

SIXTY-THIRD DAY

St. Paul, Minnesota, Thursday, May 19, 2005

The Senate met at 9:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Johnson, D.E. 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. Thaddeus Wojcik.

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

Anderson	Gerlach	Larson	Ortman	Senjem
Bachmann	Hann	LeClair	Ourada	Skoe
Belanger	Higgins	Limmer	Pappas	Skoglund
Berglin	Hottinger	Lourey	Pariseau	Solon
Betzold	Johnson, D.E.	Marko	Pogemiller	Sparks
Chaudhary	Johnson, D.J.	Marty	Ranum	Stumpf
Cohen	Jungbauer	McGinn	Reiter	Tomassoni
Day	Kelley	Metzen	Rest	Vickerman
Dibble	Kierlin	Michel	Robling	Wergin
Dille	Kiscaden	Moua	Rosen	Wiger
Fischbach	Kleis	Murphy	Ruud	
Foley	Koering	Neuville	Sams	
Frederickson	Kubly	Nienow	Saxhaug	
Gaither	Langseth	Olson	Scheid	

The President declared a quorum present.

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

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. 718, 1378, 2259, 1405 and 1485.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 18, 2005

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. 1738: A bill for an act relating to waters; modifying water use permit provisions; amending Minnesota Statutes 2004, section 103G.271, subdivision 5.

Senate File No. 1738 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 18, 2005

CONCURRENCE AND REPASSAGE

Senator Day moved that the Senate concur in the amendments by the House to S.F. No. 1738 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1738 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Kubly	Neuville	Skoglund
Bachmann	Gerlach	Langseth	Nienow	Solon
Belanger	Hann	Larson	Ortman	Sparks
Berglin	Higgins	LeClair	Ourada	Stumpf
Betzold	Johnson, D.E.	Limmer	Pogemiller	Tomassoni
Cohen	Johnson, D.J.	Lourey	Reiter	Vickerman
Day	Jungbauer	Marty	Robling	Wergin
Dibble	Kelley	McGinn	Rosen	Wiger
Dille	Kierlin	Metzen	Ruud	
Fischbach	Kiscaden	Michel	Saxhaug	
Foley	Kleis	Moua	Senjem	
Frederickson	Koering	Murphy	Skoe	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1272, 1470, 675, 1816 and 460.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 18, 2005

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred as indicated.

H.F. No. 1272: A bill for an act relating to professional firms; including marriage and family therapy in the definition of professional services; allowing marriage and family therapists to practice professional services in combination; amending Minnesota Statutes 2004, sections 319B.02, subdivision 19; 319B.40.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1198, now on General Orders.

H.F. No. 1470: A bill for an act relating to environment; authorizing annual adjustment of dry

cleaner environmental fees; amending Minnesota Statutes 2004, section 115B.49, by adding a subdivision; repealing Minnesota Statutes 2004, section 115B.49, subdivision 4a.

Senator Johnson, D.E. moved that H.F. No. 1470 be laid on the table. The motion prevailed.

H.F. No. 675: A bill for an act relating to health; modifying the hospice care bill of rights; requiring hospice providers to complete a specified survey; modifying death report requirements for recipients of hospice care; amending Minnesota Statutes 2004, sections 144A.751, subdivisions 1, 3; 144A.755; 383B.225, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 687, now on General Orders.

H.F. No. 1816: A bill for an act relating to human services; extending coverage of certain mental health services; changing certain civil commitment provisions; establishing a task force to study disposition of persons committed as sexually dangerous or sexual psychopathic personality; requiring a report; amending Minnesota Statutes 2004, sections 148C.11, subdivision 1; 253B.02, subdivisions 7, 9; 253B.05, subdivision 2; 256.9693; 256B.0624, by adding a subdivision; 260C.141, subdivision 2; 260C.193, subdivision 2; 260C.201, subdivisions 1, 2; 260C.205; 260C.212, subdivision 1; 609.2231, subdivision 3; repealing Laws 2001, First Special Session chapter 9, article 9, section 52; Laws 2002, chapter 335, section 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1857, now on General Orders.

H.F. No. 460: A bill for an act relating to natural resources; modifying acquisition, designation, and use provisions for scientific and natural areas; modifying off-highway vehicle provisions; regulating fees and permit requirements; establishing certain accounts; authorizing certain lawful purpose expenditures for projects or activities approved by the commissioner of natural resources; authorizing the commissioner to give preference in certain hunting and fishing license and permit lotteries to military service members and veterans; modifying fishing, hunting, and firearms safety provisions; modifying water use permit provisions; modifying environmental advisory boards; modifying reporting requirements for certain waste management revenue; authorizing the use of silencers for certain wildlife control; modifying requirements for forest classification status review; regulating metropolitan area water supply planning activities; regulating the credit enhancement program; appropriating money; amending Minnesota Statutes 2004, sections 84.027, subdivisions 12, 15, by adding a subdivision; 84.0274, by adding a subdivision; 84.033, by adding a subdivision; 84.791, subdivision 2; 84.8205, subdivisions 3, 4, 6; 84.86, subdivision 1; 84.91, subdivision 1; 84.925, subdivision 1; 84.9256, subdivision 1; 84D.03, subdivision 4; 85.052, subdivision 4; 85.053, subdivisions 1, 2; 85.054, by adding a subdivision; 85.055, subdivision 2, by adding a subdivision; 85.43; 88.6435, subdivision 4; 97A.055, subdivision 4b; 97A.093; 97A.135, subdivision 2a; 97A.465, by adding a subdivision; 97A.4742, subdivision 4; 97A.485, subdivision 7; 97B.015, subdivisions 1, 2, 5, 7; 97B.020; 97B.025; 103F.535, subdivision 1; 103G.271, subdivision 5; 103G.615, subdivision 2; 115A.072, subdivision 1; 115A.12; 115A.554; 115A.929; 115B.49, by adding a subdivision; 169A.63, subdivision 6; 282.08; 282.38, subdivision 1; 296A.18, subdivision 2; 349.12, subdivision 25; 462.357, subdivision 1e; 473.197, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 86B; 473; repealing Minnesota Statutes 2004, sections 84.033, subdivision 2; 85.054, subdivision 1; 94.343, subdivision 6; 94.344, subdivision 6; 94.348; 94.349; 473.156; 473.197, subdivisions 1, 2, 3, 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1047, now on General Orders.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Report at the Desk be now adopted. The motion prevailed.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 225 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
225	361				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 225 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 225 and insert the language after the enacting clause of S.F. No. 361, the first engrossment; further, delete the title of H.F. No. 225 and insert the title of S.F. No. 361, the first engrossment.

And when so amended H.F. No. 225 will be identical to S.F. No. 361, and further recommends that H.F. No. 225 be given its second reading and substituted for S.F. No. 361, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. No. 225 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Limmer moved that the name of Senator Bachmann be added as a co-author to S.F. No. 1455. The motion prevailed.

Senator Dille moved that his name be stricken as a co-author to S.F. No. 1555. The motion prevailed.

Senator Rest moved that the name of Senator Kleis be added as a co-author to S.F. No. 1555. 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 and referred to the committees indicated.

Senators Cohen, Moua, Pappas and Anderson introduced--

S.F. No. 2308: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Ordway Center for the Performing Arts in St. Paul.

Referred to the Committee on Finance.

Senators Anderson, Moua, Cohen and Pappas introduced--

S.F. No. 2309: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the St. Paul Bioscience Corridor.

Referred to the Committee on Finance.

Senators Pappas, Moua, Cohen and Anderson introduced--

S.F. No. 2310: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for improvements along the Mississippi River in St. Paul.

Referred to the Committee on Finance.

Senators Pappas, Moua, Cohen and Anderson introduced--

S.F. No. 2311: A bill for an act relating to capital improvements; providing for a grant to the city of St. Paul to acquire land for and remediate contamination in the Pierce Butler Corridor; authorizing issuance of bonds; appropriating money.

Referred to the Committee on Finance.

Senators Kiscaden, Senjem, Kierlin, Murphy and Sparks introduced--

S.F. No. 2312: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Great River Ridge Trail.

Referred to the Committee on Finance.

Senators Kiscaden, Senjem, Kierlin, Murphy and Sparks introduced--

S.F. No. 2313: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Rochester Regional Public Safety Training Center.

Referred to the Committee on Finance.

Senators Kiscaden, Senjem, Kierlin, Murphy and Sparks introduced--

S.F. No. 2314: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Eyota Chesterwoods Trail.

Referred to the Committee on Finance.

Senators Olson, Day, Wergin, Stumpf and Skoe introduced--

S.F. No. 2315: A bill for an act relating to data practices; limiting fees for driver's license checks; amending Minnesota Statutes 2004, section 171.321, subdivision 5.

Referred to the Committee on Transportation.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 10:15 a.m. The motion prevailed.

The hour of 10:15 a.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Cohen moved that S.F. No. 1468 be taken from the table. The motion prevailed.

S.F. No. 1468: A bill for an act relating to public employers; modifying public employer reimbursement for compensation paid to certain firefighters and peace officers; creating a panel to evaluate claims; appropriating money; amending Minnesota Statutes 2004, sections 214.04, subdivision 1; 299A.465, subdivision 4, by adding subdivisions.

Senator Reiter moved to amend S.F. No. 1468 as follows:

Page 3, delete lines 33 and 34 and insert:

"(5) one member with expertise in disability issues and their costs."

The motion prevailed. So the amendment was adopted.

Senator Ortman moved to amend S.F. No. 1468 as follows:

Page 3, lines 11 and 12, delete "prohibits employment" and insert "results in the officer's or firefighter's retirement or separation from service"

The motion prevailed. So the amendment was adopted.

S.F. No. 1468 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Gaither	Kubly	Nienow	Skoe
Bachmann	Gerlach	Langseth	Olson	Skoglund
Belanger	Hann	Larson	Ortman	Solon
Berglin	Hottinger	LeClair	Pogemiller	Sparks
Betzold	Johnson, D.E.	Limmer	Reiter	Stumpf
Chaudhary	Johnson, D.J.	Lourey	Rest	Tomassoni
Cohen	Jungbauer	Marko	Robling	Vickerman
Day	Kelley	McGinn	Rosen	Wergin
Dibble	Kierlin	Metzen	Ruud	Wiger
Fischbach	Kiscaden	Michel	Saxhaug	
Foley	Kleis	Moua	Scheid	
Frederickson	Koering	Neuville	Senjem	

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

SPECIAL ORDERS

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

H.F. No. 1915, S.F. No. 1057, H.F. No. 369, S.F. No. 1298, H.F. No. 367, S.F. No. 1204, H.F. Nos. 436, 1507, 478, S.F. No. 1772 and H.F. No. 1555.

SPECIAL ORDER

H.F. No. 1915: A bill for an act relating to health; providing an exception to the hospital construction moratorium; amending Minnesota Statutes 2004, section 144.551, subdivision 1.

Senator Limmer moved to amend H.F. No. 1915, the unofficial engrossment, as follows:

Page 8, delete lines 21 to 23 and insert:

"Any applicant aggrieved by the commissioner's order is entitled to judicial review by the Court of Appeals in accordance with sections 14.63 to 14.69. Review by the Court of Appeals must be based on the administrative record and expedited."

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend H.F. No. 1915, the unofficial engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [REPEALER.]

Minnesota Statutes 2004, sections 144.551 and 144.552, are repealed."

Delete the title and insert:

"A bill for an act relating to health; repealing the hospital construction moratorium and the public interest review of proposed hospital projects; repealing Minnesota Statutes 2004, sections 144.551; 144.552."

