

## ONE HUNDRED FIFTH DAY

St. Paul, Minnesota, Friday, May 14, 2010

The Senate met at 12:00 noon and was called to order by the President.

**CALL OF THE SENATE**

Senator Clark 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. Tyler Christiansen.

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

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

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received.

May 13, 2010

The Honorable James P. Metzen  
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the

Secretary of State, S.F. Nos. 345, 525, 2709, 2511, 2846, 3128, 2386, 1886, 3080, 1761, 80, 2519, 2935, 2755, 2700, 2737, 2427, 2974, 1481, 2752 and 2663.

Sincerely,  
Tim Pawlenty, Governor

May 13, 2010

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2010 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2010	Date Filed 2010
345		316	9:17 a.m. May 13	May 13
525		317	9:19 a.m. May 13	May 13
2709		318	9:20 a.m. May 13	May 13
2511		319	9:21 a.m. May 13	May 13
2846		320	9:25 a.m. May 13	May 13
3128		321	9:27 a.m. May 13	May 13
2386		323	9:12 a.m. May 13	May 13
1886		324	9:28 a.m. May 13	May 13
3080		325	9:29 a.m. May 13	May 13
1761		326	9:32 a.m. May 13	May 13
80		327	9:41 a.m. May 13	May 13
2519		328	9:42 a.m. May 13	May 13
2935		329	9:50 a.m. May 13	May 13
2755		330	9:51 a.m. May 13	May 13
2700		331	9:52 a.m. May 13	May 13
	3660	332	9:53 a.m. May 13	May 13
2737		333	9:56 a.m. May 13	May 13
2427		334	9:58 a.m. May 13	May 13
2974		336	10:10 a.m. May 13	May 13
1481		337	9:13 a.m. May 13	May 13
2752		338	10:11 a.m. May 13	May 13
2663		339	10:13 a.m. May 13	May 13
	2639	342	10:19 a.m. May 13	May 13
	3386	343	10:20 a.m. May 13	May 13

Sincerely,  
Mark Ritchie  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2773, 3145 and 3318.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 2010

Mr. President:

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

**S.F. No. 560:** A bill for an act relating to public safety; authorizing the expungement of criminal records for certain individuals who have received stays of adjudication or diversion; authorizing expungements without petitions in certain cases where charges were dismissed against a person upon prosecutorial approval and with victim notification; requiring persons petitioning for an expungement to provide a copy of the criminal complaint or police report; authorizing the opening of certain expunged records without a court hearing; amending Minnesota Statutes 2008, sections 609A.02, subdivision 3; 609A.03, subdivisions 2, 7; proposing coding for new law in Minnesota Statutes, chapter 609A.

Senate File No. 560 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 2010

Senator Latz moved that the Senate do not concur in the amendments by the House to S.F. No. 560, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

**S.F. No. 2839:** A bill for an act relating to commerce; regulating various licensees and other entities; modifying definitions, informational requirements, continuing education requirements, information reporting requirements, and notice requirements; making various housekeeping,

technical, and clarifying changes; regulating securities; reorganizing and modifying various provisions relating to real estate brokers, salespersons, and closing agents; modifying the membership requirements of, and appointment authority to, the real estate appraiser advisory board; regulating certain workers' compensation self-insurers; amending Minnesota Statutes 2008, sections 45.0112; 60A.031, subdivision 4; 60A.084; 60A.204; 60A.36, by adding a subdivision; 60K.31, subdivision 10; 61A.092, subdivision 3; 62A.046, subdivision 6, by adding a subdivision; 62A.17, subdivision 5; 62A.3099, subdivision 17; 62A.65, subdivision 2; 62E.02, subdivision 15; 62E.14, subdivision 4c; 62L.05, subdivision 4; 62S.24, subdivision 8; 62S.266, subdivision 4; 62S.29, subdivision 1; 72A.08, subdivision 4; 72A.12, subdivision 4; 72A.20, subdivisions 10, 36, 37; 72A.492, subdivision 2; 72A.51, subdivision 2; 72B.01; 72B.08, subdivision 8; 79A.03, subdivision 8; 79A.06, subdivision 5; 79A.21, subdivision 3; 80A.41; 80A.46; 80A.65, subdivision 6; 82.17, subdivision 15, by adding subdivisions; 82.19; 82.21, subdivision 2; 82.24, subdivision 3; 82.29, subdivisions 4, 5, 8; 82.31, subdivisions 1, 2; 82.33, subdivisions 1, 2, by adding a subdivision; 82.34, subdivisions 1, 2, 4, 5, 13; 82.39; 82.41, subdivisions 1, 2, by adding a subdivision; 82.45, subdivision 3, by adding subdivisions; 82.48, subdivisions 2, 3; 82B.05, as amended; 82B.06; 82B.14; 326.3382, subdivision 3; 326B.33, subdivision 16; 326B.56, subdivision 2; 326B.86, subdivision 2; 326B.921, subdivision 6; 327B.04, subdivision 4; 332.34; 340A.409, subdivision 1; Minnesota Statutes 2009 Supplement, sections 45.027, subdivision 1; 45.30, subdivision 4; 60A.39, subdivisions 1, 4, 5; 60A.9572, subdivision 6; 60K.361; 62A.3099, subdivision 18; 65A.29, subdivision 13; 72B.03, subdivision 2; 72B.045, subdivision 1; 72B.06; 82.31, subdivision 4; 82.32; 326B.46, subdivision 2; Laws 2007, chapter 147, article 12, section 14; proposing coding for new law in Minnesota Statutes, chapters 82; 332; repealing Minnesota Statutes 2008, sections 72B.04; 82.19, subdivision 3; 82.22, subdivisions 1, 6, 7, 8, 9; 82.31, subdivision 6; 82.34, subdivision 16; 82.41, subdivisions 3, 7; 332.31, subdivision 7; 332.335; Minnesota Statutes 2009 Supplement, sections 65B.133, subdivision 3; 72B.02, subdivision 11.

Senate File No. 2839 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 2010

Senator Scheid moved that the Senate do not concur in the amendments by the House to S.F. No. 2839, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

**S.F. No. 2634:** A bill for an act relating to public safety; making numerous changes to the controlled substance forfeiture law; expanding the reporting requirements related to forfeiture; requiring model policies on forfeiture; addressing the disposition of forfeiture proceeds; providing for a probable cause determination for certain forfeitures; amending Minnesota Statutes 2008, sections 97A.221, by adding a subdivision; 97A.223, by adding a subdivision; 97A.225, by adding a subdivision; 169A.63, by adding a subdivision; 491A.01, subdivision 3; 609.531,

subdivisions 1a, 5, 5a, by adding a subdivision; 609.5311, subdivision 3; 609.5313; 609.5314; 609.5315, subdivisions 5, 6, by adding a subdivision; 609.5318, subdivision 3; 609.762, by adding a subdivision; 609.905, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 84.7741, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 388; 626.

