adult day services industry;
- (6) a representative of the medical care provider community;
- (7) a psychologist who specializes in dementia care;
- (8) an Alzheimer's researcher;
- (9) a representative of the Alzheimer's Association;
- (10) the commissioner of human services or a designee;
- (11) the commissioner of health or a designee;
- (12) the ombudsman for long-term care or a designee; and
- (13) at least two members named by the governor.

Subd. 2. **Duties; recommendations.** The Alzheimer's disease working group must examine the array of needs of individuals diagnosed with Alzheimer's disease, services available to meet these needs, and the capacity of the state and current providers to meet these and future needs. The working group shall consider and make recommendations on the following issues:

- (1) trends in the state's Alzheimer's population and service needs including, but not limited to:
  - (i) the state's role in long-term care, family caregiver support, and assistance to persons with early-stage and early-onset of Alzheimer's disease;
  - (ii) state policy regarding persons with Alzheimer's disease and dementia; and

(iii) establishment of a surveillance system for the purpose of having proper estimates of the number of persons in the state with Alzheimer's disease, and the changing population with dementia;

(2) existing resources, services, and capacity including, but not limited to:

(i) type, cost, and availability of dementia services;

(ii) dementia-specific training requirements for long-term care staff;

(iii) quality care measures for residential care facilities;

(iv) availability of home and community-based resources for persons with Alzheimer's disease, including respite care;

(v) number and availability of long-term care dementia units;

(vi) adequacy and appropriateness of geriatric psychiatric units for persons with behavior disorders associated with Alzheimer's and related dementia; and

(vii) assisted living residential options for persons with dementia; and

(3) needed policies or responses including, but not limited to, the provision of coordinated services and supports to persons and families living with Alzheimer's and related disorders, the capacity to meet these needs, and strategies to address identified gaps in services.

Subd. 3. **Meetings.** At least four working group meetings must be public meetings, and to the extent practicable, technological means, such as Web casts, shall be used to reach the greatest number of people throughout the state.

Subd. 4. **Report.** The Board on Aging must submit a report and recommendations to the governor and chairs and ranking minority members of the legislative committees with jurisdiction over health care no later than January 15, 2011.

Subd. 5. **Private funding.** To the extent available, the Board on Aging may utilize funding provided by private foundations and other private funding sources to complete the duties of the Alzheimer's disease working group.

Subd. 6. **Sunset.** The Alzheimer's disease working group sunsets upon delivery of the required report to the governor and legislative committees."

Delete the title and insert:

"A bill for an act relating to health; requiring the Minnesota Board on Aging to convene an Alzheimer's disease working group; requiring a report."

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

The report was adopted.

**SECOND READING OF HOUSE BILLS**

H. F. Nos. 818 and 1081 were read for the second time.

**SECOND READING OF SENATE BILLS**

S. F. Nos. 122, 412, 474, 484, 532, 707, 729, 1033, 1096, 1431, 1810 and 1910 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Kahn, Juhnke, Solberg and Haws introduced:

H. F. No. 2354, A bill for an act relating to gambling; authorizing director of the State Lottery to operate slot machines at the Minneapolis-St. Paul International Airport; proposing coding for new law in Minnesota Statutes, chapter 349A.

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

Murdock introduced:

H. F. No. 2355, A bill for an act relating to capital improvements; appropriating money for utility and street improvements in the city of Wadena; authorizing the issuance of state bonds.

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

Peppin, Gottwalt, Kiffmeyer, Brod and Dean introduced:

H. F. No. 2356, A bill for an act relating to insurance; regulating the state employee group insurance plan; establishing the plan as a high deductible health plan; requiring health savings accounts to be offered to enrollees; proposing coding for new law in Minnesota Statutes, chapter 43A.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

Welti and Davids introduced:

H. F. No. 2357, A bill for an act relating to capital investment; authorizing the sale of state bonds; appropriating money to Independent School District No. 227, Chatfield, for the Potter Center for the Arts in the city of Chatfield.

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

Hausman; Thao; Murphy, E.; Hornstein and Mariani introduced:

H. F. No. 2358, A bill for an act relating to capital improvements; appropriating money for three stations for the Central Corridor Line; authorizing the sale and issuance of state bonds.

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

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

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

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

The Senate has appointed as such committee:

Senators Latz, Skogen and Jungbauer.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2323, A bill for an act relating to the financing and operation of state and local government; making policy, technical, administrative, enforcement, collection, refund, clarifying, and other changes to income, franchise, property, sales and use, estate, gift, cigarette, tobacco, liquor, motor vehicle, gross receipts, minerals, tax increment financing and other taxes and tax-related provisions; requiring certain additions; conforming to federal section 179 expensing allowances; adding Minnesota development subsidies to corporate taxable income; disallowing certain subtractions; allowing certain nonrefundable credits; allowing a refundable Minnesota child credit; repealing various credits; conforming to certain federal tax provisions; expanding definition of domestic corporation to include tax havens; modifying income tax rates; expanding and increasing credit for research activities; accelerating single sales apportionment; modifying minimum fees; allowing county local sales tax; eliminating certain existing local sales taxes; adjusting county program aid; modifying levy limits; making changes to residential homestead market value credit; providing flexibility and mandate reduction provisions; making changes to various property tax and local government aid-related provisions; providing temporary suspension of new or increased maintenance of effort and matching fund requirements; modifying county support of libraries; establishing the Council on Local Results and Innovation; providing property tax system benchmarks, critical indicators, and principles; establishing a property tax work group; creating the Legislative Commission on Mandate Reform; making changes to certain administrative

procedures; modifying mortgage registry tax payments; modifying truth in taxation provisions; providing clarification for eligibility for property tax exemption for institutions of purely public charity; making changes to property tax refund and senior citizen property tax deferral programs; providing property tax exemptions; providing a property valuation reduction for certain land constituting a riparian buffer; providing a partial valuation exclusion for disaster damaged homes; extending deadline for special service district and housing improvement districts; requiring a fiscal disparity study; extending emergency medical service special taxing district; providing emergency debt certificates; providing and modifying local taxes; expanding county authorization to abate certain improvements; providing municipal street improvement districts; establishing a seasonal recreational property tax deferral program; expanding sales and use tax base; defining solicitor for purposes of nexus; providing a bovine tuberculosis testing grant; modifying tax preparation services law; modifying authority of municipalities to issue bonds for certain other postemployment benefits; allowing use of increment to offset state aid reductions; allowing additional authority to spend increments for housing replacement district plans; modifying and authorizing certain tax increment financing districts; providing equitable funding health and human services reform; modifying JOBZ provisions; repealing international economic development and biotechnology and health science industry zones; modifying basic sliding fee program funding; providing appointments; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 3.842, subdivision 4a; 3.843; 16C.28, subdivision 1a; 40A.09; 84.82, subdivision 10; 84.922, subdivision 11; 86B.401, subdivision 12; 123B.10, subdivision 1; 134.34, subdivisions 1, 4; 245.4932, subdivision 1; 253B.045, subdivision 2; 254B.04, subdivision 1; 270C.12, by adding a subdivision; 270C.445; 270C.56, subdivision 3; 272.02, subdivision 7, by adding subdivisions; 272.029, subdivision 6; 273.111, by adding a subdivision; 273.1231, subdivision 1; 273.1232, subdivision 1; 273.124, subdivision 1; 273.13, subdivisions 25, 34; 273.1384, subdivisions 1, 4, by adding a subdivision; 273.1393; 275.025, subdivisions 1, 2; 275.065, subdivisions 1, 1a, 1c, 3, 6; 275.07, subdivisions 1, 4, by adding a subdivision; 275.70, subdivisions 3, 5; 275.71, subdivisions 2, 4, 5; 276.04, subdivision 2; 279.10; 282.08; 287.08; 289A.02, subdivision 7, as amended; 289A.11, subdivision 1; 289A.20, subdivision 4; 289A.31, subdivision 5; 290.01, subdivisions 5, 19, as amended, 19a, as amended, 19b, 19c, as amended, 19d, as amended, 29, 31, as amended, by adding subdivisions; 290.014, subdivision 2; 290.06, subdivisions 2c, 2d, by adding subdivisions; 290.0671, subdivision 1; 290.068, subdivisions 1, 3, 4; 290.091, subdivision 2; 290.0921, subdivision 3; 290.0922, subdivisions 1, 3, by adding a subdivision; 290.17, subdivisions 2, 4; 290.191, subdivisions 2, 3; 290A.03, subdivision 15, as amended; 290A.04, subdivision 2; 290B.03, subdivision 1; 290B.04, subdivisions 3, 4; 290B.05, subdivision 1; 291.005, subdivision 1, as amended; 291.03, subdivision 1; 295.75, subdivision 2; 297A.61, subdivisions 3, 4, 5, 6, 10, 14a, 17a, 21, 38, by adding subdivisions; 297A.62, by adding a subdivision; 297A.63; 297A.64, subdivision 2; 297A.66, subdivision 1, by adding a subdivision; 297A.67, subdivisions 15, 23; 297A.815, subdivision 3; 297A.83, subdivision 3; 297A.94; 297A.99, subdivisions 1, 6; 297B.02, subdivision 1; 297F.01, by adding a subdivision; 297F.05, subdivisions 1, 3, 4, by adding a subdivision; 297G.03, subdivision 1; 297G.04; 298.001, by adding a subdivision; 298.018, subdivisions 1, 2, by adding a subdivision; 298.227; 298.24, subdivision 1; 298.28, subdivisions 2, 11, by adding a subdivision; 306.243, by adding a subdivision; 344.18; 365.28; 375.194, subdivision 5; 383A.75, subdivision 3; 428A.101; 428A.21; 429.011, subdivision 2a; 429.021, subdivision 1; 429.041, subdivisions 1, 2; 446A.086, subdivision 8; 465.719, subdivision 9; 469.015; 469.174, subdivision 22; 469.175, subdivisions 1, 6; 469.176, subdivisions 3, 6, by adding a subdivision; 469.1763, subdivisions 2, 3; 469.178, subdivision 7; 469.315; 469.3192; 473.13, subdivision 1; 473H.04, by adding a subdivision; 473H.05, subdivision 1; 475.51, subdivision 4; 475.52, subdivision 6; 475.58, subdivision 1; 477A.011, subdivision 36; 477A.0124, by adding a subdivision; 477A.013, subdivision 9, by adding a subdivision; 477A.03, subdivisions 2a, 2b; 641.12, subdivision 1; Laws 1986, chapter 396, section 4, subdivision 3; by adding a subdivision; Laws 1986, chapter 400, section 44, as amended; Laws 1991, chapter 291, article 8, section 27, subdivision 3, as amended; Laws 1993, chapter 375, article 9, section 46, subdivision 2, as amended, by adding a subdivision; Laws 1995, chapter 264, article 5, sections 44, subdivision 4, as amended; 45, subdivision 1, as amended; Laws 1996, chapter 471, article 2, section 30; Laws 1998, chapter 389, article 8, section 37, subdivision 1; Laws 2001, First Special Session chapter 5, article 3, section 8, as amended; Laws 2002, chapter 377, article 3, section 25; Laws 2006, chapter 259, article 3, section 12, subdivision 3; Laws 2008, chapter 366, article 5, section 34; article 6, sections 9; 10; article 7, section 16, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 3; 6; 14; 17; 256E; 270C; 272; 273; 275; 290; 292; 297A; 435; 475; 477A; proposing coding for new law as Minnesota Statutes, chapter 290D; repealing Minnesota Statutes 2008, sections 245.4835; 245.714; 246.54;