CALL OF THE SENATE

Senator Berglin imposed a call of the Senate for the balance of the proceedings on H.F. No. 1915. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 24 and nays 42, as follows:

Those who voted in the affirmative were:

Bachmann	Jungbauer	LeClair	Pariseau	Saxhaug
Gaither	Kelley	McGinn	Reiter	Scheid
Gerlach	Kierlin	Nienow	Rest	Senjem
Hann	Kleis	Olson	Robling	Wergin
Johnson, D.J.	Larson	Ortman	Ruud	

Those who voted in the negative were:

Anderson	Fischbach	Langseth	Neuville	Solon
Belanger	Foley	Limmer	Ourada	Sparks
Berglin	Frederickson	Lourey	Pappas	Stumpf
Betzold	Higgins	Marko	Pogemiller	Tomassoni
Chaudhary	Hottinger	Marty	Ranum	Vickerman
Cohen	Johnson, D.E.	Metzen	Rosen	Wiger
Day	Kiscaden	Michel	Sams	
Dibble	Koering	Moua	Skoe	
Dille	Kubly	Murphy	Skoglund	

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

Senator Higgins moved to amend H.F. No. 1915, the unofficial engrossment, as follows:

Page 8, after line 23, insert:

"Sec. 2. Minnesota Statutes 2004, section 144.552, is amended to read:

144.552 [PUBLIC INTEREST PRIOR REVIEW OF HOSPITAL MORATORIUM EXCEPTION PROPOSALS.]

Subdivision 1. [SUBMISSION OF PLAN.] (a) A hospital seeking to increase its number of licensed beds or Prior to seeking a moratorium exception under section 144.551, subdivision 1, an organization seeking to obtain a hospital license must submit a plan to the commissioner of health.

The plan must include ~~information that includes~~ an explanation of how the ~~expansion~~ new hospital will meet the public's interest and satisfy the criteria established in subdivision 3. When submitting a plan to the commissioner, an applicant shall pay the commissioner for the commissioner's cost of reviewing the plan, as determined by the commissioner and notwithstanding section 16A.1283. Money received by the commissioner under this section is appropriated to the commissioner for the purpose of administering this section.

(b) Plans submitted under this section shall include detailed information necessary for the commissioner to review the plan and ~~reach a finding~~ make the determinations required under this section. The commissioner may request additional information from the hospital submitting a plan under this section and from others affected by the plan that the commissioner deems necessary to review the plan and ~~make a finding~~ the determinations.

(e) Subd. 2. [PUBLIC INTEREST DETERMINATION.] The commissioner shall review the plan and, ~~within 90 days, but no more than six months if extenuating circumstances apply,~~ issue a finding determination on whether the plan is in the public interest. In making the recommendation determination, the commissioner shall consider issues including but not limited to:

(1) whether the new hospital or hospital beds are needed to provide timely access to care or access to new or improved services;

(2) the financial impact of the new hospital or hospital beds on existing acute-care hospitals that have emergency departments in the region;

(3) how the new hospital or hospital beds will affect the ability of existing hospitals in the region to maintain existing staff;

(4) the extent to which the new hospital or hospital beds will provide services to nonpaying or low-income patients relative to the level of services provided to these groups by existing hospitals in the region; and

(5) the views of affected parties.

(d) ~~Upon making a recommendation under paragraph (c), the commissioner shall provide a copy of the recommendation to the chairs of the house and senate committees having jurisdiction over health and human services policy and finance.~~

Subd. 3. [CRITERIA-BASED DETERMINATION.] The commissioner shall also make a determination on whether the applicant is able to provide services consistent with the criteria in this subdivision. In making a determination, the commissioner shall weigh each criterion on a 100-point scale according to the points assigned in this clause:

(i) the applicant demonstrates the ability to provide and staff sufficient new beds to meet the growing needs of the proposed new hospital's service area, 19 points;

(ii) the hospital will have a significant commitment to providing uncompensated care, including discounts for uninsured patients, coordination with community health centers and other providers of care to low-income uninsured persons, and coordination with other hospitals providing uncompensated care and serving public program participants, 16 points;

(iii) the project's initial mental health services will include, in addition to inpatient behavioral health services, stabilization services for children and adolescents in acute psychiatric crisis, mental health and substance abuse stabilization and referral services, nonovernight children and adolescent observation services, intensive child and adolescent outpatient services, and outpatient chemical dependency services for persons over age 16, 16 points;

(iv) the hospital will be a site for workforce development for a broad spectrum of health care-related occupations and have a commitment to providing clinical training programs for physicians and other health care providers, including, but not limited to, obstetrics and gynecology, pediatrics, psychiatry, and pediatric psychiatry, in coordination with other medical education training programs in the state, nine points;

(v) the applicant has a record of providing high quality health care services, and the proposal demonstrates a commitment to quality care and patient safety, nine points;

(vi) the hospital will operate in clinical coordination with other hospitals providing additional specialized services at volume levels conducive to the maintenance of high quality care, six points;

(vii) the applicant or a member organization of the applicant owns a hospital in which an automated patient medical records system, including physician order entry, has been or is in the process of being implemented, six points;

(viii) the hospital will have a positive impact on the viability of existing providers, including physicians, in the new hospital's service area, five points;

(ix) the hospital will increase competition in the health care marketplace and will not add to the pressure to consolidate the provision of health care services, five points;

(x) the project will include ambulatory care services colocated with the hospital component of the project, including mental health services, urgent care services, pediatrics, and imaging services, three points;

(xi) the project will provide a broad range of senior services to enable seniors to remain living in the community, three points; and

(xii) the hospital will have a positive impact on the emergency medical services system, including the coordination and provision of trauma services and the licensed emergency ambulance providers currently serving the area, and a positive impact on the continuity of patient emergency medical care, three points.

The commissioner may exclude one or more of these criteria from the review process if the commissioner determines the criterion is not applicable to the plan.

Subd. 4. [TIMETABLE FOR APPLICATION, REVIEW, AND DETERMINATION.] (a) Between July 1 and August 1 of each year, beginning in 2005, any entity that desires to establish a new hospital must submit to the commissioner an application for a review under this section.

(b) If there is only one applicant, the commissioner shall review the application to determine whether it is in the public interest according to subdivision 2 and is in compliance with the criteria in subdivision 3. If the commissioner determines that the application is in the public interest and complies with the criteria, the commissioner shall make a determination to that effect.

(c) If there is more than one applicant in the same or similar service area in any year, the commissioner shall determine which plan or plans are in the public interest and the applicant's compliance with the criteria. If more than one applicant is in the public interest and would meet the criteria, the commissioner shall determine which applicant has demonstrated that it is best able to provide services consistent with the criteria in subdivision 3.

(d) The commissioner shall make these determinations following a hearing according to this subdivision. The hearing shall not constitute or be considered to be a contested case hearing under chapter 14 and shall be conducted solely under the procedures specified in this subdivision. The hearing shall commence upon at least 30 days' notice to the applicants by the commissioner, but no later than October 15. The hearing may be conducted by the commissioner or by a person designated by the commissioner. The designee may be an administrative law judge. The purpose of the hearing shall be to receive evidence to assist the commissioner in determining if the applications are in the public interest and which application has demonstrated that it best meets the criteria in this clause.

(e) The parties to the hearing shall consist only of those applicants who have submitted a completed application. Each applicant shall have the right to be represented by counsel, to present evidence deemed relevant by the commissioner, and to examine and cross-examine witnesses. Persons who are not parties to the proceeding but who wish to present comments or submit information may do so in the manner determined by the commissioner or the commissioner's

designee. Any person who is not a party shall have no right to examine or cross-examine witnesses. The commissioner may participate as an active finder of fact in the hearing and may ask questions to elicit information or clarify answers or responses.

(f) Notwithstanding section 16A.1283, applicants who are a party to the hearing shall pay the cost of the hearing, as determined by the commissioner. The cost of the hearing shall be divided equally among the applicants. Money received by the commissioner under this subdivision is appropriated to the commissioner for the purpose of administering this subdivision.

(g) The commissioner shall issue the determinations within 90 days following the closing of the record of the hearing as determined by the hearing officer. The hearing officer must close the record by November 15. The commissioner's determination shall include a statement of which applications are in the public interest and the reasons why one application best meets the criteria in subdivision 3. Prior to making these determinations, the commissioner shall, through a process announced by the commissioner, accept comments from members of the public in the service area for the new hospital. The commissioner shall take this information into consideration in making the determination. The commissioner must also consider the input and preferences of legislators and local elected officials who represent the service area regarding the selection of the hospital provider.

Subd. 5. [ANNUAL REPORT TO LEGISLATURE.] By March 1 of each year, the commissioner shall report to the legislature on:

(1) applications received under this section in the prior July 1 to August 31 application period; and

(2) determinations made by the commissioner on those applications under this section.

Subd. 6. [MAPLE GROVE PROJECT EXCLUDED.] The provisions of this section do not apply to the proposals to build a hospital in Maple Grove under section 144.551, subdivision 1, paragraph (b), clause (19)."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 6 and nays 60, as follows:

Those who voted in the affirmative were:

Chaudhary	Jungbauer	Pappas	Rest	Scheid
Higgins				

Those who voted in the negative were:

Anderson	Gaither	Langseth	Neuville	Sams
Bachmann	Gerlach	Larson	Nienow	Saxhaug
Belanger	Hann	LeClair	Olson	Senjem
Berglin	Hottinger	Limmer	Ortman	Skoe
Betzold	Johnson, D.E.	Lourey	Ourada	Skoglund
Cohen	Johnson, D.J.	Marko	Pariseau	Solon
Day	Kelley	Marty	Pogemiller	Sparks
Dibble	Kierlin	McGinn	Ranum	Stumpf
Dille	Kiscaden	Metzen	Reiter	Tomassoni
Fischbach	Kleis	Michel	Robling	Vickerman
Foley	Koering	Moua	Rosen	Wergin
Frederickson	Kubly	Murphy	Ruud	Wiger

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

Senator Higgins moved to amend H.F. No. 1915, the unofficial engrossment, as follows:

Page 8, line 20, after the period, insert "The commissioner must also consider the input and preferences of legislators and local elected officials who represent the service area regarding the selection of the hospital provider."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Langseth	Moua	Saxhaug	Vickerman
Chaudhary	Larson	Pappas	Scheid	Wiger
Dibble	Lourey	Pogemiller	Skoe	
Fischbach	Marko	Ranum	Sparks	
Higgins	Marty	Rest	Stumpf	
Jungbauer	McGinn	Sams	Tomassoni	

Those who voted in the negative were:

Bachmann	Frederickson	Kiscaden	Murphy	Robling
Belanger	Gaither	Kleis	Neuville	Rosen
Berglin	Gerlach	Koering	Nienow	Ruud
Betzold	Hann	Kubly	Olson	Senjem
Cohen	Hottinger	LeClair	Ortman	Skoglund
Day	Johnson, D.J.	Limmer	Ourada	Wergin
Dille	Kelley	Metzen	Pariseau	
Foley	Kierlin	Michel	Reiter	

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

H.F. No. 1915 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 62 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Hann	Limmer	Ourada	Senjem
Bachmann	Higgins	Lourey	Pappas	Skoe
Belanger	Hottinger	Marko	Pariseau	Skoglund
Berglin	Johnson, D.E.	Marty	Pogemiller	Solon
Betzold	Johnson, D.J.	McGinn	Ranum	Sparks
Chaudhary	Kelley	Metzen	Reiter	Stumpf
Cohen	Kierlin	Michel	Rest	Tomassoni
Day	Kiscaden	Moua	Robling	Vickerman
Dibble	Koering	Murphy	Rosen	Wergin
Dille	Kubly	Neuville	Ruud	Wiger
Frederickson	Langseth	Nienow	Sams	
Gaither	Larson	Olson	Saxhaug	
Gerlach	LeClair	Ortman	Scheid	

Those who voted in the negative were:

Fischbach	Foley	Jungbauer	Kleis
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So the bill, as amended, was passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senators Frederickson, Marty, Solon, Dibble and Ruud introduced--

Senate Resolution No. 107: A Senate resolution commemorating the 100th anniversary of the National Audubon Society and the 25th anniversary of Audubon Minnesota.