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

Mullery, Hilstrom and Cornish.

Senate File No. 2634 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 2010

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 184, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 184:** A bill for an act relating to higher education; authorizing data matching; modifying institution eligibility; establishing award procedures; establishing scholarship priorities; establishing powers and duties; modifying security requirements; regulating the use of certain revenues; providing for refunds; defining terms; making technical corrections; amending Minnesota Statutes 2008, sections 136A.101, subdivision 10; 136A.126, subdivision 1, by adding a subdivision; 136A.127, subdivision 6, by adding subdivisions; 136A.15, subdivision 6; 136A.16, subdivision 14; 136A.62, subdivision 3; 136A.645; 136A.646; 136A.65, by adding a subdivision; 136F.581, by adding a subdivision; 141.25, subdivisions 7, 13, by adding a subdivision; 141.251, subdivision 2; 141.28, subdivision 2; Minnesota Statutes 2009 Supplement, sections 136A.01, subdivision 2; 136A.101, subdivision 4; 136A.127, subdivisions 2, 4; 299A.45, subdivision 1; 340A.404, subdivision 4a; Laws 2009, chapter 95, article 2, section 40; Laws 2010, chapter 215, article 2, sections 4, subdivision 3; 6; proposing coding for new law in Minnesota Statutes, chapters 136A; 137.

Senate File No. 184 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 2010

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 863, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 863:** A bill for an act relating to data practices; classifying government data; modifying provisions governing temporary classifications and personnel data; amending business screening

services provisions; amending Minnesota Statutes 2008, sections 13.05, subdivision 4, by adding a subdivision; 13.06, subdivisions 1, 3, 4, 5, 7, by adding subdivisions; 13.43, subdivisions 1, 2, by adding subdivisions; 13.64; 13.643, by adding a subdivision; 13.7931, by adding a subdivision; 13.87, by adding a subdivision; 13.871, by adding a subdivision; 13D.05, subdivision 3; 16B.97, by adding a subdivision; 125A.21, subdivision 5; 270B.14, subdivision 16; 299C.156, subdivision 5; 332.70, subdivisions 1, 2, 3, 4; proposing coding for new law in Minnesota Statutes, chapters 13; 84; repealing Minnesota Statutes 2008, section 13.06, subdivision 2; Minnesota Rules, part 1205.1800.

Senate File No. 863 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 13, 2010

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2866.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 13, 2010

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 2866:** A bill for an act relating to state government; modifying authority of the executive branch to reduce unexpended allotments; amending Minnesota Statutes 2008, section 16A.152, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 16A.

Senator Betzold, designee of the Chair of the Committee on Rules and Administration, moved that H.F. No. 2866 be laid on the table. The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

**Senators Doll and Murphy introduced—**

**S.F. No. 3419:** A bill for an act relating to health; authorizing expanded health care practices for health care professionals; proposing coding for new law as Minnesota Statutes, chapter 146B.

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

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

**S.F. No. 3420:** A bill for an act relating to wireless telecommunications; requiring wireless telecommunications service providers to alert customers whose usage approaches or exceeds their

contract limit; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

**Senator Latz introduced–**

**S.F. No. 3421:** A bill for an act relating to telecommunications; prohibiting certain fees for equipment; proposing coding for new law in Minnesota Statutes, chapter 238.

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

**Senators Marty, Stumpf and Kubly introduced–**

**S.F. No. 3422:** A bill for an act relating to public health and the environment; clarifying the authority of the Pollution Control Agency to deny and revoke permits for commercial waste and animal feedlot facilities; amending Minnesota Statutes 2008, sections 115.076; 116.07, subdivision 7; 116.0713.

Referred to the Committee on Environment and Natural Resources.

**Senator Erickson Ropes introduced–**

**S.F. No. 3423:** A bill for an act relating to human services; changing provisions for medical assistance; amending Minnesota Statutes 2008, section 256B.69, by adding a subdivision.

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

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

**S.F. No. 3424:** A bill for an act relating to state government; authorizing cooperative fuel purchasing; requiring the commissioner of administration to ensure that local units of government have access to cooperative fuel purchasing agreements; amending Minnesota Statutes 2008, section 16C.11.

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

## MOTIONS AND RESOLUTIONS

**Senators Moua and Wiger introduced –**

**Senate Resolution No. 199:** A Senate resolution honoring Calitta Jones, Brian Bell, Jeremiah Carter, and Shanicee Dillon for winning the group category of the National Youth Advocates of the Year Award from Campaign for Tobacco-Free Kids.

Referred to the Committee on Rules and Administration.

**Senator Wiger introduced –**

**Senate Resolution No. 200:** A Senate resolution honoring the 40th anniversary of Maplewood

Care Center and the 15th anniversary of The Homestead at Maplewood.

Referred to the Committee on Rules and Administration.

### RECESS

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Pogemiller, Chair of the Committee on Rules and Administration, designated H.F. No. 3834 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 3834:** A bill for an act relating to state government; requiring the commissioner of Minnesota Management and Budget to provide a cash flow forecast to the governor and legislature; proposing coding for new law in Minnesota Statutes, chapter 16A.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### RECESS

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

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



**APPOINTMENTS**

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

S.F. No. 560: Senators Latz, Higgins and Ortman.

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

**RECESS**

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

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

**APPOINTMENTS**

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

S.F. No. 2839: Senators Scheid, Pappas and Michel.

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

**RECESS**

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

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

**CALL OF THE SENATE**

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House and Introduction and First Reading of Senate Bills.

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith

returned: S.F. Nos. 3126, 1770, 2430 and 2937.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2010

Mr. President:

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

**S.F. No. 560:** A bill for an act relating to public safety; authorizing the expungement of criminal records for certain individuals who have received stays of adjudication or diversion; authorizing expungements without petitions in certain cases where charges were dismissed against a person upon prosecutorial approval and with victim notification; requiring persons petitioning for an expungement to provide a copy of the criminal complaint or police report; authorizing the opening of certain expunged records without a court hearing; amending Minnesota Statutes 2008, sections 609A.02, subdivision 3; 609A.03, subdivisions 2, 7; proposing coding for new law in Minnesota Statutes, chapter 609A.

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

Champion, Hilstrom and Cornish.