254B.02, subdivision 3; 256B.19, subdivision 1; 256I.08; 272.02, subdivision 83; 273.113; 275.065, subdivisions 5a, 6b, 6c, 8, 9, 10; 289A.50, subdivision 10; 290.01, subdivision 6b; 290.06, subdivisions 24, 28, 30, 31, 32, 33, 34; 290.067, subdivisions 1, 2, 2a, 2b, 3, 4; 290.0672; 290.0674; 290.0679; 290.0802; 290.0921, subdivision 7; 290.191, subdivision 4; 290.491; 297A.61, subdivision 45; 297A.68, subdivisions 38, 41; 469.316; 469.317; 469.321; 469.3215; 469.322; 469.323; 469.324; 469.325; 469.326; 469.327; 469.328; 469.329; 469.330; 469.331; 469.332; 469.333; 469.334; 469.335; 469.336; 469.337; 469.338; 469.339; 469.340; 469.341; 477A.0124, subdivisions 3, 4, 5; 477A.03, subdivision 5; Laws 2009, chapter 3, section 1; Laws 2009, chapter 12, article 1, section 8.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Lenczewski moved that the House refuse to concur in the Senate amendments to H. F. No. 2323, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

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

S. F. No. 2082, A bill for an act relating to government operations; modifying provisions for general legislative and administrative expenses of state government; regulating state and local government operations; establishing a statewide electronic licensing system; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 5.12, subdivision 1; 5.29; 5.32; 5A.03; 10A.31, subdivision 4; 16A.133, subdivision 1; 16B.24, subdivision 5; 43A.49; 45.24; 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; 469.175, subdivisions 1, 6; proposing coding for new law in Minnesota Statutes, chapters 5; 16E; repealing Minnesota Statutes 2008, section 240A.08.

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

Senators Betzold, Rest, Olseen, Kubly and Jungbauer.

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

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Kahn moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2082. The motion prevailed.

## FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 657.

S. F. No. 657 was reported to the House.

Kalin moved to amend S. F. No. 657, the third engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 680, the third engrossment:

"ARTICLE 1

DEFINITIONS; GOALS; LEGISLATIVE REVIEW

Section 1. **FEDERAL STIMULUS FUNDING; GOAL OF ENERGY PROGRAMS.**

Subdivision 1. **Definitions.** For the purposes of articles 1 to 5, the following terms have the meaning given them.

(a) "Act" means the American Recovery and Reinvestment Act of 2009.

(b) "Commissioner" means the commissioner of commerce.

(c) "Stimulus funding" or "funding" means funding provided to the state under the act for:

(1) energy efficiency and conservation block grants authorized under subtitle E of title V of the federal Energy Independence and Security Act of 2007, United States Code, title 42, section 17151 et seq.;

(2) the Weatherization Assistance Program authorized under part A of title IV of the federal Energy Conservation and Production Act, United States Code, title 42, section 6861, et seq.; and

(3) the State Energy Program authorized under part D of title III of the federal Energy Policy and Conservation Act, United States Code, title 42, section 6321, et seq.

Subd. 2. **Stimulus funding allocation and use goals.** To the extent allowed by federal law and regulation and consistent with the purposes and principles of the act, stimulus funding must be allocated and expended under articles 2 to 4 for activities that best achieve the following goals:

(1) job retention and creation;

(2) improved energy efficiency and increased renewable energy production capacity;

(3) coordination with and leveraging of other resources to increase the total benefits derived from stimulus funding;

(4) timely implementation of funded activities;

(5) long-term sustainability of benefits derived from stimulus funds;

(6) geographic distribution across the state;

(7) compliance with the disadvantaged business enterprise requirements in Minnesota Statutes, section 16C.16; and

(8) ensuring that projects are cost-effective and maximize energy savings per dollar of stimulus funding expended.

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

Sec. 2. **LEGISLATIVE REVIEW.**

The Office of Energy Security shall, prior to expending any stimulus funds, submit to the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over energy policy and finance the criteria it proposes to use to rank the programs in articles 1 to 5 in order to allocate stimulus funding among the programs. Comments on the proposed criteria must be submitted to the Office of Energy Security within ten working days of receipt of the criteria. The Office of Energy Security shall consider the comments before establishing the final allocation criteria, and shall submit a report on the amount of stimulus funds allocated to each of the programs under articles 1 to 5 the chairs and ranking minority members of the senate and house of representatives committees with primary jurisdiction over energy policy and finance within ten working days of establishing the stimulus funding allocations.

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

ARTICLE 2

ENERGY EFFICIENCY

Section 1. **WEATHERIZATION.**

Subdivision 1. **Allocation of funds.** All stimulus funds for weatherization must be allocated by the director of the Office of Energy Security, consistent with federal allocation requirements and state allocation formulas in the state weatherization plan. Existing providers of weatherization services must be fully utilized, consistent with effective program delivery, before additional providers of weatherization services are added.

Subd. 2. **Rental units.** Programs that include rental units must be developed, including developing procedures to increase low-income rental unit participation in programs. Priority must be given to serving the largest number of new weatherization clients consistent with federal eligibility requirements.

Subd. 3. **Background check.** Any person offering employment to an individual to conduct weatherization activities under this section shall request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on that individual. In order for an individual to be eligible for employment, the individual must provide an executed criminal history consent form and a money order or check payable to the Bureau of Criminal Apprehension in an amount equal to the actual cost to the Bureau of Criminal Apprehension of conducting the background check. The superintendent of the Bureau of Criminal Apprehension shall conduct the background check by retrieving criminal history data maintained in the criminal justice information system computers.

Subd. 4. **Employment prohibited.** An individual convicted of a violent crime, as defined in Minnesota Statutes, section 611A.08, subdivision 6, or a crime against property may not be hired to conduct weatherization activities under this section.

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

Sec. 2. **LOCAL GOVERNMENT AND SCHOOL DISTRICT BUILDING RENOVATIONS.**

The Office of Energy Security must coordinate the use of stimulus funds with the local public building enhanced energy-efficiency program under Minnesota Statutes, section 216C.43. The Office of Energy Security shall prioritize lighting upgrades, energy recommissioning, and other cost-effective energy projects that are ready for immediate implementation. Stimulus funds may be used for, but are not limited to, grants for a portion of costs incurred by local governments to implement energy efficiency improvements under the local public building

enhanced energy-efficiency program. The Office of Energy Security may require a local government, as a condition of receiving a grant, to commit to implement future activities, including, but not limited to, staff training, that are designed to create additional energy or operating savings to the local government. The Office of Energy Security shall coordinate with the Department of Education to prioritize school district projects for funding under this section, consistent with the principles of statewide geographic distribution of projects, optimized energy savings, and an improved learning environment for schoolchildren.

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

Sec. 3. **STATE GOVERNMENT BUILDINGS.**

The Department of Administration shall develop a plan and procedures to select, fund, and implement projects using stimulus funds. The plan and procedures shall prioritize lighting upgrades, energy-efficient windows, energy recommissioning, and other cost-effective energy projects that are ready for immediate implementation. Funds may be used for, but are not limited to, grants for a portion of costs incurred by state agencies in implementing energy efficiency improvements. The Department of Administration may require a state agency, as a condition of receiving stimulus funds, to commit to implement future activities, including, but not limited to, staff training, that are designed to create additional energy or operating savings to the state agency.

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

Sec. 4. **RESIDENTIAL ENERGY EFFICIENCY PROGRAMS.**

The Office of Energy Security shall coordinate with the Minnesota Housing Finance Agency to use stimulus funds in conjunction with the Minnesota Housing Finance Agency's existing financing programs to improve energy efficiency in dwellings.

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

Sec. 5. **TRAINING AND WORKFORCE DEVELOPMENT.**

(a) The Department of Employment and Economic Development, in consultation with the Office of Energy Security and the Office of Higher Education, shall develop a plan and procedures to:

(1) allocate stimulus funds to training programs to train energy professionals needed to implement the energy programs described in sections 1 to 4, including but not limited to energy auditors, energy managers, and building operators;

(2) coordinate, oversee, and monitor the training and certification of energy professionals; and

(3) allocate stimulus funding for the purposes of clauses (1) and (2) and to training providers.

(b) Training strategies must be designed to meet the wide range of facilities managers and building sizes and types, and must protect the occupational health and safety of workers employed on these energy projects. Technical skills training must include insulation, air sealing, and mechanical work.

(c) The plan must include procedures to:

(1) train individuals already employed in implementing energy programs;

(2) recruit individuals to be trained to perform work in energy projects using stimulus funding who are unemployed, especially targeting communities experiencing disproportionately high rates of unemployment, including, but not limited to, low-income, youth, rural, or tribal communities and individuals in construction trades and crafts;

(3) ensure that the full capacity of current training providers is utilized, including, but not limited to, opportunities industrialization centers, skilled trades labor unions, tribal colleges or nonprofits working in tribal communities, community action partnerships, utility companies, higher education institutions, and nonprofit organizations with demonstrated expertise in energy efficiency; and

(4) publicize job and contract opportunities through cost-effective dissemination via the mass media, including, but not limited to, public service announcements and radio advertisements.

