

## SEVENTEENTH DAY

St. Paul, Minnesota, Thursday, March 5, 2009

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

**CALL OF THE SENATE**

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

Prayer was offered by the Chaplain, Rev. John Estrem.

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

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

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communication was received.

March 2, 2009

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 Act of the 2009 Session of the State

Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2009	Date Filed 2009
	886	5	4:05 p.m. March 2	March 2

Sincerely,  
Mark Ritchie  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform the Senate that the House of Representatives invites and is ready to meet with the Senate in Joint Convention on Monday, March 9, 2009, at 1:15 p.m., for the purpose of electing members to the Board of Regents of the University of Minnesota.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 5, 2009

Senator Pogemiller moved that the Senate accept the invitation of the House of Representatives to meet in Joint Convention in the House Chamber at 1:15 p.m., Monday, March 9, 2009, to elect members to the Board of Regents of the University of Minnesota. The motion prevailed.

### REPORTS OF COMMITTEES

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

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

**S.F. No. 674:** A bill for an act relating to environment; enacting the Minnesota Clean Car Act; requiring decreased emission of criteria air pollutants and greenhouse gas pollution from new motor vehicles; requiring adoption of low emission standards for motor vehicles; providing for updates as necessary to comply with the federal Clean Air Act; requiring reports; requiring rulemaking; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Page 1, delete subdivision 5 and insert:

"Subd. 5. **E85.** "E85" has the meaning given in section 296A.01, subdivision 19."

Page 3, delete line 2 and insert:

"(1) a motor vehicle that is registered under section 168.10;"

Page 3, line 3, delete "commercial vehicles" and insert "a commercial motor vehicle,"

Page 3, delete line 4 and insert:

"(3) an authorized emergency vehicle, as defined in section 169.011, subdivision 3;"

Page 5, line 2, delete "all-terrain vehicles" and insert "off-highway vehicles as defined in section 84.771"

Page 5, line 19, after "comments" insert "to CARB"

Page 6, line 30, delete "the state" and insert "Minnesota" and delete "each" and insert "Minnesota"

Page 6, line 31, delete "state"

Page 6, line 32, delete "the state" and insert "Minnesota"

Page 6, after line 32, insert:

"Sec. 8. Minnesota Statutes 2008, section 168A.04, subdivision 1, is amended to read:

Subdivision 1. **Contents.** The application for the first certificate of title of a vehicle in this state shall be made by the owner to the department on the form prescribed by the department and shall contain:

(1) the first, middle, and last names, the dates of birth, and addresses of all owners who are natural persons, the full names and addresses of all other owners;

(2) a description of the vehicle including, so far as the following data exists, its make, model, year, identifying number, type of body, and whether new or used;

(3) the date of purchase by applicant, the name and address of the person from whom the vehicle was acquired, the names and addresses of any secured parties in the order of their priority, and the dates of their respective security agreements;

(4) with respect to motor vehicles subject to the provisions of section 325E.15, the true cumulative mileage registered on the odometer or that the actual mileage is unknown if the odometer reading is known by the owner to be different from the true mileage;

(5) with respect to vehicles subject to section 325F.6641, whether the vehicle sustained damage by collision or other occurrence which exceeded 70 percent of the actual cash value; ~~and~~

(6) if required under section 116.396, paragraph (b), satisfactory evidence of an applicable exemption from sections 116.393 to 116.399; and

(7) any further information the department reasonably requires to identify the vehicle and to enable it to determine whether the owner is entitled to a certificate of title, and the existence or

nonexistence and priority of any security interest in the vehicle."

Page 7, line 5, delete "8" and insert "9"

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

**S.F. No. 249:** A bill for an act relating to energy; authorizing school boards to form business entity solely for wind energy project; providing exemption from production tax; amending Minnesota Statutes 2008, sections 123B.02, subdivision 21; 272.029, subdivision 7.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 123B.02, subdivision 21, is amended to read:

Subd. 21. **Wind energy conversion system.** The board, or more than one board acting jointly under the authority granted by section 471.59, may construct, acquire, own in whole or in part, operate, and sell and retain and spend the payment received from selling energy from a wind energy conversion system, as defined in section 216C.06, subdivision 19. The An individual school board's share of the installed capacity of the wind energy conversion systems authorized by this subdivision must not exceed 3.3 megawatts of nameplate capacity, provided that if more than one board is acting jointly, each board may have a separate share of no more than 3.3 megawatts of nameplate capacity. A board owning, operating, or selling energy from a wind energy conversion system must integrate information about wind energy conversion systems in its educational programming. The board, or more than one board acting jointly under the authority granted by section 471.59, may be a limited partner in a partnership, a member of a limited liability company, or a shareholder in a corporation, established for the sole purpose of constructing, acquiring, owning in whole or in part, financing, or operating a wind energy conversion system for the benefit of the district or districts in accordance with this section. A board individually, or acting jointly, or an entity of which a board is a limited partner, member, or shareholder, may not sell, transmit, or distribute the electrical energy at retail or provide for end use of the electrical energy at an off-site facility of the board or entity. Nothing in this subdivision modifies the exclusive service territories or exclusive right to serve as provided in sections 216B.37 to 216B.43.

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

Amend the title accordingly

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

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

**S.F. No. 540:** A bill for an act relating to economic development; authorizing the economic development authority to become a member of a limited liability company; amending Minnesota Statutes 2008, section 469.101, subdivision 6.

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

Delete everything after the enacting clause and insert:

**"Section 1. WINONA COUNTY ECONOMIC DEVELOPMENT AUTHORITY; WIND ENERGY PROJECT.**

(a) The Winona County economic development authority may form or become a member of a limited liability company organized under Minnesota Statutes, chapter 322B, for the purpose of developing a community-based energy development project pursuant to Minnesota Statutes, section 216B.1612. A project authorized by this section may not sell, transmit, or distribute the electrical energy at retail or provide for end use of the electrical energy to an off-site facility of the economic development authority or the limited liability company. Nothing in this section modifies the exclusive service territories or exclusive right to serve as provided in Minnesota Statutes, sections 216B.37 to 216B.43.

(b) The authority may acquire a leasehold interest in property outside its corporate boundaries for the purpose of developing a community-based energy development project as provided in Minnesota Statutes, section 216B.1612.

**EFFECTIVE DATE.** This section is effective the day after the county of Winona and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Delete the title and insert:

"A bill for an act relating to economic development; authorizing Winona County economic development authority to form a limited liability company."

And when so amended the bill do pass and be re-referred to the Committee on Energy, Utilities, Technology and Communications. Amendments adopted. Report adopted.

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

**S.F. No. 477:** A bill for an act relating to solid waste; requiring a pilot program to be implemented by paint manufacturers to recycle paint; amending Minnesota Statutes 2008, section 13.7411, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 115A.

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

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

**S.F. No. 638:** A bill for an act relating to construction; requiring prompt payment to construction subcontractors; amending Minnesota Statutes 2008, section 337.10, subdivision 3.

Reports the same back with the recommendation that the bill do pass and be re-referred to the

Committee on Judiciary. Report adopted.

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

**S.F. No. 383:** A bill for an act relating to environment; requiring plastic yard waste bags to be compostable; establishing biodegradable standard for certain plastics; providing civil penalties; amending Minnesota Statutes 2008, section 115A.931; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 115A.931, is amended to read:

**115A.931 YARD WASTE PROHIBITION.**

(a) Except as authorized by the agency, in the metropolitan area after January 1, 1990, and outside the metropolitan area after January 1, 1992, a person may not place yard waste:

- (1) in mixed municipal solid waste;
  - (2) in a disposal facility; or
  - (3) in a resource recovery facility except for the purposes of reuse, composting, or cocomposting.
- (b) [Renumbered 115A.03, subd 38]

(c) On or after January 1, 2010, a person may not place yard waste or source-separated compostable materials generated in a metropolitan county in a plastic bag delivered to a transfer station or yard waste compost facility unless the bag meets all the specifications in ASTM Standard Specification for Compostable Plastics (D6400). For the purpose of this paragraph, "ASTM" has the meaning given in section 296A.01, subdivision 6. For purposes of this paragraph, "metropolitan county" has the meaning given in section 473.121, subdivision 4, and "ASTM" has the meaning given in section 296A.01, subdivision 6.

(d) A person who immediately empties a plastic bag containing yard waste or source-separated compostable materials delivered to a transfer station or yard waste compost facility and removes the plastic bag from the transfer station or yard waste compost facility is exempt from paragraph (c).

(e) A city of the first class with an organized collection system for collecting solid waste is exempt from paragraph (c) until January 1, 2013.

**Sec. 2. [325E.046] STANDARDS FOR LABELING PLASTIC BAGS.**

Subdivision 1. "Biodegradable" label. A person may not offer for sale in this state a plastic bag labeled "biodegradable," "degradable," or any form of those terms, or in any way imply that the bag will chemically decompose into innocuous elements in a reasonably short period of time in a landfill, composting, or other terrestrial environment unless a scientifically based standard for biodegradability is developed, and the bags are certified as meeting the standard.

Subd. 2. "Compostable" label. A person may not offer for sale in this state a plastic bag

labeled "compostable" unless, at the time of sale, the bag meets the ASTM Standard Specification for Compostable Plastics (D6400). Each bag must be labeled to reflect it meets the standard. For purposes of this subdivision, "ASTM" has the meaning given in section 296A.01, subdivision 6.

Subd. 3. **Enforcement; civil penalty; injunctive relief.** (a) A person who violates subdivision 1 or 2 is subject to a civil penalty of \$100 for each violation up to a maximum of \$5,000 and may be enjoined from those violations.

(b) The attorney general may bring an action in the name of the state in a court of competent jurisdiction for recovery of civil penalties or for injunctive relief as provided in this subdivision. The attorney general may accept an assurance of discontinuance of acts in violation of subdivision 1 or 2 in the manner provided in section 8.31, subdivision 2b.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective January 1, 2010."

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

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

**S.F. No. 685:** A bill for an act relating to health occupation; licensing respiratory therapists; amending Minnesota Statutes 2008, sections 147C.01; 147C.05; 147C.10; 147C.15; 147C.20; 147C.25; 147C.30; 147C.35; 147C.40.

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

Page 1, line 19, strike the first comma and strike "certification,"

Page 2, line 1, strike "certified respiratory"

Page 2, line 2, delete the new language and strike the commas

Page 2, line 19, before the period, insert "nurse practitioner, or physician assistant"

Page 4, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 2008, section 147C.10, is amended to read:

**147C.10 UNLICENSED PRACTICE PROHIBITED; PROTECTED TITLES AND RESTRICTIONS ON USE.**

Subdivision 1. **Protected titles.** ~~No individual may~~ A person who does not hold a license or temporary permit under this chapter as a respiratory therapist or whose license or permit has lapsed, been suspended, or revoked may not use the title "Minnesota-registered licensed respiratory care practitioner therapist," "registered licensed respiratory care practitioner therapist," "respiratory care practitioner," "respiratory therapist," "respiratory therapy (or care) technician," "inhalation therapist," or "inhalation therapy technician," or use, in connection with the individual's name, the letters "RCP," "RT" or "LRT" or any other titles, words, letters, abbreviations, or insignia indicating or implying that the individual is eligible for registration licensure by the state as a respiratory

~~care practitioner~~ therapist unless the individual has been ~~registered~~ licensed as a respiratory care ~~practitioner~~ therapist according to this chapter.

Subd. 1a. **Unlicensed practice prohibited.** No person shall practice respiratory care unless the person is licensed as a respiratory therapist under this chapter except as otherwise provided under this chapter.

Subd. 2. **Other health care practitioners.** (a) Nonphysician individuals practicing in a health care occupation or profession are not restricted in the provision of services included in section 147C.05, as long as they do not hold themselves out as respiratory care practitioners by or through the use of the titles provided in subdivision 1 in association with provision of these services. Nothing in this chapter shall prohibit the practice of any profession or occupation licensed or registered by the state by any person duly licensed or registered to practice the profession or occupation or to perform any act that falls within the scope of practice of the profession or occupation.

~~(b) Physician practitioners are exempt from this chapter.~~

~~(c) Nothing in this chapter shall be construed to require registration of a respiratory care license for:~~

~~(1) a respiratory care practitioner student enrolled in a respiratory therapy or polysomnography technology education program accredited by the Commission on Accreditation of Allied Health Education Programs, its successor organization, or another nationally recognized accrediting organization approved by the board; and~~

~~(2) a respiratory care practitioner employed in the service of the federal government therapist as a member of the United States armed forces while performing duties incident to that employment duty;~~

~~(3) an individual employed by a durable medical equipment provider or a home medical equipment provider who delivers, sets up, or maintains respiratory care equipment, but does not perform assessment, education, or evaluation of the patient;~~

~~(4) self-care by a patient or gratuitous care by a friend or relative who does not purport to be a licensed respiratory therapist; or~~

~~(5) an individual employed in an accredited sleep lab or center as a polysomnographic technologist under the supervision of a licensed physician.~~

Subd. 3. **Penalty.** A person who violates ~~subdivision 1~~ this section is guilty of a gross misdemeanor.

Subd. 4. **Identification of ~~registered~~ licensed practitioners.** Respiratory care practitioners registered therapists licensed in Minnesota shall wear name tags that identify them as respiratory care practitioners therapists while in a professional setting. If not written in full, this must be designated as RCP "RT" or "LRT". A student attending an accredited respiratory therapy training education program or a tutorial intern program must be identified as a student respiratory care practitioner therapist. This abbreviated designation is Student RCP RT. Unregulated individuals who work in an assisting respiratory role under the supervision of respiratory care practitioners therapists must be identified as respiratory care therapy assistants or aides."



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

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

**S.F. No. 525:** A bill for an act relating to health occupations; establishing a regulation system for technicians performing body art procedures and for body art establishments; adopting penalty fees; proposing coding for new law as Minnesota Statutes, chapter 146B.

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

Page 13, line 25, after "State" insert ", county,"

Page 13, line 26, after "state" insert ", county,"

Page 15, line 22, before "MUNICIPAL" insert "COUNTY OR"

Page 15, line 23, before "municipal" insert "county or"

Page 16, line 2, delete "2010" and insert "2009"

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

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

**S.F. No. 999:** A bill for an act relating to health occupations; establishing licensure for medical laboratory science professionals; creating the Board of Medical Laboratory Science; establishing fees; proposing coding for new law as Minnesota Statutes, chapter 148F.

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

Page 1, line 13, delete "and by the"

Page 1, line 14, delete everything before the period

Page 1, delete subdivision 3

Renumber the subdivisions in sequence

Page 1, line 18, delete "10-578" and insert "100-578"

Page 2, line 2, delete "microscopic" and insert "cellular"

Page 2, line 9, delete "ancillary" and insert "medical laboratory"

Page 3, line 29, after "one" insert "or more"

Page 3, line 30, after "laboratory" insert "depending upon the certification examinations passed"

Page 3, line 32, after "licensure" insert "in one of the categories described in subdivisions 14, 15, and 16"

Page 4, lines 12 and 13, delete "histocompatibility" and insert "histocompatibility"

Page 4, line 19, after "independent" insert "technical"

Page 5, line 4, delete "will" and insert "may"

Page 5, line 31, before "This" insert "(a)"

Page 5, delete lines 32 and 33 and insert:

"(1) the qualifications for laboratory directors, technical supervisors, or technical consultants as established by federal CLIA;"

Page 6, line 27, delete everything after "science"

Page 6, line 28, delete everything before the semicolon

Page 7, line 13, delete everything after "initial" and insert "certification as a certified or registered medical assistant or certified office laboratory technician, by the American Medical Technologists (AMT) or the American Association of Medical Assistants (AAMA) or other national certification agency recognized by the commissioner."

Page 7, line 14, delete everything before "Individuals"

Page 7, line 16, delete "; and" and insert a period

Page 7, before line 17, insert:

"Failure to comply with the requirements described in clause (13) subjects the individual to the requirements of this chapter and requires the individual to be licensed as required under this chapter."

Page 7, line 17, delete "(14) in" and insert "(b) This chapter does not apply to"

Page 7, delete lines 22 to 23

Page 7, line 31, delete "histocompatibility" and insert "histocompatibility"

Page 8, line 1, delete "histocompatibility" and insert "histocompatibility"

Page 10, delete subdivision 1

Page 10, line 9, delete "Subd. 2" and insert "Subdivision 1"

Page 10, line 18, delete "3" and insert "2"

Page 12, line 29, after "organizations" insert a period

Page 14, line 16, after "hours" insert "annually"

Page 15, line 6, after the second comma, insert "or"

Page 15, line 7, delete "or petty misdemeanor,"

Page 17, line 9, delete "are" and insert "shall be"

Page 17, line 10, delete everything after the period

Page 17, delete lines 11 to 12

Page 17, line 13, after "professionals" insert "shall" and delete everything after "practice" and insert "and"

Page 17, lines 15, 18, and 24, after "professionals" insert "shall"

Page 17, line 16, delete ". They" and insert ", and shall"

Page 17, line 20, delete everything after the period

Page 17, delete lines 21 to 23

Page 17, delete subdivision 4

Page 18, line 2, delete everything after "action"

Page 18, line 3, delete "counseling"

Page 18, line 34, strike the period

Page 19, line 30, after the first "fee" insert a period

Amend the title as follows:

Page 1, line 3, delete everything after the first semicolon

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

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

**S.F. No. 545:** A bill for an act relating to health occupations; modifying emeritus status requirements for licensed psychologists; creating an inactive licensure status for licensed psychologists; authorizing licensed psychologists to provide a final determination not to certify; adding a licensed psychologist to the Health Care Reform Review Council; amending Minnesota Statutes 2008, sections 62M.09, subdivision 3a; 62U.09, subdivision 2; 148.89, subdivision 5; 148.9105, subdivisions 1, 3, 6, 7, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 148.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2008, section 62M.09, subdivision 3a, is amended to read:

Subd. 3a. **Mental health and substance abuse reviews.** (a) A peer of the treating mental health or substance abuse provider or a physician must review requests for outpatient services in which the utilization review organization has concluded that a determination not to certify a mental health or substance abuse service for clinical reasons is appropriate, provided that any final determination not to certify treatment is made by a psychiatrist certified by the American Board of Psychiatry and Neurology and appropriately licensed in this state or by a doctoral-level psychologist licensed in

this state if the treating provider is a psychologist.