Senate File No. 560 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2010

Mr. President:

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

**S.F. No. 2839:** A bill for an act relating to commerce; regulating various licensees and other entities; modifying definitions, informational requirements, continuing education requirements, information reporting requirements, and notice requirements; making various housekeeping, technical, and clarifying changes; regulating securities; reorganizing and modifying various provisions relating to real estate brokers, salespersons, and closing agents; modifying the membership requirements of, and appointment authority to, the real estate appraiser advisory board; regulating certain workers' compensation self-insurers; amending Minnesota Statutes 2008, sections 45.0112; 60A.031, subdivision 4; 60A.084; 60A.204; 60A.36, by adding a subdivision; 60K.31, subdivision 10; 61A.092, subdivision 3; 62A.046, subdivision 6, by adding a subdivision; 62A.17, subdivision 5; 62A.3099, subdivision 17; 62A.65, subdivision 2; 62E.02, subdivision 15; 62E.14, subdivision 4c; 62L.05, subdivision 4; 62S.24, subdivision 8; 62S.266, subdivision 4; 62S.29, subdivision 1; 72A.08, subdivision 4; 72A.12, subdivision 4; 72A.20, subdivisions 10, 36, 37; 72A.492, subdivision 2; 72A.51, subdivision 2; 72B.01; 72B.08, subdivision 8;

79A.03, subdivision 8; 79A.06, subdivision 5; 79A.21, subdivision 3; 80A.41; 80A.46; 80A.65, subdivision 6; 82.17, subdivision 15, by adding subdivisions; 82.19; 82.21, subdivision 2; 82.24, subdivision 3; 82.29, subdivisions 4, 5, 8; 82.31, subdivisions 1, 2; 82.33, subdivisions 1, 2, by adding a subdivision; 82.34, subdivisions 1, 2, 4, 5, 13; 82.39; 82.41, subdivisions 1, 2, by adding a subdivision; 82.45, subdivision 3, by adding subdivisions; 82.48, subdivisions 2, 3; 82B.05, as amended; 82B.06; 82B.14; 326.3382, subdivision 3; 326B.33, subdivision 16; 326B.56, subdivision 2; 326B.86, subdivision 2; 326B.921, subdivision 6; 327B.04, subdivision 4; 332.34; 340A.409, subdivision 1; Minnesota Statutes 2009 Supplement, sections 45.027, subdivision 1; 45.30, subdivision 4; 60A.39, subdivisions 1, 4, 5; 60A.9572, subdivision 6; 60K.361; 62A.3099, subdivision 18; 65A.29, subdivision 13; 72B.03, subdivision 2; 72B.045, subdivision 1; 72B.06; 82.31, subdivision 4; 82.32; 326B.46, subdivision 2; Laws 2007, chapter 147, article 12, section 14; proposing coding for new law in Minnesota Statutes, chapters 82; 332; repealing Minnesota Statutes 2008, sections 72B.04; 82.19, subdivision 3; 82.22, subdivisions 1, 6, 7, 8, 9; 82.31, subdivision 6; 82.34, subdivision 16; 82.41, subdivisions 3, 7; 332.31, subdivision 7; 332.335; Minnesota Statutes 2009 Supplement, sections 65B.133, subdivision 3; 72B.02, subdivision 11.

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

Akins, Lillie and Hoppe.

Senate File No. 2839 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2010

Mr. President:

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

**S.F. No. 2900:** A bill for an act relating to natural resources; modifying aquaculture provisions; modifying disposal restrictions for certain livestock taken by wild animals; modifying provisions for taking, possessing, and transporting wild animals; modifying requirements for fish and wildlife management plans; modifying game and fish provisions; modifying game and fish license requirements and fees for youths; increasing certain fishing license fees; modifying certain requirements for invasive species control; modifying certain administrative accounts; modifying electronic transaction provisions; providing for certain registration exemptions; modifying all-terrain vehicle definitions; modifying all-terrain vehicle operation restrictions; modifying state trails and canoe and boating routes; modifying fees and disposition of certain receipts; modifying certain competitive bidding exemptions; modifying horse trail pass provisions; modifying beaver dam provisions; modifying the Water Law; modifying nongame wildlife check offs; modifying method of determining value of acquired stream easements; providing for certain historic property exemption; modifying adding to and deleting from state parks and state forests; authorizing public and private sales, conveyances, and exchanges of certain state land; providing exemptions from rulemaking and requiring rulemaking; providing criminal penalties; appropriating money; amending Minnesota Statutes 2008, sections 17.4982, subdivision 12, by adding a subdivision; 17.4991, subdivision 3; 17.4994; 35.82, subdivision 2; 84.025, subdivision 9;

84.027, subdivision 15; 84.0272, subdivision 2; 84.0856; 84.0857; 84.82, subdivision 3, by adding a subdivision; 84.92, subdivisions 9, 10; 84.922, subdivision 5, by adding a subdivision; 84.925, subdivision 1; 84.942, subdivision 1; 84D.03, subdivision 3; 84D.13, subdivision 3; 85.012, subdivision 40; 85.015, subdivision 14; 85.22, subdivision 5; 85.32, subdivision 1; 85.43; 85.46, as amended; 86B.101; 89.032, subdivision 2; 97A.015, subdivision 52, by adding a subdivision; 97A.055, subdivision 4b; 97A.101, subdivision 3; 97A.145, subdivision 2; 97A.311, subdivision 5; 97A.331, by adding subdivisions; 97A.420, subdivisions 2, 3, 4, 6, by adding a subdivision; 97A.421, subdivision 4a, by adding a subdivision; 97A.433, by adding a subdivision; 97A.435, subdivision 1; 97A.445, subdivision 5; 97A.451, subdivision 3; 97A.475, subdivisions 3a, 4, 43, 44; 97A.535, subdivision 2a; 97A.545, subdivision 5; 97B.015; 97B.020; 97B.021, subdivision 1; 97B.022, subdivision 2; 97B.031, subdivision 5; 97B.045, by adding a subdivision; 97B.075; 97B.106, subdivision 1; 97B.211, subdivision 1; 97B.301, subdivisions 3, 6; 97B.325; 97B.405; 97B.515, by adding a subdivision; 97B.601, subdivision 4; 97B.665, subdivision 2; 97B.711, by adding a subdivision; 97B.803; 97C.005, subdivision 3; 97C.087, subdivision 2; 97C.205; 97C.341; 103A.305; 103G.271, subdivision 3; 103G.285, subdivision 5; 103G.301, subdivision 6; 103G.305, subdivision 2; 103G.315, subdivision 11; 103G.515, subdivision 5; 290.431; 290.432; Minnesota Statutes 2009 Supplement, sections 84.928, subdivision 1; 84.95, subdivision 2; 85.015, subdivision 13; 86A.09, subdivision 1; 97A.075, subdivision 1; 97A.445, subdivision 1a; 97A.451, subdivision 2; 97A.475, subdivisions 2, 3; 97B.055, subdivision 3; 97C.395, subdivision 1; 103G.201; Laws 2008, chapter 368, article 1, section 34, as amended; Laws 2009, chapter 176, article 4, section 9; proposing coding for new law in Minnesota Statutes, chapters 17; 84D; 85; 97B; 97C; 103G; repealing Minnesota Statutes 2008, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 84.942, subdivisions 2, 3, 4; 97A.435, subdivision 5; 97A.451, subdivisions 3a, 4; 97A.485, subdivision 12; 97B.022, subdivision 1; 97B.511; 97B.515, subdivision 3; 97B.665, subdivision 1; 97C.346; 103G.295; 103G.650; Minnesota Statutes 2009 Supplement, sections 3.3006; 84.02, subdivisions 4a, 6a, 6b; Laws 2009, chapter 172, article 5, section 8.