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

Sec. 6. **ACCOUNTABILITY AND TRANSPARENCY REPORTING.**

The director of the Office of Energy Security, after compiling information supplied by the Departments of Administration, Education, and Employment and Economic Development, and the Office of Higher Education, shall report on the progress of the programs funded under articles 1 to 5 to the house of representatives and senate committees with jurisdiction over energy finance and workforce development policy by September 1, 2009, January 15, 2010, April 1, 2010, and September 1, 2010. The report must include a complete accounting of all stimulus funds spent on the programs funded under articles 1 to 5, to the extent allowable by state and federal law, including, but not limited to:

(1) the specific projects funded, including the location, building owner, and project manager;

(2) the number of jobs retained or created by each project;

(3) the total calculated and actual energy savings for each project;

(4) the remaining balances in each stimulus fund;

(5) the nonstimulus funding leveraged by stimulus funds for each project;

(6) the training courses provided, including the location and provider of courses offered, the funding source for each training course, and the total number of trainees;

(7) compliance with prevailing wage, veterans, and disadvantaged business enterprise requirements; and

(8) the effectiveness of the outreach and recruitment efforts among youth, low-income, and unemployed workers conducted under section 5, paragraph (a), clause (2).

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

ARTICLE 3

RENEWABLE ENERGY

Section 1. **RENEWABLE ENERGY GRANT PROGRAM.**

(a) The commissioner of commerce shall establish a program to award grants to energy projects that meet the following conditions:

(1) the project qualifies as a community-based energy development (C-BED) project, as defined in Minnesota Statutes, section 216B.1612, subdivision 2, paragraph (g);

(2) for wind projects, the project is located in an area where the measured wind resource is Class 4 or above;

(3) the project begins commercial operation after July 1, 2009;

(4) the project does not receive renewable energy payment incentives under Minnesota Statutes, section 216C.41; and

(5) the project meets any other conditions established under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, for use of these funds.

(b) The department shall develop an application form, application review procedures, criteria that projects must meet in order to be considered for a grant award, procedures and guidelines for project monitoring and evaluation, and other administrative procedures necessary to fully implement a grant program.

(c) The maximum grant to a project is \$500,000.

(d) No more than two projects in a single county may receive a grant under this section.

(e) No C-BED qualifying owner may financially participate in more than one project that receives a grant under this section.

(f) Grant awards must be geographically dispersed throughout the state.

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

Sec. 2. **RENEWABLE ELECTRIC GENERATION FACILITY REBATES.**

(a) The commissioner shall establish a program to award rebates to qualifying facilities that generate electricity from a renewable source and that:

(1) begin operation after July 1, 2009;

(2) meet all other conditions established under the act; and

(3) provide electricity to:

(i) a homeowner's primary residence; or

(ii) a business with 20 or fewer full-time employees.

(b) The commissioner shall develop an application form, application review procedures, criteria that projects must meet in order to be considered for a rebate, procedures and guidelines for project monitoring and evaluation, and other administrative procedures necessary to fully implement a rebate program.

(c) The owner of a qualifying facility may apply to the commissioner for a rebate of the lesser of \$2,500 or 35 percent of the cost of the electric generation facility, including installation costs.

(d) The commissioner shall award rebates only from funds appropriated for that purpose and to the extent of those appropriations. Grants must be made to applicants in the order of the time of receipt of a complete application.

(e) For purposes of this section:

(1) "Qualifying facility" means an electric generation facility with a capacity of less than 40 kilowatts that generates electricity from a renewable energy source.

(2) "Renewable energy source" means:

(i) solar;

(ii) wind;

(iii) hydroelectric;

(iv) hydrogen, provided that after January 1, 2010, the hydrogen must be generated from the resources listed in this clause; or

(v) biomass, which includes, without limitation, landfill gas; an anaerobic digester system; and the predominantly organic components of wastewater effluent, sludge, or related by-products from publicly owned treatment works, but not including incineration of wastewater sludge to produce electricity.

(3) "Commissioner" means the commissioner of commerce.

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

Sec. 3. **SOLAR ENERGY PROJECTS IN PUBLIC BUILDINGS AND SCHOOLS.**

(a) The commissioner shall establish a program to award grants to:

(1) local units of government to pay the costs of installing solar energy projects to generate energy used in public buildings; or

(2) to school districts to pay the costs of installing solar energy projects to generate energy used in K-12 schools.

(b) To be eligible to receive a grant, a project must:

(1) begin operation after July 1, 2009; and

(2) meet all other conditions established under the act.

(c) The commissioner shall develop an application form, application review procedures, criteria that a project must meet in order to be considered for a grant award, procedures and guidelines for project monitoring and evaluation, and other administrative procedures necessary to fully implement a grant program.

(d) In awarding grants, the commissioner must determine, at a minimum, the following:

(1) that the physical condition of the building is sufficient to support the efficient operation of the solar energy project;

(2) that there is no significant possibility that the building may close within ten years, which determination, for a school, must be based on enrollment projections; and

(3) that the projected cumulative energy savings exceed the grant amount within 15 years for a qualifying solar thermal project, and within 20 years for a photovoltaic device.

(e) In awarding grants, the commissioner must also consider:

(1) the reliability and cost-effectiveness of the solar technology to be installed;

(2) the extent to which the proposal effectively coordinates with the conservation and energy efficiency programs offered by the energy utilities serving the building in which the project is located, and with the public building enhanced energy efficiency program under section 216C.43, if applicable;

(3) life cycle energy use reductions and greenhouse gas emissions reductions projected per dollar of installed cost of the project; and

(4) the geographic distribution of grant recipients throughout the state.

(f) For the purposes of this section:

(1) "public building" means any publicly owned building, sports arena, or other facility of a county, city, or other local unit of government;

(2) "solar energy" means:

(i) a photovoltaic device, as defined in Minnesota Statutes, section 216C.06, subdivision 16; or

(ii) a qualifying thermal project, as defined in Minnesota Statutes, section 216B.2411, subdivision 2, that includes modifications made to a distribution system to distribute heating or cooling throughout a building; and

(3) "commissioner" means the commissioner of commerce.

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

#### ARTICLE 4

#### MISCELLANEOUS PROGRAMS

##### Section 1. **ENERGY PROGRAMS IN COMMERCIAL AND INDUSTRIAL BUILDINGS.**

(a) The commissioner of commerce shall establish a program to award grants to commercial and industrial facilities for the purpose of:

(1) installing energy-efficiency improvements or devices that use renewable energy sources to generate electricity or to heat or cool a building; or

(2) manufacturing renewable fuels in solid form from biomass for use in industrial boilers.

(b) To be eligible to receive a grant, a project must:

(1) begin commercial operation after July 1, 2009; and

(2) meet all other conditions established under the act.

(c) The commissioner shall develop an application form, application review procedures, criteria that a project must meet in order to be considered for a grant award, procedures and guidelines for project monitoring and evaluation, and other administrative procedures necessary to fully implement a grant program.

(d) For the purposes of this section, "renewable energy source" means:

(i) solar;

(ii) wind;

(iii) hydroelectric;

(iv) hydrogen, provided that after January 1, 2010, the hydrogen must be generated from the resources listed in this paragraph; or

(v) biomass, which includes, without limitation, landfill gas; an anaerobic digester system; and the predominantly organic components of wastewater effluent, sludge, or related by-products from publicly owned treatment works, but not including incineration of wastewater sludge to produce electricity.

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

Sec. 2. **ENERGY EDUCATION, TRAINING, AND DATA SYSTEMS.**

The Office of Energy Security shall establish programs to work with teachers and other energy experts to include energy issues in K-12 curricula; develop training and certification programs for technicians to install and service wind and solar energy systems; and upgrade data systems to enable accurate tracking of energy savings resulting from the conservation improvement program and other state energy programs.

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

Sec. 3. **ENERGY EFFICIENCY GRANTS TO LOCAL GOVERNMENTS.**

The Office of Energy Security shall establish a grant program to award grants to local units of government to enhance energy efficiency and reduce energy use. Energy efficiency and conservation block grant funds may be used for grants for planning, consultant services, energy audits, implementing energy-efficient building codes and inspection services, energy efficiency renovations, street lighting, and the installation of renewable energy devices deployed on public buildings.

ARTICLE 5

APPROPRIATIONS

Section 1. **WEATHERIZATION ASSISTANCE PROGRAM APPROPRIATION.**

Of the funds available to the state of Minnesota from the federal stimulus funding for the weatherization assistance program under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, \$131,937,411 is appropriated to the commissioner of commerce. The funds must be administered consistent with the requirements in article 2, section 1.

Sec. 2. **ENERGY EFFICIENCY AND CONSERVATION BLOCK PROGRAM APPROPRIATION.**

The funds available to the state of Minnesota from the federal stimulus funding for the Energy Efficiency and Conservation Block Grant Program under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, estimated to be \$10,644,100, are appropriated to the commissioner of commerce. The appropriation must be distributed as follows:

(1) 61.5 percent, estimated to be \$6,546,121, is for energy efficiency grants to local government in article 4, section 3; and

(2) 38.5 percent, estimated to be \$4,097,979, is for local government and school district buildings consistent with the requirements in article 2, section 2.

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

Sec. 3. **STATE ENERGY PROGRAM APPROPRIATION.**

Of the funds available to the state of Minnesota from the federal stimulus funding for the State Energy Program under the American Recovery and Reinvestment Act of 2009, Public Law 111-5, \$54,172,000 is appropriated to the commissioner of commerce. Of this amount:

(1) \$10,650,000 is for local government and school district buildings consistent with the requirements in article 2, section 2;

(2) \$8,000,000 is for state government buildings consistent with the requirements in article 2, section 3;

(3) \$12,000,000 is for the residential energy financing programs in article 2, section 4;

(4) \$12,000,000 is for renewable energy programs, including, but not limited to, the programs specified in article 3;

(5) \$5,000,000 is for grants to commercial and industrial facilities for energy efficiency and renewable energy projects in article 4, section 1;

(6) \$5,022,000 is for energy education, training, and information and data systems in article 4, section 2; and

(7) \$1,500,000 is for a grant to the Board of Trustees of the Minnesota State Colleges and Universities for the International Renewable Energy Technology Institute (IRETI) to be located at Minnesota State University, Mankato, as a public and private partnership to support applied research in renewable energy and energy efficiency to aid in the transfer of technology from Sweden to Minnesota and to support technology commercialization from companies located in Minnesota and throughout the world.

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

Delete the title and insert:

"A bill for an act relating to energy; providing direction for use of federal stimulus funds for energy programs."

The motion prevailed and the amendment was adopted.

Peppin moved to amend S. F. No. 657, the third engrossment, as amended, as follows:

Page 11, line 14, after the semicolon, insert "and"

Page 11, line 16, delete "; and" and insert a period

Page 11, delete lines 17 to 22

A roll call was requested and properly seconded.