(b) Notwithstanding the notification requirements of section 62M.05, a utilization review organization that has made an initial decision to certify in accordance with the requirements of section 62M.05 may elect to provide notification of a determination to continue coverage through facsimile or mail.

(c) This subdivision does not apply to determinations made in connection with policies issued by a health plan company that is assessed less than three percent of the total amount assessed by the Minnesota Comprehensive Health Association."

Pages 3 to 4, delete sections 4 to 9

Renumber the sections in sequence

Amend the title accordingly

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

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

**S.F. No. 755:** A bill for an act relating to agriculture; clarifying that horses and other equines are livestock and raising them is an agricultural pursuit; proposing coding for new law in Minnesota Statutes, chapter 17.

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

Page 1, line 8, after "driving," insert "farm or ranch work,"

Page 1, line 9, delete "Horses may be used for meat, hides, and animal by-products."

Page 1, after line 16, insert:

"Subd. 3. **Nonapplicability for property tax laws.** This section does not apply to the treatment of land used for raising horses under chapter 273."

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

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

**S.F. No. 858:** A bill for an act relating to the military; providing for acceptance of certain services by commissioner of military affairs; proposing coding for new law in Minnesota Statutes, chapter 190.

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

Page 1, line 8, delete "commissioner of"

Page 1, line 9, delete "military affairs" and insert "adjutant general"

Amend the title as follows:

Page 1, line 3, delete "commissioner of military affairs" and insert "the adjutant general"

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

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

**S.F. No. 18:** A resolution memorializing the Congress of the United States to appoint an independent counsel to investigate the Prisoner of War - Missing in Action issue.

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

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

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

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

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

**S.F. No. 289:** A bill for an act relating to agriculture; eliminating the sunset of the farmer-lender mediation law; repealing Minnesota Statutes 2008, section 583.215.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 336.9-601, is amended to read:

**336.9-601 RIGHTS AFTER DEFAULT; JUDICIAL ENFORCEMENT; CONSIGNOR OR BUYER OF ACCOUNTS, CHATTEL PAPER, PAYMENT INTANGIBLES, OR PROMISSORY NOTES.**

(a) **Rights of secured party after default.** After default, a secured party has the rights provided in this part and, except as otherwise provided in section 336.9-602, those provided by agreement of the parties. A secured party:

(1) may reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(2) if the collateral is documents, may proceed either as to the documents or as to the goods they cover.

(b) **Rights and duties of secured party in possession or control.** A secured party in possession of collateral or control of collateral under section 336.7-106, 336.9-104, 336.9-105, 336.9-106, or 336.9-107 has the rights and duties provided in section 336.9-207.

(c) **Rights cumulative; simultaneous exercise.** The rights under subsections (a) and (b) are cumulative and may be exercised simultaneously.

(d) **Rights of debtor and obligor.** Except as otherwise provided in subsection (g) and section 336.9-605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(e) **Lien of levy after judgment.** If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

- (1) the date of perfection of the security interest or agricultural lien in the collateral;
- (2) the date of filing a financing statement covering the collateral; or
- (3) any date specified in a statute under which the agricultural lien was created.

(f) **Execution sale.** A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this article.

(g) **Consignor or buyer of certain rights to payment.** Except as otherwise provided in section 336.9-607(c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

(h) **Security interest in collateral that is agricultural property; enforcement.** A person may not begin to enforce a security interest in collateral that is agricultural property subject to sections 583.20 to 583.32 that has secured a debt of more than ~~\$5,000~~ \$10,000 unless: a mediation notice under subsection (i) is served on the debtor after a condition of default has occurred in the security agreement and a copy served on the director of the agricultural extension service; and the debtor and creditor have completed mediation under sections 583.20 to 583.32; or as otherwise allowed under sections 583.20 to 583.32.

(i) **Mediation notice.** A mediation notice under subsection (h) must contain the following notice with the blanks properly filled in.

"TO: ...(Name of Debtor)...

YOU HAVE DEFAULTED ON THE ...(Debt in Default)... SECURED BY AGRICULTURAL PROPERTY DESCRIBED AS ...(Reasonable Description of Agricultural Property Collateral)...

AS A SECURED PARTY, ...(Name of Secured Party)... INTENDS TO ENFORCE THE SECURITY AGREEMENT AGAINST THE AGRICULTURAL PROPERTY DESCRIBED ABOVE BY REPOSSESSING, FORECLOSING ON, OR OBTAINING A COURT JUDGMENT AGAINST THE PROPERTY.

YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION. IF YOU REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE.

IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE SECURED PARTY ENFORCES THE DEBT.

IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE AGRICULTURAL EXTENSION SERVICE WILL PROVIDE AN ORIENTATION MEETING AND A FINANCIAL ANALYST TO HELP YOU TO PREPARE FINANCIAL INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION RECORDS AND TO CONTACT A COUNTY EXTENSION OFFICE AS SOON AS POSSIBLE. MEDIATION WILL ATTEMPT TO ARRIVE AT AN AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

TO HAVE THE DEBT REVIEWED FOR MEDIATION YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR WITHIN 14 DAYS AFTER YOU RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM IS AVAILABLE AT ANY COUNTY RECORDER'S OR COUNTY EXTENSION OFFICE.

FROM: ...(Name and Address of Secured Party)..."

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

Sec. 2. Minnesota Statutes 2008, section 550.365, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** A person may not attach, execute on, levy on, or seize agricultural property subject to sections 583.20 to 583.32 that has secured a debt of more than ~~\$5,000~~ \$10,000 unless: (1) a mediation notice is served on the judgment debtor and a copy served on the director and the debtor and creditor have completed mediation under sections 583.20 to 583.32; or (2) as otherwise allowed under sections 583.20 to 583.32.

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

Sec. 3. Minnesota Statutes 2008, section 559.209, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** A person may not begin to terminate a contract for deed under section 559.21 to purchase agricultural property subject to sections 583.20 to 583.32 for a remaining balance on the contract of more than ~~\$5,000~~ \$10,000 unless: (1) a mediation notice is served on the contract for deed purchaser after a default has occurred under the contract and a copy served on the director and the contract for deed vendor and purchaser have completed mediation under sections 583.20 to 583.32; or (2) as otherwise allowed under sections 583.20 to 583.32.

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

Sec. 4. Minnesota Statutes 2008, section 582.039, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** A person may not begin a proceeding under this chapter or chapter 580 to foreclose a mortgage on agricultural property subject to sections 583.20 to 583.32 that has a secured debt of more than ~~\$5,000~~ \$10,000 unless: (1) a mediation notice is served on the mortgagor after a default has occurred in the mortgage and a copy is served on the director and the mortgagor and mortgagee have completed mediation under sections 583.20 to 583.32; or (2) as otherwise allowed under sections 583.20 to 583.32.

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

Sec. 5. Minnesota Statutes 2008, section 583.215, is amended to read:

**583.215 EXPIRATION.**

~~(a)~~ Sections 336.9-601, subsections (h) and (i); 550.365; 559.209; 582.039; and 583.20 to 583.32, expire June 30, ~~2009~~ 2013.

~~(b) Laws 1986, chapter 398, article 1, section 18, as amended, is repealed.~~

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

Delete the title and insert:

"A bill for an act relating to agriculture; extending the sunset of the farmer-lender mediation act; increasing the dollar amount for actions that require a mediation notice; amending Minnesota Statutes 2008, sections 336.9-601; 550.365, subdivision 1; 559.209, subdivision 1; 582.039, subdivision 1; 583.215."

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

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

**S.F. No. 231:** A bill for an act relating to game and fish; providing for free either-sex deer permit for recently discharged service members; amending Minnesota Statutes 2008, section 97A.465, subdivision 1b.

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

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

**S.F. No. 880:** A bill for an act relating to natural resources; appropriating money for the river watch program in the Red River of the North.

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

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

**S.F. No. 275:** A bill for an act relating to natural resources; renaming the Minnesota River Basin Joint Powers Board; clarifying the duties and membership of board; amending Minnesota Statutes 2008, section 103F.378.

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

Page 1, line 10, after "River" insert "Basin" and reinstate the stricken language

Page 1, line 11, reinstate "and swimming" and delete "Basin"



Page 2, line 18, strike "and" and insert a comma and after "effort" insert a comma and delete "requesting"

Page 2, line 19, delete the new language and insert "legislative requests to provide funding for the effort"

Page 2, line 23, delete "project" and insert "implementation of projects"

Page 2, line 24, delete "implementation" and delete "impact" and insert "affect"

Page 2, line 30, delete "impact" and insert "affect"

Page 3, line 4, delete "board" and insert "committee"

Page 3, line 24, delete "an avenue" and insert "a forum"

Page 3, after line 26, insert:

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

Page 3, line 30, after the period, insert "The first meeting shall be convened by December 31, 2009."

Page 3, after line 32, insert:

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

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

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

**S.F. No. 657:** A bill for an act relating to energy; providing direction for the use of federal stimulus funding for energy programs.

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

Delete everything after the enacting clause and insert:

"Section 1. **FEDERAL STIMULUS FUNDING; DEFINITIONS.**

For the purpose of sections 1 to 11, "stimulus funding" or "funding" means funding provided to the state by the federal American Recovery and Reinvestment Act of 2009 for weatherization, state energy programs, energy-efficient appliances, and energy efficiency and conservation block grant purposes.

Sec. 2. **WEATHERIZATION.**

(a) Existing providers of weatherization services must be fully utilized for stimulus-funded activity before additional providers of weatherization services are added. Programs that include rental units shall be developed, including developing procedures to streamline low-income rental unit participation in programs. Priority shall be given to serving the largest number of new weatherization clients consistent with federal eligibility requirements. Administrative costs for increased program activity related to stimulus funding must be minimized and the use of contract

services maximized.

(b) A variety of strategies must be used for stimulus funded weatherization, including, without limitation:

(1) neighborhood saturation on a multiprogram basis, including without limitation, utility conservation programs, weatherization programs, and state and local government energy programs;

(2) a quick fix component that provides a lower level of weatherization to a larger number of residences at a lower cost than a more comprehensive weatherization package; and

(3) a more complete weatherization package at a higher cost that would, to the extent practicable, use funding from a number of programs.

### Sec. 3. LOCAL GOVERNMENT AND SCHOOL DISTRICT BUILDING RENOVATIONS.

The Department of Commerce and the Office of Energy Security must coordinate the use of stimulus funds with the 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. Energy-efficiency conservation block grants and state energy program funds may be used to advance local public building enhanced energy-efficiency program projects by either reducing energy bills during a savings repayment period or by decreasing the number of years for payback of energy improvement investments. Stimulus funds may not exceed more than 25 percent of the total project cost with the balance of funding provided by the local governmental unit or school district, the local public building enhanced energy-efficiency program under Minnesota Statutes, section 216C.43, or another local governmental unit or school district financing program in conjunction with utility conservation investment program funds to the maximum extent possible. The Office of Energy Security shall coordinate with the Department of Education in prioritizing school district projects, consistent with the principles of statewide geographic distribution of projects, optimized energy savings, and an improved learning environment for school children.

### Sec. 4. STATE GOVERNMENT BUILDINGS.

The Department of Administration and the Office of Energy Security shall develop a joint plan and procedures to select, fund, and implement projects using stimulus funds. The joint plan and procedures shall prioritize lighting upgrades, energy recommissioning, and other cost-effective energy projects that are ready for immediate implementation. Energy-efficiency conservation block grants and state energy program funds may be used to advance public building enhanced energy-efficiency program projects under Minnesota Statutes, section 16B.32, by either reducing energy bills during a savings repayment period or decreasing the number of years for payback of energy improvement investments, provided that stimulus funds do not exceed more than 25 percent of the total project cost with the balance of funding provided through the state public building enhanced energy-efficiency program, or other financing, including conservation investment program funds to the maximum extent possible.

### Sec. 5. RESIDENTIAL PROGRAMS.

(a) A portion of the stimulus funds received by the Department of Commerce must be used to fund a window replacement and insulation program for existing housing occupied by low- or

moderate-income households. The development and implementation of this financing program must be coordinated with the Minnesota Housing Finance Agency.

(b) The Office of Energy Security must provide incentives to fund an energy-efficiency program for existing housing occupied by low- or moderate-income households. The development and implementation of this financing program must be coordinated with the Minnesota Housing Finance Agency. Stimulus funds shall be used to provide incentives to complete cost-effective energy-related improvements. Stimulus funds shall not exceed 25 percent of the total project cost with the balance provided by the property owner, utility-funded conservation investment programs, financing from the Minnesota Housing Finance Agency, local lenders, or another housing-related program.

#### **Sec. 6. COMMERCIAL AND INDUSTRIAL FACILITIES.**

Stimulus funds shall be granted to local units of government, including without limitation, cities, counties, and port authorities for use in developing and implementing demonstration programs to provide for the design, financing, and installation of energy-efficiency improvements in commercial and industrial facilities. The local government may use stimulus funds for all costs necessary to design, develop, and implement a commercial/industrial program to fund energy-efficiency improvements, including but not limited to the costs of administration, marketing and financing related to due-diligence analyses, financing origination and servicing, training, measurement and verification, and the local government shall use grant funds for loans, guarantees, bond financing, shared savings agreements, grants, or other financing arrangements to pay all costs necessary to the design, procurement, construction, and installation of energy-efficiency improvements.

#### **Sec. 7. APPLIANCE REPLACEMENT.**

To the extent consistent with federal law, the commissioner of commerce may utilize stimulus funds to supplement and enhance the amount of rebates provided to residential utility customers through a conservation investment program.

#### **Sec. 8. TRAINING AND WORKFORCE DEVELOPMENT.**

Subdivision 1. **Home energy auditors and technicians.** The director of the Office of Energy Security shall oversee training of energy auditors necessary for energy projects using stimulus funding and may allocate funding for that purpose. Technical skills training must include insulation, air sealing, and mechanical work.

Subd. 2. **Energy manager and building operator training.** The director of the Office of Energy Security shall coordinate and monitor training and certification of energy managers, building operators, and other energy professionals necessary for energy projects using stimulus funding and may allocate funding for that purpose. Training strategies must be designed to meet the wide range of facilities managers and the wide range of buildings sizes and types.

Subd. 3. **Training activity guidelines.** In addition to training individuals already employed in implementing energy programs, the director shall recruit individuals for training to perform work in energy projects using stimulus funding who are unemployed, especially targeting unemployed or underemployed individuals in construction trades and crafts. The director shall utilize the full capacity of current training providers, including, but not limited to, opportunities industrialization centers, skilled trades labor unions, and nonprofit organizations with historic expertise in energy

efficiency. Training may include an on-the-job component where the trainee goes to job sites with trained crews. If the director determines that outreach efforts are necessary for the weatherization program, the director shall, at least in part, utilize paid and volunteer youth to perform the outreach.

Subd. 4. **Energy technology transfer and training center.** The Office of Energy Security shall contract with a Minnesota nonprofit corporation with extensive experience in energy research, program design and delivery, program evaluation, and consumer education to create an Energy Technology Transfer and Training Center. The center shall coordinate its efforts with state agencies and others such as the Minnesota State Colleges and Universities, Minnesota technical assistance program, Center for Sustainable Building Research at the University of Minnesota, Minnesota Technology Center, and a broad array of public and private organizations to provide energy-related services. Stimulus funds must be matched on a dollar-for-dollar basis.

**Sec. 9. OFFICE OF ENERGY SECURITY; LOCAL GOVERNMENT ASSISTANCE.**

The director of the Office of Energy Security shall designate personnel and may contract to provide advice and assistance to local units of government receiving federal stimulus money, particularly smaller cities. The director shall develop, by contract or otherwise, strategies that local units of government can utilize to obtain maximum conservation and economic development returns from stimulus funding. The director shall work with associations of local governmental units to notify local governments of the availability of advice under this section.

**Sec. 10. COMPETITIVE ENERGY GRANTS; STATE AND LOCAL GOVERNMENT AUTHORIZATION.**

All state agencies and local units of government, in addition to any other authority, are authorized to engage in activities individually and in cooperation with other public or private entities to apply for, accept, and expend competitive funds made available in the federal American Recovery and Reinvestment Act of 2009 through the Energy Efficiency and Conservation Block Grant.

**Sec. 11. CONSERVATION IMPROVEMENT PLANS; FEDERAL STIMULUS PLAN.**

The commissioner of commerce must consider the impact of federal stimulus funding in the administration of the conservation improvement program (CIP) under Minnesota Statutes, section 216B.241. The commissioner may amend plans currently in effect and approve plans to accommodate federal stimulus funding.

**Sec. 12. EFFECTIVE DATE.**

Sections 1 to 11 are effective the day following final enactment."

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

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

**S.F. No. 913:** A bill for an act relating to greenhouse gas emissions reduction; making findings; requiring land use planning and limiting certain types of development; prohibiting new incorporations; modifying tax increment financing standards; prohibiting the use of minimum acreage standards for new school siting; authorizing the sale of state bonds; appropriating money;

amending Minnesota Statutes 2008, sections 116J.575, subdivision 1a; 123B.70, subdivision 1; 394.23; 462.352, by adding a subdivision; 462.353, subdivision 2, by adding a subdivision; 462.357, subdivision 1, by adding subdivisions; 462.358, subdivision 1a; 469.174, by adding a subdivision; 469.176, subdivision 1b, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 414; repealing Minnesota Statutes 2008, sections 394.232; 414.02; 462.3585.