WHEREAS, the National Audubon Society, the nation's largest bird conservation organization, is celebrating its centennial year in 2005 and Audubon Minnesota, the state office, is celebrating its 25th year in 2005; and

WHEREAS, the mission of Audubon is to conserve and restore natural ecosystems, focusing

on birds, other wildlife, and their habitats for the benefit of humanity and earth's biological diversity; and

WHEREAS, the relationship between Audubon and the Minnesota Legislature was cemented when the Legislature passed the Minnesota Wetlands Conservation Act in 1991, thus establishing an effort to avoid or minimize wetland loss and replace wetlands not only for wetland birds but other wildlife as well; and

WHEREAS, birds are excellent indicators of environmental health, affected by such factors as pollution, climate change, toxins, and habitat loss; it is in our best interest to heed the signs of processes which may ultimately affect human populations; and

WHEREAS, Audubon Minnesota and its 14 chapters and 13,000 members are paying attention to these signs by monitoring bird populations through citizen science mechanisms, such as establishing Important Bird Areas; engaging citizens in the Christmas and Great Backyard Bird Counts; educational efforts by chapters in schools; its Upper Mississippi River program to restore the health of the river; and the encouragement of a conservation ethic throughout all segments of our society; and

WHEREAS, Audubon's mission and activities are integral to maintaining the State of Minnesota as a great place to live, work, and visit; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it pause in its deliberations to commemorate the 100-year anniversary of the National Audubon Society and the 25-year anniversary of Audubon in Minnesota, to congratulate Audubon on this milestone, and to encourage it to keep up its excellent conservation work for centuries to come.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Senate Majority Leader, and transmit it to the National Audubon Society and Audubon Minnesota.

Senator Frederickson moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

SPECIAL ORDER

S.F. No. 1057: A bill for an act relating to retirement; statewide and major local retirement plans; providing for various member and employer contribution rate increases; restructuring the statewide Teachers Retirement Association fund and benefit plan; providing a special postretirement adjustment to certain pre-1969 teachers; changing deferred annuities augmentation for new retirement plan members; creating a public pension plan default insurance pool; increasing the maximum retirement plan covered salary figure; providing certain early retirement incentives; creating a task force to study creation of a statewide volunteer firefighter retirement plan; appropriating money; amending Minnesota Statutes 2004, sections 352.01, subdivision 13; 352.04, subdivisions 2, 3, 12; 352.116, subdivision 1a; 352.72, subdivision 2; 352.911, subdivision 5; 352.92, subdivisions 1, 2; 352B.01, subdivision 11; 352B.02, subdivisions 1a, 1c, 1d; 352B.30, subdivision 2; 352D.04, subdivision 2; 352D.09, subdivision 7; 353.01, subdivision 10; 353.27, subdivisions 1, 2, 3, 3a, by adding a subdivision; 353.30, subdivision 5; 353.65, subdivisions 2, 3, 6; 353.71, subdivision 2; 353B.02, subdivision 10; 353E.01, subdivision 5; 353E.05; 354.05, subdivisions 2, 13, 35; 354.42, subdivisions 2, 3, by adding a subdivision; 354.44, subdivision 6; 354.55, subdivision 11; 354A.011, subdivisions 15a, 24, 27; 354A.021, subdivisions 1, 4; 354A.092; 354A.093, subdivision 1; 354A.095; 354A.096; 354A.12, subdivisions 1, 2, 2a, 3a, 3b, 3c, 3d; 354A.30; 354A.31, subdivisions 4, 7; 354A.32, subdivision 1; 354A.37, subdivision 2; 354A.39; 354A.40, subdivision 1; 354A.41; 356.20, subdivision 2; 356.214, subdivision 1; 356.215, subdivision 8; 356.30, subdivisions 1, 3; 356.302, subdivision 7; 356.303, subdivision 4; 356.315, by adding a subdivision; 356.42, subdivision 3; 356.465, subdivision 3; 356.611, subdivision 1; 422A.01, by adding a subdivision; 423A.02, subdivision 1b; 423B.01, by adding a subdivision; 423C.01, by adding a subdivision; 490.121, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 126C; 128D; 354; 356; repealing Minnesota Statutes 2004, sections 354A.051; 354A.105; 354A.23, subdivision 1; 354A.28.

Senator Pogemiller moved to amend S.F. No. 1057 as follows:

Page 9, after line 24, insert:

"Sec. 14. [APPROPRIATION.]

For each of fiscal years 2006 and 2007, \$2,000,000 is appropriated from the general fund to the commissioner of finance to be distributed to counties and home rule charter and statutory cities in proportion to each of their shares of the total additional employer contributions for all counties and cities under this article."

Page 9, delete section 1

Page 56, after line 25, insert:

"Sec. 43. [EDUCATION RESERVE ACCOUNT TRANSFERS.]

Notwithstanding any other law to the contrary, any deposit into the education reserve account of the increased amount of the state general levy under Minnesota Statutes, section 275.025, over the state general levy base amount for taxes payable in 2002, is first effective for property taxes remitted to the state after June 30, 2008."

Page 56, line 27, before "\$2,500,000" insert "(a)"

Page 56, line 30, delete "7" and insert "6"

Page 56, line 31, after the period, insert "Additionally, \$2,500,000 is appropriated from the general fund to the commissioner of finance for transfer to the teachers retirement fund as required by section 6. \$1,250,000 is for the fiscal year ending June 30, 2006, and \$1,250,000 is for the fiscal year ending June 30, 2007."

(b) For fiscal years 2006 and 2007 only, the amount necessary to make state aid payments for the additional employer contributions required under Minnesota Statutes, section 354.42, subdivision 3, is appropriated from the general fund."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kelley moved to amend S.F. No. 1057 as follows:

Page 88, line 6, delete the new language and strike "percent of the salary"

Page 88, line 7, strike everything before "at" and insert "the limit under section 43A.17, subdivision 9,"

Page 88, line 8, strike "received" and insert "earned"

The motion prevailed. So the amendment was adopted.

Senator Kelley moved to amend S.F. No. 1057 as follows:

Page 96, after line 6, insert:

"ARTICLE 9

SURVIVOR BENEFIT FOR SPOUSE OF POLICE OFFICER KILLED IN IRAQ

Section 1. [SURVIVOR BENEFIT FOR ST. LOUIS PARK POLICE OFFICER KILLED IN IRAQ CONFLICT.]

Subdivision 1. [ELIGIBILITY.] (a) Notwithstanding any provision of Minnesota Statutes,

section 353.657, subdivision 1, regarding required length of marriage, an eligible person described in paragraph (b) is authorized to apply for a surviving spouse annuity from the public employees police and fire retirement plan to be computed under Minnesota Statutes, section 353.657, subdivision 2, as limited under this section.

(b) An eligible person for purposes of paragraph (a) is the surviving spouse of a deceased public employees police and fire retirement plan member who:

(1) was born on October 29, 1979;

(2) was a member of the public employees police and fire retirement plan commencing on January 24, 2004, due to employment as a police officer by the city of St. Louis Park; and

(3) died on February 21, 2005, while providing military service in Iraq.

Subd. 2. [APPLICATION PROCESS.] An eligible person described in subdivision 1 is authorized to apply for the applicable surviving spouse annuity on a form or forms provided by the executive director of the Public Employees Retirement Association. The person must provide sufficient documentation of eligibility to the executive director, as the executive director may prescribe, and any other documentation and information required to determine the benefit payable under this section.

Subd. 3. [REFUND REPAYMENT AUTHORIZATION.] An annuity under this section is in lieu of any death refund to which an eligible person would otherwise be entitled. If an eligible person has received a death refund, that person is authorized to repay that refund, under the terms specified in Minnesota Statutes, section 353.35, notwithstanding any law to the contrary.

Subd. 4. [RETROACTIVE APPLICATION.] If a valid benefit application is made by an eligible person under this section, the monthly annuity payments commence retroactive to February 21, 2005.

Subd. 5. [OFFSET.] The amount of the monthly surviving spouse annuity that an eligible person receives under this section must be reduced by any monthly payment that the eligible person receives from the federal Veterans Administration as a result of the deceased member's death while providing military service in Iraq. To receive a surviving spouse annuity under this section, an eligible person must disclose to the executive director of the Public Employees Retirement Association the amount of the monthly benefit the person receives from the Veterans Administration that is subject to this subdivision. The disclosure must be made in a time and manner prescribed by the executive director.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Amend the title accordingly

Senator Betzold moved to amend the second Kelley amendment to S.F. No. 1057 as follows:

Page 2, after line 19, insert:

"Subd. 6. [CITY PAYMENT.] The executive director shall notify the chief administrative officer of the city of St. Louis Park of the full actuarial reserves, if any, for the survivor benefit determined under subdivision 5, and the city must pay to the public employees police and fire fund 100 percent of this amount, payable in a lump sum within 30 days of the notification. If the city fails to pay this amount, the executive director shall notify the commissioner of finance of this nonpayment, and the necessary amount outstanding shall be withheld from subsequent aid to the city and transmitted to the executive director for deposit in the public employees police and fire fund.

Subd. 7. [BENEFIT TERMINATION.] The benefit payable under this section terminates upon the remarriage of the eligible person under subdivision 1, paragraph (b)."

The question was taken on the adoption of the Betzold amendment to the second Kelley amendment.

The roll was called, and there were yeas 37 and nays 23, as follows:

Those who voted in the affirmative were:

Belanger	Gerlach	Langseth	Neuville	Ruud
Berglin	Higgins	Larson	Nienow	Senjem
Betzold	Hottinger	LeClair	Ortman	Skoe
Day	Johnson, D.J.	Limmer	Pariseau	Skoglund
Dille	Jungbauer	Lourey	Pogemiller	Wergin
Fischbach	Kierlin	Marko	Reiter	
Foley	Kiscaden	Marty	Robling	
Gaither	Kleis	Michel	Rosen	

Those who voted in the negative were:

Anderson	Johnson, D.E.	Moua	Sams	Tomassoni
Chaudhary	Kelley	Murphy	Saxhaug	Vickerman
Cohen	Kubly	Olson	Scheid	Wiger
Dibble	McGinn	Pappas	Sparks	
Hann	Metzen	Ranum	Stumpf	

The motion prevailed. So the amendment to the amendment was adopted.

Senator Kelley withdrew his second amendment.

Pursuant to Rule 41.2, Senator Olson moved that she be excused from voting on all questions pertaining to S.F. No. 1057. The motion prevailed.

Senator Nienow moved to amend S.F. No. 1057 as follows:

Page 96, after line 6, insert:

"ARTICLE 9

SERVICE CREDIT PURCHASES

Section 1. [PURCHASE OF PRIOR SERVICE CREDIT FOR SELECTED RUSH CITY POSITIONS.]

Subdivision 1. [PURCHASE OF PRIOR SERVICE CREDIT.] (a) An employee who has retirement coverage under the correctional employees retirement plan of the Minnesota State Retirement System for employment as a corrections discipline unit supervisor, dental hygienist, or psychologist 2 at the Minnesota Correctional Facility-Rush City, under Minnesota Statutes 2004, section 352.91, subdivision 3g, may elect to purchase prior service credit for eligible state service with the Department of Corrections as defined in paragraph (b) performed before the first day of the first full pay period beginning on or after August 1, 2004. If an eligible employee elects to purchase prior service credit under this section, all eligible prior service credit must be purchased.

(b) For purposes of this section, eligible state service with the Department of Corrections is any prior period of continuous service performed as an employee of the Department of Corrections that would have been eligible for correctional employees retirement plan coverage under Minnesota Statutes 2004, section 352.91, subdivision 3g, if that prior service had been performed after the first day of the first full pay period beginning after August 1, 2004, rather than before that date. Service is continuous if there has been no period of discontinuation of eligible state service for a period greater than 180 calendar days.

(c) The commissioner of corrections shall certify eligible state service, if any, under this section to the executive director of the Minnesota State Retirement System.

(d) An eligible employee under this section is entitled to purchase the applicable prior service credit if the department certifies that the employee met the eligibility requirements for coverage.