The question was taken on the Peppin amendment and the roll was called. There were 46 yeas and 84 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Drazkowski moved to amend S. F. No. 657, the third engrossment, as amended, as follows:

Page 5, line 3, delete "individuals" and insert "unemployed Minnesota residents who are U.S. citizens"

Page 5, line 4, delete everything after "funding" and insert a semicolon

Page 5, delete lines 5 and 6

A roll call was requested and properly seconded.

The question was taken on the Drazkowski amendment and the roll was called. There were 48 yeas and 83 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Hoppe moved to amend S. F. No. 657, the third engrossment, as amended, as follows:

Page 2, line 33, delete "Existing"

Page 3, delete lines 1 and 2

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

Zellers moved to amend S. F. No. 657, the third engrossment, as amended, as follows:

Page 1, line 6, after "REVIEW" insert "; WAGE LEVELS"

Page 2, after line 27, insert:

"Sec. 3. WAGE LEVELS.

Notwithstanding any other laws, wages paid for work performed in articles 2 to 4 are not required to meet state prevailing wage requirements."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Zellers amendment and the roll was called. There were 34 yeas and 98 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Gottwalt	Kiffmeyer	Nornes	Torkelson
Anderson, P.	Doepke	Gunther	Kohls	Peppin	Urdahl
Anderson, S.	Downey	Hackbarth	Mack	Scott	Westrom
Beard	Drazkowski	Hamilton	Magnus	Seifert	Zellers
Buesgens	Eastlund	Holberg	McFarlane	Severson	
Demmer	Emmer	Hoppe	Murdock	Shimanski	

Those who voted in the negative were:

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

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

Severson moved to amend S. F. No. 657, the third engrossment, as amended, as follows:

Page 9, line 25, after "limitation," insert "rotating woody crops:"

The motion prevailed and the amendment was adopted.

Hackbarth moved to amend S. F. No. 657, the third engrossment, as amended, as follows:

Page 4, line 16, after "dwellings" insert ", including energy efficient windows"

The motion prevailed and the amendment was adopted.

S. F. No. 657, as amended, was read for the third time.

Hackbarth moved that S. F. No. 657, as amended, be re-referred to the Energy Finance and Policy Division.

A roll call was requested and properly seconded.

The question was taken on the Hackbarth motion and the roll was called. There were 46 yeas and 87 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

S. F. No. 657, A bill for an act relating to energy; providing direction for the use of federal stimulus money for energy programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216C.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 19 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dean	Emmer	Hoppe	Scott
Beard	Dettmer	Gottwalt	Kiffmeyer	Seifert
Brod	Drazkowski	Hackbarth	Kohls	Shimanski
Buesgens	Eastlund	Holberg	Peppin	

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

### CALENDAR FOR THE DAY

S. F. No. 1147 was reported to the House.

Hayden moved to amend S. F. No. 1147, the first engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 1394, the second engrossment:

"Section 1. Minnesota Statutes 2008, section 463.251, subdivision 2, is amended to read:

Subd. 2. **Order; notice.** (a) If in any city a building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the governing body may order the building secured and shall cause notice of the order to be served upon the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for that parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the

neighborhood in which the building is located that has requested notice, by delivering or mailing a copy to the owner or agent, the identified taxpayer, the holder of the mortgage or sheriff's certificate, and the neighborhood association, at the last known address. Service by mail is complete upon mailing.

(b) The notice under this subdivision must include a statement that:

(1) informs the owner and the holder of any mortgage or sheriff's certificate of the requirements of subdivision 3 and that costs may be assessed against the property if the person does not secure the building;

(2) informs the owner and the holder of any mortgage or sheriff's certificate that the person may request a hearing before the governing body challenging the governing body's determination that the property is vacant or unoccupied and hazardous; and

(3) notifies the holder of any sheriff's certificate of the holder's duty under section 582.031, subdivision 1, paragraph (b), to enter the premises to protect the premises from waste and trespass if the order is not challenged or set aside and there is prima facie evidence of abandonment of the property as described in section 582.032, subdivision 7.

Sec. 2. Minnesota Statutes 2008, section 463.251, subdivision 3, is amended to read:

Subd. 3. **Securing building by city; lien.** If the owner of the building or a holder of the sheriff's certificate of sale fails to either comply or provide to the governing body a reasonable plan and schedule to comply with an order issued under subdivision 2 or to request a hearing on the order within ~~six~~ 14 days after the order is served, the governing body shall cause the building to be properly secured and the cost of securing the building may be charged against the real estate as provided in section 463.21. In the metropolitan area, as defined in section 473.121, subdivision 2, the governing body may work with neighborhood associations to develop and implement plans to secure vacant buildings in a timely and cost-effective fashion. The city may use rehabilitation and revitalization funds in implementing this section.

Sec. 3. Minnesota Statutes 2008, section 504B.151, subdivision 1, is amended to read:

Subdivision 1. **Limitation on lease and notice to tenant.** (a) Once a landlord has received notice of a contract for deed cancellation under section 559.21 or notice of a mortgage foreclosure sale under chapter 580 or 582, or summons and complaint under chapter 581, the landlord may only enter into (i) a periodic residential lease agreement with a term of not more than two months or the time remaining in the contract cancellation period or the mortgagor's redemption period, whichever is less or (ii) a fixed term residential tenancy not extending beyond the cancellation period or the landlord's period of redemption until:

- (1) the contract for deed has been reinstated or paid in full;
- (2) the mortgage default has been cured and the mortgage reinstated;
- (3) the mortgage has been satisfied;
- (4) the property has been redeemed from a foreclosure sale; or
- (5) a receiver has been appointed.

(b) Before entering into a lease under this section and accepting any rent or security deposit from a tenant, the landlord must notify the prospective tenant in writing that the landlord has received notice of a contract for deed cancellation or notice of a mortgage foreclosure sale as appropriate, and the date on which the contract cancellation period or the mortgagor's redemption period ends.

(c) This section does not apply to a manufactured home park as defined in section 327C.01, subdivision 5.

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

Sec. 4. Minnesota Statutes 2008, section 504B.178, subdivision 8, is amended to read:

Subd. 8. **Withholding rent.** No tenant may withhold payment of all or any portion of rent for the last payment period of a residential rental agreement, except an oral or written month to month residential rental agreement concerning which neither the tenant nor landlord has served a notice to quit, or for the last month of a contract for deed cancellation period under section 559.21 or a mortgage foreclosure redemption period under chapter 580, 581, or 582, on the grounds that the deposit should serve as payment for the rent. Withholding all or any portion of rent for the last payment period of the residential rental agreement creates a rebuttable presumption that the tenant withheld the last payment on the grounds that the deposit should serve as payment for the rent. Any tenant who remains in violation of this subdivision after written demand and notice of this subdivision shall be liable to the landlord for the following:

(1) a penalty in an amount equal to the portion of the deposit which the landlord is entitled to withhold under subdivision 3 other than to remedy the tenant's default in the payment of rent; and

(2) interest on the whole deposit as provided in subdivision 2, in addition to the amount of rent withheld by the tenant in violation of this subdivision.

**EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to cancellations of contracts for deed in which the notice of cancellation is first served or published on or after August 1, 2009, and mortgage foreclosures under Minnesota Statutes, chapter 581, in which the lis pendens is recorded on or after August 1, 2009.

Sec. 5. Minnesota Statutes 2008, section 580.021, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** This section applies to foreclosure of mortgages under this chapter and chapter 581 on property consisting of one to four family dwelling units, one of which the owner occupies as the owner's principal place of residency on the date of service of the notice of sale of the owner.

**EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to foreclosures under Minnesota Statutes, chapter 581, in which the lis pendens is recorded on or after August 1, 2009.

Sec. 6. Minnesota Statutes 2008, section 580.04, is amended to read:

**580.04 REQUISITES OF NOTICE.**

Each notice shall specify or contain:

(1) the name of the mortgagor, the mortgagee, each assignee of the mortgage, if any, and the original or maximum principal amount secured by the mortgage;

(2) the date of the mortgage, and when and where recorded, except where the mortgage is upon registered land, in which case the notice shall state that fact, and when and where registered;

(3) the amount claimed to be due on the mortgage on the date of the notice;

(4) a description of the mortgaged premises, conforming substantially to that contained in the mortgage, and the commonly used street address of the mortgaged premises;

(5) the time and place of sale;

(6) the time allowed by law for redemption by the mortgagor, the mortgagor's personal representatives or assigns; and

(7) ~~if the party foreclosing the mortgage desires to preserve the right to reduce the redemption period under section 582.032 after the first publication of the notice, the notice must also state for mortgaged premises described in section 582.032, subdivision 1, the following statement in capital letters: "THE TIME ALLOWED BY LAW FOR REDEMPTION BY THE MORTGAGOR, THE MORTGAGOR'S PERSONAL REPRESENTATIVES OR ASSIGNS, MAY BE REDUCED TO FIVE WEEKS IF A JUDICIAL ORDER IS ENTERED UNDER MINNESOTA STATUTES, SECTION 582.032, DETERMINING, AMONG OTHER THINGS, THAT THE MORTGAGED PREMISES ARE IMPROVED WITH A RESIDENTIAL DWELLING OF LESS THAN FIVE UNITS, ARE NOT PROPERTY USED IN AGRICULTURAL PRODUCTION, AND ARE ABANDONED."~~

**EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to notices of sale first published on or after that date.

Sec. 7. Minnesota Statutes 2008, section 580.041, subdivision 1a, is amended to read:

Subd. 1a. **Applicability.** This section applies to foreclosure of mortgages under this chapter and chapter 581 on property consisting of one to four family dwelling units, one of which the owner occupies as the owner's principal place of residency on the date of service of the notice of sale on the owner.

**EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to foreclosures under Minnesota Statutes, chapter 581, in which the lis pendens is recorded on or after August 1, 2009.

Sec. 8. Minnesota Statutes 2008, section 580.042, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** This section applies to foreclosure of mortgages under this chapter and chapter 581.

**EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to foreclosures under Minnesota Statutes, chapter 581, in which the lis pendens is recorded on or after August 1, 2009.

Sec. 9. Minnesota Statutes 2008, section 582.031, is amended to read:

**582.031 LIMITED RIGHT OF ENTRY; DUTY TO ENTER AND PROTECT PREMISES.**

Subdivision 1. **Right of entry.** (a) If premises described in a mortgage or sheriff's certificate are vacant or unoccupied, the holder of the mortgage or sheriff's certificate or the holder's agents and contractors may, ~~but is under no obligation to,~~ enter upon the premises to protect the premises from waste and trespass, until the holder of the mortgage or sheriff's certificate receives notice that the premises are occupied. The holder of the mortgage or sheriff's certificate does not become a mortgagee in possession by taking actions authorized or required under this section. An affidavit of the sheriff, the licensing, regulatory, or inspection authority of a municipality in which the property is located, the holder of the mortgage or sheriff's certificate, or a person acting on behalf of the holder, describing the premises and stating that the same are vacant or unoccupied, is prima facie evidence of the facts stated in the affidavit and is entitled to be recorded in the office of the county recorder or the registrar of titles in the county where the premises are located, if it contains a legal description of the premises.