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

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

**S.F. No. 673:** A bill for an act relating to energy; appropriating money to city of Kennedy for energy conversion of former school building; promoting green economy.

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

**Senator Murphy from the Committee on Transportation, to which was referred**

**S.F. No. 847:** A bill for an act relating to public safety; creating pilot program for driver's license reinstatement diversion for individuals charged with driving without valid license.

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

Page 3, line 30, after the period, insert "The report must be made electronically and available in print only upon request."

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

**Senator Murphy from the Committee on Transportation, to which was referred**

**S.F. No. 884:** A bill for an act relating to drivers' licenses; modifying provision relating to driver's license suspension; amending Minnesota Statutes 2008, section 171.18, subdivision 1.

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

Page 2, line 17, after "(a)" insert ", with the exception of a suspension under clause (3) or (4) of that paragraph,"

Page 2, line 19, delete "or"

Page 2, line 20, delete "or" and after "3" insert ", or 4"

Page 2, line 22, delete the period and insert "; or"

Page 2, after line 22, insert:

"(3) section 169.791, 169.792, or 169.797, if the violation was certified by the prosecutor as a petty misdemeanor under section 609.131, subdivision 1, or if the conviction was entered as a petty

misdemeanor."

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

**Senator Murphy from the Committee on Transportation, to which was referred**

**S.F. No. 782:** A bill for an act relating to public safety; school buses; providing for postcrash procedures for school bus in an accident; amending Minnesota Statutes 2008, section 169.4511, subdivision 1.

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

**Senator Murphy from the Committee on Transportation, to which was referred**

**S.F. No. 887:** A bill for an act relating to transportation; establishing a portion of Trunk Highway 200 as the Veterans Memorial Highway; amending Minnesota Statutes 2008, section 161.14, by adding a subdivision.

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

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

**S.F. No. 237:** A bill for an act relating to state government; designating the first Sunday in October as Minnesota Fallen Firefighters Memorial Day; proposing coding for new law in Minnesota Statutes, chapter 10.

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

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

**S.F. No. 30:** A bill for an act relating to public safety; specifying a retention time period for methamphetamine precursor drug logs maintained by retailers and providing that the logs are open to law enforcement inspection; amending Minnesota Statutes 2008, section 152.02, subdivision 6.

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

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

**S.F. No. 534:** A bill for an act relating to corrections; authorizing arrest of a person who escapes from custody on an allegation or adjudication of a delinquent act; amending Minnesota Statutes 2008, section 629.34, subdivision 1.

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

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

**S.F. No. 265:** A bill for an act relating to public safety; requiring law enforcement to provide violent crime alerts to citizens who request notification; requiring crime alerts to be distributed in

a format that disabled citizens can access; proposing coding for new law in Minnesota Statutes, chapter 611A.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 13.871, is amended by adding a subdivision to read:

Subd. 12. **Crime alert access request.** Data regarding contact information provided by a citizen requesting a crime alert are classified under section 611A.0393.

Sec. 2. [611A.0393] **CRIME ALERTS; VIOLENT CRIMES; DISABLED ACCESS.**

If a law enforcement agency provides a crime alert to citizens within its jurisdiction, the alerts and any accompanying documents must be in a form that a disabled person can access with commercially available text-based screen reader software. Any contact information provided by a citizen requesting a crime alert is private data on individuals as defined in section 13.02.

**EFFECTIVE DATE.** This section is effective August 1, 2009."

Delete the title and insert:

"A bill for an act relating to public safety; requiring crime alerts to be distributed in a format that disabled citizens can access; amending Minnesota Statutes 2008, section 13.871, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 611A."

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

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

**S.F. No. 164:** A bill for an act relating to adoption; requiring affidavit regarding disclosure of birth records; requiring updated nonidentifying medical history; amending Minnesota Statutes 2008, section 259.89, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 259.89, subdivision 1, is amended to read:

Subdivision 1. **Request.** An adopted person who is 19 years of age or over may request the commissioner of health to disclose the information on the adopted person's original birth record or to obtain medical or social history information from a birth parent, or both. The commissioner of health shall, within five days of receipt of the request, notify the commissioner of human services' agent or licensed child-placing agency when known, or the commissioner of human services when the agency is not known in writing of the request by the adopted person.

**EFFECTIVE DATE.** This section is effective July 1, 2009.

Sec. 2. Minnesota Statutes 2008, section 259.89, subdivision 2, is amended to read:

Subd. 2. **Search.** (a) Within six months after receiving notice of the request of the adopted person, the commissioner of human services' agent or a licensed child-placing agency shall make complete and reasonable efforts to notify each parent identified on the original birth record of the adopted person. The commissioner, the commissioner's agents, and licensed child-placing agencies may charge a reasonable fee to the adopted person for the cost of making a search pursuant to this subdivision. Every licensed child-placing agency in the state shall cooperate with the commissioner of human services in efforts to notify an identified parent. ~~All~~ Data regarding communications under this subdivision are confidential pursuant to data on individuals as defined in section 13.02, subdivision 3.

(b) For purposes of this subdivision, "notify" means a personal and confidential contact with the birth parents named on the original birth record of the adopted person. The contact shall be by an employee or agent of the licensed child-placing agency which processed the pertinent adoption or some other licensed child-placing agency designated by the commissioner of human services when it is determined to be reasonable by the commissioner; otherwise contact shall be by mail or telephone.

(c) If the adopted person requests disclosure of original birth record information, the employee or agent of the licensed child-placing agency shall notify the birth parent of the request and the requirements of this section. If the birth parent does not want the information disclosed, the birth parent must file an affidavit with the commissioner of health within 90 days following the contact stating that the information on the birth record should not be disclosed. If the adopted person requests medical or social history information, the employee or agent of the licensed child-placing agency shall notify the birth parent that the birth parent must complete an updated nonidentifying medical history form and return it to the child-placing agency within 90 days if information on the original birth record is not to be disclosed and of the option of providing social history information, if requested. If the notification is made in person or by telephone, the information may be provided orally to the person making the contact. Medical and social history information obtained under this subdivision must be in the form prepared under section 259.43.

(d) The contact shall be evidenced by filing with the commissioner of health an affidavit of notification executed by the person who notified each parent certifying that each parent was given the following information:

- (1) the nature of the information requested by the adopted person;
- (2) the date of the request of the adopted person;
- (3) ~~the right of~~ requirement that the parent to ~~must~~ file, within 30 90 days of receipt of the notice, an affidavit with the commissioner of health stating that the information on the original birth record should not be disclosed;
- (4) the right of the parent to file a consent to disclosure with the commissioner of health at any time; and
- (5) the effect of a failure of the parent to file either a consent to disclosure or an affidavit stating that the information on the original birth record should not be disclosed.

**EFFECTIVE DATE; APPLICATION.** This section is effective July 1, 2009, and applies to searches conducted on or after that date.



Sec. 3. Minnesota Statutes 2008, section 259.89, is amended by adding a subdivision to read:

Subd. 2a. **Medical and social history information.** (a) This subdivision applies if an adopted person requests medical or social history information under subdivision 1, and a birth parent has filed an affidavit objecting to the release of the original birth record to the adopted person or the adopted person is unable to locate a birth parent. Within five days of receipt of the request, the commissioner of health shall provide written notice of the request to the commissioner of human services or the licensed child-placing agency, if known. Within six months after receiving the request, the commissioner of human services or the licensed child-placing agency shall make reasonable efforts to notify each parent identified in the original birth record of the request, of the requirement that the birth parent complete an updated nonidentifying medical history form and return it to the commissioner or the child-placing agency within 90 days, and of the option of providing social history information, if requested. If the notification is made in person or by telephone, the information may be provided orally to the person making the contact.

(b) The commissioner, the commissioner's agents, and licensed child-placing agencies may charge a reasonable fee to the adopted person for the cost of making a search under this subdivision. A licensed child-placing agency in this state shall cooperate with the commissioner of human services in efforts to notify an identified parent. Data regarding communications under this subdivision are confidential data on individuals as defined in section 13.02, subdivision 3.

(c) For purposes of this subdivision, "notify" means a personal and confidential contact with the birth parents named on the original birth record of the adopted person, if it is determined to be practicable by the commissioner, or by mail or telephone if personal contact is not practicable. The contact must be by an employee or agent of the licensed child-placing agency that processed the adoption or another licensed child-placing agency designated by the commissioner of human services.

(d) Medical and social history information obtained under this subdivision must be in the form prepared under section 259.43.

**CONTINGENT EFFECTIVE DATE.** This section is effective July 1, 2010, if a law repealing Minnesota Statutes, section 259.89, subdivision 2, is enacted during the 2010 legislative session.

Sec. 4. Minnesota Statutes 2008, section 259.89, subdivision 4, is amended to read:

Subd. 4. **Release of information after notice.** If, within six months, the commissioner of human services' agent or licensed child-placing agency documents to the commissioner of health notification of each parent identified on the original birth record pursuant to subdivision 2, the commissioner of health shall disclose the information requested by the adopted person ~~31~~ 91 days after the date of the latest notice to either parent. This disclosure will occur if, at any time during the ~~31~~ 91 days both of the parents identified on the original birth record have filed a consent to disclosure with the commissioner of health and neither consent to disclosure has been revoked by the subsequent filing by a parent of an affidavit stating that the information should not be disclosed. If only one parent has filed a consent to disclosure and the consent has not been revoked, the commissioner of health shall disclose, to the adopted person, original birth record information on the consenting parent only."

Delete the title and insert:

"A bill for an act relating to adoption; requiring affidavit regarding disclosure of birth records; requiring updated nonidentifying medical history information; amending Minnesota Statutes 2008, section 259.89, subdivisions 1, 2, 4, by adding a subdivision."

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

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

**S.F. No. 97:** A bill for an act relating to health; providing for the medical use of marijuana; providing civil and criminal penalties; appropriating money; amending Minnesota Statutes 2008, section 13.3806, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 152.

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

Page 2, delete line 14

Page 2, line 15, delete "than six months" and insert "as defined in section 152.125, subdivision 1"

Page 10, line 27, before the period, insert "; SUNSET"

Page 11, after line 13, insert:

"(d) This section expires on June 30, 2010."

Page 15, after line 9, insert

"Sec. 11. EFFECTIVE DATE.

Sections 1 to 9 are effective August 1, 2009."

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

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

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

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

Page 2, delete lines 8 to 10 and insert "\"Shall the Minnesota Constitution be amended from the current system to asking voters to decide whether Minnesota judges shall be retained in a retention election, after a public performance evaluation by a nonpartisan panel?\""

Page 2, delete line 16 and insert "existed before adoption of the amendment. A judge who is elected at the 2010 general election will serve a term of six years. Following completion of their"

terms, these judges are subject to"

Page 3, after line 7, insert:

"Sec. 4. Minnesota Statutes 2008, section 13.90, subdivision 2, is amended to read:

Subd. 2. **Exemption.** (a) Except as provided in paragraph (b), the judiciary is not governed by this chapter. Access to data of the judiciary is governed by rules adopted by the Supreme Court.

(b) Data of the Judicial Performance Commission are governed by section 480B.02."

Page 4, line 13, delete "All"

Page 4, line 14, delete "shall" and insert "must"

Page 4, line 18, delete "shall exist, which shall" and insert "exists, which must"

Page 4, line 19, delete "in chapter 480B" and insert "by law"

Page 4, lines 21 and 23, delete "shall be" and insert "is"

Page 4, line 22, delete "nominated" and insert "appointed"

Page 4, line 33, delete "shall"

Page 4, line 34, delete "be composed" and insert "is comprised"

Page 5, line 1, delete "Currently"

Page 5, line 5, delete "shall be" and insert "are"

Page 5, lines 7, 17, and 22, delete "shall" and insert "must"

Page 5, lines 9, 15, and 23, delete "shall"

Page 5, after line 23, insert:

"In the case of a vacancy on the commission, the authority who appointed the member whose seat has become vacant shall appoint a person to fill the vacancy for the remainder of the unexpired term."

Page 5, line 33, delete "(1)"

Page 5, line 34, delete "(2)" and delete "The"

Page 5, delete lines 35 and 36 and insert "After a member misses two consecutive meetings and before the next"

Page 6, line 1, delete "board" and insert "commission"

Page 6, line 2, delete "for missing the next meeting" and insert "if the member misses the next meeting. The chair of the commission shall inform the appointing authority if a member misses three consecutive meetings"

Page 6, delete lines 3 to 5

Page 6, line 6, delete "(g)" and insert "(f)"

Page 6, line 8, delete "(h)" and insert "(g)"

Page 6, line 9, after the period, insert "The chair of the commission shall appoint a member of the commission to serve as the secretary."

Page 6, line 10, delete "All"

Page 6, line 13, delete everything after the period

Page 6, delete lines 14 to 15 and insert "The commission is subject to the requirements of chapter 13. Except as otherwise provided in this section, data of the commission are public data pursuant to section 13.03, subdivision 1."

Page 6, line 18, delete "shall" and insert "must"

Page 7, line 1, delete "shall" and insert "must"

Page 7, line 4, delete "shall be classified as" and insert "are"

Page 7, line 5, after the period, insert "Data on an individual who completes or responds to a survey form are private data on individuals."

Page 7, line 25, after the period, insert "If a judge waives the final evaluation under this paragraph, the judge is not eligible to file an affidavit of candidacy for the office and is not eligible to be appointed to fill the resulting vacancy or any other judicial vacancy occurring within two years of the expiration of the judge's term."

Page 7, line 27, delete "shall consist" and insert "is comprised"

Page 7, line 33, delete "shall be" and insert "is"

Page 8, line 2, delete "shall have" and insert "has"

Page 8, lines 12 and 14, delete "shall" and insert "must"

Page 8, line 17, delete "two or more commissions" and insert "more than one commission"

Page 9, line 9, delete "such a" and insert "the"

Page 9, line 23, before the period, insert ", and appoint a secretary for the commission at that first meeting"

Page 9, line 25, delete "January 7, 2013" and insert "January 5, 2015"

Page 9, line 27, delete everything after "Judges"

Page 9, line 28, delete everything before "are" and insert "whose terms expire after January 5, 2015,"

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

**S.F. No. 558:** A bill for an act relating to children; defining kinship care; proposing coding for new law in Minnesota Statutes, chapter 257C.

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 685, 755, 18, 275, 782, 887, 237, 30, 534, 265, 164 and 558 were read the second time.

**MOTIONS AND RESOLUTIONS**

Senator Wiger moved that the name of Senator Doll be added as a co-author to S.F. No. 22. The motion prevailed.

Senator Rest moved that the name of Senator Doll be added as a co-author to S.F. No. 98. The motion prevailed.

Senator Rest moved that the names of Senators Anderson and Sieben be added as co-authors to S.F. No. 267. The motion prevailed.

Senator Olseen moved that the name of Senator Erickson Ropes be added as a co-author to S.F. No. 383. The motion prevailed.

Senator Rosen moved that her name be stricken as a co-author to S.F. No. 399. The motion prevailed.

Senator Erickson Ropes moved that the names of Senators Jungbauer and Frederickson be added as co-authors to S.F. No. 496. The motion prevailed.

Senator Moua moved that the name of Senator Kubly be added as a co-author to S.F. No. 519. The motion prevailed.

Senator Prettnr Solon moved that the name of Senator Olseen be added as a co-author to S.F. No. 525. The motion prevailed.

Senator Koering moved that the name of Senator Rosen be added as a co-author to S.F. No. 543. The motion prevailed.

Senator Prettnr Solon moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Anderson be shown as chief author to S.F. No. 657. The motion prevailed.

Senator Rest moved that her name be stricken as a co-author to S.F. No. 682. The motion prevailed.

Senator Sheran moved that the names of Senators Lynch and Rest be added as co-authors to S.F.

No. 684. The motion prevailed.

Senator Jungbauer moved that the name of Senator Vandever be added as a co-author to S.F. No. 739. The motion prevailed.

Senator Dahle moved that the name of Senator Doll be added as a co-author to S.F. No. 841. The motion prevailed.

Senator Robling moved that the names of Senators Ingebrigtsen and Koering be added as co-authors to S.F. No. 906. The motion prevailed.

Senator Latz moved that the name of Senator Doll be added as a co-author to S.F. No. 912. The motion prevailed.

Senator Dibble moved that the name of Senator Olson, M. be added as a co-author to S.F. No. 915. The motion prevailed.

Senator Bakk moved that the name of Senator Erickson Ropes be added as a co-author to S.F. No. 922. The motion prevailed.

Senator Anderson moved that the name of Senator Erickson Ropes be added as a co-author to S.F. No. 924. The motion prevailed.

Senator Rosen moved that her name be stricken as a co-author to S.F. No. 953. The motion prevailed.

Senator Wiger moved that the name of Senator Erickson Ropes be added as a co-author to S.F. No. 954. The motion prevailed.

Senator Dibble moved that the name of Senator Carlson be added as a co-author to S.F. No. 971. The motion prevailed.

Senator Dibble moved that the name of Senator Latz be added as a co-author to S.F. No. 975. The motion prevailed.

Senator Erickson Ropes moved that the name of Senator Frederickson be added as a co-author to S.F. No. 978. The motion prevailed.

Senator Saxhaug moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Chaudhary be added as chief author to S.F. No. 988. The motion prevailed.

Senator Pappas moved that the name of Senator Lynch be added as a co-author to S.F. No. 990. The motion prevailed.

Senator Metzen moved that the name of Senator Rest be added as a co-author to S.F. No. 1036. The motion prevailed.

Senator Dibble moved that the name of Senator Clark be added as a co-author to S.F. No. 1076. The motion prevailed.

Senator Ortman moved that her name be stricken as a co-author to S.F. No. 1079. The motion prevailed.

Senator Higgins moved that the name of Senator Sheran be added as a co-author to S.F. No.