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

Dill, Persell and Cornish.

Senate File No. 2900 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2010

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1905, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 1905:** A bill for an act relating to insurance; establishing a small group market working group; requiring a report.

Senate File No. 1905 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

105TH DAY]

FRIDAY, MAY 14, 2010

11705

Returned May 14, 2010

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 3046, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 3046:** A bill for an act relating to energy; providing for large solar energy electric generation demonstration conservation improvement project; amending Minnesota Statutes 2008, section 216B.241, by adding a subdivision.

Senate File No. 3046 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2010

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 3361, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 3361:** A bill for an act relating to real property transfers; prohibiting private transfer fees; proposing coding for new law in Minnesota Statutes, chapter 513.

Senate File No. 3361 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 14, 2010

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2227:

**H.F. No. 2227:** A bill for an act relating to local government; establishing Minnesota Innovation and Research Council; imposing powers and duties of council; appropriating money; amending Minnesota Statutes 2008, section 3.971, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 465; repealing Minnesota Statutes 2008, section 6.80.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Marquart, Loeffler and McFarlane have been appointed as such committee on the part of the House.

House File No. 2227 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 14, 2010

Senator Metzen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2227, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

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

The following bills were read the first time.

#### **Senator Berglin introduced—**

**S.F. No. 3425:** A bill for an act relating to public health; requiring the commissioner of health to research and report on autism; requiring the Department of Human Services to train autism service providers; requiring notification of autism service options for medical assistance and MinnesotaCare recipients.

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

#### **Senator Tomassoni introduced—**

**S.F. No. 3426:** A bill for an act relating to higher education; establishing an applied learning initiative in the Minnesota State Colleges and Universities for technical education; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136F.

Referred to the Committee on Higher Education.

#### **Senators Ortman, Doll, Robling, Carlson and Limmer introduced—**

**S.F. No. 3427:** A bill for an act relating to metropolitan transit; changing the formula for assistance by the Metropolitan Council to cities and towns with replacement transit service; amending Minnesota Statutes 2008, section 473.388, subdivision 4.

Referred to the Committee on Transportation.

#### **Senators Bakk and Tomassoni introduced—**

**S.F. No. 3428:** A bill for an act relating to education; modifying open enrollment transportation provisions; amending Minnesota Statutes 2008, section 124D.03, by adding a subdivision.

Referred to the Committee on Education.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Pursuant to Rule 26, Senator Pogemiller, Chair of the Committee on Rules and Administration,

designated H.F. No. 2859 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 2859:** A bill for an act relating to human services; modifying a nursing facility rate provision; amending Minnesota Statutes 2008, section 256B.431, subdivision 35.

Senator Sheran moved to amend H.F. No. 2859 as follows:

Page 1, after line 14, insert:

"Sec. 2. Minnesota Statutes 2009 Supplement, section 256B.69, subdivision 23, is amended to read:

Subd. 23. **Alternative services; elderly and disabled persons.** (a) The commissioner may implement demonstration projects to create alternative integrated delivery systems for acute and long-term care services to elderly persons and persons with disabilities as defined in section 256B.77, subdivision 7a, that provide increased coordination, improve access to quality services, and mitigate future cost increases. The commissioner may seek federal authority to combine Medicare and Medicaid capitation payments for the purpose of such demonstrations and may contract with Medicare-approved special needs plans to provide Medicaid services. Medicare funds and services shall be administered according to the terms and conditions of the federal contract and demonstration provisions. For the purpose of administering medical assistance funds, demonstrations under this subdivision are subject to subdivisions 1 to 22. The provisions of Minnesota Rules, parts 9500.1450 to 9500.1464, apply to these demonstrations, with the exceptions of parts 9500.1452, subpart 2, item B; and 9500.1457, subpart 1, items B and C, which do not apply to persons enrolling in demonstrations under this section. An initial open enrollment period may be provided. Persons who disenroll from demonstrations under this subdivision remain subject to Minnesota Rules, parts 9500.1450 to 9500.1464. When a person is enrolled in a health plan under these demonstrations and the health plan's participation is subsequently terminated for any reason, the person shall be provided an opportunity to select a new health plan and shall have the right to change health plans within the first 60 days of enrollment in the second health plan. Persons required to participate in health plans under this section who fail to make a choice of health plan shall not be randomly assigned to health plans under these demonstrations. Notwithstanding section 256L.12, subdivision 5, and Minnesota Rules, part 9505.5220, subpart 1, item A, if adopted, for the purpose of demonstrations under this subdivision, the commissioner may contract with managed care organizations, including counties, to serve only elderly persons eligible for medical assistance, elderly and disabled persons, or disabled persons only. For persons with a primary diagnosis of developmental disability, serious and persistent mental illness, or serious emotional disturbance, the commissioner must ensure that the county authority has approved the demonstration and contracting design. Enrollment in these projects for persons with disabilities shall be voluntary. The commissioner shall not implement any demonstration project under this subdivision for persons with a primary diagnosis of developmental disabilities, serious and persistent mental illness, or serious emotional disturbance, without approval of the county board of the county in which the demonstration is being implemented.

(b) Notwithstanding chapter 245B, sections 252.40 to 252.46, 256B.092, 256B.501 to 256B.5015, and Minnesota Rules, parts 9525.0004 to 9525.0036, 9525.1200 to 9525.1330,

9525.1580, and 9525.1800 to 9525.1930, the commissioner may implement under this section projects for persons with developmental disabilities. The commissioner may capitate payments for ICF/MR services, waived services for developmental disabilities, including case management services, day training and habilitation and alternative active treatment services, and other services as approved by the state and by the federal government. Case management and active treatment must be individualized and developed in accordance with a person-centered plan. Costs under these projects may not exceed costs that would have been incurred under fee-for-service. Beginning July 1, 2003, and until four years after the pilot project implementation date, subcontractor participation in the long-term care developmental disability pilot is limited to a nonprofit long-term care system providing ICF/MR services, home and community-based waiver services, and in-home services to no more than 120 consumers with developmental disabilities in Carver, Hennepin, and Scott Counties. The commissioner shall report to the legislature prior to expansion of the developmental disability pilot project. This paragraph expires four years after the implementation date of the pilot project.

(c) Before implementation of a demonstration project for disabled persons, the commissioner must provide information to appropriate committees of the house of representatives and senate and must involve representatives of affected disability groups in the design of the demonstration projects.

(d) A nursing facility reimbursed under the alternative reimbursement methodology in section 256B.434 may, in collaboration with a hospital, clinic, or other health care entity provide services under paragraph (a). The commissioner shall amend the state plan and seek any federal waivers necessary to implement this paragraph.