Subd. 2. [REQUIRED EMPLOYEE CONTRIBUTION.] (a) An eligible employee electing to

purchase prior service credit under subdivision 1 must pay an additional employee contribution for that prior service credit. The additional member contribution is the contribution differential percentage applied to the actual salary paid to the employee during the period of the prior eligible state service, plus interest at the rate of six percent per annum, compounded annually. The contribution differential percentage is the difference between the employee contribution rate of the correctional employees retirement plan and the applicable employee contribution rate of the general state employees retirement plan during the prior eligible state service period.

(b) The additional member contribution must be paid only in a lump sum. Payment must accompany the election to obtain prior service credit. No election of payment may be made by the person or accepted by the executive director after June 30, 2006.

Subd. 3. [TRANSFER OF ASSETS.] If full payment is made under subdivisions 1 and 2, assets must be transferred from the general employees retirement plan to the correctional employees retirement plan, in an amount equal to the present value of benefits earned under the general employees retirement plan for each applicable eligible employee transferring to the correctional employees retirement plan for the period being transferred, multiplied by the accrued liability funding ratio for active general plan employees, as determined by the actuary retained under Minnesota Statutes, section 356.214, and in accordance with Minnesota Statutes, section 356.215. The transfer of assets must be made within 45 days after the eligible employee elects under this section to transfer prior service to the correctional employees retirement plan.

Subd. 4. [EFFECT OF THE ASSET TRANSFER.] Upon transfer of assets in subdivision 3, applicable service credit in the general state employees plan of the Minnesota State Retirement System is forfeited and may not be reinstated. The service credit and transferred assets must be credited to the correctional employees retirement plan.

Subd. 5. [PAYMENT OF ACTUARIAL CALCULATION COSTS.] The expense of the actuary retained under Minnesota Statutes, section 356.214, attributable to the calculations under subdivision 3, must be paid by the Department of Corrections within 30 days after the request for payment by the actuary.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective on the day following final enactment."

Amend the title as follows:

Page 1, line 14, before "appropriating" insert "authorizing service credit purchases;"

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

S.F. No. 1057 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Larson	Ourada	Scheid
Belanger	Gaither	Limmer	Pappas	Senjem
Berglin	Hann	Lourey	Pariseau	Skoe
Betzold	Higgins	Marko	Pogemiller	Skoglund
Chaudhary	Johnson, D.E.	Marty	Ranum	Solon
Cohen	Jungbauer	McGinn	Reiter	Sparks
Day	Kelley	Metzen	Rest	Stumpf
Dibble	Kiscaden	Michel	Rosen	Tomassoni
Dille	Koering	Moua	Ruud	Vickerman
Fischbach	Kubly	Murphy	Sams	Wiger
Foley	Langseth	Neuville	Saxhaug	

Those who voted in the negative were:

Gerlach
Johnson, D.J.

Kierlin
Kleis

LeClair
Nienow

Ortman
Robling

Wergin

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

SPECIAL ORDER

H.F. No. 369: A bill for an act relating to real property; amending the Minnesota Common Interest Ownership Act; amending Minnesota Statutes 2004, sections 515B.1-102; 515B.1-103; 515B.1-106; 515B.1-107; 515B.1-116; 515B.2-101; 515B.2-102; 515B.2-104; 515B.2-106; 515B.2-108; 515B.2-110; 515B.2-111; 515B.2-112; 515B.2-113; 515B.2-118; 515B.2-119; 515B.2-121; 515B.2-123; 515B.2-124; 515B.3-101; 515B.3-102; 515B.3-103; 515B.3-105; 515B.3-106; 515B.3-110; 515B.3-112; 515B.3-113; 515B.3-114; 515B.3-115; 515B.3-116; 515B.3-117; 515B.3-120; 515B.4-101; 515B.4-102; 515B.4-105; 515B.4-106; 515B.4-107; 515B.4-108; 515B.4-109; 515B.4-111; 515B.4-115.

Senator Neuville moved to amend H.F. No. 369, as amended pursuant to Rule 45, adopted by the Senate April 21, 2005, as follows:

(The text of the amended House File is identical to S.F. No. 393.)

Page 11, line 23, strike "physical"

Page 19, line 4, after the comma, insert "except as the declaration otherwise provides,"

Page 20, after line 21, insert:

"Sec. 9. Minnesota Statutes 2004, section 515B.2-105, is amended to read:

515B.2-105 [DECLARATION CONTENTS; ALL COMMON INTEREST COMMUNITIES.]

(a) The declaration shall contain:

(1) the number of the common interest community, whether the common interest community is a condominium, planned community or cooperative, and the name of the common interest community, which shall appear at the top of the first page of the declaration in the following format:

Common Interest Community No.

(Type of Common Interest Community)

(Name of Common Interest Community)

DECLARATION

(2) a statement as to whether the common interest community is or is not subject to a master association;

(3) the name of the association, a statement that the association has been incorporated and a reference to the statute under which it was incorporated;

(4) a legally sufficient description of the real estate included in the common interest community, a statement identifying any appurtenant easement necessary for access to a public street or highway, and a general reference to any other appurtenant easements;

(5) a description of the boundaries of each unit created by the declaration and the unit's unit identifier;

(6) in a planned community containing common elements, a legally sufficient description of the common elements;

(7) in a cooperative, a statement as to whether the unit owners' interests in all units and their allocated interests are real estate or personal property;

(8) an allocation to each unit of the allocated interests in the manner described in section 515B.2-108;

(9) a statement of (i) the total number of units and (ii) which units will be restricted to residential use and which units will be restricted to nonresidential use;

(10) a statement of the maximum number of units which may be created by the subdivision or conversion of units owned by the declarant pursuant to section 515B.2-112;

(11) any material restrictions on use, occupancy, or alienation of the units, or on the sale price of a unit or on the amount that may be received by an owner on sale, condemnation or casualty loss to the unit or to the common interest community, or on termination of the common interest community; provided, that these requirements shall not affect the power of the association to adopt, amend or revoke rules and regulations pursuant to section 515B.3-102;

(12) a statement as to whether time shares are permitted; and

(13) a statement as to whether the common interest community includes any shoreland, as defined in section 103F.205, and, if the common interest community includes shoreland, a statement that the common interest community may be subject to county, township, or municipal ordinances or rules affecting the development and use of the shoreland area; and

(14) all matters required by sections 515B.1-103(32), Special Declarant Rights; 515B.2-107, Leaseholds; 515B.2-109, Common Elements and Limited Common Elements; 515B.2-110, Common Interest Community Plat; 515B.3-115, Assessments for Common Expenses; and 515B.2-121, Master Associations.

(b) The declaration may contain any other matters the declarant considers appropriate."

Page 24, lines 30 and 31, strike "registered" and insert "licensed"

Page 25, line 4, after "plat" insert "or supplemental CIC plat,"

Page 25, line 5, after "it" insert a comma

Page 25, line 6, after "plat" insert ", supplemental CIC plat,"

Page 79, line 9, strike everything after the first "the"

Page 79, line 10, strike everything before the period and insert "central filing system operated by the Office of the Secretary of State"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 369 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Higgins	Kubly	McGinn
Bachmann	Dille	Johnson, D.J.	Langseth	Metzen
Belanger	Fischbach	Jungbauer	Larson	Michel
Berglin	Foley	Kelley	LeClair	Moua
Betzold	Frederickson	Kierlin	Limmer	Murphy
Chaudhary	Gaither	Kiscaden	Lourey	Neuville
Cohen	Gerlach	Kleis	Marko	Nienow
Day	Hann	Koering	Marty	Olson

Ortman
Ourada
Pariseau
Pogemiller
Ranum

Reiter
Rest
Robling
Rosen
Ruud

Sams
Saxhaug
Scheid
Senjem
Skoe

Skoglund
Solon
Sparks
Stumpf
Tomassoni

Vickerman
Wergin
Wiger

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

SPECIAL ORDER

S.F. No. 1298: A bill for an act relating to environment; enacting the Minnesota Electronics Recycling Act of 2005; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 116H.

Senator Higgins moved to amend S.F. No. 1298 as follows:

Page 1, after line 15, insert:

"Subd. 3. [COMPUTER.] "Computer" means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, but does not include an automated typewriter or typesetter, a portable handheld calculator or device, or other similar device."

Page 1, line 16, delete "3" and insert "4"

Page 1, line 20, before the period, insert ", desktop computer, personal computer, computer keyboard, and computer mouse"

Page 1, line 21, delete "4" and insert "5"

Page 1, line 23, delete "5" and insert "6"

Page 2, line 1, delete "6" and insert "7"

Page 2, line 5, delete "7" and insert "8"

Page 2, line 8, delete "(d), clause (3)" and insert "(g)"

Page 2, line 17, delete "8" and insert "9"

Page 2, line 22, delete "9" and insert "10"

Page 2, line 28, delete "10" and insert "11"

Page 2, line 30, delete "11" and insert "12"

Page 2, line 34, delete "12" and insert "13"

Page 3, line 1, after "brands" insert "that are"

Page 3, line 2, delete "(e)," and insert "(a), and"

Page 3, line 6, delete "(d), clause (1)" and insert "(e)"

Page 3, line 9, delete "13" and insert "14"

Page 3, line 14, delete "14" and insert "15"

Page 3, line 23, delete "15" and insert "16"

Page 3, line 28, delete "16" and insert "17"

Page 4, line 17, delete the first "the" and insert "an updated"

Page 4, line 18, after the comma, insert "and is" and delete the second "each" and insert "that"

Page 5, line 9, before the comma, insert "of \$5,000"

Page 5, line 11, delete everything after the period

Page 5, delete lines 12 to 15

Page 7, line 16, delete everything after "(g)"

Page 7, delete lines 17 and 18

Page 7, line 19, delete "and ordinances"

Page 8, line 6, delete "and enforce"

The motion prevailed. So the amendment was adopted.

Senator Kiscaden moved to amend S.F. No. 1298 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 16C.03, is amended by adding a subdivision to read:

Subd. 18. [CONTRACTS WITH RETAILERS.] (a) For the purposes of this subdivision, the definitions in section 116F.505 have the meanings given.

(b) A public entity, as defined in section 16B.122, may not contract for the purchase or lease of a covered electronic device from a retailer or manufacturer which has not registered to collect the fee imposed under chapter 116F on its sales in Minnesota or to a destination in Minnesota.

(c) Beginning on or after September 1, 2005, each retailer or manufacturer that is offered a contract to sell or lease a covered electronic device subject to a fee under chapter 116F to a public entity must submit to the public entity certification that the retailer or manufacturer is registered to collect fees and acknowledging that the contract may be declared void if the certification is false.

[EFFECTIVE DATE.] This section is effective for all contracts entered into on or after September 1, 2005.

Sec. 2. [116F.505] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 116F.505 to 116F.595, the following terms have the meanings given.

Subd. 2. [COMPUTER.] "Computer" means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, but does not include an automated typewriter or typesetter, a portable handheld calculator or device, or other similar device.

Subd. 3. [CONSUMER.] "Consumer" means a person who purchases a covered electronic device in a transaction that is a sale.

Subd. 4. [CORPORATION.] "Corporation" means the not-for-profit organization established under section 116F.540.

Subd. 5. [COVERED ELECTRONIC DEVICE.] "Covered electronic device" means a desktop or personal computer, computer monitor, portable computer, desktop printer, television, or video display device. Covered electronic device does not include those items when they are:

(1) part of a motor vehicle, or any component part of a motor vehicle assembled by or for a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;

(2) part of a piece of industrial, commercial, or medical equipment, including monitoring or control equipment; or

(3) contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier.

Subd. 6. [MANUFACTURER.] "Manufacturer" means any person that:

(1) manufactures a covered electronic device under its own brand;

(2) manufactures a covered electronic device without affixing a brand;

(3) resells a covered electronic device produced by other suppliers under its own brand and label; or

(4) imports a covered electronic device into the United States.

Subd. 7. [MONITOR.] "Monitor" means a separate visual display component of a computer, whether sold separately or together with a computer central processing unit or computer box, and includes a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology, greater than nine inches when measured diagonally; its case; interior wires and circuitry; cable to the central processing unit; and power cord.