1079. The motion prevailed.

Senator Chaudhary moved that his name be stricken as chief author, and the name of Senator Saxhaug be added as chief author to S.F. No. 1094. The motion prevailed.

Senator Anderson moved that the name of Senator Dibble be added as a co-author to S.F. No. 1100. The motion prevailed.

Senator Rosen moved that her name be stricken as a co-author to S.F. No. 1106. The motion prevailed.

Senator Olseen moved that S.F. No. 33 be withdrawn from the Committee on Finance and re-referred to the Committee on Education. The motion prevailed.

Senator Kubly moved that S.F. No. 203 be withdrawn from the Committee on Commerce and Consumer Protection and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Latz moved that S.F. No. 462 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Transportation. The motion prevailed.

Senator Berglin moved that S.F. No. 727 be withdrawn from the Committee on Health, Housing and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Kelash moved that S.F. No. 840 be withdrawn from the Committee on Energy, Utilities, Technology and Communications and returned to its author. The motion prevailed.

**Senators Rosen, Frederickson, Sheran, Senjem and Vickerman introduced –**

**Senate Resolution No. 43:** A Senate resolution honoring Helen Gould for 26 years of dedicated service to the Fairmont school board.

Referred to the Committee on Rules and Administration.

**Senator Olseen introduced –**

**Senate Resolution No. 44:** A Senate resolution congratulating Aaron Rollings of Andover, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senators Rosen, Vickerman, Sheran, Senjem and Sparks introduced –**

**Senate Resolution No. 45:** A Senate resolution congratulating Brad Omland of Blue Earth, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senators Rest and Ortman introduced –**

**Senate Resolution No. 46:** A Senate resolution congratulating the Chaska High School Quiz Bowl team on winning the Minnesota High School Quiz Bowl championship.

Referred to the Committee on Rules and Administration.

**Senators Tomassoni, Anderson, Sparks, Metzen and Bakk introduced –**

**Senate Resolution No. 47:** A Senate resolution relating to the spending of federal economic renewal grants to the state of Minnesota.

Referred to the Committee on Rules and Administration.

**Senator Pappas introduced –**

**Senate Resolution No. 48:** A Senate resolution honoring Renee Kargleder of St. Paul, Minnesota, for receiving the Prudential Spirit of Community Award.

Referred to the Committee on Rules and Administration.

Senator Prettner Solon moved that S.F. No. 545 be withdrawn from the Committee on Judiciary and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Prettner Solon moved that S.F. No. 525 be withdrawn from the Committee on State and Local Government Operations and Oversight and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Frederickson moved that S.F. No. 1069 be withdrawn from the Committee on Judiciary and returned to its author. The motion prevailed.

Senator Langseth moved that S.F. No. 781 be withdrawn from the Committee on Finance and re-referred to the Committee on Capital Investment. The motion prevailed.

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

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

The following bills were read the first time.

**Senator Pappas introduced–**

**S.F. No. 1125:** A bill for an act relating to counties; providing for appointment and consolidation of certain county offices, subject to notice, hearing, reverse referendum; amending Minnesota Statutes 2008, sections 375A.10, subdivision 5; 375A.12, subdivision 2, by adding a subdivision; 382.01.

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

**Senator Moua introduced–**

**S.F. No. 1126:** A bill for an act relating to real property; modifying procedures relating to uses and conveyances of tax-forfeited property; amending Minnesota Statutes 2008, sections 282.01,



subdivisions 1, 1a, 1c, 1d, 2, 3, 4, 7, 7a, by adding a subdivision; 287.2205; repealing Minnesota Statutes 2008, section 282.01, subdivisions 1b, 9, 10, 11.

Referred to the Committee on Environment and Natural Resources.

**Senators Scheid, Dibble and Higgins introduced—**

**S.F. No. 1127:** A bill for an act relating to employment; appropriating money for a transitional employment training project.

Referred to the Committee on Finance.

**Senators Latz, Foley, Moua and Ingebrigtsen introduced—**

**S.F. No. 1128:** A bill for an act relating to public safety; continuing and expanding the homeless outreach grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Finance.

**Senators Higgins, Rest and Pogemiller introduced—**

**S.F. No. 1129:** A bill for an act relating to capital improvements; appropriating money for Victory Memorial Parkway in Minneapolis; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senators Bakk and Kelash introduced—**

**S.F. No. 1130:** A bill for an act relating to civil actions; providing time limit for appealing decisions of a governing body or board of adjustment to district court; requiring posting of a bond for an appeal to Court of Appeals in certain cases; clarifying actions involving public participation in government; amending Minnesota Statutes 2008, sections 462.354, subdivision 2; 462.361, subdivision 1, by adding a subdivision; 554.01, subdivision 6; 554.03.

Referred to the Committee on Judiciary.

**Senator Foley introduced—**

**S.F. No. 1131:** A bill for an act relating to courts; eliminating the requirement of personal appearance in an application for a name change made by an adult; amending Minnesota Statutes 2008, section 259.10, subdivision 1, by adding a subdivision.

Referred to the Committee on Judiciary.

**Senators Cohen, Dibble, Kubly, Moua and Anderson introduced—**

**S.F. No. 1132:** A bill for an act relating to housing; adjusting deed tax percentage; providing rental housing assistance; establishing a housing account for leverage opportunity; appropriating money; amending Minnesota Statutes 2008, sections 287.21, subdivision 1; 462A.201, by adding a

subdivision; 462A.33, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

**Senator Skogen introduced—**

**S.F. No. 1133:** A bill for an act relating to rural economies; appropriating money for a workforce program.

Referred to the Committee on Finance.

**Senator Murphy introduced—**

**S.F. No. 1134:** A bill for an act relating to water treatment; appropriating money for a grant to the city of Goodview.

Referred to the Committee on Finance.

**Senators Marty, Torres Ray, Sieben, Higgins and Senjem introduced—**

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

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

**Senator Day introduced—**

**S.F. No. 1136:** A bill for an act relating to health; requiring a replacement death record when ordered by the court; amending Minnesota Statutes 2008, sections 144.221, by adding a subdivision; 390.23.

Referred to the Committee on Judiciary.

**Senators Higgins, Fischbach, Marty, Gerlach and Saltzman introduced—**

**S.F. No. 1137:** A bill for an act relating to health; prohibiting pharmacists from substituting epilepsy drugs without prior consent and notification; proposing coding for new law in Minnesota Statutes, chapter 151.

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

**Senators Senjem and Bonoff introduced—**

**S.F. No. 1138:** A bill for an act relating to public safety; establishing a grant program to assist local law enforcement agencies to develop or expand lifesaver programs that locate lost or wandering persons who are mentally impaired; authorizing a task force; providing for rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299C.

Referred to the Committee on Judiciary.

**Senators Lynch and Senjem introduced–**

**S.F. No. 1139:** A bill for an act relating to higher education; appropriating money for the research partnership between the University of Minnesota and the Mayo Foundation.

Referred to the Committee on Finance.

**Senators Rosen and Metzen introduced–**

**S.F. No. 1140:** A bill for an act relating to taxation; income taxes; increasing the long-term care insurance credit; amending Minnesota Statutes 2008, section 290.0672, subdivision 2.

Referred to the Committee on Taxes.

**Senator Rest introduced–**

**S.F. No. 1141:** A bill for an act relating to elections; campaign finance; changing contribution limits for certain offices; limiting certain expenditures; changing certain filing requirements; changing political contribution and refund provisions; amending Minnesota Statutes 2008, sections 10A.17, by adding a subdivision; 10A.20, subdivision 1; 10A.27, subdivision 1; 10A.31, subdivisions 1, 3, 4; 10A.322, subdivision 4.

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

**Senators Murphy, Dille, Vickerman, Frederickson and Erickson Ropes introduced–**

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

Referred to the Committee on Agriculture and Veterans.

**Senators Murphy, Metzen, Tomassoni, Bakk and Saltzman introduced–**

**S.F. No. 1143:** A bill for an act relating to unemployment insurance; providing limited eligibility for benefits during a voluntary leave; proposing coding for new law in Minnesota Statutes, chapter 268.

Referred to the Committee on Business, Industry and Jobs.

**Senators Pappas, Anderson, Cohen and Moua introduced–**

**S.F. No. 1144:** A bill for an act relating to capital improvements; appropriating money for improvements of the National Great River Park in St. Paul; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senators Pappas, Moua and Olson, M. introduced—**

**S.F. No. 1145:** A bill for an act relating to data practices; prohibiting the reproduction of pornographic works involving a minor maintained by a government entity or court in connection with a criminal proceeding; amending Minnesota Statutes 2008, section 13.871, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 617.

Referred to the Committee on Judiciary.

**Senators Frederickson, Higgins, Clark, Rest and Fischbach introduced—**

**S.F. No. 1146:** A bill for an act relating to public safety; establishing Brandon's law; implementing procedures for investigating missing person cases; establishing the Minnesota Clearinghouse for Missing Persons; amending Minnesota Statutes 2008, sections 13.82, subdivision 23; 299C.51; 299C.52; 299C.53; 299C.54; 299C.55; 299C.56; 299C.565; 390.25, subdivision 2; 626.8454; proposing coding for new law in Minnesota Statutes, chapter 299C.

Referred to the Committee on Judiciary.

**Senators Higgins and Pappas introduced—**

**S.F. No. 1147:** 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, subdivision 2; 580.04; 582.031; 582.032, subdivision 2, by adding a subdivision; 609.605, subdivision 1; 617.80, subdivision 7, by adding a subdivision; 617.81, subdivisions 2, 4.

Referred to the Committee on Judiciary.

**Senator Kubly introduced—**

**S.F. No. 1148:** A bill for an act relating to capital investment; authorizing the sale of state bonds; appropriating money for a grant to city of Benson to reconstruct a city street.

Referred to the Committee on Finance.

**Senator Skoe introduced—**

**S.F. No. 1149:** A bill for an act relating to taxation; property; abandoned personal property; amending Minnesota Statutes 2008, sections 281.23, by adding a subdivision; 282.04, subdivision 2.

Referred to the Committee on Taxes.

**Senator Berglin introduced—**

**S.F. No. 1150:** A bill for an act relating to the Minnesota family investment program;

appropriating money for supported work.

Referred to the Committee on Finance.

**Senator Berglin introduced—**

**S.F. No. 1151:** A bill for an act relating to health and human services; allowing home visitors to be employment and training providers for certain MFIP participants; amending Minnesota Statutes 2008, sections 145A.17, by adding a subdivision; 256J.49, subdivision 4.

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

**Senators Rosen, Sheran and Senjem introduced—**

**S.F. No. 1152:** A bill for an act relating to cultural heritage; appropriating money for purposes of Farmamerica.

Referred to the Committee on Finance.

**Senators Pappas, Cohen, Rest and Bakk introduced—**

**S.F. No. 1153:** A bill for an act relating to state employees; requiring that health insurance benefits be made available to domestic partners of state employees if they are also made available to spouses; amending Minnesota Statutes 2008, sections 43A.02, by adding a subdivision; 43A.24, subdivision 1.

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

**Senator Erickson Ropes introduced—**

**S.F. No. 1154:** A bill for an act relating to occupations and professions; changing licensing provisions for social work; reducing certain fees; amending Minnesota Statutes 2008, sections 148D.010, subdivisions 9, 15, by adding subdivisions; 148D.025, subdivisions 2, 3; 148D.061, subdivisions 6, 8; 148D.062, subdivision 2; 148D.063, subdivision 2; 148D.125, subdivisions 1, 3; 148D.180, subdivisions 1, 2, 3, 5; 148E.010, subdivisions 11, 17, by adding subdivisions; 148E.025, subdivisions 2, 3; 148E.055, subdivision 5; 148E.100, subdivisions 3, 4, 5, 6, 7, by adding a subdivision; 148E.105, subdivisions 1, 3, 5, 7, by adding a subdivision; 148E.106, subdivisions 1, 2, 3, 4, 5, 8, 9, by adding a subdivision; 148E.110, subdivisions 1, 2, by adding subdivisions; 148E.115, subdivision 1, by adding a subdivision; 148E.120; 148E.125, subdivisions 1, 3; 148E.130, subdivisions 2, 5, by adding a subdivision; 148E.165, subdivision 1; 148E.180, subdivisions 1, 2, 3, 5; repealing Minnesota Statutes 2008, sections 148D.062, subdivision 5; 148D.125, subdivision 2; 148D.180, subdivision 8; 148E.106, subdivision 6; 148E.125, subdivision 2.

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

**Senator Erickson Ropes introduced—**

**S.F. No. 1155:** A bill for an act relating to human services; changing capacity requirements for

adult foster homes; amending Minnesota Statutes 2008, section 245A.11, subdivision 2a; repealing Minnesota Rules, part 9555.6165.

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

**Senators Erickson Ropes, Vickerman, Murphy and Sparks introduced—**

**S.F. No. 1156:** A bill for an act relating to game and fish; extending the deer hunting season in certain areas; amending Minnesota Statutes 2008, section 97B.311.

Referred to the Committee on Environment and Natural Resources.

**Senators Erickson Ropes, Lynch, Sparks, Senjem and Murphy introduced—**

**S.F. No. 1157:** A bill for an act relating to public safety; appropriating money for disaster preparedness and relief efforts.

Referred to the Committee on Finance.

**Senators Bakk and Tomassoni introduced—**

**S.F. No. 1158:** A bill for an act relating to charitable organizations; adjusting a requirement that financial statements submitted to the attorney general by charitable organizations be audited; amending Minnesota Statutes 2008, section 309.53, subdivision 3.

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

**Senators Bakk and Saxhaug introduced—**

**S.F. No. 1159:** A bill for an act relating to capital improvements; appropriating money for a renewable energy biofuels demonstration facility; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senators Bakk and Tomassoni introduced—**

**S.F. No. 1160:** A bill for an act relating to liquor; authorizing two licenses.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Bakk and Saxhaug introduced—**

**S.F. No. 1161:** A bill for an act relating to game and fish; modifying requirements for the use of duck decoys; amending Minnesota Statutes 2008, section 97B.811, subdivisions 2, 3.

Referred to the Committee on Environment and Natural Resources.

**Senators Tomassoni and Murphy introduced—**

**S.F. No. 1162:** A bill for an act relating to motor vehicles; establishing special plates for

retired firefighters; amending Minnesota Statutes 2008, section 168.12, subdivision 2b, by adding a subdivision.

Referred to the Committee on Transportation.

**Senators Dille, by request, and Pappas introduced—**

**S.F. No. 1163:** A bill for an act relating to local government; amending the municipal boundary adjustment law; amending Minnesota Statutes 2008, sections 13.02, subdivision 11; 394.33, subdivision 1; 414.01, subdivisions 1a, 1b; 414.011, by adding a subdivision; 414.031, subdivision 4; 414.0325, subdivision 3; 414.033, subdivisions 2, 12; 414.0333; 414.036; 414.041, subdivisions 3, 5; 414.061, subdivisions 4, 5; 462.357, subdivision 1; 462.358, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 414; repealing Minnesota Statutes 2008, sections 414.02; 414.031, subdivision 1a; 414.0325, subdivision 1a; 414.033, subdivisions 10, 13; 414.08; 462.3535; 462.3585; 572A.03, subdivision 3.

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

**Senators Bakk and Prettner Solon introduced—**

**S.F. No. 1164:** A bill for an act relating to taxation; authorizing creation of a tax increment financing district by the Seaway Port Authority of Duluth that is exempt from the five-year rule.

Referred to the Committee on Taxes.

**Senators Prettner Solon, Foley, Dibble, Doll and Anderson introduced—**

**S.F. No. 1165:** A bill for an act relating to public safety; modifying provisions related to the transfer of pistols or semiautomatic military-style assault weapons; amending Minnesota Statutes 2008, sections 624.7131, subdivisions 1, 4, 5, 7; 624.7132, subdivisions 1, 3, 4, 5, 6, 8, 12, 13, by adding subdivisions; repealing Minnesota Statutes 2008, sections 624.7131, subdivisions 9, 10; 624.7132, subdivisions 10, 14.

Referred to the Committee on Judiciary.

**Senators Kelash and Marty introduced—**

**S.F. No. 1166:** A bill for an act relating to human services; changing eligibility for group residential housing; amending Minnesota Statutes 2008, section 256I.04, subdivision 1.

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

**Senator Metzen introduced—**

**S.F. No. 1167:** A bill for an act relating to capital investment; authorizing spending to better public land and other improvements of a capital nature; appropriating money for the swing bridge in Inver Grove Heights; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Olson, M. introduced–**

**S.F. No. 1168:** A bill for an act relating to capital improvements; appropriating money for infrastructure improvements in the city of Cass Lake; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Olson, M. introduced–**

**S.F. No. 1169:** A bill for an act relating to capital improvements; appropriating money for street and infrastructure improvements in the city of Cass Lake; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Olson, M. introduced–**

**S.F. No. 1170:** A bill for an act relating to capital improvements; authorizing the sale and issuance of state bonds; appropriating money for bridge design and construction on the Paul Bunyan Trail.

Referred to the Committee on Finance.

**Senators Koch and Ingebrigtsen introduced–**

**S.F. No. 1171:** A bill for an act relating to human services; requiring drug screening for MFIP eligibility; amending Minnesota Statutes 2008, section 256J.15, by adding a subdivision.

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

**Senator Koch introduced–**

**S.F. No. 1172:** A bill for an act relating to state government; extending the exemption from alcohol and controlled substances testing; amending Minnesota Statutes 2008, section 221.031, subdivision 10.

Referred to the Committee on Transportation.

**Senators Dibble, Frederickson, Anderson, Rummel and Olson, M. introduced–**

**S.F. No. 1173:** A bill for an act relating to natural resources; providing for state forest traditional areas; proposing coding for new law in Minnesota Statutes, chapter 89.

Referred to the Committee on Environment and Natural Resources.