(e) The commissioner, in consultation with the commissioners of commerce and health, may approve and implement programs for all-inclusive care for the elderly (PACE) according to federal laws and regulations governing that program and state laws or rules applicable to participating providers. ~~The process for approval of these programs shall begin only after the commissioner receives grant money in an amount sufficient to cover the state share of the administrative and actuarial costs to implement the programs during state fiscal years 2006 and 2007. Grant amounts for this purpose shall be deposited in an account in the special revenue fund and are appropriated to the commissioner to be used solely for the purpose of PACE administrative and actuarial costs.~~ A PACE provider is not required to be licensed or certified as a health plan company as defined in section 62Q.01, subdivision 4. Persons age 55 and older who have been screened by the county and found to be eligible for services under the elderly waiver or community alternatives for disabled individuals or who are already eligible for Medicaid but meet level of care criteria for receipt of waiver services may choose to enroll in the PACE program. Medicare and Medicaid services will be provided according to this subdivision and federal Medicare and Medicaid requirements governing PACE providers and programs. PACE enrollees will receive Medicaid home and community-based services through the PACE provider as an alternative to services for which they would otherwise be eligible through home and community-based waiver programs and Medicaid State Plan Services. The commissioner shall establish Medicaid rates for PACE providers that do not exceed costs that would have been incurred under fee-for-service or other relevant managed care programs operated by the state.

(f) The commissioner shall seek federal approval to expand the Minnesota disability health options (MnDHO) program established under this subdivision in stages, first to regional population centers outside the seven-county metro area and then to all areas of the state. Until July 1, 2009,



expansion for MnDHO projects that include home and community-based services is limited to the two projects and service areas in effect on March 1, 2006. Enrollment in integrated MnDHO programs that include home and community-based services shall remain voluntary. Costs for home and community-based services included under MnDHO must not exceed costs that would have been incurred under the fee-for-service program. Notwithstanding whether expansion occurs under this paragraph, in determining MnDHO payment rates and risk adjustment methods for contract years starting in 2012, the commissioner must consider the methods used to determine county allocations for home and community-based program participants. If necessary to reduce MnDHO rates to comply with the provision regarding MnDHO costs for home and community-based services, the commissioner shall achieve the reduction by maintaining the base rate for contract years 2010 and 2011 for services provided under the community alternatives for disabled individuals waiver at the same level as for contract year 2009. The commissioner may apply other reductions to MnDHO rates to implement decreases in provider payment rates required by state law. In developing program specifications for expansion of integrated programs, the commissioner shall involve and consult the state-level stakeholder group established in subdivision 28, paragraph (d), including consultation on whether and how to include home and community-based waiver programs. Plans for further expansion of MnDHO projects shall be presented to the chairs of the house of representatives and senate committees with jurisdiction over health and human services policy and finance by February 1, 2007.

(g) Notwithstanding section 256B.0261, health plans providing services under this section are responsible for home care targeted case management and relocation targeted case management. Services must be provided according to the terms of the waivers and contracts approved by the federal government.

### Sec. 3. APPROPRIATIONS.

Subdivision 1. **Community service development reduction.** The appropriation in Laws 2009, chapter 79, article 13, section 3, subdivision 8, paragraph (a), for community service development grants, as amended by Laws 2009, chapter 173, article 2, section 1, subdivision 8, paragraph (a), is reduced by \$154,000 in fiscal year 2011. The appropriation base is reduced by \$139,000 for fiscal year 2012 and \$0 for fiscal year 2013. Notwithstanding any law or rule to the contrary, this provision expires June 30, 2012.

Subd. 2. **Health care administration; PACE implementation funding.** For fiscal year 2011, \$145,000 is appropriated from the general fund to the commissioner of human services to complete the actuarial and administrative work necessary to begin the operation of PACE under Minnesota Statutes, section 256B.69, subdivision 23, paragraph (e). Base level funding for this activity shall be \$130,000 in fiscal year 2012 and \$0 in fiscal year 2013.

Subd. 3. **Continuing care management; PACE implementation funding.** For fiscal year 2011, \$111,000 is appropriated from the general fund to the commissioner of human services to complete the actuarial and administrative work necessary to begin the operation of PACE under Minnesota Statutes, section 256B.69, subdivision 23, paragraph (e). Base level funding for this activity shall be \$101,000 in fiscal year 2012 and \$0 in fiscal year 2013. For fiscal year 2013 and beyond, the commissioner must work with stakeholders to develop financing mechanisms to complete the actuarial and administrative costs of PACE. The commissioner shall inform the chairs and ranking minority members of the legislative committees with jurisdiction over health care funding by January 15, 2011, on progress to develop financing mechanisms."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2859 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kubly	Olson, M.	Sheran
Berglin	Fobbe	Langseth	Pariseau	Sieben
Betzold	Foley	Latz	Parry	Skogen
Bonoff	Frederickson	Limmer	Pogemiller	Sparks
Carlson	Gerlach	Lynch	Prettner Solon	Stumpf
Chaudhary	Gimse	Marty	Robling	Tomassoni
Cohen	Hann	Metzen	Rosen	Vandever
Dahle	Higgins	Moua	Rummel	Vickerman
Dille	Johnson	Murphy	Saltzman	Wiger
Doll	Jungbauer	Olseen	Saxhaug	
Erickson Ropes	Kelash	Olson, G.	Senjem	

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

### CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Moua moved that the following members be excused for a Conference Committee on S.F. No. 2725 at 5:30 p.m.:

Senators Moua, Torres Ray, Chaudhary, Dibble and Koering. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Pogemiller, Chair of the Committee on Rules and Administration, designated H.F. No. 2801 a Special Order to be heard immediately.

### SPECIAL ORDER

**H.F. No. 2801:** A bill for an act relating to establishing complete streets program and requiring reports; amending Minnesota Statutes 2008, sections 162.02, subdivision 3a; 162.09, subdivision 3a; proposing coding for new law in Minnesota Statutes, chapter 174.

Senator Murphy moved to amend H.F. No. 2801, as amended pursuant to Rule 45, adopted by the Senate April 27, 2010, as follows:

(The text of the amended House File is identical to S.F. No. 2461.)

Page 3, after line 17, insert:

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

This article is effective August 1, 2010."

Page 4, after line 5, insert:

**"ARTICLE 3  
LICENSE PLATES**

**Section 1. [168.121] SPECIAL PLATES REMEMBERING VICTIMS OF IMPAIRED DRIVERS.**

Subdivision 1. **Issuance and design.** Notwithstanding section 168.1293, the commissioner shall issue special plates remembering victims of impaired drivers to an applicant who:

- (1) is a registered owner of a passenger automobile;
- (2) pays a fee of \$10 for each set of license plates applied for; and
- (3) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

Subd. 2. **Design.** The commissioner shall design the special plate emblem so that it bears an inscription "Remembering Victims of Impaired Drivers" and displays an image of a broken heart.

Subd. 3. **Plates transfer.** On payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile registered to the individual to whom the special plates were issued.

Subd. 4. **Record.** The commissioner shall maintain a record of the number of special plates issued under this section.