Subd. 8. [OFFICE.] "Office" means the Office of Environmental Assistance.

Subd. 9. [PORTABLE COMPUTER.] "Portable computer" means a computer and video display that can be carried by an individual.

Subd. 10. [PURCHASE.] "Purchase" means the taking, by sale, of title or of the right to use.

Subd. 11. [RECYCLING.] "Recycling" has the meaning given in section 115A.03.

Subd. 12. [RETAILER.] "Retailer" means a person who owns or operates a business that sells new covered electronic devices.

Subd. 13. [REUSE.] "Reuse" means an operation by which a covered electronic device changes ownership to be used for the same purpose for which it was originally put on the market without additional processing or remanufacturing.

Subd. 14. [SELL OR SALE.] "Sell" or "sale" means any transfer for consideration of title or of the right to use to a consumer, by lease or sales contract, including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet, or any other similar electronic means, and excluding wholesale transactions with distributors or dealers.

Subd. 15. [TELEVISION.] "Television" means a stand-alone display system having a viewable area greater than nine inches when measured diagonally and able to adhere to any standard consumer video formats such as PAL, SECAM, NTSC, AND HDTV and has the capability of selecting different broadcast channels and support sound capability.

Subd. 16. [VIDEO DISPLAY DEVICE.] "Video display device" means a device with an output surface having a viewable area greater than nine inches when measured diagonally that displays moving graphical images or a visual representation of image sequences or pictures, showing a number of quickly changing images on a screen in fast succession to create the illusion of motion, including, if applicable, a device that is an integral part of the display, and cannot be easily removed from the display by the consumer, that produces the moving image on the screen. Displays typically use a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology.

Sec. 3. [116F.515] [FEE; EXPENDITURE OF PROCEEDS.]

(a) Beginning on September 1, 2005, a fee of \$10 is imposed upon every sale to a consumer in Minnesota of a new covered electronic device as required by section 116F.530.

(b) A retailer that sells a new covered electronic device must collect at the time of sale the fee imposed under paragraph (a) for each new covered electronic device sold to a consumer in the state.

(c) A retailer shall transmit all fees collected under this section, minus three percent of total fee revenues which may be retained by the retailer for administrative costs associated with collecting the fee, to the corporation on or before the last day of the month following each quarter, accompanied by any forms prescribed by the corporation. If a covered electronic device for which the fee has been paid is returned to a retailer under warranty, the fee may be refunded, and the retailer may deduct the amount of the returned fee from the remittance to the corporation.

(d) Fees collected by the corporation must be used only for the administrative cost of the corporation to perform its responsibilities under section 116F.540; to fund collection, transportation, and recycling of covered electronic devices; and to promote the collection and recycling of covered electronic devices and market development. Fees may not be used to pay for activities associated with refurbishment and reuse of covered electronic devices, or for the collection, transportation, or recycling of covered electronic devices that are refurbished and reused.

(e) The fee imposed under this section must be clearly identified separately on sales documents from the product price and is not included in the price for purposes of sales taxes.

Sec. 4. [116F.520] [OFFICE RESPONSIBILITIES.]

(a) Beginning on July 1, 2007, the office shall report to the legislature on a biennial basis regarding the progress on the implementation of sections 116F.505 to 116F.595, including recommendations for changes to sections 116F.505 to 116F.595 that will ensure the most effective collection of electronic product recycling fees and whether the cap on the fee imposed under section 116F.515 should be adjusted.

(b) The report must include the following:

- (1) a list of all parties participating in the system;
- (2) current collection, transportation, and recycling costs of covered electronic devices;
- (3) projected sales of covered electronic devices;
- (4) projected volume of returns of covered electronic devices;
- (5) actual collection rates during the previous 12-month period plus a yearly growth projection;
- (6) the total weight of covered electronic devices received during the preceding year by product category, together with the total weight of the products recycled in each product category; and
- (7) any surplus funds carried forward.

Sec. 5. [116F.525] [PROHIBITIONS.]

(a) A person who is receiving reimbursement from the corporation under sections 116F.505 to 116F.595 must not impose a drop-off or other fee for the collection, transportation, and recycling of covered electronic devices. Sections 116F.505 to 116F.595 do not apply to end-of-life fees in effect for products not covered by those sections.

(b) Retailers and manufacturers of covered electronic devices are prohibited from selling covered electronic devices in Minnesota unless they have registered with the corporation and they collect and remit the fees for covered electronic devices required by section 116F.515.

Sec. 6. [116F.530] [NOT-FOR-PROFIT CORPORATION.]

A corporation must be established by the office as a nonprofit corporation organized under chapter 317A that qualifies for tax exempt status under United States Code, title 26, section

501(c)(3), to administer collected fee proceeds from the retail sale of covered electronic devices. Retailers of covered electronic devices to consumers in Minnesota are considered to have consented to be members of the not-for-profit corporation. The corporation shall submit a budget annually to the office and spend no more than five percent of the total fees collected under section 116F.515 for administrative expenses.

Sec. 7. [116F.540] [CORPORATION RESPONSIBILITIES AND STRUCTURE.]

Subdivision 1. [RESPONSIBILITIES.] (a) The corporation must be governed and operated by a multistakeholder board for fulfilling the responsibility for management of a collection, transportation, and recycling system for covered electronic devices.

(b) The corporation must serve, to the extent feasible, all consumers in the state. The corporation must also rely primarily on existing collection and consolidation infrastructure for handling covered electronic devices to the extent this infrastructure is cost effective and meets the environmentally sound management requirements of section 116F.545.

(c) The corporation must receive funds collected by the retailers and administer the system for reimbursement of collectors and recyclers.

(d) The corporation shall organize and coordinate public outreach. The corporation shall utilize local and regional authorities to reach local residents and determine appropriate methods for education.

Subd. 2. [STRUCTURE.] (a) The corporation shall use the funding for the sole purpose of carrying out the duties of sections 116F.505 to 116F.595. In the event that expenses from collection, transportation, and recycling activities exceed revenues, the corporation may borrow up to ten percent of the projected annual net fee funds from outside sources. Borrowed funds must be repaid within two years.

(b) On April 1 of each year, the office shall report to the legislature on the implementation of the system during the previous year. The report must identify the total weight of covered electronic devices received during the preceding year by product category, together with the total weight of products recycled in each product category. The report must also include a list of all parties participating in the system.

(c) The corporation must have a board of directors consisting of 11 members appointed by the director. The board members shall be appointed for two-year terms, except that for the initial term, three members shall be appointed to one-year terms and four members shall be appointed to two-year terms. The director shall appoint a replacement if any vacancy occurs. The board shall consist of representatives from:

(1) five manufacturers of covered electronic devices;

(2) two retailers of covered electronic devices;

(3) one environmental not-for-profit organization with experience in the recycling of covered electronic devices;

(4) one for-profit organization with experience in the recycling of covered electronic devices; and

(5) two government representatives, including one from local government who shall be compensated pursuant to section 15.059, subdivision 3.

(d) The board shall hire a director who shall run the day-to-day operations of the corporation and report to the board at least once a year.

Subd. 3. [COORDINATING CONTRACTS.] The corporation shall encourage collectors, transporters, and recyclers of covered electronic devices to coordinate their efforts in order to minimize costs. All contracts issued by the corporation for recyclers must be competitively bid

under a process created by the corporation and may not prohibit or affect any contract, franchise, permit, or other arrangement regarding the collection or recycling of other solid or household hazardous waste.

Sec. 8. [116F.545] [ENVIRONMENTALLY SOUND MANAGEMENT REQUIREMENTS.]

(a) Covered electronic devices collected must be recycled or disposed of in a manner that is in compliance with all applicable federal, state, and local laws, regulations, and ordinances, and must not be exported for disposal in a manner that poses a significant risk to the public health or the environment.

(b) The corporation shall establish performance requirements for recyclers eligible to receive funds from the corporation. Recyclers shall, at a minimum, demonstrate compliance with the United States Environmental Protection Agency's Guidance on Environmentally Sound Management of Electronic Products as issued and available on the office's Web site in addition to any other requirements mandated by state law.

(c) The office shall keep on file and update a list of recyclers approved to recycle covered electronic devices. A copy of the list, including all changes to the list since the previous year, must be sent to the corporation annually for use in fulfilling its requirements under section 116F.540.

(d) The office is authorized to remove from the list any recycler, who, as the result of an audit by the corporation or the office, has failed to meet the criteria established under paragraph (a) or who has been convicted of violating any federal, state, or local law related to the collection, transport, or processing of covered electronic products.

(e) The corporation and its board may not be held financially liable for any violation of a federal, state, or local law by a recycler appearing on the list created and updated by the office.

Sec. 9. [116F.550] [ENFORCEMENT.]

This chapter shall be enforced in the manner provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072.

Sec. 10. [116F.560] [MARKET DEVELOPMENT.]

The corporation shall establish a market development program to enhance existing and develop new end markets for remanufactured products and recycled materials. No more than one percent of corporation funds may be spent on this program.

Sec. 11. [116F.575] [MANUFACTURERS.]

(a) Beginning September 1, 2005, a manufacturer must:

(1) collect and remit the fee in section 116F.515 on all sales in which the manufacturer acts as a retailer;

(2) make information available to consumers describing where and how to return, recycle, and dispose of covered electronic devices through the use of product operation manuals, industry or manufacturer Web sites, product labels, packaging inserts, or toll-free telephone numbers; and

(3) provide recyclers with information on the type and location of hazardous substances in the covered products.

(b) Beginning January 1, 2007, a manufacturer must not offer for sale in the state any product or electronic device that is prohibited from being sold or offered for sale in the European Union on or after its date of manufacture, to the extent that Directive 2002/95/EC adopted by the European Parliament on January 27, 2003, and as amended thereafter by the Commission of European Communities, prohibits the sale due to the presence of heavy metals. This prohibition does not include any product that contains a substance that is used to comply with consumer health or safety requirements that are required by Underwriters Laboratories, the federal government, or the state.

(c) Beginning July 1, 2008, and annually thereafter, manufacturers shall make available to the public upon request a report that contains:

(1) the total estimated amounts of lead, mercury, hexavalent chromium, cadmium, and polybrominated biphenyls (PBBs) contained in products sold within the state in the previous year;

(2) the total estimated amounts of recyclable materials contained in covered electronic devices sold within the state in the previous year, and increases the use of those materials over previous years; and

(3) any efforts to design covered electronic devices for recycling and goals or plans for further increasing design for recycling.

(d) In lieu of an individual report, manufacturers may submit the information in a collated report submitted via a trade association provided that information about an individual company can be made available to the office upon written request by the office. The office may only make such a request for auditing purposes and not more than once during a five-year period. The office may not make public any confidential business information claimed by the manufacturer in the report.

(e) A report submitted to another state or to the federal government that contains the same information as required in this section must be accepted by the office in lieu of a separate report for the state.

Sec. 12. [116F.580] [REGULATORY AUTHORITY.]

The office may adopt rules for the purpose of administering sections 116F.505 to 116F.595.

Sec. 13. [116F.590] [PROGRAM REVIEW.]

On or after January 1, 2014, the office shall convene a stakeholder group to evaluate the program and make recommendations to the legislature by January 1, 2015, as to whether to:

(1) continue or modify the fee under section 116F.515;

(2) implement another financing alternative; or

(3) determine that no outside financing mechanism is required to ensure that the system is financially solvent.

Sec. 14. [116F.595] [FEDERAL PREEMPTION.]

Upon notification by the office that a national program to collect and recycle covered electronic devices is implemented, sections 116F.505 to 116F.595, to the extent that they are inconsistent with the national program, become inoperative.

Sec. 15. [EFFECTIVE DATE.]

Except as otherwise specified, sections 1 to 15 are effective July 1, 2005."

Delete the title and insert:

"A bill for an act relating to environment; enacting the Minnesota Electronics Recycling Act of 2005; authorizing rulemaking; providing penalties; amending Minnesota Statutes 2004, section 16C.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116F."