(b)(1) If the holder of a sheriff's certificate knows that there is prima facie evidence of abandonment of the property, as described in section 582.032, subdivision 7, clauses (1) to (6), the holder:

(i) shall enter the premises and make reasonable periodic inspections, and install or change the locks on all doors, install locks on all windows that do not have them, and ensure that any existing window locks are functioning properly; and

(ii) may, to protect the premises from waste, trespass, or falling below minimum community standards for public safety and sanitation, enter the premises and board windows, doors, and other openings, install and operate an alarm system, and otherwise prevent or minimize damage to the premises from the elements, vandalism, trespass, or other illegal activity.

(2) Upon an installation or change of locks as required by this section, the holder of a sheriff's certificate must deliver a key to the premises to the mortgagor or any person lawfully claiming through the mortgagor, upon request.

This paragraph only applies where the holder of a mortgage or sheriff's certificate otherwise holds five or more properties.

Subd. 2. **Authorized actions.** The holder of the mortgage or sheriff's certificate may take the following actions to protect the premises from waste, trespass, or from falling below minimum community standards for public safety and sanitation: make reasonable periodic inspections, install or change locks on doors and windows, board windows, doors, and other openings, install and operate an alarm system, and otherwise prevent or minimize damage to the premises from the elements, vandalism, trespass, or other illegal activities. If the holder of the mortgage or sheriff's certificate installs or changes locks under this section, a key to the premises must be promptly delivered to the mortgagor or any person lawfully claiming through the mortgagor, upon request.

Subd. 3. **Costs.** All costs incurred by the holder of the mortgage or sheriff's certificate to protect the premises from waste or trespass or from falling below minimum community standards for public safety and sanitation may be added to the principal balance of the mortgage or the costs allowable upon redemption. The costs may bear interest to the extent provided in the mortgage and may be added to the redemption price if the costs are incurred after a foreclosure sale. If the costs are incurred after a foreclosure sale, the holder of any sheriff's certificate of sale or certificate of redemption must comply with the provisions of section 582.03. The provisions of this section are in addition to, and do not limit or replace, any other rights or remedies available to holders of mortgages and sheriff's certificates, at law or under the applicable mortgage agreements.

Sec. 10. Minnesota Statutes 2008, section 582.032, subdivision 2, is amended to read:

Subd. 2. **Before foreclosure sale.** Notwithstanding section 580.23 or 581.10, if at any time before the foreclosure sale but not more than 30 days before the first publication of the notice of sale, a court order is entered reducing the mortgagor's redemption period to five weeks under subdivision 7, after the mortgaged premises have been sold as provided in chapter 580 or 581, the mortgagor, and the mortgagor's personal representatives or assigns, within five weeks after the sale under chapter 580, or within five weeks after the date of the order confirming the sale under chapter 581, may redeem the mortgaged premises as provided in section 580.23, subdivision 1, or 581.10, as applicable. ~~If an order is obtained after the first publication of the notice of sale, the five-week redemption period applies only if the notice of sale contained the statement required by section 580.04, clause (7).~~

**EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to foreclosures for which the notice of sale is first published on or after that date.

Sec. 11. Minnesota Statutes 2008, section 582.032, subdivision 4, is amended to read:

Subd. 4. **Summons and complaint.** In a foreclosure by advertisement, the party foreclosing a mortgage or holding the sheriff's certificate of sale or the political subdivision in which the mortgaged premises are located may initiate a proceeding in district court to reduce the mortgagor's redemption period under this section. The proceeding must be initiated by the filing of a complaint, naming the mortgagor, or the mortgagor's personal representatives or assigns of record, as defendant, in district court for the county in which the mortgaged premises are located. If the proceeding is initiated by a political subdivision, the party foreclosing the mortgage or holding the sheriff's certificate of sale must also be named as a defendant and the summons and complaint shall be delivered by certified mail to the foreclosing attorney. If the proceeding is commenced after the foreclosure sale, the holders of junior liens and interests entitled to notice under subdivision 3 must also be named as defendants. The complaint must identify the mortgaged premises by legal description and must identify the mortgage by the names of the mortgagor and mortgagee, and any assignee of the mortgagee; the date of its making; and pertinent recording information. The complaint must allege that the mortgaged premises are:

- (1) ten acres or less in size;
- (2) improved with a residential dwelling consisting of less than five units, which is not a model home or a dwelling under construction;
- (3) not property used in agricultural production; and
- (4) abandoned.

The complaint must request an order reducing the mortgagor's redemption period to five weeks. When the complaint has been filed, the court shall issue a summons commanding the person or persons named in the complaint to appear before the court on a day and at a place stated in the summons. The appearance date shall be not less than 15 nor more than 25 days from the date of the issuing of the summons. A copy of the filed complaint must be attached to the summons.

Sec. 12. Minnesota Statutes 2008, section 582.032, subdivision 5, is amended to read:

Subd. 5. **Order to show cause.** In a foreclosure by action, the plaintiff or the holder of the sheriff's certificate may make a motion to reduce the mortgagor's redemption period under this section. The political subdivision in which the mortgaged premises are located may intervene in the action and make a motion to reduce the redemption period. The motion must conform generally to the pleading requirements provided in subdivision 4. For purposes of the motion, the court has continuing jurisdiction over the parties and the mortgaged premises through the expiration of the redemption period. When the motion has been filed, the court shall issue an order to show cause commanding the parties it considers appropriate to appear before the court on a day and at a place stated in the order. The appearance date may not be less than 15 nor more than 25 days after the date of the order to show cause. A copy of the motion must be attached to the order to show cause.

Sec. 13. Minnesota Statutes 2008, section 609.605, subdivision 1, is amended to read:

Subdivision 1. **Misdemeanor.** (a) The following terms have the meanings given them for purposes of this section.

- (1) "Premises" means real property and any appurtenant building or structure.

(2) "Dwelling" means the building or part of a building used by an individual as a place of residence on either a full-time or a part-time basis. A dwelling may be part of a multidwelling or multipurpose building, or a manufactured home as defined in section 168.002, subdivision 16.

(3) "Construction site" means the site of the construction, alteration, painting, or repair of a building or structure.

(4) "Owner or lawful possessor," as used in paragraph (b), clause (9), means the person on whose behalf a building or dwelling is being constructed, altered, painted, or repaired and the general contractor or subcontractor engaged in that work.

(5) "Posted," as used:

(i) in paragraph (b), clause (4), means the placement of a sign at least 8-1/2 inches by 11 inches in a conspicuous place on the exterior of the building, or in a conspicuous place within the property on which the building is located. The sign must carry a general notice warning against trespass;

(ii) in paragraph (b), clause (9), means the placement of a sign at least 8-1/2 inches by 11 inches square in a conspicuous place on the exterior of the building that is under construction, alteration, or repair, and additional signs in at least two conspicuous places for each ten acres being protected. or in a conspicuous place within the area being protected. If the area being protected is less than three acres, one additional sign must be conspicuously placed within that area. If the area being protected is three acres but less than ten acres, two additional signs must be conspicuously placed within that area. For each additional full ten acres of area being protected beyond the first ten acres of area, two additional signs must be conspicuously placed within the area being protected. The sign must carry an appropriate a general notice and the name of the person giving the notice, followed by the word "owner" if the person giving the notice is the holder of legal title to the land on which the construction site is located or by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land warning against trespass; and

~~(ii)~~ (iii) in paragraph (b), clause (10), means the placement of signs that:

(A) state "no trespassing" or similar terms carry a general notice warning against trespass;

(B) display letters at least two inches high;

(C) state that Minnesota law prohibits trespassing on the property; and

(D) are posted in a conspicuous place and at intervals of 500 feet or less.

(6) "Business licensee," as used in paragraph (b), clause (9), includes a representative of a building trades labor or management organization.

(7) "Building" has the meaning given in section 609.581, subdivision 2.

(b) A person is guilty of a misdemeanor if the person intentionally:

(1) permits domestic animals or fowls under the actor's control to go on the land of another within a city;

(2) interferes unlawfully with a monument, sign, or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or of a tract of land;

(3) trespasses on the premises of another and, without claim of right, refuses to depart from the premises on demand of the lawful possessor;

(4) occupies or enters the dwelling or locked or posted building of another, without claim of right or consent of the owner or the consent of one who has the right to give consent, except in an emergency situation;

(5) enters the premises of another with intent to take or injure any fruit, fruit trees, or vegetables growing on the premises, without the permission of the owner or occupant;

(6) enters or is found on the premises of a public or private cemetery without authorization during hours the cemetery is posted as closed to the public;

(7) returns to the property of another with the intent to abuse, disturb, or cause distress in or threaten another, after being told to leave the property and not to return, if the actor is without claim of right to the property or consent of one with authority to consent;

(8) returns to the property of another within one year after being told to leave the property and not to return, if the actor is without claim of right to the property or consent of one with authority to consent;

(9) enters the locked or posted construction site of another without the consent of the owner or lawful possessor, unless the person is a business licensee; or

(10) enters the locked or posted aggregate mining site of another without the consent of the owner or lawful possessor, unless the person is a business licensee.

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

Sec. 14. Minnesota Statutes 2008, section 617.80, subdivision 7, is amended to read:

Subd. 7. **Owner.** "Owner," for purposes of sections 617.80 to 617.87, means ~~the person in whose name the building or affected portion is recorded with the county auditor for taxation purposes.~~ a person having legal title to the premises, a mortgagee or vendee in possession, a trustee in bankruptcy, a receiver, or any other person having legal ownership or control of the premises.

Sec. 15. Minnesota Statutes 2008, section 617.80, is amended by adding a subdivision to read:

Subd. 7a. **Occupant.** "Occupant" means a person who occupies or resides in a building or rental unit with the permission of the owner or a tenant or lessee.