Subd. 5. **Fees credited.** Fees collected under this section must be credited to the vehicle services operating account in the special revenue fund.

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

Sec. 2. Minnesota Statutes 2008, section 168.1291, subdivision 1, is amended to read:

Subdivision 1. **Definition.** For purposes of this section "special plates" means plates issued under sections 168.12, subdivisions 2b and 2e; 168.121; 168.1235; and 168.129.

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

Sec. 3. Minnesota Statutes 2008, section 168.1291, subdivision 2, is amended to read:

Subd. 2. **Uniform design of special plates.** (a) The commissioner shall design a single special plate that will contain a unique number and a space for a unique emblem for plates issued under sections 168.12, subdivisions 2b and 2e; 168.121; 168.1235; and 168.129. The commissioner shall design a unique emblem related to the purpose of each special plate.

(b) Any provision of sections 168.12, subdivisions 2b to 2e; 168.121; 168.123; and 168.129, that requires the placement of a specified letter or letters on a special plate applies to those plates only to the extent that the commissioner includes the letter or letters in the design.

(c) If a law authorizing a special plate contains a specific requirement for graphic design of that plate, that requirement applies to the appropriate unique emblem.

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

Sec. 4. Minnesota Statutes 2008, section 168.1293, is amended to read:

**168.1293 CERTAIN SPECIAL PLATES; AUTHORIZATION, DISCONTINUANCE.**

Subdivision 1. **Definition.** For purposes of this section and section 168.1297, the following terms have the meanings given them:

(1) "new special plate" or "proposed special plate" means a special plate authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129, to have wording and graphics that differ from a Minnesota passenger vehicle plate, that is not authorized under this chapter and for which legislation authorizing the plate, including but not limited to a bill or amendment, is introduced or presented to the legislature; and

(2) "proximate special plate" means a special plate (i) authorized under section 168.12, subdivisions 2b and 2e; or 168.129; or (ii) authorized in law on or after August 1, 2010.

Subd. 1a. **Establishment of plate.** The commissioner may only establish a special plate as authorized under this chapter. This requirement does not apply to alternative or additional designs for a special plate.

Subd. 2. **Submissions to commissioner.** (a) A person, legal entity, or other requester, however organized, that plans to seek legislation establishing a new special plate, or is a proponent of a new special plate, shall submit the following information and fee to the commissioner:

(1) The requester shall submit a request for the special plate being sought, describing the proposed special plate in general terms, the purpose of the plate, and the proposed fee or minimum contribution required for the plate.

(2) The requester shall submit the results of a scientific sample survey of Minnesota motor vehicle owners that indicates that at least 10,000 motor vehicle owners intend to purchase the proposed plate with the proposed fee or minimum contribution. The requester's plan to undertake the survey must be reported to the commissioner before the survey is undertaken. The survey must be performed independently of the requester by another person or legal entity, however organized, that conducts similar sample surveys in the normal course of business.

(3) The requester shall submit an application fee of \$20,000, to cover the cost of reviewing the application for a new plate and developing the new special plate if authorized by law. State funds may not be used to pay the application fee. This requirement does not apply if legislation or a bill introduced to the legislature proposing the new special plate contains a mechanism by which all costs incurred by the commissioner for development and implementation of the plate are covered, provided that the application fee subsequently does apply if such a mechanism is not enacted in the law authorizing the new special plate.

(4) The requester shall submit a marketing strategy that contains (i) short-term and long-term marketing plans for the requested plate, and (ii) a financial analysis showing the anticipated revenues and the planned expenditures of any fee or contribution derived from the requested plate.

(b) The requester shall submit the information required under paragraph (a) to the commissioner at least 120 days before the convening of the next regular legislative session at which the requester

will submit the proposal.

Subd. 2a. **Information for legislature.** (a) Within 15 days of the introduction of a bill proposing a new special plate, the commissioner shall submit a briefing to the chairs and ranking minority members of the house of representatives and senate committees to which the bill was referred. At a minimum, the briefing must:

(1) summarize the requirements for a special plate under this section; and

(2) identify which of the requirements have been met for the proposed special plate.

(b) If a proposed special plate is a topic of discussion at a legislative committee hearing, the commissioner shall make every reasonable effort to provide testimony. The testimony must include the information required in the briefing under paragraph (a).

(c) Notwithstanding section 3.195, the commissioner may submit the briefing under paragraph (a) by submitting an electronic version rather than a printed version.

**Subd. 3. Design; redesign.** (a) If the proposed new special plate sought by the requester is approved by law, the requester shall submit the proposed design for the plate to the commissioner as soon as practicable, but not later than 120 days after the effective date of the law authorizing issuance of the plate. The commissioner is responsible for selecting the final design for the special plate.

(b) The requester that originally requested a new special plate subsequently approved by law may not submit a new design for the plate within the five years following the date of first issuance of the plate unless the inventory of those plates has been exhausted. The requester may deplete the remaining inventory of the plates by reimbursing the commissioner for the cost of the plates.

**Subd. 4. Refund of fee.** If the special plate requested is not authorized in the legislative session at which authorization was sought, the commissioner shall, if applicable, refund \$17,500 of the application fee to the requester.

**Subd. 5. Discontinuance of plate.** (a) The commissioner shall discontinue the issuance or renewal of any proximate special plate ~~authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129~~, if (1) fewer than 1,000 sets of those plates are currently registered at the end of the first six years during which the plates are available, or (2) fewer than 1,000 sets of those plates are currently registered at the end of any subsequent two-year period following the first six years of availability.

(b) The commissioner shall discontinue the issuance or renewal of any proximate special plate ~~authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129~~, and distribution of any contributions resulting from that plate, if the commissioner determines that (1) the fund or requester receiving the contributions no longer exists, (2) the requester has stopped providing services that are authorized to be funded from the contribution proceeds, (3) the requester has requested discontinuance, or (4) contributions have been used in violation of subdivision 6.

(c) Nothing in this subdivision applies to plates issued under section 168.123, 168.1235, 168.124, 168.125, 168.1251, or 168.1255.

(d) Upon commencing discontinuance of a proximate special plate under this subdivision, the

commissioner (1) shall not issue the plate, including as a duplicate; and (2) shall allow retention of any existing plate for the regular period. For purposes of this paragraph, "regular period" may be, as appropriate, the period specified under section 168.12, subdivision 1; the time until issuance of a duplicate plate for that vehicle; or as otherwise provided by law.

Subd. 6. **Use of contributions.** Contributions made as a condition of obtaining a proximate special plate ~~authorized by sections 168.12, subdivisions 2b and 2e; 168.1235; and 168.129, and interest earned on the contributions, may not be spent for commercial or for-profit purposes.~~

Subd. 7. **Deposit of fee; appropriation.** The commissioner shall deposit the application fee under subdivision 2, paragraph (a), clause (3), in the vehicle services operating account of the special revenue fund under section 299A.705. An amount sufficient to pay the department's cost in implementing and administering this section, including payment of refunds under subdivision 4, is appropriated to the commissioner.