**Senators Dibble, Anderson, Frederickson, Rummel and Olson, M. introduced–**

**S.F. No. 1174:** A bill for an act relating to natural resources; eliminating managed forests for purposes of off-highway vehicle travel; modifying forest classification requirements; amending



Minnesota Statutes 2008, section 84.926, subdivisions 2, 4; Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended.

Referred to the Committee on Environment and Natural Resources.

**Senator Murphy introduced—**

**S.F. No. 1175:** A bill for an act relating to capital improvements; appropriating money for the Goodhue Pioneer Trail; authorizing the sale and issuance of general obligation bonds.

Referred to the Committee on Finance.

**Senator Rummel introduced—**

**S.F. No. 1176:** A bill for an act relating to noxious weeds; allowing municipalities to adopt ordinances for the eradication of buckthorn; amending Minnesota Statutes 2008, section 18.78, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

**Senators Saxhaug and Bakk introduced—**

**S.F. No. 1177:** A bill for an act relating to taxation; providing utility transition aid to counties; amending Minnesota Statutes 2008, section 477A.16, subdivisions 1, 2.

Referred to the Committee on Taxes.

**Senators Bonoff, Dille, Dibble, Rest and Sieben introduced—**

**S.F. No. 1178:** A bill for an act relating to capital improvements; appropriating money for the Little Crow Transit Way; appropriating money; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Betzold introduced—**

**S.F. No. 1179:** A bill for an act relating to retirement; Public Employees Retirement Association; adding a statute of limitations for correcting contributions paid on ineligible salary and for recovering overpaid benefits; revising interest requirements; amending Minnesota Statutes 2008, section 353.27, subdivisions 7, 7b.

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

**Senator Betzold introduced—**

**S.F. No. 1180:** A bill for an act relating to retirement; amending deferred compensation plan provisions; defining terms; regulating the state unclassified employees retirement program; regulating data; amending Minnesota Statutes 2008, sections 352.965, subdivisions 2, 6; 352D.015, subdivision 9; 352D.02, by adding a subdivision; 352D.04, subdivision 1; 352D.05, subdivision 3; 352D.06, subdivisions 1, 3; 352D.065, subdivision 3; 352D.09, subdivisions 3, 7.

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

**Senator Rest introduced—**

**S.F. No. 1181:** A bill for an act relating to local government; providing publishing alternatives to legal newspapers; amending Minnesota Statutes 2008, sections 10.60, subdivisions 1, 2, 4; 331A.03, by adding subdivisions; 645.11; 645.12, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 331A; repealing Minnesota Statutes 2008, section 331A.03, subdivisions 2, 3.

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

**Senator Saxhaug introduced—**

**S.F. No. 1182:** A bill for an act relating to taxation; authorizing the city of Grand Rapids to impose a local sales tax; adjusting the local government aid payment to the city.

Referred to the Committee on Taxes.

**Senators Olseen; Olson, M. and Ortman introduced—**

**S.F. No. 1183:** A bill for an act relating to transportation; highways; removing or altering routes on the trunk highway system; amending Minnesota Statutes 2008, section 161.115, subdivision 118.

Referred to the Committee on Transportation.

**Senators Rest, Moua, Dibble, Betzold and Scheid introduced—**

**S.F. No. 1184:** A bill for an act relating to taxation; tax increment financing; housing replacement districts; allowing additional authority to spend increments for housing replacement district plans; authorizing the city of Brooklyn Park to establish housing replacement districts; eliminating the local contribution requirement for housing replacement districts; reauthorizing the cities of St. Paul and Fridley to use special laws for housing replacement; amending Minnesota Statutes 2008, section 469.1763, subdivision 2; Laws 1995, chapter 264, article 5, sections 44, subdivision 4, as amended; 45, subdivision 1, as amended.

Referred to the Committee on Taxes.

**Senators Sparks, Foley and Pariseau introduced—**

**S.F. No. 1185:** A bill for an act relating to real property; providing for waiver of storage of abandoned property; amending Minnesota Statutes 2008, section 504B.271, subdivisions 1, 2, by adding a subdivision.

Referred to the Committee on Judiciary.

**Senators Moua and Olson, M. introduced—**

**S.F. No. 1186:** A bill for an act relating to crimes; providing for an omnibus sexual conduct technical review bill; amending Minnesota Statutes 2008, sections 609.341, subdivision 11;

609.342, subdivision 1; 609.343, subdivision 1; 609.3455, by adding a subdivision.

Referred to the Committee on Judiciary.

**Senators Carlson, Berglin, Marty, Torres Ray and Moua introduced—**

**S.F. No. 1187:** A bill for an act relating to health occupations; removing the number of attempts allowed to pass the medical licensing examination; amending Minnesota Statutes 2008, section 147.02, subdivision 1.

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

**Senators Ingebrigtsen, Senjem and Ortman introduced—**

**S.F. No. 1188:** A bill for an act relating to public safety; transferring control of the Minnesota correctional facility - Moose Lake from the commissioner of corrections to the commissioner of human services; requiring the commissioner of human services to use the Moose Lake facility to house civilly committed sex offenders; requiring the commissioner of corrections to house offenders in private prisons; establishing standards to compare private and state-funded prisons; requiring third-party evaluation of public and private persons.

Referred to the Committee on Judiciary.

**Senator Sheran introduced—**

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

Referred to the Committee on Business, Industry and Jobs.

**Senators Dille, Stumpf, Clark, Robling and Skogen introduced—**

**S.F. No. 1190:** A bill for an act relating to education; creating a training initiative for character development; appropriating money.

Referred to the Committee on Finance.

**Senators Rosen and Betzold introduced—**

**S.F. No. 1191:** A bill for an act relating to retirement; extending Fairmont Police Relief Association amortization target date from 2010 to 2020; amending Minnesota Statutes 2008, section 69.77, subdivision 4.

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

**Senator Betzold introduced—**

**S.F. No. 1192:** A bill for an act relating to appropriations; appropriating money to the Campaign Finance and Public Disclosure Board; authorizing a carryover of certain funds.

Referred to the Committee on Finance.

**Senator Dahle introduced—**

**S.F. No. 1193:** A bill for an act relating to transportation; authorizing the sale and issuance of state bonds; appropriating money for an alternatives analysis of a commuter rail line between Northfield and St. Paul.

Referred to the Committee on Finance.

**Senators Skogen, Rosen, Langseth, Bakk and Carlson introduced—**

**S.F. No. 1194:** A bill for an act relating to energy; creating small power producer grant program; appropriating money.

Referred to the Committee on Finance.

**Senators Clark and Bonoff introduced—**

**S.F. No. 1195:** A bill for an act relating to early childhood education; modifying child care assistance provider rates; creating a quality rating and improvement system; modifying child care improvement grants; appropriating money; amending Minnesota Statutes 2008, sections 119B.04, by adding a subdivision; 119B.13, subdivision 3a; 119B.21, subdivisions 5, 10; proposing coding for new law in Minnesota Statutes, chapter 124D.

Referred to the Committee on Education.

**Senators Foley, Higgins, Ortman, Scheid and Limmer introduced—**

**S.F. No. 1196:** A bill for an act relating to courts; providing the Fourth Judicial District with fiscal flexibility as to the location of court facilities; amending Minnesota Statutes 2008, section 484.91, subdivision 1; repealing Minnesota Statutes 2008, section 383B.65, subdivision 2.

Referred to the Committee on Judiciary.

**Senators Tomassoni, Metzen, Sparks and Bakk introduced—**

**S.F. No. 1197:** A bill for an act relating to unemployment insurance; conforming Minnesota law to the requirements necessary to receive federal stimulus funds; appropriating money; amending Minnesota Statutes 2008, sections 268.035, subdivisions 4, as amended, 23a; 268.07, subdivisions 1, 2; 268.095, subdivision 1.

Referred to the Committee on Business, Industry and Jobs.

**Senators Bonoff and Day introduced—**

**S.F. No. 1198:** A bill for an act relating to employment and economic development; making technical changes; limiting certain liability; waiving certain unemployment benefit requirements for dislocated workers; expanding the authorized use of the Minnesota investment fund; modifying

unemployment insurance provisions; requiring appeals to be filed online; providing for collection of fees; regulating continued request for unemployment benefits filings; providing administrative penalties; defining and clarifying terms; appropriating money; amending Minnesota Statutes 2008, sections 15.75, subdivision 5; 16B.54, subdivision 2; 84.94, subdivision 3; 116J.035, subdivision 6; 116J.401, subdivision 2; 116J.435, subdivisions 2, 3; 116J.68, subdivision 2; 116J.8731, subdivisions 2, 3; 116L.03, subdivision 5; 116L.05, subdivision 5; 116L.871, subdivision 1; 116L.96; 123A.08, subdivision 1; 124D.49, subdivision 3; 241.27, subdivision 1; 248.061, subdivision 3; 248.07, subdivisions 7, 8; 256J.626, subdivision 4; 256J.66, subdivision 1; 268.035, subdivisions 2, 17, by adding subdivisions; 268.042, subdivision 3; 268.043; 268.044, subdivision 2; 268.047, subdivisions 1, 2; 268.051, subdivisions 1, 4; 268.052, subdivision 2; 268.053, subdivision 1; 268.057, subdivisions 4, 5; 268.0625, subdivision 1; 268.066; 268.067; 268.069, subdivision 1; 268.07, subdivisions 1, 2, 3, 3b; 268.084; 268.085, subdivisions 1, 2, 3, 3a, 4, 5, 6, 15; 268.095, subdivisions 1, 2, 6, 10, 11; 268.101, subdivisions 1, 2; 268.103, subdivision 1, by adding a subdivision; 268.105, subdivisions 1, 2, 3a; 268.115, subdivision 5; 268.125, subdivision 5; 268.135, subdivision 4; 268.145, subdivision 1; 268.18, subdivisions 1, 2, 4a; 268.186; 268.196, subdivisions 1, 2; 268.199; 268.211; 268A.06, subdivision 1; 469.169, subdivision 3; 469.321, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2008, sections 116J.402; 116J.413; 116J.58, subdivision 1; 116J.59; 116J.61; 116J.656; 116L.16; 116L.88; 116U.65; 268.085, subdivision 14; 268.086; 469.329; Minnesota Rules, part 3310.2925.

Referred to the Committee on Business, Industry and Jobs.

**Senator Rest introduced—**

**S.F. No. 1199:** A bill for an act proposing an amendment to the Minnesota Constitution, article VII, by adding a section; providing for certain officers to be elected by a majority of the votes cast at the general election for the office.

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

**Senators Pappas, Marty, Higgins and Torres Ray introduced—**

**S.F. No. 1200:** A bill for an act relating to health; appropriating money for demonstration grants to prevent sexual violence.

Referred to the Committee on Finance.

**Senators Murphy, Senjem and Lynch introduced—**

**S.F. No. 1201:** A bill for an act relating to natural resources; appropriating money for design and engineering for restoration of Lake Zumbro; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Koering introduced—**

**S.F. No. 1202:** A bill for an act relating to capital improvements; appropriating money for a regional community center in Upsala; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Koering introduced—**

**S.F. No. 1203:** A bill for an act relating to environment; establishing a grant program for idling reduction technology purchases; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Environment and Natural Resources.

**Senator Koering introduced—**

**S.F. No. 1204:** A bill for an act relating to capital improvements; appropriating money for a Tri-County Regional Services Center; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Koering introduced—**

**S.F. No. 1205:** A bill for an act relating to capital improvements; appropriating money for a new dam for the Platte River Watershed in Morrison County; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senators Bakk and Prettner Solon introduced—**

**S.F. No. 1206:** A bill for an act relating to capital improvements; appropriating money for an airliner maintenance, repair, and operations (MRO) facility in Duluth; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Betzold introduced—**

**S.F. No. 1207:** A bill for an act relating to state government; changing data practices provisions; amending Minnesota Statutes 2008, sections 13.06, subdivisions 1, 3, 4, 5, 7, by adding subdivisions; 13.43, subdivisions 1, 2, by adding subdivisions; 13.64; 16B.97, by adding a subdivision; repealing Minnesota Statutes 2008, section 13.06, subdivision 2; Minnesota Rules, part 1205.1800.

Referred to the Committee on Judiciary.

**Senators Dibble, Foley, Moua, Murphy and Latz introduced—**

**S.F. No. 1208:** A bill for an act relating to human services; modifying provisions governing medical assistance claims and liens; amending Minnesota Statutes 2008, sections 256B.15, subdivisions 1, 1a, 2; 514.983, subdivision 2.

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

**Senator Dibble introduced–**

**S.F. No. 1209:** A bill for an act relating to capital improvements; appropriating money for transit improvement areas; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senators Dibble, Anderson, Moua, Pappas and Cohen introduced–**

**S.F. No. 1210:** A bill for an act relating to marriage; providing for gender-neutral marriage laws; amending Minnesota Statutes 2008, sections 363A.27; 517.01; 517.03, subdivision 1; 517.08, subdivision 1a; 517.09.

Referred to the Committee on Judiciary.

**Senators Lynch, Senjem, Higgins, Olseen and Ingebrigtsen introduced–**

**S.F. No. 1211:** A bill for an act relating to public safety; providing earned release dates for imprisoned offenders and requiring that offenders who qualify be placed on enhanced reentry supervised release; repealing the law requiring that short-term offenders be incarcerated in local correctional facilities; appropriating money; amending Minnesota Statutes 2008, sections 244.01, by adding subdivisions; 244.101, subdivisions 1, 2, 3; 609.105, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 244; repealing Minnesota Statutes 2008, section 609.105, subdivisions 1a, 1b.

Referred to the Committee on Judiciary.

**Senator Moua introduced–**

**S.F. No. 1212:** A bill for an act relating to civil actions; modifying civil liability for labor and sex trafficking crimes; proposing coding for new law in Minnesota Statutes, chapter 299A; repealing Minnesota Statutes 2008, section 609.284, subdivision 2.

Referred to the Committee on Judiciary.

**Senator Prettner Solon introduced–**

**S.F. No. 1213:** A bill for an act relating to energy; utilities; modifying certificate of need exemption status for large wind-powered electric generation facility; amending Minnesota Statutes 2008, section 216B.243, subdivisions 8, 9.

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

**Senators Prettner Solon, Dibble and Anderson introduced–**

**S.F. No. 1214:** A bill for an act relating to utilities; creating mass transit zone for utility reinvestment and cost recovery; amending Minnesota Statutes 2008, section 216B.16, by adding a subdivision.

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

**Senators Kubly, Torres Ray, Rummel, Anderson and Doll introduced–**

**S.F. No. 1215:** A bill for an act relating to energy; providing funding for clean energy resource teams; appropriating money.

Referred to the Committee on Finance.

**Senators Clark, Bonoff, Saxhaug, Wiger and Michel introduced–**

**S.F. No. 1216:** A bill for an act relating to early childhood education; funding various early, community, and adult education programs; appropriating money.

Referred to the Committee on Finance.

**Senator Higgins introduced–**

**S.F. No. 1217:** A bill for an act relating to health; modifying emergency medical transport provisions; amending Minnesota Statutes 2008, section 144.604, subdivisions 1, 2; repealing Minnesota Statutes 2008, section 144.604, subdivision 3.

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

**Senators Clark, Bonoff, Saxhaug, Wiger and Michel introduced–**

**S.F. No. 1218:** A bill for an act relating to education; amending early childhood education provisions; amending Minnesota Statutes 2008, sections 124D.135, subdivision 3; 124D.15, subdivisions 1, 3, by adding subdivisions; 124D.19, subdivisions 10, 14; 124D.522; 299A.297; proposing coding for new law in Minnesota Statutes, chapter 124D; repealing Minnesota Statutes 2008, sections 121A.27; 124D.13, subdivision 13.

Referred to the Committee on Education.

**Senators Rest, Higgins, Pogemiller and Pariseau introduced–**

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

Referred to the Committee on Judiciary.

**Senators Scheid, Hann, Berglin, Lourey and Higgins introduced–**

**S.F. No. 1220:** A bill for an act relating to health; expanding the definition for standard reference compendia; amending Minnesota Statutes 2008, section 62Q.525, subdivision 2.

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

**Senator Pappas introduced–**

**S.F. No. 1221:** A bill for an act relating to health; clarifying information provided by hospitals



to sexual assault victims; amending Minnesota Statutes 2008, section 145.4712, subdivision 1.

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

**Senator Pappas introduced—**

**S.F. No. 1222:** A bill for an act relating to higher education; regulating the term of members of the Regent Candidate Advisory Council; amending Minnesota Statutes 2008, section 137.0245, subdivision 2.

Referred to the Committee on Higher Education.

**Senators Saltzman, Scheid, Murphy and Koch introduced—**

**S.F. No. 1223:** A bill for an act relating to family law; changing a rebuttable presumption of minimum parenting time; specifying factors for rebuttal; changing a parenting expense adjustment; amending Minnesota Statutes 2008, sections 518.175, subdivision 1; 518A.36, subdivision 2.

Referred to the Committee on Judiciary.

**Senator Betzold introduced—**

**S.F. No. 1224:** A bill for an act relating to the secretary of state; regulating various filings and fees; defining certain terms; amending Minnesota Statutes 2008, sections 5.12, subdivision 1; 5.29; 5.32; 270C.63, subdivision 13; 302A.821; 303.14; 303.16, subdivision 4; 308A.995; 308B.121, subdivisions 1, 2; 317A.823; 321.0206; 321.0210; 321.0810; 322B.960; 323A.1003; 333.055; 336A.04, subdivision 3; 336A.09, subdivision 2; 359.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 5.

Referred to the Committee on Finance.

**Senators Chaudhary, Saxhaug and Olson, G. introduced—**

**S.F. No. 1225:** A bill for an act relating to game and fish; removing bow and gun case requirements; amending Minnesota Statutes 2008, sections 97B.035, subdivision 2; 97B.041; 97B.045, subdivision 1; 97B.051; 609.66, subdivision 1d.