Sec. 16. Minnesota Statutes 2008, section 617.81, subdivision 2, is amended to read:

Subd. 2. **Acts constituting a nuisance.** (a) For purposes of sections 617.80 to 617.87, a public nuisance exists (1) upon proof of one or more separate behavioral incidents described in item (i), (v), ~~or (viii),~~ or (ix), or (2) upon proof of two or more separate behavioral incidents described in item (ii), (iii), (iv), (vi), (vii), or ~~(ix)~~ (x), committed within the previous 12 months within the building:

(i) prostitution or prostitution-related activity committed within the building;

(ii) gambling or gambling-related activity committed within the building;

- (iii) maintaining a public nuisance in violation of section 609.74, clause (1) or (3);
  - (iv) permitting a public nuisance in violation of section 609.745;
  - (v) unlawful sale, possession, storage, delivery, giving, manufacture, cultivation, or use of controlled substances committed within the building;
  - (vi) unlicensed sales of alcoholic beverages committed within the building in violation of section 340A.401;
  - (vii) unlawful sales or gifts of alcoholic beverages by an unlicensed person committed within the building in violation of section 340A.503, subdivision 2, clause (1);
  - (viii) unlawful sales or gifts of alcoholic beverages committed within the building in violation of section 340A.401 or 340A.503, subdivision 2, clause (1), if multiple violations occur during the same behavioral incident when the building is not occupied by the owner or a tenant, lessee, or occupant;
  - (ix) unlawful use or possession of a dangerous weapon as defined in section 609.02, subdivision 6, committed within the building; or
  - (~~ix~~) (x) violation by a commercial enterprise of local or state business licensing regulations, ordinances, or statutes prohibiting the maintenance of a public nuisance as defined in section 609.74 or the control of a public nuisance as defined in section 609.745.
- (b) If the building contains more than one rental unit, two or more behavioral incidents must consist of conduct:
- (1) anywhere in the building by the same tenant ~~or~~, lessee, occupant, or persons acting in conjunction with or under the control of the same tenant ~~or~~, lessee, or occupant;
  - (2) by any persons within the same rental unit while occupied by the same tenant ~~or~~, lessee, or occupant, or within two or more rental units while occupied by the same tenant ~~or~~, lessee, or occupant; or
  - (3) by the owner of the building or persons acting in conjunction with or under the control of the owner.
- (c) Proof of a nuisance exists if each of the elements of the conduct constituting the nuisance is established by clear and convincing evidence.

Sec. 17. Minnesota Statutes 2008, section 617.81, subdivision 4, is amended to read:

Subd. 4. **Notice.** (a) If a prosecuting attorney has reason to believe that a nuisance is maintained or permitted in the jurisdiction the prosecuting attorney serves, and intends to seek abatement of the nuisance, the prosecuting attorney shall provide the written notice described in paragraph (b), by personal service or certified mail, return receipt requested, to ~~the owner~~ all owners and ~~all~~ interested parties known to the prosecuting attorney.

(b) The written notice must:

- (1) state that a nuisance as defined in subdivision 2 is maintained or permitted in the building and must specify the kind or kinds of nuisance being maintained or permitted;
- (2) summarize the evidence that a nuisance is maintained or permitted in the building, including the date or dates on which nuisance-related activity or activities are alleged to have occurred;

(3) inform the recipient that failure to abate the conduct constituting the nuisance or to otherwise resolve the matter with the prosecuting attorney within 30 days of service of the notice may result in the filing of a complaint for relief in district court that could, among other remedies, result in enjoining the use of the building for any purpose for one year or, in the case of a tenant, lessee, or possessor, could result in cancellation of the lease; and

(4) inform the owner of the options available under section 617.85."

Delete the title and insert:

"A bill for an act relating to real property; specifying notice requirements; modifying provisions governing the reduced redemption period for abandoned property; establishing a duty to protect vacant foreclosed property under certain circumstances; providing for the imposition of fines for failure to maintain property; altering the posting requirement for trespassing on construction sites; modifying provisions governing public nuisances; imposing civil and criminal penalties; amending Minnesota Statutes 2008, sections 463.251, subdivisions 2, 3; 504B.151, subdivision 1; 504B.178, subdivision 8; 580.021, subdivision 1; 580.04; 580.041, subdivision 1a; 580.042, subdivision 1; 582.031; 582.032, subdivisions 2, 4, 5; 609.605, subdivision 1; 617.80, subdivision 7, by adding a subdivision; 617.81, subdivisions 2, 4."

The motion prevailed and the amendment was adopted.

Mullery, Hayden, Davids and Zellers moved to amend S. F. No. 1147, the first engrossment, as amended, as follows:

Page 5, after line 16, insert:

"Sec. 9. Minnesota Statutes 2008, section 580.07, is amended to read:

**580.07 POSTPONEMENT.**

Subdivision 1. Postponement by mortgagee. The sale may be postponed, from time to time, by the party conducting the foreclosure, by inserting a notice of the postponement, as soon as practicable, in the newspaper in which the original advertisement was published, at the expense of the party requesting the postponement. The notice shall be published only once.

Subd. 2. Postponement by mortgagor or owner. (a) If all or a part of the property to be sold is classified as homestead under section 273.124 and contains one to four dwelling units, the mortgagor or owner may postpone the sale to the first date that is not a Saturday, Sunday, or legal holiday and is five months after the originally scheduled date of sale in the manner provided in this subdivision. To postpone a foreclosure sale pursuant to this subdivision, at any time after the first publication of the notice of mortgage foreclosure sale under section 580.03 but at least 15 days prior to the scheduled sale date specified in that notice, the mortgagor shall: (1) execute a sworn affidavit in the form set forth in subdivision 3, (2) record the affidavit in the office of each county recorder and registrar of titles where the mortgage was recorded, and (3) file with the sheriff conducting the sale and deliver to the attorney foreclosing the mortgage, a copy of the recorded affidavit, showing the date and office in which the affidavit was recorded. Recording of the affidavit and postponement of the foreclosure sale pursuant to this subdivision shall automatically reduce the mortgagor's redemption period under section 580.23 to five weeks. The postponement of a foreclosure sale pursuant to this subdivision does not require any change in the contents of the notice of sale, service of the notice of sale if the occupant was served with the notice of sale prior to postponement under this subdivision, or publication of the notice of sale if publication was commenced prior to postponement under this subdivision, notwithstanding the service and publication time periods specified in section 580.03, but the sheriff's certificate of

sale shall indicate the actual date of the foreclosure sale and the actual length of the mortgagor's redemption period. No notice of postponement need be published. An affidavit complying with subdivision 3 shall be prima facie evidence of the facts stated therein, and shall be entitled to be recorded. The right to postpone a foreclosure sale pursuant to this subdivision may be exercised only once, regardless whether the mortgagor reinstates the mortgage prior to the postponed mortgage foreclosure sale.

(b) If the automatic stay under United States Code, title 11, section 362, applies to the mortgage foreclosure after a mortgagor or owner requests postponement of the sheriff's sale under this section, then when the automatic stay is no longer applicable, the mortgagor's or owner's election to shorten the redemption period to five weeks under this section remains applicable to the mortgage foreclosure.

Subd. 3. **Affidavit form.** The affidavit referred to in subdivision 2 shall be in substantially the following form and shall contain all of the following information.

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ (whether one or more, "Owner"), being first duly sworn on oath, states as follows:

1. (He is) (She is) (They are) the owner(s) or mortgagor(s) of the real property (the "Property") situated in \_\_\_\_\_ (Name of) County, Minnesota, legally described in the attached published Notice of Mortgage Foreclosure Sale (the "Notice"), and make this affidavit for the purpose of postponing the foreclosure sale of the Property pursuant to Minnesota Statutes, section 580.07, subdivision 2, for five months from the date scheduled in the attached Notice.

2. The Property is classified as homestead under Minnesota Statutes, section 273.124, is occupied by Owner as a homestead, and is improved with not more than four dwelling units.

3. Owner has elected to shorten Owner's redemption period from any foreclosure sale of the Property to five weeks in exchange for the postponement of the foreclosure sale for five months.

\_\_\_\_\_ (signature(s) of owner)

Signed and sworn to (or affirmed) before me on ..... (date) by ..... (name(s) of person(s) making statement).

\_\_\_\_\_ (signature of notary public)

Notary Public

**EFFECTIVE DATE.** This section is effective one month after the date of final enactment, and applies to foreclosure sales scheduled to occur on or after said effective date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Buesgens moved to amend S. F. No. 1147, the first engrossment, as amended, as follows:

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 2008, section 463.251, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** The following terms have the meanings given them for the purposes of this section.

(a) "City" means a statutory or home rule charter city.

(b) "Neighborhood association" means an organization recognized by the city as representing a neighborhood within the city.

(c) "Secure" ~~may include, but is not limited to,~~ means installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing the property, ~~and~~ or installing a monitored alarm or other security system."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 55 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Gottwalt	Lanning	Peppin	Swails
Anderson, B.	Demmer	Gunther	Loon	Poppe	Torkelson
Anderson, P.	Dettmer	Hackbarth	Mack	Rosenthal	Urdahl
Anderson, S.	Doepke	Hamilton	Magnus	Sanders	Westrom
Beard	Downey	Holberg	McFarlane	Scott	Zellers
Brod	Draskowski	Hoppe	McNamara	Seifert	
Buesgens	Eastlund	Howes	Morgan	Severson	
Bunn	Emmer	Kelly	Murdock	Shimanski	
Cornish	Faust	Kiffmeyer	Nornes	Smith	
Davids	Garofalo	Kohls	Norton	Sterner	

Those who voted in the negative were:

Anzelc	Davnie	Hausman	Johnson	Liebling	Murphy, E.
Atkins	Dill	Haws	Juhnke	Lieder	Murphy, M.
Benson	Dittrich	Hayden	Kahn	Lillie	Nelson
Bigham	Doty	Hilstrom	Kalin	Loeffler	Newton
Bly	Eken	Hilty	Kath	Mahoney	Obermueller
Brown	Falk	Hornstein	Knuth	Mariani	Olin
Brynaert	Fritz	Hortman	Koenen	Marquart	Otreмба
Carlson	Gardner	Hosch	Laine	Masin	Paymar
Champion	Greiling	Huntley	Lenczewski	Morrow	Pelowski
Clark	Hansen	Jackson	Lesch	Mullery	Persell

Peterson	Sailer	Slawik	Thissen	Welti
Reinert	Scalze	Slocum	Tillberry	Winkler
Rukavina	Sertich	Solberg	Wagenius	Spk. Kelliher
Ruud	Simon	Thao	Ward	

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

Emmer moved to amend S. F. No. 1147, the first engrossment, as amended, as follows:

Page 2, line 12, before "If" insert "(a)"

Page 2, after line 21, insert:

"(b) Before securing a building and charging costs as provided in paragraph (a), the city must establish that the building is vacant or unoccupied and hazardous at a hearing before a judge of the district court having jurisdiction over the building and receiving an order of the court affirming the city's determination. The city shall establish the building is vacant or unoccupied and hazardous, by showing prima facie evidence of abandonment as provided in section 582.032, subdivision 7. The owner and holder of any mortgage or sheriff's certificate must be notified of and may appear at the hearing under this paragraph and may rebut any evidence offered by the city. The court shall, upon motion of a prevailing owner or holder of a mortgage or sheriff's certificate, award costs and reasonable attorney's fees."