**EFFECTIVE DATE.** This section is effective August 1, 2010.

**Sec. 5. REPEALER.**

Section 23 of 2010 S.F. No. 2540, if enacted, is repealed, effective the day following final enactment.

## ARTICLE 4

### ROAD CONSTRUCTION

Section 1. **STATE ROAD CONSTRUCTION APPROPRIATION.**

\$30,000,000 is appropriated from the bond proceeds account in the trunk highway fund in fiscal year 2011 to the commissioner of transportation for the actual construction, reconstruction, and improvement of trunk highways, including design-build contracts and consultant usage to support these activities. This includes the cost of actual payments to landowners for lands acquired for highway rights-of-way, payments to lessees, interest subsidies, and relocation expenses. The commissioner may use up to \$5,100,000 of this amount for program delivery.

Sec. 2. **INTERCHANGE ACCOUNT APPROPRIATION.**

\$70,000,000 is appropriated from the bond proceeds account in the trunk highway fund in fiscal year 2011 to the commissioner of transportation for construction of interchanges involving a trunk highway, where the interchange will promote economic development, increase employment, relieve growing traffic congestion, and promote traffic safety. The amount under this paragraph must be allocated 50 percent to the department's metropolitan district, and 50 percent to districts in greater Minnesota.

Sec. 3. **BOND SALE EXPENSES.**

\$100,000 is appropriated from the bond proceeds account in the trunk highway fund to the commissioner of finance for bond sale expenses under Minnesota Statutes, sections 16A.641, subdivision 8, and 167.50, subdivision 4.

Sec. 4. **TRUNK HIGHWAY BONDS AUTHORIZATION.**

To provide the money appropriated in sections 1, 2, and 3 from the bond proceeds account in the trunk highway fund, the commissioner of management and budget shall sell and issue bonds of the state in an amount up to \$100,100,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts requested by the commissioner of transportation. The proceeds of the bonds, except accrued interest and any premium received from the sale of the bonds, must be deposited in the bond proceeds account in the trunk highway fund.

**Sec. 5. EFFECTIVE DATE.**

This article is effective the day following final enactment.

**ARTICLE 5**

**TRANSPORTATION TAX COMPLIANCE**

Section 1. Laws 2009, chapter 36, article 1, section 1, is amended to read:

**Section 1. SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<b>2010</b>		<b>2011</b>		<b>Total</b>
General	\$ 98,385,000	\$	<u>95,885,000</u>	\$	<u>194,270,000</u>
			<u>95,897,000</u>		<u>194,282,000</u>
Airports	21,909,000		19,659,000		41,568,000
C.S.A.H.	496,786,000		524,478,000		1,021,264,000
M.S.A.S.	134,003,000		141,400,000		275,403,000
Special Revenue	49,038,000		<u>49,038,000</u>		<u>98,076,000</u>
			<u>49,088,000</u>		<u>98,126,000</u>
H.U.T.D.	9,538,000		<u>9,838,000</u>		<u>19,376,000</u>
			<u>10,017,000</u>		<u>19,555,000</u>
Trunk Highway	1,264,921,000		<u>1,372,687,000</u>		<u>2,637,608,000</u>
			<u>1,372,496,000</u>		<u>2,637,417,000</u>
<b>Total</b>	<b>\$ 2,074,580,000</b>	<b>\$</b>	<b><u>2,212,985,000</u></b>	<b>\$</b>	<b><u>4,287,565,000</u></b>
			<b><u>2,213,035,000</u></b>	<b>\$</b>	<b><u>4,287,615,000</u></b>

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 2. Laws 2009, chapter 36, article 1, section 5, subdivision 1, is amended to read:

Subdivision 1. <b>Total Appropriation</b>	<b>\$ 152,478,000</b>	<b>\$</b>	<b><u>152,578,000</u></b>	<b>\$</b>	<b><u>152,628,000</u></b>
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Appropriations by Fund

2010

2011

		<u>7,959,000</u>
General	7,959,000	<u>7,971,000</u>
		<u>49,038,000</u>
Special Revenue	49,038,000	<u>49,088,000</u>
		<u>9,713,000</u>
H.U.T.D.	9,413,000	<u>9,892,000</u>
		<u>85,868,000</u>
Trunk Highway	86,068,000	<u>85,677,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 3. Laws 2009, chapter 36, article 1, section 5, subdivision 3, is amended to read:

**Subd. 3. State Patrol**

(a) <b>Patrolling Highways</b>	71,522,000	<u>71,522,000</u> <u>71,331,000</u>
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Appropriations by Fund

General	37,000	37,000
H.U.T.D.	92,000	92,000
		<u>71,393,000</u>
Trunk Highway	71,393,000	<u>71,202,000</u>

The base appropriation from the trunk highway fund in fiscal years 2012 and 2013 is \$71,393,000 for each fiscal year.

(b) <b>Commercial Vehicle Enforcement</b>	7,996,000	7,796,000
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This appropriation is from the trunk highway fund.

\$800,000 the first year and \$600,000 the second year are for the Office of Pupil Transportation Safety.

(c) <b>Capitol Security</b>	3,113,000	3,113,000
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This appropriation is from the general fund.

The commissioner may not: (1) spend any money from the trunk highway fund for



capitol security; or (2) permanently transfer any state trooper from the patrolling highways activity to capitol security.

The commissioner may not transfer any money: (1) appropriated for Department of Public Safety administration, the patrolling of highways, commercial vehicle enforcement, or driver and vehicle services to capitol security; or (2) from capitol security.

**(d) Vehicle Crimes Unit**

-0-

191,000

Appropriations by Fund

<u>General</u>	<u>-0-</u>	<u>12,000</u>
<u>H.U.T.D.</u>	<u>-0-</u>	<u>179,000</u>

This appropriation is to investigate: (1) registration tax and motor vehicle sales tax liabilities from individuals and businesses that currently do not pay all taxes owed; and (2) illegal or improper activity related to sale, transfer, titling, and registration of motor vehicles.

This initiative is expected to result in new revenues for the biennium as follows:

(1) \$114,000 for the highway user tax distribution fund;

(2) \$75,000 for the transit assistance fund; and

(3) \$13,000 for the general fund.

The general fund appropriation for fiscal year 2011 is a onetime appropriation.

The base appropriation from the highway user tax distribution fund in fiscal years 2012 and 2013 is \$693,000 for each fiscal year.

By February 1, 2015, the commissioner shall submit a report to the house of representatives and senate committees having jurisdiction over transportation finance on the revenues generated by the Vehicle Crimes Unit. This report must be made available electronically and made available in print only upon request.