CALL OF THE SENATE

Senator Kiscaden imposed a call of the Senate for the balance of the proceedings on S.F. No. 1298. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 24 and nays 36, as follows:

Those who voted in the affirmative were:

Dille	Kierlin	Murphy	Reiter	Senjem
Fischbach	Kiscaden	Nienow	Rest	Skoe
Gaither	Langseth	Olson	Rosen	Sparks
Hottinger	Larson	Pariseau	Saxhaug	Stumpf
Johnson, D.J.	Marty	Pogemiller	Scheid	

Those who voted in the negative were:

Anderson	Frederickson	LeClair	Neuville	Tomassoni
Belanger	Gerlach	Limmer	Ourada	Vickerman
Berglin	Hann	Lourey	Pappas	Wergin
Betzold	Higgins	Marko	Ranum	Wiger
Chaudhary	Johnson, D.E.	McGinn	Robling	
Cohen	Jungbauer	Metzen	Sams	
Dibble	Kelley	Michel	Skoglund	
Foley	Kubly	Moua	Solon	

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

Senator Wergin moved to amend S.F. No. 1298 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 115A.9565, is amended to read:

115A.9565 [CATHODE-RAY TUBE PROHIBITION.]

Effective July 1, ~~2005~~ 2007, a person may not place in mixed municipal solid waste an electronic product containing a cathode-ray tube."

Amend the title accordingly

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

Senator Wergin moved to amend S.F. No. 1298 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [115A.9303] [CATHODE-RAY TUBE RECYCLING.]

A person who collects mixed municipal solid waste must collect cathode-ray tubes from households served by the person and transport them to a recycling center. A person who collects cathode-ray tubes under this section may charge a fee up to \$10 per cathode-ray tube."

Amend the title accordingly

Senator Marty moved to amend the second Wergin amendment to S.F. No. 1298 as follows:

Page 1, line 6, delete everything after the period

Page 1, delete line 7

Page 1, line 8, delete "per cathode-ray tube."

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the second Wergin amendment, as amended.

Senator Johnson, D.E. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 32 and nays 33, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Larson	Olson	Scheid
Belanger	Johnson, D.J.	LeClair	Pariseau	Senjem
Day	Jungbauer	Limmer	Reiter	Sparks
Dille	Kierlin	Marty	Rest	Wergin
Fischbach	Kiscaden	Murphy	Robling	
Gaither	Kleis	Neuville	Rosen	
Gerlach	Koering	Nienow	Ruud	

Those who voted in the negative were:

Anderson	Higgins	Marko	Pappas	Solon
Berglin	Hottinger	McGinn	Pogemiller	Stumpf
Betzold	Johnson, D.E.	Metzen	Ranum	Tomassoni
Chaudhary	Kelley	Michel	Sams	Vickerman
Dibble	Kubly	Moua	Saxhaug	Wiger
Foley	Langseth	Ortman	Skoe	
Frederickson	Lourey	Ourada	Skoglund	

The motion did not prevail. So the second Wergin amendment, as amended, was not adopted.

Senator Kubly moved to amend S.F. No. 1298 as follows:

Page 8, after line 4, insert:

"(q) All persons who recycle electronic waste that is collected under this section must protect the health and safety of their workers and contractors by:

(1) providing clear evidence of compliance with all state and federal occupational safety and health laws and regulations;

(2) performing routine industrial hygiene monitoring and quarterly reporting for all facilities for all hazardous materials of concern, including, but not limited to, monitoring for airborne lead and bromine, chlorine, and mercury compounds; and

(3) performing routine human health monitoring and quarterly reporting, in accordance with all applicable privacy protections, for all workers and contractors, including, but not limited to, blood testing for exposure to lead and bromine, chlorine, and mercury compounds."

The motion prevailed. So the amendment was adopted.

Senator Marty moved to amend S.F. No. 1298 as follows:

Page 2, line 16, delete "and may charge a fee of no more than \$5"

Page 9, line 35, delete everything after the period

Page 9, delete line 36

Page 10, line 1, delete everything before "Applications"

Page 10, line 6, after the period, insert "An intermediate consolidation point:

(1) may not charge a fee for household video display devices that are delivered to it; and

(2) may charge a fee to the manufacturer picking up video display devices for the costs of collection and storage of the video display devices, but the fee may not exceed \$5 per video display device."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 38 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Marty	Ranum	Solon
Belanger	Hottinger	McGinn	Rest	Sparks
Berglin	Kelley	Moua	Robling	Stumpf
Betzold	Kubly	Murphy	Rosen	Tomassoni
Chaudhary	Langseth	Neuville	Sams	Vickerman
Day	Larson	Olson	Saxhaug	Wiger
Dibble	Lourey	Ourada	Scheid	
Dille	Marko	Pappas	Skoglund	

Those who voted in the negative were:

Bachmann	Hann	Kiscaden	Metzen	Reiter
Fischbach	Higgins	Kleis	Michel	Ruud
Frederickson	Johnson, D.J.	Koering	Nienow	Senjem
Gaither	Jungbauer	LeClair	Ortman	Skoe
Gerlach	Kierlin	Limmer	Pariseau	Wergin

The motion prevailed. So the amendment was adopted.

S.F. No. 1298 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 44 and nays 22, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Langseth	Neuville	Sams
Belanger	Frederickson	Lourey	Nienow	Scheid
Berglin	Gerlach	Marko	Olson	Skoglund
Betzold	Higgins	Marty	Ourada	Solon
Chaudhary	Hottinger	McGinn	Pappas	Stumpf
Cohen	Johnson, D.E.	Metzen	Pogemiller	Tomassoni
Dibble	Jungbauer	Michel	Ranum	Vickerman
Dille	Kelley	Moua	Rest	Wiger
Fischbach	Kubly	Murphy	Robling	

Those who voted in the negative were:

Bachmann	Kierlin	LeClair	Rosen	Sparks
Day	Kiscaden	Limmer	Ruud	Wergin
Gaither	Kleis	Ortman	Saxhaug	
Hann	Koering	Pariseau	Senjem	
Johnson, D.J.	Larson	Reiter	Skoe	

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

SPECIAL ORDER

H.F. No. 367: A bill for an act relating to real property; providing for certain defeasible estates; modifying residential purchase agreement cancellations; amending the foreclosure advice notice; amending Minnesota Statutes 2004, sections 500.20, subdivision 2a; 513.56, subdivision 3; 513.57, subdivision 2; 559.217; 580.041, by adding subdivisions.

Senator Ourada moved to amend H.F. No. 367 as follows:

Page 11, after line 29, insert:

"Sec. 8. Laws 2005, chapter 30, section 1, is amended to read:

Section 1. [DELETION FROM MISSISSIPPI RECREATIONAL RIVER LAND USE DISTRICT IN WRIGHT AND SHERBURNE COUNTIES.]

(a) The following area is deleted from the Mississippi Recreational River Land Use District in Wright County: That part of government lots 3 and 4 located in Section 26, Township 121 North, Range 23 West, lying south and west of Wright County State-Aid Highway Number 42.

(b) The following area is deleted from the Mississippi Recreational River Land Use District in Sherburne County: That part of government lots 1, 2, and 3 in Section 35, Township 33 North, Range 28 West, lying north and east of Sherburne County Road Number 14; and that part of government lot 2 of Section 36, Township 33 North, Range 28 West, lying north and east of Sherburne County Road Number 14 That part of Government Lots 1 and 2 in Section 35, Township 33 North, Range 28 West, Sherburne County, Minnesota, lying north and east of the centerline of County State Aid Highway No. 14 and that part of said Government Lot 2 and that part of Government Lot 3, said Section 35 lying north and east of County State Aid Highway No. 11. Together with that part of Government Lot 2, Section 36, said Township 33 North, Range 28 West, lying north and east of said centerline of County State Aid Highway No. 14.

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

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "modifying the description of land deleted from the Mississippi Recreational River Land Use District in Sherburne County;"

Page 1, line 8, after "subdivisions" insert "; Laws 2005, chapter 30, section 1"

The motion prevailed. So the amendment was adopted.

H.F. No. 367 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gerlach	Langseth	Olson	Sams
Bachmann	Hann	LeClair	Ortman	Scheid
Belanger	Higgins	Limmer	Ourada	Senjem
Betzold	Hottinger	Lourey	Pappas	Skoe
Chaudhary	Johnson, D.J.	Marko	Pariseau	Skoglund
Day	Jungbauer	Marty	Pogemiller	Solon
Dibble	Kelley	McGinn	Ranum	Sparks
Dille	Kierlin	Michel	Reiter	Stumpf
Fischbach	Kiscaden	Moua	Rest	Tomassoni
Foley	Kleis	Murphy	Robling	Vickerman
Frederickson	Koering	Neuville	Rosen	Wergin
Gaither	Kubly	Nienow	Ruud	Wiger

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

SPECIAL ORDER

S.F. No. 1204: A bill for an act relating to health; recodifying statutes and rules relating to social work; authorizing rulemaking; providing penalties; modifying provisions relating to physical therapists; providing penalties; modifying the Psychology Practice Act; phasing out licensure as a licensed psychological practitioner; modifying dental licensure provisions; establishing fees; modifying provisions for licensed professional counselors; authorizing certain rulemaking; modifying physician review; modifying information contained on prescriptions; providing recognition for the practice of respiratory therapy in emergency situations; providing that audiologists need not obtain hearing instrument dispenser certification; providing penalties; transferring oversight authority for the Office of Mental Health Practice; requiring a report; establishing penalty fees for certain credentialed health occupations; providing criminal penalties; appropriating money; amending Minnesota Statutes 2004, sections 13.383, subdivision 10; 13.411, subdivision 5; 144.335, subdivision 1; 144A.46, subdivision 2; 144E.001, subdivisions 8, 15, by adding a subdivision; 144E.27, subdivision 2; 144E.28, subdivisions 1, 3, 7, 8; 147.09; 147A.18,

subdivisions 1, 3; 147C.05; 148.512, subdivision 6, by adding subdivisions; 148.513, by adding a subdivision; 148.515, by adding a subdivision; 148.5194, by adding subdivisions; 148.5195, subdivision 3; 148.5196, subdivision 1; 148.6445, by adding a subdivision; 148.65, by adding subdivisions; 148.706; 148.75; 148.89, subdivision 5; 148.90, subdivision 1; 148.907, by adding a subdivision; 148.908, subdivision 2, by adding a subdivision; 148.909; 148.916, subdivision 2; 148.925, subdivision 6; 148.941, subdivision 2; 148.96, subdivision 3; 148B.53, subdivisions 1, 3; 148B.54, subdivision 2; 148B.59; 148B.60; 148B.61; 148C.03, subdivision 1; 148C.04, subdivisions 3, 4, 6; 148C.091, subdivision 1; 148C.10, subdivision 2; 148C.11, subdivisions 1, 4, 5, 6; 148C.12, subdivision 3, by adding a subdivision; 150A.01, subdivision 6a; 150A.06, subdivision 1a; 150A.10, subdivision 1a; 153A.13, subdivision 5; 153A.14, subdivisions 2h, 2i, 4, 4c, 9; 153A.15, subdivision 1; 153A.20, subdivision 1; 214.01, subdivision 2; 214.06, subdivision 1, by adding a subdivision; 214.103, subdivision 1; 245.462, subdivision 18; 245.4871, subdivision 27; 256B.0625, subdivision 38; 256J.08, subdivision 73a; 319B.02, subdivision 19; 319B.40; Laws 2003, chapter 118, section 29, as amended; proposing coding for new law in Minnesota Statutes, chapters 144E; 148; 148B; 148C; 150A; 153A; proposing coding for new law as Minnesota Statutes, chapter 148D; repealing Minnesota Statutes 2004, sections 148B.18; 148B.185; 148B.19; 148B.20; 148B.21; 148B.215; 148B.22; 148B.224; 148B.225; 148B.226; 148B.24; 148B.25; 148B.26; 148B.27; 148B.28; 148B.281; 148B.282; 148B.283; 148B.284; 148B.285; 148B.286; 148B.287; 148B.288; 148B.289; 148C.02; 148C.12, subdivision 4; 153A.14, subdivisions 2a, 8, 10; 153A.19; Minnesota Rules, parts 4747.0030, subparts 11, 16; 4747.1200; 4747.1300; 5601.0100, subparts 3, 4; 8740.0100; 8740.0110; 8740.0120; 8740.0122; 8740.0130; 8740.0155; 8740.0185; 8740.0187; 8740.0200; 8740.0240; 8740.0260; 8740.0285; 8740.0300; 8740.0310; 8740.0315; 8740.0320; 8740.0325; 8740.0330; 8740.0335; 8740.0340; 8740.0345.