Referred to the Committee on Environment and Natural Resources.

**Senators Dibble, Sheran, Murphy and Carlson introduced—**

**S.F. No. 1226:** A bill for an act relating to transportation; creating Minnesota Council on Transportation Access to improve availability and coordination of services to the transit public; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 174.

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

**Senators Dille, Clark, Robling, Marty and Moua introduced—**

**S.F. No. 1227:** A bill for an act relating to marriage; establishing a Minnesota divorce reconciliation project; redirecting disposition of a portion of the marriage license fee; requiring participation in a marriage dissolution education program before commencing marriage dissolution proceedings involving minor children; appropriating money; amending Minnesota Statutes 2008, section 517.08, subdivision 1c; proposing coding for new law in Minnesota Statutes, chapters 256; 518.

Referred to the Committee on Judiciary.

**Senators Dille and Moua introduced—**

**S.F. No. 1228:** A bill for an act relating to public safety; authorizing stays of adjudication in certain criminal cases involving consensual sexual relationships with an underaged victim; providing that offenders who receive these stays do not have to register as predatory offenders; classifying data; requiring existing sex education programs to address criminal sexual conduct laws; amending Minnesota Statutes 2008, sections 13.871, subdivision 3; 121A.23, subdivision 1; 243.166, by adding a subdivision; 609.095; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

**Senators Prettner Solon and Sheran introduced—**

**S.F. No. 1229:** A bill for an act relating to human services; modifying personal care assistance services; amending Minnesota Statutes 2008, sections 144A.44, subdivision 2; 256B.0655, subdivisions 1b, 1g, 2, 3, 7; 626.556, subdivision 3c, by adding a subdivision.

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

**Senators Clark, Michel, Rest, Lourey and Pappas introduced—**

**S.F. No. 1230:** A bill for an act relating to state government; providing for an independent Office of Strategic and Long-Range Planning; transferring duties; appropriating money; amending Minnesota Statutes 2008, sections 4A.01; 4A.02; 4A.06.

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

**Senators Ortman, Moua, Higgins, Betzold and Latz introduced—**

**S.F. No. 1231:** A bill for an act relating to public safety; recodifying and restructuring the law on expungements of criminal records; expanding eligibility for expungements; proposing coding for new law as Minnesota Statutes, chapter 609C; repealing Minnesota Statutes 2008, sections 609A.01; 609A.02; 609A.03.

Referred to the Committee on Judiciary.

**Senators Anderson, Erickson Ropes, Dibble and Doll introduced—**

**S.F. No. 1232:** A bill for an act relating to taxation; income; franchise; property; sales and use; providing tax incentives for businesses in green job zones; providing for certification of qualifying businesses; appropriating money; amending Minnesota Statutes 2008, sections 268.19, subdivision 1; 270B.14, subdivision 3; 270B.15; 289A.12, by adding a subdivision; 290.01, subdivisions 19b, 29; 290.06, subdivision 2c, by adding a subdivision; 290.067, subdivision 1; 290.0671, subdivision 1; 290.091, subdivision 2; 290.0921, subdivision 3; 290.0922, subdivisions 2, 3; 297A.68, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on Taxes.

**Senators Kubly, Pappas, Skogen, Koering and Jungbauer introduced—**

**S.F. No. 1233:** A bill for an act relating to health occupations; establishing licensure for massage therapists; establishing fees; requiring rulemaking; providing penalties; amending Minnesota Statutes 2008, sections 116J.70, subdivision 2a; 214.01, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 147F.

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

**Senators Olson, M.; Higgins; Scheid and Limmer introduced—**

**S.F. No. 1234:** A bill for an act relating to public safety; amending provisions relating to domestic abuse; expanding definition of family or household member; providing for statewide application and expanded use of domestic abuse no contact orders; amending Minnesota Statutes 2008, section 518B.01, subdivisions 2, 20, 22.

Referred to the Committee on Judiciary.

**Senators Marty, Higgins and Dibble introduced—**

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

Referred to the Committee on Judiciary.

**Senator Ortman introduced—**

**S.F. No. 1236:** A bill for an act relating to public safety; expanding the trespass crime to prohibit entry into areas cordoned off by peace officers; amending Minnesota Statutes 2008, section 609.605, subdivision 1.

Referred to the Committee on Judiciary.

**Senators Marty, Berglin and Doll introduced—**

**S.F. No. 1237:** A bill for an act relating to health; preventing conflicts of interest; banning gifts from drug or medical device manufacturers or distributors to physicians and formulary committee

members; amending Minnesota Statutes 2008, sections 151.461; 151.47, subdivision 1; 256B.0625, subdivision 13c; proposing coding for new law in Minnesota Statutes, chapter 62J.

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

**Senators Prettner Solon, Marty and Doll introduced—**

**S.F. No. 1238:** A bill for an act relating to health; enforcing Minnesota unfair price discrimination law for prescription drugs; requiring disclosure of all financial transactions related to prescription drug pricing; requiring certificate of authority for a pharmacy benefits manager; requiring rulemaking; providing civil penalties; amending Minnesota Statutes 2008, section 151.061, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 151A.

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

**Senator Dibble introduced—**

**S.F. No. 1239:** A bill for an act relating to public safety; amending provisions relating to domestic abuse; providing that violations of a no contact order disqualify offenders from possessing a firearm; amending Minnesota Statutes 2008, sections 518B.01, subdivision 22; 609.5316, subdivision 3.

Referred to the Committee on Judiciary.

**Senators Dibble and Higgins introduced—**

**S.F. No. 1240:** A bill for an act relating to public safety; providing that interference with an emergency call disqualifies an offender from possessing a firearm; amending Minnesota Statutes 2008, section 609.78, subdivisions 2, 3.

Referred to the Committee on Judiciary.

**MOTIONS AND RESOLUTIONS - CONTINUED**

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

**CALENDAR**

**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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Hann	Limmer	Vandev eer
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So the bill passed and its title was agreed to.

**S.F. No. 452:** A bill for an act relating to highways; designating Becker County Veterans Memorial Highway on portions of marked Trunk Highways 34 and 87; amending Minnesota Statutes 2008, section 161.14, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 451:** A bill for an act relating to highways; designating the Clearwater County Veterans Memorial Highway; amending Minnesota Statutes 2008, section 161.14, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Bonoff	Cohen	Dille	Foley
Bakk	Carlson	Dahle	Doll	Frederickson
Berglin	Chaudhary	Day	Erickson Ropes	Gerlach
Betzold	Clark	Dibble	Fobbe	Gimse

Hann	Langseth	Olseen	Robling	Skogen
Higgins	Latz	Olson, G.	Rosen	Sparks
Ingebrigtsen	Lourey	Olson, M.	Rummel	Stumpf
Johnson	Lynch	Ortman	Saltzman	Tomassoni
Jungbauer	Marty	Pappas	Saxhaug	Torres Ray
Kelash	Metzen	Pariseau	Senjem	Vandever
Koch	Michel	Pogemiller	Sheran	Vickerman
Koering	Moua	Prettner Solon	Sieben	Wiger
Kubly	Murphy	Rest	Skoe	

Those who voted in the negative were:

Limmer

So the bill passed and its title was agreed to.

**S.F. No. 757:** A bill for an act relating to public safety; authorizing Department of Public Safety to collect fuel decal fee for International Fuel Tax Agreement; removing rule establishing cost of decal fee; amending Minnesota Statutes 2008, section 168D.07; repealing Minnesota Rules, part 7403.1400.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Limmer                      Vandever

So the bill passed and its title was agreed to.

**S.F. No. 656:** A bill for an act relating to energy; directing Legislative Energy Commission to analyze state energy standards for certain appliances.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 46 and nays 19, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Hann	Koch	Olson, G.	Rosen
Dille	Ingebrigtsen	Koering	Ortman	Senjem
Gerlach	Johnson	Limmer	Pariseau	Vandever
Gimse	Jungbauer	Michel	Robling	

So the bill passed and its title was agreed to.

**S.F. No. 594:** A bill for an act relating to occupational safety and health; requiring safe patient handling plans in clinical settings; amending Minnesota Statutes 2008, sections 182.6551; 182.6552, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 182.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Kelash	Olson, M.	Saxhaug
Bakk	Dahle	Latz	Pappas	Sheran
Berglin	Dibble	Lourey	Pariseau	Sieben
Betzold	Doll	Marty	Pogemiller	Skoe
Bonoff	Erickson Ropes	Metzen	Prettner Solon	Tomassoni
Carlson	Fobbe	Moua	Rest	Torres Ray
Chaudhary	Foley	Olseen	Rummel	Wiger
Clark	Higgins	Olson, G.	Saltzman	

Those who voted in the negative were:

Day	Ingebrigtsen	Langseth	Robling	Vandever
Dille	Johnson	Limmer	Rosen	Vickerman
Frederickson	Jungbauer	Lynch	Senjem	
Gerlach	Koch	Michel	Skogen	
Gimse	Koering	Murphy	Sparks	
Hann	Kubly	Ortman	Stumpf	

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Saltzman moved that S.F. No. 618 be withdrawn from the Committee on Commerce and Consumer Protection and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Senator Saltzman moved that S.F. No. 866 be withdrawn from the Committee on Education and re-referred to the Committee on State and Local Government Operations and Oversight. The motion

prevailed.

Senator Clark moved that S.F. No. 487 be withdrawn from the Committee on Education and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Koch moved that S.F. No. 755, on General Orders, be stricken and re-referred to the Committee on Taxes. The motion prevailed.

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

## REPORTS OF COMMITTEES

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

**H.F. No. 392:** A bill for an act relating to taxation; providing a federal update; modifying computation of net income and payment of corporate franchise tax refunds; modifying requirements for appointment of commissioner of Department of Revenue; amending Minnesota Statutes 2008, sections 270C.02, subdivision 1; 289A.02, subdivision 7; 290.01, subdivisions 19, 19a, 19c, 19d, 31, by adding a subdivision; 290.067, subdivision 2a; 290A.03, subdivisions 3, 15; 291.005, subdivision 1.

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

Delete everything after the enacting clause and insert:

### "ARTICLE 1

#### FEDERAL CONFORMITY

Section 1. Minnesota Statutes 2008, section 289A.02, subdivision 7, is amended to read:

Subd. 7. **Internal Revenue Code.** Unless specifically defined otherwise, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through ~~February 13~~ June 17, 2008.

**EFFECTIVE DATE.** This section is effective the day following final enactment, except the changes incorporated by federal changes are effective at the same time as the changes were effective for federal purposes.

Sec. 2. Minnesota Statutes 2008, section 290.01, subdivision 19, is amended to read:

Subd. 19. **Net income.** The term "net income" means the federal taxable income, as defined in section 63 of the Internal Revenue Code of 1986, as amended through the date named in this subdivision, incorporating the federal effective dates of changes to the Internal Revenue Code and any elections made by the taxpayer in accordance with the Internal Revenue Code in determining federal taxable income for federal income tax purposes, and with the modifications provided in subdivisions 19a to 19f.

In the case of a regulated investment company or a fund thereof, as defined in section 851(a) or 851(g) of the Internal Revenue Code, federal taxable income means investment company taxable



income as defined in section 852(b)(2) of the Internal Revenue Code, except that:

(1) the exclusion of net capital gain provided in section 852(b)(2)(A) of the Internal Revenue Code does not apply;

(2) the deduction for dividends paid under section 852(b)(2)(D) of the Internal Revenue Code must be applied by allowing a deduction for capital gain dividends and exempt-interest dividends as defined in sections 852(b)(3)(C) and 852(b)(5) of the Internal Revenue Code; and

(3) the deduction for dividends paid must also be applied in the amount of any undistributed capital gains which the regulated investment company elects to have treated as provided in section 852(b)(3)(D) of the Internal Revenue Code.

The net income of a real estate investment trust as defined and limited by section 856(a), (b), and (c) of the Internal Revenue Code means the real estate investment trust taxable income as defined in section 857(b)(2) of the Internal Revenue Code.

The net income of a designated settlement fund as defined in section 468B(d) of the Internal Revenue Code means the gross income as defined in section 468B(b) of the Internal Revenue Code.

The Internal Revenue Code of 1986, as amended through ~~February 13~~ June 17, 2008, other than changes included in Public Law 110-234, and as amended by division C, sections 202, 203, and 204 of Public Law 110-343 and sections 3012 and 3023 of Public Law 110-289, shall be in effect for taxable years beginning after December 31, 1996.

Except as otherwise provided, references to the Internal Revenue Code in subdivisions 19 to 19f mean the code in effect for purposes of determining net income for the applicable year.

**EFFECTIVE DATE.** This section is effective for taxable years beginning after December 31, 2007.

Sec. 3. Minnesota Statutes 2008, section 290.01, subdivision 19a, is amended to read:

Subd. 19a. **Additions to federal taxable income.** For individuals, estates, and trusts, there shall be added to federal taxable income:

(1)(i) interest income on obligations of any state other than Minnesota or a political or governmental subdivision, municipality, or governmental agency or instrumentality of any state other than Minnesota exempt from federal income taxes under the Internal Revenue Code or any other federal statute; and

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, except the portion of the exempt-interest dividends derived from interest income on obligations of the state of Minnesota or its political or governmental subdivisions, municipalities, governmental agencies or instrumentalities, but only if the portion of the exempt-interest dividends from such Minnesota sources paid to all shareholders represents 95 percent or more of the exempt-interest dividends that are paid by the regulated investment company as defined in section 851(a) of the Internal Revenue Code, or the fund of the regulated investment company as defined in section 851(g) of the Internal Revenue Code, making the payment; ~~and~~

~~(iii)~~ For the purposes of ~~items (i) and (ii)~~ this clause, interest on obligations of an Indian tribal government described in section 7871(c) of the Internal Revenue Code shall be treated as interest

income on obligations of the state in which the tribe is located; and interest and dividends from obligations guaranteed by a federal home loan bank are considered exempt from federal taxation to the same extent that they are exempt under section 3023 of Public Law 110-289;

(2) the amount of income or sales and use taxes paid or accrued within the taxable year under this chapter and the amount of taxes based on net income paid or sales and use taxes paid to any other state or to any province or territory of Canada, to the extent allowed as a deduction under section 63(d) of the Internal Revenue Code, but the addition may not be more than the amount by which the itemized deductions as allowed under section 63(d) of the Internal Revenue Code exceeds the amount of the standard deduction as defined in section 63(c) of the Internal Revenue Code. For the purpose of this paragraph, the disallowance of itemized deductions under section 68 of the Internal Revenue Code of 1986, income or sales and use tax is the last itemized deduction disallowed;

(3) the capital gain amount of a lump-sum distribution to which the special tax under section 1122(h)(3)(B)(ii) of the Tax Reform Act of 1986, Public Law 99-514, applies;

(4) the amount of income taxes paid or accrued within the taxable year under this chapter and taxes based on net income paid to any other state or any province or territory of Canada, to the extent allowed as a deduction in determining federal adjusted gross income. For the purpose of this paragraph, income taxes do not include the taxes imposed by sections 290.0922, subdivision 1, paragraph (b), 290.9727, 290.9728, and 290.9729;

(5) the amount of expense, interest, or taxes disallowed pursuant to section 290.10 other than expenses or interest used in computing net interest income for the subtraction allowed under subdivision 19b, clause (1);

(6) the amount of a partner's pro rata share of net income which does not flow through to the partner because the partnership elected to pay the tax on the income under section 6242(a)(2) of the Internal Revenue Code;

(7) 80 percent of the depreciation deduction allowed under section 168(k) of the Internal Revenue Code. For purposes of this clause, if the taxpayer has an activity that in the taxable year generates a deduction for depreciation under section 168(k) and the activity generates a loss for the taxable year that the taxpayer is not allowed to claim for the taxable year, "the depreciation allowed under section 168(k)" for the taxable year is limited to excess of the depreciation claimed by the activity under section 168(k) over the amount of the loss from the activity that is not allowed in the taxable year. In succeeding taxable years when the losses not allowed in the taxable year are allowed, the depreciation under section 168(k) is allowed;

(8) 80 percent of the amount by which the deduction allowed by section 179 of the Internal Revenue Code exceeds the deduction allowable by section 179 of the Internal Revenue Code of 1986, as amended through December 31, 2003;

(9) to the extent deducted in computing federal taxable income, the amount of the deduction allowable under section 199 of the Internal Revenue Code;

(10) the exclusion allowed under section 139A of the Internal Revenue Code for federal subsidies for prescription drug plans;

(11) the amount of expenses disallowed under section 290.10, subdivision 2;

(12) ~~for taxable years beginning after December 31, 2006, and before January 1, 2008, the amount deducted for qualified tuition and related expenses under section 222 of the Internal Revenue Code, to the extent deducted from gross income; and~~

(13) ~~for taxable years beginning after December 31, 2006, and before January 1, 2008, the amount deducted for certain expenses of elementary and secondary school teachers under section 62(a)(2)(D) of the Internal Revenue Code, to the extent deducted from gross income; and~~

(14) the additional standard deduction for property taxes payable that is allowable under division C, section 204 of Public Law 110-343 or section 3012 of Public Law 110-289.

**EFFECTIVE DATE.** This section is effective for taxable years beginning after December 31, 2007.

Sec. 4. Minnesota Statutes 2008, section 290.01, subdivision 31, is amended to read:

Subd. 31. **Internal Revenue Code.** Unless specifically defined otherwise, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through ~~February 13~~ June 17, 2008.

**EFFECTIVE DATE.** This section is effective the day following final enactment, except the changes incorporated by federal changes are effective at the same time as the changes were effective for federal purposes.