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 51 yeas and 83 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Clark	Greiling	Huntley	Lesch	Mullery
Anzelc	Davnie	Hansen	Jackson	Liebling	Murphy, E.
Atkins	Dill	Hausman	Johnson	Lieder	Murphy, M.
Benson	Dittrich	Haws	Juhnke	Lillie	Nelson
Bigham	Doty	Hayden	Kahn	Loeffler	Newton
Bly	Eken	Hilstrom	Kalin	Mahoney	Norton
Brown	Falk	Hilty	Knuth	Mariani	Obermueller
Brynaert	Faust	Hornstein	Koenen	Marquart	Olin
Carlson	Fritz	Hortman	Laine	Masin	Otremba
Champion	Gardner	Hosch	Lenczewski	Morrow	Paymar

Pelowski	Reinert	Sailer	Slawik	Thissen	Welti
Persell	Rosenthal	Scalze	Slocum	Tillberry	Winkler
Peterson	Rukavina	Sertich	Solberg	Wagenius	Spk. Kelliher
Poppe	Ruud	Simon	Thao	Ward	

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

Emmer moved to amend S. F. No. 1147, the first engrossment, as amended, as follows:

Page 1, after line 13, insert:

"Section 1. **[273.1191] BUILDING REMEDIATION PROPERTY TAX CREDIT.**

An owner of a residential or commercial building is eligible for a property tax credit equal to one-half of the cost incurred to protect and secure a premises as required under section 463.251, subdivision 2. In order to receive the credit, the owner of the building must file with the city a detailed statement accounting the actions taken to secure and protect the premises, its cost, and associated receipts or other documentation verifying the actions. The assessor shall indicate the amount of the property tax reduction on the property tax statement of each taxpayer receiving a credit under this section. For purposes of this section, an owner is the person whose name the building is recorded with the county auditor for taxation purposes."

Renumber the sections in sequence and correct internal references

Amend the title as follows:

Page 1, line 2, after "property;" insert "providing a building remediation property tax credit;"

Correct the title numbers accordingly

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 48 yeas and 86 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

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

S. F. No. 1147, A bill for an act relating to real property; modifying provisions governing orders to secure vacant property; specifying notice requirements; modifying provisions governing the reduced redemption period for abandoned property; establishing a duty to protect vacant foreclosed property under certain circumstances; providing for the imposition of fines for failure to maintain property; altering the posting requirement for trespassing on construction sites; modifying provisions governing public nuisances; imposing civil and criminal penalties; amending Minnesota Statutes 2008, sections 463.251, subdivisions 2, 3; 504B.151, subdivision 1; 504B.178, subdivision 8; 580.021, subdivision 1; 580.04; 580.041, subdivision 1a; 580.042, subdivision 1; 582.031; 582.032, subdivisions 2, 4, 5; 609.605, subdivision 1; 617.80, subdivision 7, by adding a subdivision; 617.81, subdivisions 2, 4.

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 102 yeas and 32 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Bunn	Demmer	Eastlund	Gottwalt	Hamilton
Beard	Dauids	Dettmer	Emmer	Gunther	Holberg
Buesgens	Dean	Drazkowski	Garofalo	Hackbarth	Kelly

Kiffmeyer	Murdock	Sanders	Shimanski	Westrom
Magnus	Nornes	Scott	Swails	Zellers
Morgan	Peppin	Seifert	Torkelson	

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

S. F. No. 1904, A bill for an act relating to insurance; regulating continuation coverage; conforming Minnesota law to the requirements necessary for assistance eligible individuals who are not enrolled in continuation coverage to receive a federal premium subsidy under the American Recovery and Reinvestment Act of 2009; amending Minnesota Statutes 2008, section 62A.17, by adding a subdivision.

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

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1711, A bill for an act relating to commerce; regulating motor vehicle sales and distribution; amending Minnesota Statutes 2008, sections 80E.03, by adding a subdivision; 80E.09, subdivisions 1, 3; 80E.12; 80E.135; 80E.14, by adding a subdivision.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 684, A bill for an act relating to economic development; expanding bioscience business development public infrastructure grant program; amending Minnesota Statutes 2008, section 116J.435, subdivisions 2, 3.

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 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Doepke	Greiling	Hortman	Koenen
Anderson, B.	Bunn	Doty	Gunther	Hosch	Kohls
Anderson, P.	Carlson	Downey	Hackbarth	Howes	Laine
Anderson, S.	Champion	Drazkowski	Hamilton	Huntley	Lanning
Anzelc	Clark	Eastlund	Hansen	Jackson	Lenczewski
Atkins	Cornish	Eken	Hausman	Johnson	Lesch
Beard	Davids	Emmer	Haws	Juhnke	Liebling
Benson	Davnie	Falk	Hayden	Kahn	Lieder
Bigham	Dean	Faust	Hilstrom	Kalin	Lillie
Bly	Demmer	Fritz	Hilty	Kath	Loeffler
Brod	Dettmer	Gardner	Holberg	Kelly	Loon
Brown	Dill	Garofalo	Hoppe	Kiffmeyer	Mack
Brynaert	Dittrich	Gottwalt	Hornstein	Knuth	Magnus

Mahoney	Murphy, E.	Pelowski	Sanders	Smith	Ward
Mariani	Murphy, M.	Peppin	Scalze	Solberg	Walti
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
Morgan	Obermueller	Rosenthal	Shimanski	Tillberry	
Morrow	Olin	Rukavina	Simon	Torkelson	
Mullery	Otremba	Ruud	Slawik	Urdahl	
Murdock	Paymar	Sailer	Slocum	Wagenius	

The bill was passed and its title agreed to.

H. F. No. 1476 was reported to the House.

Lillie, Hoppe and Hackbarth moved to amend H. F. No. 1476, the first engrossment, as follows:

Page 3, line 22, after "location" insert "and provided that a liquor license issued under this section is void unless it requires the legal sale of intoxicating liquor throughout the stadium or arena and does not limit the sale of intoxicating liquor to premium seating areas or suites"

The motion prevailed and the amendment was adopted.

Hackbarth, Lillie, Westrom and Scott moved to amend H. F. No. 1476, the first engrossment, as amended, as follows:

Page 1, after line 14, insert:

"Sec. 2. Minnesota Statutes 2008, section 340A.301, subdivision 4, is amended to read:

Subd. 4. **Bond.** The commissioner may not issue a license under this section to a person who has not filed a bond with corporate surety, or cash, or United States government bonds payable to the state. The proof of financial responsibility must be approved by the commissioner before the license is issued. The bond must be conditioned on the licensee obeying all laws governing the business and paying when due all taxes, fees, penalties and other charges, and must provide that it is forfeited to the state on a violation of law. This subdivision does not apply to a Minnesota farm winery, licensed under section 340A.315, that is in existence as of January 1, 2010. Bonds must be in the following amounts:

Manufacturers and wholesalers of intoxicating liquor except as provided in this subdivision	\$10,000
Manufacturers and wholesalers of wine up to 25 percent alcohol by weight	\$5,000
Manufacturers and wholesalers of beer of more than 3.2 percent alcohol by weight	\$1,000

Sec. 3. Minnesota Statutes 2008, section 340A.315, subdivision 2, is amended to read:

Subd. 2. **Sales.** A license authorizes the sale, on the farm winery premises, of table, sparkling, or fortified wines produced by that farm winery at on-sale or off-sale, in retail, or wholesale lots in total quantities not in excess of 50,000 gallons in a calendar year, glassware, wine literature and accessories, cheese and cheese spreads, other wine-related food items, and the dispensing of free samples of the wines offered for sale. Sales at on-sale and off-sale may be made on Sundays between ~~12:00 noon~~ 10:00 a.m. and 12:00 midnight. Labels for each type or brand produced must be registered with the commissioner, without fee prior to sale. A farm winery may provide samples of distilled spirits manufactured pursuant to subdivision 7, on the farm winery premises, but may sell the distilled spirits only through a licensed wholesaler. Samples of distilled spirits may not exceed 15 milliliters per variety.

Sec. 4. Minnesota Statutes 2008, section 340A.315, subdivision 7, is amended to read:

Subd. 7. **Distilled spirits permitted.** Farm wineries licensed under this section are permitted to manufacture distilled spirits as defined under section 340A.101, subdivision 9, which may exceed 25 percent alcohol by volume, made from Minnesota-produced or -grown grapes, grape juice, other fruit bases, or honey. The following conditions pertain:

(1) no farm winery or firm owning multiple farm wineries may manufacture more than 5,000 gallons of distilled spirits in a given year, and this 5,000 gallon limit is part of the 50,000 gallon limit found in subdivision 2;

(2) farm wineries must pay an additional annual fee of ~~\$500~~ \$50 to the commissioner before beginning production of distilled spirits; and

(3) farm wineries may not sell or produce distilled spirits for direct sale to manufacturers licensed under section 340A.301, subdivision 6, paragraph (a)."

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. 1476, A bill for an act relating to liquor; modifying and clarifying certain licensing requirements; authorizing various licenses; modifying provision relating to shipments into the state; providing for wine tastings; extending certain on-sale hours; amending Minnesota Statutes 2008, sections 340A.101, by adding a subdivision; 340A.401; 340A.404, subdivisions 1, 4, 4a; 340A.412, subdivision 14; 340A.414, subdivision 1; 340A.417; 340A.419, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 340A.

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 124 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Anderson, P.	Beard	Brod	Bunn	Cornish	Demmer
Anderson, S.	Benson	Brown	Carlson	Davids	Dettmer
Anzelc	Bigham	Brynaert	Champion	Davnie	Dill
Atkins	Bly	Buesgens	Clark	Dean	Dittrich

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

Those who voted in the negative were:

Abeler	Doepke	Holberg	Peppin	Sterner
Anderson, B.	Eastlund	Lanning	Scott	Wagenius

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

H. F. No. 1056, A bill for an act relating to construction; requiring prompt payment to construction subcontractors; regulating progress payments and retainages; amending Minnesota Statutes 2008, section 337.10, subdivisions 3, 4.