Senator Kiscaden moved to amend S.F. No. 1204 as follows:

Page 135, line 20, strike "established by the"

Page 135, line 21, strike "commissioner" and after "functions" insert "as determined by the board"

Page 135, line 25, delete "commissioner" and insert "board"

Page 135, line 26, strike "a" and strike "examination as" and insert "examinations as determined by the board"

Page 135, line 27, strike "commissioner" and insert "board"

Page 141, lines 3, 8, and 11, delete "commissioner" and insert "board"

Page 173, after line 21, insert:

"Sec. 7. [APPROPRIATION.]

\$50,000 is appropriated for fiscal year 2006 from the state government special revenue fund to the administrative services unit of the Board of Nursing Home Administrators to pay for medical professional liability insurance coverage under Minnesota Statutes, section 214.40, subdivision 7. The Board of Medical Practice, the Board of Nursing, and the Board of Dentistry shall be assessed an apportioned amount that is equal to the amount expended on coverage purchased for the providers regulated by the respective board. This appropriation is available until expended."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kiscaden moved to amend S.F. No. 1204 as follows:

Page 138, line 3, after the semicolon, insert "and"

Page 138, line 7, delete "; and" and insert a period

Page 138, delete lines 8 and 9

Page 142, line 16, after the stricken "(3)" insert "has satisfactorily completed 2,000 hours of supervised postdegree equivalent professional practice according to section 148C.04, subdivision 4; or"

The motion prevailed. So the amendment was adopted.

S.F. No. 1204 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 56 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Gerlach	Langseth	Pappas	Skoglund
Bachmann	Hann	Larson	Pariseau	Solon
Berglin	Higgins	Limmer	Pogemiller	Sparks
Betzold	Hottinger	Lourey	Ranum	Stumpf
Chaudhary	Johnson, D.J.	Marty	Reiter	Tomassoni
Day	Jungbauer	McGinn	Robling	Vickerman
Dibble	Kelley	Metzen	Rosen	Wergin
Dille	Kierlin	Michel	Ruud	Wiger
Fischbach	Kiscaden	Moua	Sams	
Foley	Kleis	Nienow	Scheid	
Frederickson	Koering	Olson	Senjem	
Gaither	Kubly	Ourada	Skoe	

Those who voted in the negative were:

LeClair

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

SPECIAL ORDER

H.F. No. 436: A bill for an act relating to natural resources; requiring commissioner's evaluation before vacating certain roads adjacent to public waters; creating right of intervention; amending Minnesota Statutes 2004, sections 164.07, subdivision 2; 412.851; 505.14.

Senator Hottinger moved to amend H.F. No. 436 as follows:

Page 4, after line 34, insert:

"Sec. 4. [WHEELCHAIR SECUREMENT POSITION TEMPORARY EXEMPTION.]

Notwithstanding any contrary provisions in Minnesota Statutes, chapter 299A, or Minnesota Rules, chapter 7450, enrolled participants in the National Veterans Wheelchair Games may be transported in transit vehicles in side-facing positions. Transportation services and operators of transit vehicles, when they are providing transportation to enrolled participants in the National Veterans Wheelchair Games in the counties of Hennepin and Ramsey, are exempt from statutes and rules insofar as they prohibit transportation of wheelchair users in side-facing positions. This exemption is effective on June 26, 2005, and expires on July 3, 2005."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 436 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Gaither	Kubly	Nienow	Sams
Bachmann	Gerlach	Langseth	Olson	Saxhaug
Belanger	Hann	Larson	Ortman	Scheid
Berglin	Higgins	LeClair	Ourada	Skoe
Betzold	Hottinger	Limmer	Pappas	Solon
Chaudhary	Johnson, D.J.	Lourey	Pariseau	Sparks
Day	Jungbauer	Marty	Pogemiller	Stumpf
Dibble	Kelley	McGinn	Ranum	Tomassoni
Dille	Kierlin	Metzen	Reiter	Vickerman
Fischbach	Kiscaden	Michel	Robling	Wergin
Foley	Kleis	Moua	Rosen	Wiger
Frederickson	Koering	Neuville	Ruud	

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

SPECIAL ORDER

H.F. No. 1507: A bill for an act relating to health; modifying provisions for isolation and quarantine of persons exposed to or infected with a communicable disease; amending Minnesota Statutes 2004, sections 144.419, subdivision 1; 144.4195, subdivisions 1, 2, 5; Laws 2002, chapter 402, section 21, as amended; proposing coding for new law in Minnesota Statutes, chapter 144.

Senator Ortman moved to amend H.F. No. 1507, as amended pursuant to Rule 45, adopted by the Senate May 16, 2005, as follows:

(The text of the amended House File is identical to S.F. No. 1482.)

Page 5, delete lines 16 to 29

Page 5, line 30, delete "(d)" and insert "(c)"

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend H.F. No. 1507, as amended pursuant to Rule 45, adopted by the Senate May 16, 2005, as follows:

(The text of the amended House File is identical to S.F. No. 1482.)

Page 3, line 25, after "means" insert "except deadly force"

CALL OF THE SENATE

Senator Kleis imposed a call of the Senate for the balance of the proceedings on H.F. No. 1507. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 10 and nays 50, as follows:

Those who voted in the affirmative were:

Berglin	Chaudhary	Hottinger	Moua	Skoglund
Betzold	Dibble	Limmer	Senjem	Tomassoni

Those who voted in the negative were:

Anderson	Foley	Jungbauer	Kubly	McGinn
Bachmann	Frederickson	Kelley	Langseth	Metzen
Belanger	Gerlach	Kierlin	Larson	Michel
Day	Hann	Kiscaden	LeClair	Murphy
Dille	Higgins	Kleis	Lourey	Neuville
Fischbach	Johnson, D.J.	Koering	Marko	Nienow

Olson	Pariseau	Robling	Scheid	Stumpf
Ortman	Ranum	Rosen	Skoe	Vickerman
Ourada	Reiter	Ruud	Solon	Wergin
Pappas	Rest	Saxhaug	Sparks	Wiger

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

H.F. No. 1507 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 50 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Marko	Ourada	Scheid
Belanger	Johnson, D.J.	Marty	Pappas	Skoe
Berglin	Jungbauer	McGinn	Pariseau	Skoglund
Betzold	Kelley	Metzen	Pogemiller	Solon
Chaudhary	Kierlin	Michel	Ranum	Sparks
Day	Kiscaden	Moua	Rest	Stumpf
Dibble	Kleis	Murphy	Robling	Tomassoni
Dille	Kubly	Neuville	Rosen	Vickerman
Foley	Langseth	Olson	Sams	Wergin
Higgins	Lourey	Ortman	Saxhaug	Wiger

Those who voted in the negative were:

Bachmann	Hann	LeClair	Nienow	Ruud
Fischbach	Koering	Limmer	Reiter	Senjem
Gerlach	Larson			

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

SPECIAL ORDER

H.F. No. 478: A bill for an act relating to counties; providing for alternative filing of surveys; modifying requirements for land surveyors; providing for a transfer of records; amending Minnesota Statutes 2004, sections 160.15, subdivision 4; 381.12, subdivisions 1, 3; 389.03.

Senator Wergin moved that the amendment made to H.F. No. 478 by the Committee on Rules and Administration in the report adopted May 18, 2005, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

H.F. No. 478 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	Hann	Limmer	Pappas	Skoe
Bachmann	Higgins	Lourey	Pariseau	Skoglund
Belanger	Hottinger	Marko	Pogemiller	Solon
Berglin	Johnson, D.J.	Marty	Ranum	Sparks
Betzold	Jungbauer	McGinn	Reiter	Stumpf
Chaudhary	Kelley	Metzen	Rest	Tomassoni
Day	Kierlin	Michel	Robling	Vickerman
Dibble	Kiscaden	Moua	Rosen	Wergin
Dille	Kleis	Neuville	Ruud	Wiger
Fischbach	Koering	Nienow	Sams	
Foley	Langseth	Olson	Saxhaug	
Frederickson	Larson	Ortman	Scheid	
Gerlach	LeClair	Ourada	Senjem	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1772: A bill for an act relating to agriculture; changing certain provisions concerning plant pests, nursery stock, and wildflowers; amending Minnesota Statutes 2004, sections 18G.03, subdivision 1; 18H.02, subdivisions 21, 22, 23, 32, 34, by adding a subdivision; 18H.05; 18H.06; 18H.09; 18H.13, subdivision 1; 18H.15; 18H.18, subdivision 1; repealing Minnesota Statutes 2004, section 18H.02, subdivisions 15, 19.

Senator Lourey moved to amend S.F. No. 1772 as follows:

Page 9, after line 18, insert:

"Sec. 14. Minnesota Statutes 2004, section 31.94, is amended to read:

31.94 [COMMISSIONER DUTIES.]

(a) In order to promote opportunities for organic agriculture in Minnesota, the commissioner shall:

(1) survey producers and support services and organizations to determine information and research needs in the area of organic agriculture practices;

(2) work with the University of Minnesota to demonstrate the on-farm applicability of organic agriculture practices to conditions in this state;

(3) direct the programs of the department so as to work toward the promotion of organic agriculture in this state;

(4) inform agencies of how state or federal programs could utilize and support organic agriculture practices; and

(5) work closely with producers, the University of Minnesota, the Minnesota Trade Office, and other appropriate organizations to identify opportunities and needs as well as ensure coordination and avoid duplication of state agency efforts regarding research, teaching, marketing, and extension work relating to organic agriculture.

(b) By November 15 of each even-numbered year the commissioner, in conjunction with the task force created in paragraph (c), shall report on the status of organic agriculture in Minnesota to the legislative policy and finance committees and divisions with jurisdiction over agriculture. The report must include:

(1) a description of current state or federal programs directed toward organic agriculture, including significant results and experiences of those programs;

(2) a description of specific actions the department of agriculture is taking in the area of organic agriculture, including the proportion of the department's budget spent on organic agriculture;

(3) a description of current and future research needs at all levels in the area of organic agriculture;

(4) suggestions for changes in existing programs or policies or enactment of new programs or policies that will affect organic agriculture;

(5) a description of market trends and potential for organic products;

(6) available information, using currently reliable data, on the price received, yield, and profitability of organic farms, and a comparison with data on conventional farms; and

(7) available information, using currently reliable data, on the positive and negative impacts of organic production on the environment and human health.

(c) The commissioner shall appoint a Minnesota Organic Advisory Task Force to advise the

commissioner on policies and practices to improve organic agriculture in Minnesota. The task force must consist of the following residents of the state:

- (1) three farmers using organic agriculture methods;
- (2) two organic food wholesalers, retailers, or distributors;
- (3) one representative of organic food certification agencies;
- (4) two organic food processors;
- (5) one representative from the Minnesota Extension Service;
- (6) one representative from a Minnesota postsecondary research institution;
- (7) one representative from a nonprofit organization representing producers;
- (8) one at-large member;
- (9) one representative from the United States Department of Agriculture; and
- (10) one organic consumer representative.

Terms, compensation, and removal of members are governed by section 15.059, subdivision 6. The task force must meet at least twice each year and expires on June 30, 2005 2011.

(d) For the purposes of expanding, improving, and developing production and marketing of the organic products of Minnesota agriculture, the commissioner may receive funds from state and federal sources and spend them, including through grants or contracts, to assist producers and processors to achieve certification, to conduct education or marketing activities, to enter into research and development partnerships, or to address production or marketing obstacles to the growth and well-being of the industry.