Sec. 5. Minnesota Statutes 2008, section 290.067, subdivision 2a, is amended to read:

Subd. 2a. **Income.** (a) For purposes of this section, "income" means the sum of the following:

(1) federal adjusted gross income as defined in section 62 of the Internal Revenue Code; and

(2) the sum of the following amounts to the extent not included in clause (1):

(i) all nontaxable income;

(ii) the amount of a passive activity loss that is not disallowed as a result of section 469, paragraph (i) or (m) of the Internal Revenue Code and the amount of passive activity loss carryover allowed under section 469(b) of the Internal Revenue Code;

(iii) an amount equal to the total of any discharge of qualified farm indebtedness of a solvent individual excluded from gross income under section 108(g) of the Internal Revenue Code;

(iv) cash public assistance and relief;

(v) any pension or annuity (including railroad retirement benefits, all payments received under the federal Social Security Act, supplemental security income, and veterans benefits), which was not exclusively funded by the claimant or spouse, or which was funded exclusively by the claimant or spouse and which funding payments were excluded from federal adjusted gross income in the years when the payments were made;

(vi) interest received from the federal or a state government or any instrumentality or political subdivision thereof;

(vii) workers' compensation;

(viii) nontaxable strike benefits;

(ix) the gross amounts of payments received in the nature of disability income or sick pay as a result of accident, sickness, or other disability, whether funded through insurance or otherwise;

(x) a lump-sum distribution under section 402(e)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1995;

(xi) contributions made by the claimant to an individual retirement account, including a qualified voluntary employee contribution; simplified employee pension plan; self-employed retirement plan; cash or deferred arrangement plan under section 401(k) of the Internal Revenue Code; or deferred compensation plan under section 457 of the Internal Revenue Code;

(xii) nontaxable scholarship or fellowship grants;

(xiii) the amount of deduction allowed under section 199 of the Internal Revenue Code; ~~and~~

(xiv) the amount of deduction allowed under section 220 or 223 of the Internal Revenue Code; and

(xv) the amount of tuition expenses and educator expenses required to be added to income under section 290.01, subdivision 19a, clauses (12) and (13).

In the case of an individual who files an income tax return on a fiscal year basis, the term "federal adjusted gross income" means federal adjusted gross income reflected in the fiscal year ending in the next calendar year. Federal adjusted gross income may not be reduced by the amount of a net operating loss carryback or carryforward or a capital loss carryback or carryforward allowed for the year.

(b) "Income" does not include:

(1) amounts excluded pursuant to the Internal Revenue Code, sections 101(a) and 102;

(2) amounts of any pension or annuity that were exclusively funded by the claimant or spouse if the funding payments were not excluded from federal adjusted gross income in the years when the payments were made;

(3) surplus food or other relief in kind supplied by a governmental agency;

(4) relief granted under chapter 290A;

(5) child support payments received under a temporary or final decree of dissolution or legal separation; and

(6) restitution payments received by eligible individuals and excludable interest as defined in section 803 of the Economic Growth and Tax Relief Reconciliation Act of 2001, Public Law 107-16.

**EFFECTIVE DATE.** This section is effective for taxable years beginning after December 31, 2007.

Sec. 6. Minnesota Statutes 2008, section 290A.03, subdivision 3, is amended to read:

Subd. 3. **Income.** (1) "Income" means the sum of the following:

(a) federal adjusted gross income as defined in the Internal Revenue Code; and

(b) the sum of the following amounts to the extent not included in clause (a):

(i) all nontaxable income;

(ii) the amount of a passive activity loss that is not disallowed as a result of section 469, paragraph (i) or (m) of the Internal Revenue Code and the amount of passive activity loss carryover allowed under section 469(b) of the Internal Revenue Code;

(iii) an amount equal to the total of any discharge of qualified farm indebtedness of a solvent individual excluded from gross income under section 108(g) of the Internal Revenue Code;

(iv) cash public assistance and relief;

(v) any pension or annuity (including railroad retirement benefits, all payments received under the federal Social Security Act, Supplemental Security Income, and veterans benefits), which was not exclusively funded by the claimant or spouse, or which was funded exclusively by the claimant or spouse and which funding payments were excluded from federal adjusted gross income in the years when the payments were made;

(vi) interest received from the federal or a state government or any instrumentality or political subdivision thereof;

(vii) workers' compensation;

(viii) nontaxable strike benefits;

(ix) the gross amounts of payments received in the nature of disability income or sick pay as a result of accident, sickness, or other disability, whether funded through insurance or otherwise;

(x) a lump-sum distribution under section 402(e)(3) of the Internal Revenue Code of 1986, as amended through December 31, 1995;

(xi) contributions made by the claimant to an individual retirement account, including a qualified voluntary employee contribution; simplified employee pension plan; self-employed retirement plan; cash or deferred arrangement plan under section 401(k) of the Internal Revenue Code; or deferred compensation plan under section 457 of the Internal Revenue Code;

(xii) nontaxable scholarship or fellowship grants;

(xiii) the amount of deduction allowed under section 199 of the Internal Revenue Code; ~~and~~

(xiv) the amount of deduction allowed under section 220 or 223 of the Internal Revenue Code; and

(xv) the amount of tuition expenses and educator expenses required to be added to income under section 290.01, subdivision 19a, clauses (12) and (13).

In the case of an individual who files an income tax return on a fiscal year basis, the term "federal adjusted gross income" shall mean federal adjusted gross income reflected in the fiscal year ending in the calendar year. Federal adjusted gross income shall not be reduced by the amount of a net operating loss carryback or carryforward or a capital loss carryback or carryforward allowed for the year.

(2) "Income" does not include:

(a) amounts excluded pursuant to the Internal Revenue Code, sections 101(a) and 102;

(b) amounts of any pension or annuity which was exclusively funded by the claimant or spouse and which funding payments were not excluded from federal adjusted gross income in the years when the payments were made;

(c) surplus food or other relief in kind supplied by a governmental agency;

(d) relief granted under this chapter;

(e) child support payments received under a temporary or final decree of dissolution or legal separation; or

(f) restitution payments received by eligible individuals and excludable interest as defined in section 803 of the Economic Growth and Tax Relief Reconciliation Act of 2001, Public Law 107-16.

(3) The sum of the following amounts may be subtracted from income:

(a) for the claimant's first dependent, the exemption amount multiplied by 1.4;

(b) for the claimant's second dependent, the exemption amount multiplied by 1.3;

(c) for the claimant's third dependent, the exemption amount multiplied by 1.2;

(d) for the claimant's fourth dependent, the exemption amount multiplied by 1.1;

(e) for the claimant's fifth dependent, the exemption amount; and

(f) if the claimant or claimant's spouse was disabled or attained the age of 65 on or before December 31 of the year for which the taxes were levied or rent paid, the exemption amount.

For purposes of this subdivision, the "exemption amount" means the exemption amount under section 151(d) of the Internal Revenue Code for the taxable year for which the income is reported.

**EFFECTIVE DATE.** This section is effective for property tax refunds based on property taxes payable after December 31, 2008, and rent paid after December 31, 2007.

Sec. 7. Minnesota Statutes 2008, section 290A.03, subdivision 15, is amended to read:

Subd. 15. **Internal Revenue Code.** "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through ~~February 13~~ June 17, 2008.

**EFFECTIVE DATE.** This section is effective for property tax refunds based on property taxes payable after December 31, 2008, and rent paid after December 31, 2007.

Sec. 8. Minnesota Statutes 2008, section 291.005, subdivision 1, is amended to read:

Subdivision 1. **Scope.** Unless the context otherwise clearly requires, the following terms used in this chapter shall have the following meanings:

(1) "Federal gross estate" means the gross estate of a decedent as valued and otherwise determined for federal estate tax purposes by federal taxing authorities pursuant to the provisions of the Internal Revenue Code.

(2) "Minnesota gross estate" means the federal gross estate of a decedent after (a) excluding therefrom any property included therein which has its situs outside Minnesota, and (b) including therein any property omitted from the federal gross estate which is includable therein, has its situs in Minnesota, and was not disclosed to federal taxing authorities.

(3) "Personal representative" means the executor, administrator or other person appointed by the court to administer and dispose of the property of the decedent. If there is no executor, administrator or other person appointed, qualified, and acting within this state, then any person in actual or constructive possession of any property having a situs in this state which is included in the federal gross estate of the decedent shall be deemed to be a personal representative to the extent of the property and the Minnesota estate tax due with respect to the property.

(4) "Resident decedent" means an individual whose domicile at the time of death was in Minnesota.

(5) "Nonresident decedent" means an individual whose domicile at the time of death was not in Minnesota.

(6) "Situs of property" means, with respect to real property, the state or country in which it is located; with respect to tangible personal property, the state or country in which it was normally kept or located at the time of the decedent's death; and with respect to intangible personal property, the state or country in which the decedent was domiciled at death.

(7) "Commissioner" means the commissioner of revenue or any person to whom the commissioner has delegated functions under this chapter.

(8) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended through ~~February 13~~ June 17, 2008.

(9) "Minnesota adjusted taxable estate" means federal adjusted taxable estate as defined by section 2011(b)(3) of the Internal Revenue Code, increased by the amount of deduction for state death taxes allowed under section 2058 of the Internal Revenue Code.

**EFFECTIVE DATE.** This section is effective the day following final enactment, except the changes incorporated by federal changes are effective at the same time as the changes were effective for federal purposes.

**Sec. 9. WITHHOLDING ON DIFFERENTIAL PAY.**

The commissioner must not assess tax, penalty, or interest against an employer for failing to withhold tax from differential wages, as defined in Internal Revenue Code, section 3401(h)(2), paid before January 1, 2010, to an employee who has been called to active duty in the military services.

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

**Sec. 10. MINNESOTA HOUSING BONDS EXCLUDED FROM INDIVIDUAL ALTERNATIVE MINIMUM TAXABLE INCOME.**

Except to the extent includable in alternative minimum taxable income pursuant to Minnesota Statutes, section 290.091, subdivision 2, paragraph (a), clause (5), alternative minimum taxable income under Minnesota Statutes, section 290.091, subdivision 2, paragraph (a), does not include interest or dividends paid from certain housing bonds described in section 3022(a) of Public Law

110-289, to the extent the obligations are issued by Minnesota or a political or governmental subdivision, municipality, or governmental agency or instrumentality of Minnesota.

**EFFECTIVE DATE.** This section is effective for taxable years beginning after December 31, 2007, and applies to interest and dividends paid on bonds issued after July 30, 2008.

## ARTICLE 2

### GREEN ACRES

Section 1. Minnesota Statutes 2008, section 273.111, subdivision 3, is amended to read:

Subd. 3. **Requirements.** (a) Real estate consisting of ten acres or more or a nursery or greenhouse, and qualifying for classification as class 2a under section 273.13, shall be entitled to valuation and tax deferral under this section if it is primarily devoted to agricultural use, and either:

(1) is the homestead of the owner, or of a surviving spouse, child, or sibling of the owner or is real estate which is farmed with the real estate which contains the homestead property; or

(2) has been in possession of the applicant, the applicant's spouse, parent, or sibling, or any combination thereof, for a period of at least seven years prior to application for benefits under the provisions of this section, or is real estate which is farmed with the real estate which qualifies under this clause and is within four townships or cities or combination thereof from the qualifying real estate; or

(3) is the homestead of an individual who is part of an entity described in paragraph (b), clause (1), (2), or (3); or

(4) is in the possession of a nursery or greenhouse or an entity owned by a proprietor, partnership, or corporation which also owns the nursery or greenhouse operations on the parcel or parcels, provided that only the acres used to produce nursery stock qualify for treatment under this section.

(b) Valuation of real estate under this section is limited to parcels owned by individuals except for:

(1) a family farm entity or authorized farm entity regulated under section 500.24;

(2) a poultry entity other than a limited liability entity in which the majority of the members, partners, or shareholders are related and at least one of the members, partners, or shareholders either resides on the land or actively operates the land; and

(3) corporations that derive 80 percent or more of their gross receipts from the wholesale or retail sale of horticultural or nursery stock.

The terms in this paragraph have the meanings given in section 500.24, where applicable.

(c) Land that previously qualified for tax deferral under this section and no longer qualifies because it is not primarily used for agricultural purposes but would otherwise qualify under Minnesota Statutes 2006, section 273.111, subdivision 3, for a period of at least three years will not be required to make payment of the previously deferred taxes, notwithstanding the provisions of subdivision 9. Sale of the land prior to the expiration of the three-year period requires payment



of deferred taxes as follows: sale in the year the land no longer qualifies requires payment of the current year's deferred taxes plus payment of deferred taxes for the two prior years; sale during the second year the land no longer qualifies requires payment of the current year's deferred taxes plus payment of the deferred taxes for the prior year; and sale during the third year the land no longer qualifies requires payment of the current year's deferred taxes. Deferred taxes shall be paid even if the land qualifies pursuant to subdivision 11a. When such property is sold or no longer qualifies under this paragraph, or at the end of the three-year period, whichever comes first, all deferred special assessments plus interest are payable in equal installments spread over the time remaining until the last maturity date of the bonds issued to finance the improvement for which the assessments were levied. If the bonds have matured, the deferred special assessments plus interest are payable within 90 days. The provisions of section 429.061, subdivision 2, apply to the collection of these installments. Penalties are not imposed on any such special assessments if timely paid.

~~(d) Land that is enrolled in the reinvest in Minnesota program under sections 103F.501 to 103F.535, the federal Conservation Reserve Program as contained in Public Law 99-198, or a similar state or federal conservation program does not qualify for valuation and assessment deferral under this section. This paragraph applies to land that has not qualified under this section for taxes payable in 2009 or previous years.~~

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

Sec. 2. Minnesota Statutes 2008, section 273.111, subdivision 3a, is amended to read:

Subd. 3a. **Property no longer eligible for deferment.** (a) Real estate receiving the tax deferment under this section for assessment year 2008, but that does not qualify for the 2009 assessment year due to changes in qualification requirements under Laws 2008, chapter 366, shall continue to qualify ~~until any part of:~~ (1) the land is sold, transferred, or subdivided, or (2) the 2013 assessment, whichever is earlier, provided that the property continues to meet the requirements of Minnesota Statutes 2006, section 273.111, subdivision 3.

~~(b) Except as provided in paragraph (c), and subdivision 9, paragraph (b), when property assessed under this subdivision is withdrawn from the program or becomes ineligible, the property shall be subject to additional taxes, in the amount equal to the average difference between the taxes determined in accordance with subdivision 4, and the amount determined under subdivision 5, for the current year and the two preceding years, multiplied by (1) three, in the case of class 2a property under section 273.13, subdivision 23, or any property withdrawn before January 2, 2009, or (2) seven, in the case of property withdrawn after January 2, 2009, that is not class 2a property. The number of years used as the multiplier must not exceed the number of years during which the property was subject to this section. The amount determined under subdivision 5 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arm's length transaction been used in lieu of the market value determined under subdivision 5. The additional taxes shall be extended against the property on the tax list for the current year, provided that no interest or penalties shall be levied on the additional taxes if timely paid as provided in subdivision 9.~~

~~(c) If land described in paragraph (a) is sold or otherwise transferred to a son or daughter of the owner, it will continue to qualify for treatment under this section as long as it continues to meet the requirements of section 273.111, subdivision 3.~~

~~(d) When property assessed under this subdivision is removed from the program and is enrolled~~

in the land conservation property tax law program under section 273.114, the property is not subject to the additional taxes required under this subdivision or subdivision 9.

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

Sec. 3. Minnesota Statutes 2008, section 273.111, subdivision 9, is amended to read:

Subd. 9. **Additional taxes.** (a) Except as provided in paragraph (b), when real property which is being, or has been valued and assessed under this section no longer qualifies under subdivision 3, the portion no longer qualifying shall be subject to additional taxes, in the amount equal to the difference between the taxes determined in accordance with subdivision 4, and the amount determined under subdivision 5. Provided, however, that the amount determined under subdivision 5 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arm's-length transaction been used in lieu of the market value determined under subdivision 5. Such additional taxes shall be extended against the property on the tax list for the current year, provided, however, that no interest or penalties shall be levied on such additional taxes if timely paid, and provided further, that such additional taxes shall only be levied with respect to the last three years that the said property has been valued and assessed under this section.

(b) Real property that has been valued and assessed under this section prior to May 29, 2008, and that ceases to qualify under this section after May 28, 2008, and before January 1, 2010, is not subject to additional taxes under this subdivision or subdivision 3, paragraph (c).

Sec. 4. **[273.114] LAND CONSERVATION PROPERTY TAX.**

Subdivision 1. Definitions. (a) In this section, the terms defined in this subdivision have the meanings given them.

(b) "Conservation management plan" means a written document providing a framework for site-specific healthy, productive, and sustainable conservation resources. A conservation management plan must include at least the following:

- (1) conservation management goals for the land;
- (2) a reliable field inventory of the individual conservation cover types;
- (3) a description of the soil type and quality;
- (4) an aerial photo or map of the vegetation and other natural features of the land clearly indicating the boundaries of the conservation land;
- (5) the proposed future conditions of the land;
- (6) prescriptions to meet proposed future conditions of the land;
- (7) a recommended timetable for implementing the prescribed activities; and
- (8) a legal description of the land encompassing the parcels included in the plan.

(c) "Approved plan writers" are natural resource professionals who are self-employed, employed by private companies or individuals, nonprofit organizations, local units of government, or public agencies, and who are approved by the Board of Water and Soil Resources. Persons employed to write conservation plans for soil and water conservation districts or federal agencies shall be deemed

to meet the standards required under this subdivision. The Board of Water and Soil Resources shall issue a unique identification number to each approved planner.

(d) All management activities prescribed in a plan must be in accordance with the recommended conservation management guidelines. The commissioner of natural resources shall provide a framework for plan content and updating and revising plans.