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 4. Laws 2009, chapter 36, article 1, section 5, subdivision 4, is amended to read:

**Subd. 4. Driver and Vehicle Services**

<b>(a) Vehicle Services</b>	26,909,000	27,209,000 <u>27,259,000</u>
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Appropriations by Fund

		18,973,000
Special Revenue	18,973,000	<u>19,023,000</u>
H.U.T.D.	7,936,000	8,236,000

The special revenue fund appropriation is from the vehicle services operating account.

Of the appropriation for fiscal year 2011 from the special revenue fund, \$50,000 is for assistance to the Vehicle Crimes Unit in investigations as provided under subdivision 3, paragraph (d).

<b>(b) Driver Services</b>	28,712,000	28,712,000
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Appropriations by Fund

		28,711,000
Special Revenue	28,711,000	28,711,000
Trunk Highway	1,000	1,000

The special revenue fund appropriation is from the driver services operating account.

**EFFECTIVE DATE.** This section is effective July 1, 2010.

**ARTICLE 6**

**LIMITED LICENSE**

Section 1. 2010 H.F. No. 3106, section 11, if enacted, is amended to read:

Sec. 11. Minnesota Statutes 2008, section 171.30, subdivision 1, is amended to read:

Subdivision 1. **Conditions of issuance.** (a) The commissioner may issue a limited license to the driver under the conditions in paragraph (b) in any case where a person's license has been:

- (1) suspended under section 171.18, 171.173, or 171.186;
- (2) revoked, canceled, or denied under section:
- (i) 169.792;

(ii) 169.797;

(iii) 169A.52;

(A) subdivision 3, paragraph (a), clause (1), or (2);

(B) subdivision 3, paragraph (a), clause (4), (5), or (6), or if in compliance with section 171.306;

(C) subdivision 4, paragraph (a), clause (1) or (2), if the test results indicate an alcohol concentration of less than twice the legal limit, (2) if the test results indicate an alcohol concentration of less than twice the legal limit; or

(D) subdivision 4, paragraph (a), clause (4), (5), or (6), if in compliance with section 171.306;

(iv) 171.17; or

(v) 171.172; or

(3) revoked, canceled, or denied under section 169A.54;

(i) subdivision 1, clause (1), if the test results indicate an alcohol concentration of less than twice the legal limit;

(ii) subdivision 1, clause (2);

(iii) subdivision 1, clause (4), (5), or (6), if in compliance with section 171.306; or

(iv) subdivision 2, if the person does not have a qualified prior impaired driving incident as defined in section 169A.03, subdivision 22, on the person's record, the commissioner may issue a limited license to the driver including under the following conditions: and the test results indicate an alcohol concentration of less than twice the legal limit.

(b) The following conditions for a limited license under paragraph (a) include:

(1) if the driver's livelihood or attendance at a chemical dependency treatment or counseling program depends upon the use of the driver's license;

(2) if the use of a driver's license by a homemaker is necessary to prevent the substantial disruption of the education, medical, or nutritional needs of the family of the homemaker; or

(3) if attendance at a postsecondary institution of education by an enrolled student of that institution depends upon the use of the driver's license.

~~(b)~~ (c) The commissioner in issuing a limited license may impose such conditions and limitations as in the commissioner's judgment are necessary to the interests of the public safety and welfare including reexamination as to the driver's qualifications. The license may be limited to the operation of particular vehicles, to particular classes and times of operation, and to particular conditions of traffic. The commissioner may require that an applicant for a limited license affirmatively demonstrate that use of public transportation or carpooling as an alternative to a limited license would be a significant hardship.

~~(e)~~ (d) For purposes of this subdivision: (1) "homemaker" refers to the person primarily performing the domestic tasks in a household of residents consisting of at least the person and the person's dependent child or other dependents; and (2) "twice the legal limit" means an alcohol

concentration of two times the limit specified in section 169A.20, subdivision 1, clause (5).

~~(d)~~ (e) The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under the limited license shall have the license in possession at all times when operating as a driver.

~~(e)~~ (f) In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver and shall consider the number of miles driven by the driver annually.

~~(f)~~ (g) If the person's driver's license or permit to drive has been revoked under section 169.792 or 169.797, the commissioner may only issue a limited license to the person after the person has presented an insurance identification card, policy, or written statement indicating that the driver or owner has insurance coverage satisfactory to the commissioner of public safety. The commissioner of public safety may require the insurance identification card provided to satisfy this subdivision be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

~~(g)~~ (h) The limited license issued by the commissioner to a person under section 171.186, subdivision 4, must expire 90 days after the date it is issued. The commissioner must not issue a limited license to a person who previously has been issued a limited license under section 171.186, subdivision 4.

~~(h)~~ (i) The commissioner shall not issue a limited driver's license to any person described in section 171.04, subdivision 1, clause (6), (7), (8), (11), or (14).

~~(i)~~ (j) The commissioner shall not issue a class A, class B, or class C limited license.

**EFFECTIVE DATE.** This section is effective July 1, 2011."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 2801 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 53 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Fobbe	Langseth	Pariseau	Sheran
Berglin	Foley	Latz	Parry	Sieben
Betzold	Frederickson	Limmer	Pogemiller	Skogen
Bonoff	Gerlach	Lynch	Prettner Solon	Sparks
Carlson	Gimse	Marty	Robling	Stumpf
Cohen	Hann	Michel	Rosen	Tomassoni
Dahle	Higgins	Murphy	Rummel	Torres Ray
Dille	Johnson	Olseen	Saltzman	Vickerman
Doll	Jungbauer	Olson, G.	Saxhaug	Wiger
Erickson Ropes	Kelash	Olson, M.	Scheid	
Fischbach	Kubly	Pappas	Senjem	

Those who voted in the negative were:

Vandever

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

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House and First Reading of House Bills.

### **MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2405.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 14, 2010

### **FIRST READING OF HOUSE BILLS**

The following bill was read the first time.

**H.F. No. 2405:** A bill for an act relating to the legislature; proposing an amendment to the Minnesota Constitution, article IV, section 4; providing for temporary successors to members of the legislature called into active military service; providing for implementing statutory language; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Rules and Administration.

### **RECESS**

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

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

### **APPOINTMENTS**

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

H.F. No. 2227: Senators Metzen, Bonoff and Rosen.

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

**MEMBERS EXCUSED**

Senator Marty was excused from the Session of today from 12:30 to 12:50 p.m. Senator Koering was excused from the Session of today at 12:40 p.m. Senator Rosen was excused from the Session of today from 12:40 to 12:55 p.m. Senators Bakke, Dibble, Ingebrigtsen, Koch and Ortman were excused from the Session of today at 5:00 p.m. Senators Michel and Scheid were excused from the Session of today from 5:00 to 5:35 p.m. Senator Lourey was excused from the Session of today at 5:25 p.m. Senator Clark was excused from the Session of today from 5:25 to 5:40 p.m. Senator Metzen was excused from the Session of today at 5:30 p.m.

**ADJOURNMENT**

Senator Pogemiller moved that the Senate do now adjourn until 12:00 noon, Saturday, May 15, 2010. The motion prevailed.

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