(e) The commissioner may facilitate the registration of state organic production and handling operations including those exempt from organic certification according to Code of Federal Regulations, title 7, section 205.101, and certification agents operating within the state.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1772 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Lourey	Pappas	Skoe
Belanger	Higgins	Marko	Pariseau	Skoglund
Berglin	Johnson, D.J.	Marty	Pogemiller	Solon
Betzold	Jungbauer	McGinn	Ranum	Sparks
Chaudhary	Kelley	Metzen	Reiter	Stumpf
Cohen	Kierlin	Michel	Rest	Tomassoni
Day	Kiscaden	Moua	Robling	Vickerman
Dibble	Kleis	Murphy	Rosen	Wergin
Dille	Koering	Neuville	Ruud	Wiger
Fischbach	Langseth	Nienow	Sams	
Foley	Larson	Olson	Saxhaug	
Frederickson	LeClair	Ortman	Scheid	
Gerlach	Limmer	Ourada	Senjem	

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

SPECIAL ORDER

H.F. No. 1555: A bill for an act relating to health; modifying the Minnesota Emergency Health Powers Act; modifying authority of out-of-state license holders; amending Minnesota Statutes 2004, sections 12.03, subdivision 4d, by adding a subdivision; 12.22, subdivision 2a, by adding a subdivision; 12.31, subdivisions 1, 2; 12.32; 12.34, subdivision 1; 12.381; 12.39; 12.42; 13.3806, subdivision 1a; Laws 2002, chapter 402, section 21, as amended; proposing coding for new law in Minnesota Statutes, chapter 12.

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 1, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	LeClair	Ourada	Senjem
Belanger	Higgins	Limmer	Pappas	Skoe
Berglin	Johnson, D.E.	Lourey	Pariseau	Skoglund
Betzold	Johnson, D.J.	Marko	Pogemiller	Solon
Chaudhary	Jungbauer	Marty	Ranum	Sparks
Cohen	Kelley	McGinn	Reiter	Stumpf
Day	Kierlin	Metzen	Rest	Tomassoni
Dibble	Kiscaden	Michel	Robling	Vickerman
Dille	Kleis	Moua	Rosen	Wergin
Fischbach	Koering	Murphy	Ruud	Wiger
Foley	Kubly	Neuville	Sams	
Frederickson	Langseth	Olson	Saxhaug	
Gerlach	Larson	Ortman	Scheid	

Those who voted in the negative were:

Nienow

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of 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 Senate Files, herewith returned: S.F. Nos. 1716, 1268, 1379, 1861 and 1945.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 19, 2005

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. 1720: A bill for an act relating to human services; making agency technical

amendments; changing provisions related to children and family services, health care, and continuing care programs; amending Minnesota Statutes 2004, sections 13.319, subdivision 3; 13.461, by adding a subdivision; 119B.02, subdivision 5; 119B.035, subdivision 1; 119B.074; 119B.08, subdivision 1; 119B.09, subdivision 1; 119B.26; 245.463, subdivision 2; 245.464, subdivision 1; 245.465, subdivision 1; 245.466, subdivisions 1, 5; 245.4661, subdivision 7; 245.483, subdivisions 1, 3; 245.4872, subdivision 2; 245.4873, subdivision 5; 245.4874; 245.4875, subdivisions 1, 5; 245A.16, subdivision 6; 252.24, subdivision 5; 252.282, subdivision 2; 252.46, subdivision 10; 256.045, subdivisions 3, 6, 7; 256B.04, subdivision 14; 256B.056, subdivision 1c; 256B.0625, subdivisions 5, 27; 256B.0911, subdivision 6; 256B.0913, subdivision 13; 256B.092, subdivision 1f; 256B.094, subdivision 8; 256B.0943, subdivisions 6, 12, 13; 256B.503; 256B.75; 256D.03, subdivision 3; 256G.01, subdivision 3; 256J.13, subdivision 2; 256J.21, subdivision 2; 256J.24, subdivision 5; 256J.74, subdivision 1; 256J.751, subdivision 2; 256J.95, subdivisions 2, 6, 11, 18, 19; 256L.01, subdivision 3a; 256L.04, by adding a subdivision; 256M.30, subdivision 2; 260C.212, subdivision 12; 275.62, subdivision 4; 518.6111, subdivision 7; 626.557, subdivision 12b; 626.5571, subdivision 2; Laws 1997, chapter 245, article 2, section 11, as amended; repealing Minnesota Statutes 2004, sections 119A.01, subdivision 3; 119A.20; 119A.21; 119A.22; 119A.35; 119B.21, subdivision 11; 245.713, subdivisions 2, 4; 245.716; 256.014, subdivision 3; 256.045, subdivision 3c; 256B.0629, subdivisions 1, 2, 4; 256J.95, subdivision 20; 256K.35; 626.5551, subdivision 4; Laws 1998, chapter 407, article 4, section 63.

Senate File No. 1720 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives
Returned May 19, 2005

CONCURRENCE AND REPASSAGE

Senator Lourey moved that the Senate concur in the amendments by the House to S.F. No. 1720 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1720 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gerlach	Langseth	Ortman	Scheid
Bachmann	Hann	Larson	Ourada	Senjem
Belanger	Higgins	LeClair	Pappas	Skoe
Berglin	Hottinger	Limmer	Pariseau	Skoglund
Betzold	Johnson, D.E.	Lourey	Pogemiller	Solon
Chaudhary	Johnson, D.J.	Marko	Ranum	Sparks
Cohen	Jungbauer	Marty	Reiter	Stumpf
Day	Kelley	McGinn	Rest	Tomassoni
Dibble	Kierlin	Michel	Robling	Vickerman
Dille	Kiscaden	Murphy	Rosen	Wergin
Fischbach	Kleis	Neuville	Ruud	Wiger
Foley	Koering	Nienow	Sams	
Frederickson	Kubly	Olson	Saxhaug	

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

MESSAGES FROM THE HOUSE - CONTINUED

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 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 917: A bill for an act relating to health; providing for grants related to positive abortion alternatives; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Finstad, Holberg, Wilkin, Peppin and Otremba.

Senate File No. 917 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 19, 2005

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 473:

H.F. No. 473: A bill for an act relating to creditors' remedies; exempting certain jewelry from attachment, garnishment, or sale; amending Minnesota Statutes 2004, section 550.37, subdivision 4.

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

Olson, Newman and Lesch have been appointed as such committee on the part of the House.

House File No. 473 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 19, 2005

Senator Wergin moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 473, and that a Conference Committee of 3 members be appointed by the Subcommittee on 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 refuses to concur in the Senate amendments to House File No. 847:

H.F. No. 847: A bill for an act relating to game and fish; modifying purchasing requirements; modifying certain definitions; providing for special fish management tags; specifying status of and regulating stands and blinds on public lands; modifying authority to take animals causing damage; modifying use of scopes and laser sights by visually impaired hunters; modifying certain license requirements; modifying restrictions on taking waterfowl and big game; authorizing rulemaking; modifying requirements for field training hunting dogs; modifying certain seasons; modifying trapping provisions; modifying period for treeing raccoons; prohibiting computer-assisted remote hunting; modifying restrictions on decoys; modifying disposition of state hatchery products; permitting use of silencers for wildlife control; modifying fishing and commercial fishing provisions; repealing authority for the Mississippi River Fish Refuge; repealing authority to issue certain orders; amending Minnesota Statutes 2004, sections 84.025, subdivision 10; 84.027, subdivision 13; 97A.015, subdivisions 29, 49; 97A.045, subdivision 1, by adding a subdivision; 97A.401, subdivision 5; 97A.405, subdivision 4, by adding a subdivision; 97A.435, subdivisions 2, 4; 97A.441, subdivision 7; 97A.451, subdivisions 3, 5; 97A.475, subdivisions 7, 16; 97A.485, subdivision 9; 97A.551, by adding a subdivision; 97B.005, subdivisions 1, 3; 97B.025; 97B.031, subdivisions 1, 5; 97B.111, subdivision 2; 97B.621, subdivision 2; 97B.655, subdivision 2; 97B.711, subdivision 1; 97B.803; 97B.805, subdivision 1; 97B.811, subdivisions 3, 4a; 97C.203; 97C.327; 97C.345, subdivision 2; 97C.395, subdivision 1; 97C.401, subdivision 2; 97C.825,

subdivision 5; 609.66, subdivisions 1h, 2; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825, subdivisions 6, 7, 8, 9.

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

Hoppe, Hackbarth and Dill have been appointed as such committee on the part of the House.

House File No. 847 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 19, 2005

Senator Saxhaug moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 847, and that a Conference Committee of 3 members be appointed by the Subcommittee on 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 refuses to concur in the Senate amendments to House File No. 1809:

H.F. No. 1809: A bill for an act relating to insurance; regulating agency terminations, coverages, fees, forms, disclosures, reports, information security, and premiums; amending Minnesota Statutes 2004, sections 60A.14, subdivision 1; 60A.171, subdivision 11; 60A.23, subdivision 8; 60A.966; 60A.969; 62A.136; 62A.31, subdivision 1h; 62A.315; 62A.316; 62E.12; 62E.13, subdivision 2; 62Q.471; 62Q.65; 65A.29, subdivision 11; 65B.48, subdivision 3; 72A.20, subdivisions 13, 36; 79.211, by adding a subdivision; 79.40; 79.56, subdivisions 1, 3; 79.62, subdivision 3; 79A.03, subdivision 9; 79A.04, subdivisions 2, 10; 79A.06, subdivision 5; 79A.12, subdivision 2; 79A.22, subdivision 11, by adding a subdivision; 123A.21, by adding a subdivision; 176.191, subdivision 3; Laws 1985, chapter 85, section 1; proposing coding for new law in Minnesota Statutes, chapters 60A; 60D; 65A; 65B; repealing Minnesota Statutes 2004, sections 61A.072, subdivision 2; 62E.03.

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

Wilkin, Gazelka and Atkins have been appointed as such committee on the part of the House.

House File No. 1809 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 19, 2005

Senator Scheid moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1809, and that a Conference Committee of 3 members be appointed by the Subcommittee on 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 House File, herewith transmitted: H.F. No. 400.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 19, 2005

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred as indicated.

H.F. No. 400: A bill for an act relating to unemployment insurance; making an eligibility exception permanent for certain school food service workers; amending Minnesota Statutes 2004, section 268.085, subdivision 8.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 546, now on General Orders.

RECESS

Senator Johnson, D.E. 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 Johnson, D.E. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 473: Senators Wergin, Chaudhary and Scheid.

H.F. No. 847: Senators Saxhaug, Pariseau and Bakk.

Senator Johnson, D.E. moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Senator Bakk was excused from the Session of today. Senators Olson and Scheid were excused from the Session of today from 9:00 to 9:20 a.m. Senator Ranum was excused from the Session of today from 9:00 to 10:45 a.m. Senator Sams was excused from the Session of today from 9:00 to 11:30 a.m. Senator Dille was excused from the Session of today from 10:15 to 11:15 a.m. Senator Bachmann was excused from the Session of today from 12:45 to 1:45 p.m. and from 2:35 to 2:55 p.m. Senator Koering was excused from the Session of today from 1:05 to 1:20 p.m. and from 2:20 to 3:05 p.m. Senator Rest was excused from the Session of today from 1:15 to 1:25 p.m. and from 3:30 to 4:15 p.m. Senators Day, Kleis, Ortman and Ruud were excused from the Session of today from 2:20 to 3:05 p.m. Senator Cohen was excused from the Session of today from 3:00 to 4:55 p.m. Senator Berglin was excused from the Session of today from 3:20 to 3:35 p.m. Senator Saxhaug was excused from the Session of today from 3:25 to 3:45 p.m. Senator Marko was excused from the Session of today from 3:30 to 4:00 p.m. Senator Gaither was excused from the Session of today at 4:20 p.m. Senator Anderson was excused from the Session of today from 4:50 to 5:05 p.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 12:00 noon, Friday, May 20, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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