Subd. 2. **Requirements.** Class 2b property that had been subject to Minnesota Statutes 2006, section 273.111, or that is part of an agricultural homestead under section 273.13, subdivision 23, paragraph (a), is entitled to valuation and tax deferment under this section if:

(1) the land consists of at least ten acres;

(2) a conservation management plan for the land must be prepared by an approved plan writer and implemented during the period in which the land is subject to valuation and deferment under this section;

(3) conservation management guidelines must be used in conjunction with any conservation management activities conducted on the land during the period in which the land is subject to valuation and deferment under this section;

(4) the land must be enrolled for a minimum of eight years; and

(5) there are no delinquent property taxes on the land.

Real estate may not be enrolled for valuation and deferment under this section and section 273.111, 273.112, or 273.117 concurrently.

Subd. 3. **Determination of value.** Notwithstanding sections 272.03, subdivision 8, and 273.11, the value of any real estate that qualifies under subdivision 2 must, upon timely application by the owner in the manner provided in subdivision 5, be determined as the value prescribed by the commissioner of revenue for class 2a tillable property in that county. The house and garage, if any, and the immediately surrounding one acre of land and a minor, ancillary nonresidential structure, if any, shall be valued according to their appropriate value. In determining the value for ad valorem tax purposes, the assessor shall not consider the presence of commercial, industrial, residential, or seasonal recreational land use influences that may affect the value of real estate defined in subdivision 1.

Subd. 4. **Separate determination of market value and tax.** The assessor shall make a separate determination of the market value of the real estate based on its highest and best use. The tax based upon that value and the appropriate local tax rate applicable to the property in the taxing district shall be recorded on the property assessment records.

Subd. 5. **Application and covenant agreement.** (a) Application for deferment of taxes and assessment under this section shall be filed by May 1 of the year prior to the year in which the taxes are payable. Any application filed under this subdivision and granted shall continue in effect for subsequent years until the termination of the covenant agreement under paragraph (b). The application must be filed with the assessor of the taxing district in which the real property is located on the form prescribed by the commissioner of revenue. The assessor may require proof by affidavit or otherwise that the property qualifies under subdivision 2.

(b) The owner of the property must sign a covenant agreement that is filed with the county assessor and recorded in the county where the property is located. The covenant agreement must include all of the following:

(1) legal description of the area to which the covenant applies;

(2) name and address of the owner;

(3) a statement that the land described in the covenant must be kept as conservation land, which meets the requirements of subdivision 2, for the duration of the covenant;

(4) a statement that the landowner may terminate the covenant agreement by notifying the county assessor in writing four years in advance of the date of proposed termination, provided that the notice of intent to terminate may not be given at any time before the land has been subject to the covenant for a period of four years;

(5) a statement that the covenant is binding on the owner or the owner's successor or assigns and runs with the land; and

(6) a witnessed signature of the owner, agreeing by covenant, to maintain the land as described in subdivision 2.

(c) After a covenant under this section has been terminated, the land that had been subject to the covenant is ineligible for subsequent valuation under this section for a period of three years after the termination.

Subd. 6. **Additional taxes.** Upon termination of a covenant agreement in subdivision 5, paragraph (b), the land to which the covenant applied shall be subject to additional taxes in the amount equal to the difference between the taxes determined in accordance with subdivision 3 and the amount determined under subdivision 4, provided that the amount determined under subdivision 4 shall not be greater than it would have been had the actual bona fide sale price of the real property at an arm's-length transaction been used in lieu of the market value determined under subdivision 4. The additional taxes shall be extended against the property on the tax list for the current year, provided that no interest or penalties shall be levied on the additional taxes if timely paid and that the additional taxes shall only be levied with respect to the last three years that the property has been valued and assessed under this section.

Subd. 7. **Lien.** The additional tax imposed by this section shall be a lien upon the property assessed to the same extent and for the same duration as other taxes imposed on the property in this state. The tax shall be annually extended by the county auditor and if and when payable shall be collected and distributed in the manner provided by law for the collection and distribution of other property taxes.

Subd. 8. **Special local assessments.** The payment of special local assessments levied after June 1, 2009, for improvements made to any real property described in subdivision 1 together with the interest thereon shall, on timely application as provided in subdivision 6, be deferred as long as the property meets the conditions contained in subdivision 1. If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall file with the county recorder in the county in which the property is located a certificate containing the legal description of the affected property and of the amount deferred. When such property no longer qualifies under subdivision 1, all deferred special assessments plus interest shall be payable in equal

installments spread over the time remaining until the last maturity date of the bonds issued to finance the improvement for which the assessments were levied. If the bonds have matured, the deferred special assessments plus interest shall be payable within 90 days. The provisions of section 429.061, subdivision 2, apply to the collection of these installments. Penalty shall not be levied on any such special assessments if timely paid. This subdivision does not apply to special assessments levied at any time by a county or district court under chapter 116A or by a watershed district under chapter 103D.

**EFFECTIVE DATE.** This section is effective for deferred taxes payable in 2010 and thereafter, except that for the 2009 assessment year, the application deadline in subdivision 5 is extended to September 1.

Sec. 5. Minnesota Statutes 2008, section 273.13, subdivision 23, is amended to read:

Subd. 23. **Class 2.** (a) An agricultural homestead consists of class 2a agricultural land that is homesteaded, along with any class 2b rural vacant land that is contiguous to the class 2a land under the same ownership. The market value of the house and garage and immediately surrounding one acre of land has the same class rates as class 1a or 1b property under subdivision 22. The value of the remaining land including improvements up to the first tier valuation limit of agricultural homestead property has a net class rate of 0.5 percent of market value. The remaining property over the first tier has a class rate of one percent of market value. For purposes of this subdivision, the "first tier valuation limit of agricultural homestead property" and "first tier" means the limit certified under section 273.11, subdivision 23.

(b) Class 2a agricultural land consists of parcels of property, or portions thereof, that are agricultural land and buildings. Class 2a property has a net class rate of one percent of market value, unless it is part of an agricultural homestead under paragraph (a). Class 2a property ~~may contain~~ must also include any property that would otherwise be classified as 2b, including but not limited to sloughs, wooded wind shelters, acreage abutting ditches, ravines, rock piles, and other similar land that is impractical for the assessor to value separately from the rest of the property or that is unlikely to be able to be sold separately from the rest of the property.

An assessor may classify the part of a parcel described in this subdivision that is used for agricultural purposes as class 2a and the remainder in the class appropriate to its use.

(c) Class 2b rural vacant land consists of parcels of property, or portions thereof, that are unplatted real estate, rural in character and not used for agricultural purposes, including land used for growing trees for timber, lumber, and wood and wood products, that is not improved with a structure. The presence of a minor, ancillary nonresidential structure as defined by the commissioner of revenue does not disqualify the property from classification under this paragraph. Any parcel of 20 acres or more improved with a structure that is not a minor, ancillary nonresidential structure must be split-classified, and ten acres must be assigned to the split parcel containing the structure. Class 2b property has a net class rate of one percent of market value unless it is part of an agricultural homestead under paragraph (a), or qualifies as class 2c under paragraph (d).

(d) Class 2c managed forest land consists of no less than 20 and no more than 1,920 acres statewide per taxpayer that is being managed under a forest management plan that meets the requirements of chapter 290C, but is not enrolled in the sustainable forest resource management incentive program. It has a class rate of .65 percent, provided that the owner of the property must apply to the assessor to receive the reduced class rate and provide the information required by

the assessor to verify that the property qualifies for the reduced rate. The commissioner of natural resources must concur that the land is qualified. The commissioner of natural resources shall annually provide county assessors verification information on a timely basis.

(e) Agricultural land as used in this section means contiguous acreage of ten acres or more, used during the preceding year for agricultural purposes. "Agricultural purposes" as used in this section means the raising, cultivation, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity. For a property to be classified as agricultural based only on the drying or storage of agricultural products, the products being dried or stored must have been produced by the same farm entity as the entity operating the drying or storage facility. "Agricultural purposes" also includes enrollment in the Reinvest in Minnesota program under sections 103F.501 to 103F.535 or the federal Conservation Reserve Program as contained in Public Law 99-198 or a similar state or federal conservation program if the property was classified as agricultural (i) under this subdivision for the assessment year 2002 or (ii) in the year prior to its enrollment. Agricultural classification shall not be based upon the market value of any residential structures on the parcel or contiguous parcels under the same ownership.

(f) Real estate of less than ten acres, which is exclusively or intensively used for raising or cultivating agricultural products, shall be considered as agricultural land. To qualify under this paragraph, property that includes a residential structure must be used intensively for one of the following purposes:

(i) for drying or storage of grain or storage of machinery or equipment used to support agricultural activities on other parcels of property operated by the same farming entity;

(ii) as a nursery, provided that only those acres used to produce nursery stock are considered agricultural land;

(iii) for livestock or poultry confinement, provided that land that is used only for pasturing and grazing does not qualify; or

(iv) for market farming; for purposes of this paragraph, "market farming" means the cultivation of one or more fruits or vegetables or production of animal or other agricultural products for sale to local markets by the farmer or an organization with which the farmer is affiliated.

(g) Land shall be classified as agricultural even if all or a portion of the agricultural use of that property is the leasing to, or use by another person for agricultural purposes.

Classification under this subdivision is not determinative for qualifying under section 273.111.

(h) The property classification under this section supersedes, for property tax purposes only, any locally administered agricultural policies or land use restrictions that define minimum or maximum farm acreage.

(i) The term "agricultural products" as used in this subdivision includes production for sale of:

(1) livestock, dairy animals, dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, and apiary products by the owner;

(2) fish bred for sale and consumption if the fish breeding occurs on land zoned for agricultural use;

(3) the commercial boarding of horses if the boarding is done in conjunction with raising or cultivating agricultural products as defined in clause (1);

(4) property which is owned and operated by nonprofit organizations used for equestrian activities, excluding racing;

(5) game birds and waterfowl bred and raised for use on a shooting preserve licensed under section 97A.115;

(6) insects primarily bred to be used as food for animals;

(7) trees, grown for sale as a crop, including short rotation woody crops, and not sold for timber, lumber, wood, or wood products; and

(8) maple syrup taken from trees grown by a person licensed by the Minnesota Department of Agriculture under chapter 28A as a food processor.

(j) If a parcel used for agricultural purposes is also used for commercial or industrial purposes, including but not limited to:

(1) wholesale and retail sales;

(2) processing of raw agricultural products or other goods;

(3) warehousing or storage of processed goods; and

(4) office facilities for the support of the activities enumerated in clauses (1), (2), and (3),

the assessor shall classify the part of the parcel used for agricultural purposes as class 1b, 2a, or 2b, whichever is appropriate, and the remainder in the class appropriate to its use. The grading, sorting, and packaging of raw agricultural products for first sale is considered an agricultural purpose. A greenhouse or other building where horticultural or nursery products are grown that is also used for the conduct of retail sales must be classified as agricultural if it is primarily used for the growing of horticultural or nursery products from seed, cuttings, or roots and occasionally as a showroom for the retail sale of those products. Use of a greenhouse or building only for the display of already grown horticultural or nursery products does not qualify as an agricultural purpose.

The assessor shall determine and list separately on the records the market value of the homestead dwelling and the one acre of land on which that dwelling is located. If any farm buildings or structures are located on this homesteaded acre of land, their market value shall not be included in this separate determination.

(k) Class 2d airport landing area consists of a landing area or public access area of a privately owned public use airport. It has a class rate of one percent of market value. To qualify for classification under this paragraph, a privately owned public use airport must be licensed as a public airport under section 360.018. For purposes of this paragraph, "landing area" means that part of a privately owned public use airport properly cleared, regularly maintained, and made available to the public for use by aircraft and includes runways, taxiways, aprons, and sites upon which are situated landing or navigational aids. A landing area also includes land underlying both the primary

surface and the approach surfaces that comply with all of the following:

- (i) the land is properly cleared and regularly maintained for the primary purposes of the landing, taking off, and taxiing of aircraft; but that portion of the land that contains facilities for servicing, repair, or maintenance of aircraft is not included as a landing area;
- (ii) the land is part of the airport property; and
- (iii) the land is not used for commercial or residential purposes.

The land contained in a landing area under this paragraph must be described and certified by the commissioner of transportation. The certification is effective until it is modified, or until the airport or landing area no longer meets the requirements of this paragraph. For purposes of this paragraph, "public access area" means property used as an aircraft parking ramp, apron, or storage hangar, or an arrival and departure building in connection with the airport.

(1) Class 2e consists of land with a commercial aggregate deposit that is not actively being mined and is not otherwise classified as class 2a or 2b. It has a class rate of one percent of market value. To qualify for classification under this paragraph, the property must be at least ten contiguous acres in size and the owner of the property must record with the county recorder of the county in which the property is located an affidavit containing:

- (1) a legal description of the property;
- (2) a disclosure that the property contains a commercial aggregate deposit that is not actively being mined but is present on the entire parcel enrolled;
- (3) documentation that the conditional use under the county or local zoning ordinance of this property is for mining; and
- (4) documentation that a permit has been issued by the local unit of government or the mining activity is allowed under local ordinance. The disclosure must include a statement from a registered professional geologist, engineer, or soil scientist delineating the deposit and certifying that it is a commercial aggregate deposit.

For purposes of this section and section 273.1115, "commercial aggregate deposit" means a deposit that will yield crushed stone or sand and gravel that is suitable for use as a construction aggregate; and "actively mined" means the removal of top soil and overburden in preparation for excavation or excavation of a commercial deposit.

(m) When any portion of the property under this subdivision or subdivision 22 begins to be actively mined, the owner must file a supplemental affidavit within 60 days from the day any aggregate is removed stating the number of acres of the property that is actively being mined. The acres actively being mined must be (1) valued and classified under subdivision 24 in the next subsequent assessment year, and (2) removed from the aggregate resource preservation property tax program under section 273.1115, if the land was enrolled in that program. Copies of the original affidavit and all supplemental affidavits must be filed with the county assessor, the local zoning administrator, and the Department of Natural Resources, Division of Land and Minerals. A supplemental affidavit must be filed each time a subsequent portion of the property is actively mined, provided that the minimum acreage change is five acres, even if the actual mining activity constitutes less than five acres.



**EFFECTIVE DATE.** This section is effective for assessments in 2010 for taxes payable in 2011, and thereafter.

**Sec. 6. ANNUAL REPORT ON AGRICULTURAL VALUATION AND CLASSIFICATION.**

The commissioner of revenue must study and annually report to the chairs of the committees on taxes of the senate and the house of representatives on:

- (1) trends in market values of class 2a and 2b properties;
- (2) green acres value methodology and determinations; and
- (3) assessment and classification practices pertaining to class 2a and 2b property."

Delete the title and insert:

"A bill for an act relating to taxation; providing a federal update; modifying green acres and agricultural property tax provisions; establishing a land conservation property tax program; amending Minnesota Statutes 2008, sections 273.111, subdivisions 3, 3a, 9; 273.13, subdivision 23; 289A.02, subdivision 7; 290.01, subdivisions 19, 19a, 31; 290.067, subdivision 2a; 290A.03, subdivisions 3, 15; 291.005, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 273."

And when so amended the bill do pass.

Senator Ortman questioned the reference thereon and, under Rule 21, the bill was referred to the Committee on Rules and Administration.

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### GENERAL ORDERS

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

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

**S.F. No. 401**, which the committee recommends to pass with the following amendment offered by Senator Pappas:

Page 1, line 6, strike "has received" and insert "is certified"

Page 1, line 7, strike "a certification"

The motion prevailed. So the amendment was adopted.

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the

Secretary, was adopted.

### **MEMBERS EXCUSED**

Senators Fischbach and Scheid were excused from the Session of today.

### **ADJOURNMENT**

Senator Pogemiller moved that the Senate do now adjourn until 12:45 p.m., Monday, March 9, 2009. The motion prevailed.

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

# INDEX TO DAILY JOURNAL

Thursday, March 5, 2009

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 389 to 390

## CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
	886	5	390

## REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
18	401	417	392	444	
30	410	417			
70	414				
97	414				
164	411	417			
231	404				
237	410	417			
249	392				
265	410	417			
275	404	417			
289	401				
383	394				
477	393				
525	397				
534	410	417			
540	393				
545	399				
558	417	417			
638	393				
657	405				
673	409				
674	390				
685	395	417			
755	400	417			
782	410	417			
847	409				
858	400				
880	404				
884	409				
887	410	417			

913 .....	408
915 .....	401
999 .....	397

### MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
22 .....	417		
33 .....	419		
98 .....	417		
203 .....	419		
267 .....	417		
383 .....	417		
399 .....	417		
462 .....	419		
487 .....	444		
496 .....	417		
519 .....	417		
525 .....	417		
525 .....	420		
543 .....	417		
545 .....	420		
618 .....	443		
657 .....	417		
682 .....	417		
684 .....	418		
727 .....	419		
739 .....	418		
755 .....	444		
781 .....	420		
840 .....	419		
841 .....	418		
866 .....	443		
906 .....	418		
912 .....	418		
915 .....	418		
922 .....	418		
924 .....	418		
953 .....	418		
954 .....	418		
971 .....	418		
975 .....	418		
978 .....	418		
988 .....	418		
990 .....	418		
1036 .....	418		
1069 .....	420		
1076 .....	418		
1079 .....	418		
1079 .....	418		
1094 .....	419		
1100 .....	419		
1106 .....	419		
Sen. Res.			
No. 43 .....	419		
Sen. Res.			
No. 44 .....	419		
Sen. Res.			
No. 45 .....	419		

Sen. Res.	
No. 46 .....	419
Sen. Res.	
No. 47 .....	420
Sen. Res.	
No. 48 .....	420

**CALENDAR**

S.F. Nos.	Page	H.F. Nos.	Page
451 .....	441		
452 .....	441		
594 .....	443		
656 .....	442		
684 .....	440		
757 .....	442		

**GENERAL ORDERS**

S.F. Nos.	Page	H.F. Nos.	Page
401 .....	461		

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

S.F Nos. 1125 to 1240 .....	Pages 420 to 440
-----------------------------	------------------