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

The question was taken on the passage of the bill and the roll was called. There were 134 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Sanders	Severson	Smith	Thissen	Ward	Spk. Kelliher
Scalze	Shimanski	Solberg	Tillberry	Welti	
Scott	Simon	Sterner	Torkelson	Westrom	
Seifert	Slawik	Swails	Urdahl	Winkler	
Sertich	Slocum	Thao	Wagenius	Zellers	

The bill was passed and its title agreed to.

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

S. F. No. 1091, A bill for an act relating to transportation; restricting weight limits on the Stillwater Lift Bridge.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 988 was reported to the House.

H. F. No. 988 was read for the third time.

## CALL OF THE HOUSE

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

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

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

H. F. No. 988, A bill for an act relating to drivers' licenses; prohibiting commissioner of public safety from complying with Real ID Act.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

Sertich moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

There being no objection, the order of business reverted to Messages from the Senate.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 523, A bill for an act relating to education; modifying school background check requirements relating to disciplinary actions; amending Minnesota Statutes 2008, section 123B.03, subdivision 1a.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Bigham moved that the House refuse to concur in the Senate amendments to H. F. No. 523, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1362, A bill for an act relating to state government; establishing the health and human services budget; making changes to licensing; Minnesota family investment program, children, and adult supports; child support; the Department of Health; health care programs; making technical changes; chemical and mental health; continuing care programs; establishing the State-County Results, Accountability, and Service Delivery Redesign; public health; health-related fees; making forecast adjustments; creating work groups and pilot projects; requiring reports;

decreasing provider reimbursements; increasing fees; appropriating money to various state agencies for health and human services provisions; amending Minnesota Statutes 2008, sections 62J.495; 62J.496; 62J.497, subdivisions 1, 2, by adding subdivisions; 62J.692, subdivision 7; 103I.208, subdivision 2; 125A.744, subdivision 3; 144.0724, subdivisions 2, 4, 8, by adding subdivisions; 144.121, subdivisions 1a, 1b; 144.122; 144.1222, subdivision 1a; 144.125, subdivision 1; 144.226, subdivision 4; 144.72, subdivisions 1, 3; 144.9501, subdivisions 22b, 26a, by adding subdivisions; 144.9505, subdivisions 1g, 4; 144.9508, subdivisions 2, 3, 4; 144.9512, subdivision 2; 144.966, by adding a subdivision; 144.97, subdivisions 2, 4, 6, by adding subdivisions; 144.98, subdivisions 1, 2, 3, by adding subdivisions; 144.99, subdivision 1; 144A.073, by adding a subdivision; 144A.44, subdivision 2; 144A.46, subdivision 1; 148.108; 148.6445, by adding a subdivision; 148D.180, subdivisions 1, 2, 3, 5; 148E.180, subdivisions 1, 2, 3, 5; 153A.17; 156.015; 157.15, by adding a subdivision; 157.16; 157.22; 176.011, subdivision 9; 245.462, subdivision 18; 245.470, subdivision 1; 245.4871, subdivision 27; 245.488, subdivision 1; 245.4885, subdivision 1; 245A.03, by adding a subdivision; 245A.10, subdivisions 2, 3, 4, 5, by adding subdivisions; 245A.11, subdivision 2a, by adding a subdivision; 245A.16, subdivisions 1, 3; 245C.03, subdivision 2; 245C.04, subdivisions 1, 3; 245C.05, subdivision 4; 245C.08, subdivision 2; 245C.10, subdivision 3, by adding subdivisions; 245C.17, by adding a subdivision; 245C.20; 245C.21, subdivision 1a; 245C.23, subdivision 2; 246.50, subdivision 5, by adding subdivisions; 246.51, by adding subdivisions; 246.511; 246.52; 246B.01, by adding subdivisions; 252.46, by adding a subdivision; 252.50, subdivision 1; 254A.02, by adding a subdivision; 254A.16, by adding a subdivision; 254B.03, subdivisions 1, 3, by adding a subdivision; 254B.05, subdivision 1; 254B.09, subdivision 2; 256.01, subdivision 2b, by adding subdivisions; 256.045, subdivision 3; 256.476, subdivisions 5, 11; 256.962, subdivisions 2, 6; 256.963, by adding a subdivision; 256.969, subdivision 3a; 256.975, subdivision 7; 256.983, subdivision 1; 256B.04, subdivision 16; 256B.055, subdivisions 7, 12; 256B.056, subdivisions 3, 3b, 3c, by adding a subdivision; 256B.057, subdivisions 3, 9, by adding a subdivision; 256B.0575; 256B.0595, subdivisions 1, 2; 256B.06, subdivisions 4, 5; 256B.0621, subdivision 2; 256B.0622, subdivision 2; 256B.0623, subdivision 5; 256B.0624, subdivisions 5, 8; 256B.0625, subdivisions 3c, 7, 8, 8a, 9, 13e, 17, 19a, 19c, 26, 41, 42, 47; 256B.0631, subdivision 1; 256B.0641, subdivision 3; 256B.0651; 256B.0652; 256B.0653; 256B.0654; 256B.0655, subdivisions 1b, 4; 256B.0657, subdivisions 2, 6, 8, by adding a subdivision; 256B.08, by adding a subdivision; 256B.0911, subdivisions 1, 1a, 3, 3a, 4a, 5, 6, 7, by adding subdivisions; 256B.0913, subdivision 4; 256B.0915, subdivisions 3e, 3h, 5, by adding a subdivision; 256B.0916, subdivision 2; 256B.0917, by adding a subdivision; 256B.092, subdivision 8a, by adding subdivisions; 256B.0943, subdivision 1; 256B.0944, by adding a subdivision; 256B.0945, subdivision 4; 256B.0947, subdivision 1; 256B.15, subdivisions 1, 1a, 1h, 2, by adding subdivisions; 256B.37, subdivisions 1, 5; 256B.434, by adding a subdivision; 256B.437, subdivision 6; 256B.441, subdivisions 48, 55, by adding subdivisions; 256B.49, subdivisions 12, 13, 14, 17, by adding subdivisions; 256B.501, subdivision 4a; 256B.5011, subdivision 2; 256B.5012, by adding a subdivision; 256B.5013, subdivision 1; 256B.69, subdivisions 5a, 5c, 5f; 256B.76, subdivisions 1, 4, by adding a subdivision; 256B.761; 256D.024, by adding a subdivision; 256D.03, subdivision 4; 256D.051, subdivision 2a; 256D.0515; 256D.06, subdivision 2; 256D.09, subdivision 6; 256D.44, subdivision 5; 256D.49, subdivision 3; 256G.02, subdivision 6; 256I.03, subdivision 7; 256I.05, subdivisions 1a, 7c; 256J.08, subdivision 73a; 256J.20, subdivision 3; 256J.24, subdivisions 5a, 10; 256J.26, by adding a subdivision; 256J.37, subdivision 3a, by adding a subdivision; 256J.38, subdivision 1; 256J.45, subdivision 3; 256J.49, subdivision 13; 256J.575, subdivisions 3, 6, 7; 256J.621; 256J.626, subdivision 6; 256J.751, by adding a subdivision; 256J.95, subdivision 12; 256L.04, subdivision 10a, by adding a subdivision; 256L.05, subdivision 1, by adding subdivisions; 256L.11, subdivisions 1, 7; 256L.12, subdivision 9; 256L.17, subdivision 3; 259.67, by adding a subdivision; 270A.09, by adding a subdivision; 295.52, by adding a subdivision; 327.14, by adding a subdivision; 327.15; 327.16; 327.20, subdivision 1, by adding a subdivision; 393.07, subdivision 10; 501B.89, by adding a subdivision; 518A.53, subdivisions 1, 4, 10; 519.05; 604A.33, subdivision 1; 609.232, subdivision 11; 626.556, subdivision 3c; 626.5572, subdivisions 6, 13, 21; Laws 2003, First Special Session chapter 14, article 13C, section 2, subdivision 1, as amended; Laws 2007, chapter 147, article 19, section 3, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 62A; 62Q; 156; 246B; 254B; 256; 256B; proposing coding for new law as Minnesota Statutes, chapter 402A; repealing Minnesota Statutes 2008, sections 62U.08; 103I.112; 144.9501, subdivision 17b; 148D.180, subdivision 8; 246.51, subdivision 1; 246.53, subdivision 3; 256.962, subdivision 7;

256B.0655, subdivisions 1, 1a, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13; 256B.071, subdivisions 1, 2, 3, 4; 256B.092, subdivision 5a; 256B.19, subdivision 1d; 256B.431, subdivision 23; 256D.46; 256I.06, subdivision 9; 256J.626, subdivision 7; 327.14, subdivisions 5, 6; Laws 1988, chapter 689, section 251; Minnesota Rules, parts 4626.2015, subpart 9; 9100.0400, subparts 1, 3; 9100.0500; 9100.0600; 9500.1243, subpart 3; 9500.1261, subparts 3, 4, 5, 6; 9555.6125, subpart 4, item B.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Huntley moved that the House refuse to concur in the Senate amendments to H. F. No. 1362, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

The question was taken on the Huntley motion and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The motion prevailed.

#### CALL OF THE HOUSE LIFTED

Sertich moved that the call of the House be lifted. The motion prevailed and it was so ordered.

**ANNOUNCEMENTS BY THE SPEAKER**

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 523:

Bigham, Peterson and Dettmer.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 878:

Hortman, Morgan and Smith.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 1362:

Huntley, Thissen, Hosch, Clark and Abeler.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2323:

Lenczewski, Marquart, Koenen, Loeffler and Seifert.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2082:

Kahn, Winkler, Simon, Solberg and Downey.

**MOTIONS AND RESOLUTIONS**

Hausman moved that the name of Marquart be added as an author on H. F. No. 343. The motion prevailed.

Welti moved that the names of Kath and Morrow be added as authors on H. F. No. 622. The motion prevailed.

Slocum moved that the name of McFarlane be added as an author on H. F. No. 623. The motion prevailed.

Gottwalt moved that the name of Kiffmeyer be added as an author on H. F. No. 2036. The motion prevailed.

Lanning moved that the name of McFarlane be added as an author on H. F. No. 2347. The motion prevailed.

**ADJOURNMENT**

Sertich moved that when the House adjourns today it adjourn until 10:30 a.m., Thursday, April 30, 2009. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and Speaker pro tempore Hortman declared the House stands adjourned until 10:30 a.m., Thursday, April 30, 2009.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives