

## SEVENTY-NINTH DAY

St. Paul, Minnesota, Monday, March 27, 2006

The Senate met at 11:00 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, Pastor Timothy Larson.

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

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

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

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received.

March 22, 2006

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2006 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2006	Date Filed 2006
	1915	172	9:15 a.m. March 22	March 22

Sincerely,  
Mary Kiffmeyer,  
Secretary of State

March 23, 2006

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

The Subcommittee on Committees of the Committee on Rules and Administration on Thursday, March 23, 2006 by appropriate action made the following appointment:

Pursuant to Permanent Rules of the Senate, Rule 55.1

Committee on Rules and Administration Ethical Conduct Subcommittee: Senator Wesley J. Skoglund to temporarily replace Senator Mee Moua until she is able to fulfill her senatorial duties.

Sincerely,  
Ann H. Rest  
Subcommittee on Committees  
Vice Chair, Rules and Administration  
Committee

### MESSAGES FROM THE HOUSE

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. 1878:** A bill for an act relating to Carver and Renville Counties; providing for each county board to appoint county recorder, county auditor, and county treasurer; providing for a referendum option to determine if an office is appointive in Carver and Renville Counties.

Senate File No. 1878 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned March 23, 2006

### CONCURRENCE AND REPASSAGE

Senator Ortman moved that the Senate concur in the amendments by the House to S.F. No. 1878

and that the bill be placed on its repassage as amended. The motion prevailed.

**S.F. No. 1878:** A bill for an act relating to Carver County; providing for the county board to appoint county recorder, county auditor, and county treasurer; providing for a referendum option to determine if an office is appointive in Carver County.

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 59 and nays 4, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Gerlach	LeClair	Limmer
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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. 2994, 2697, 2746, 2998, 3243, 3310, 3515 and 3285.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 23, 2006

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 2994:** A bill for an act relating to natural resources; allowing for the replacement and repair of boat storage structures on public waters; amending Minnesota Statutes 2005 Supplement, section 103G.245, subdivision 4.

Referred to the Committee on Environment and Natural Resources.

**H.F. No. 2697:** A bill for an act relating to traffic regulations; authorizing use of communications headset by firefighters operating an emergency vehicle in emergency; amending Minnesota Statutes 2004, section 169.471, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2474, now on General Orders.

**H.F. No. 2746:** A bill for an act relating to real property; providing a procedure for conveying title to real property held by a custodian; proposing coding for new law in Minnesota Statutes, chapter 501B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2541, now on General Orders.

**H.F. No. 2998:** A bill for an act relating to labor; providing that a certain provision on arbitrations for firefighters does not expire; amending Minnesota Statutes 2004, section 179A.16, subdivision 7a.

Referred to the Committee on State and Local Government Operations.

**H.F. No. 3243:** A bill for an act relating to the military; providing certain protections to persons ordered into active military service; amending Minnesota Statutes 2004, section 190.055.

Referred to the Committee on Agriculture, Veterans and Gaming.

**H.F. No. 3310:** A bill for an act relating to state government; authorizing advance deposits or payments for boat slip rental; amending Minnesota Statutes 2004, section 16A.065.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2969, now on General Orders.

**H.F. No. 3515:** A bill for an act relating to local government; authorizing cities to operate preventive health services programs; amending Minnesota Statutes 2004, section 15.46.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3142, now on General Orders.

**H.F. No. 3285:** A bill for an act relating to metropolitan land use planning; removing the requirement for metropolitan council review of school district capital improvement programs; amending Minnesota Statutes 2004, sections 473.175; 473.851; 473.852, subdivision 4; 473.854; 473.856; 473.857, subdivisions 1, 3; 473.864.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2929, now on General Orders.

## REPORTS OF COMMITTEES

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

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

**S.F. No. 2723:** A bill for an act relating to the environment; requiring a report by the Pollution Control Agency on new public wastewater treatment facilities that do not meet water quality discharge standards; requiring bids for new wastewater treatment facilities to include information on operating costs during the first five years of operation; amending Minnesota Statutes 2004, section 115.447; proposing coding for new law in Minnesota Statutes, chapter 115.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 115.447, is amended to read:

**115.447 TRACKING REPORT FOR NEW WASTEWATER FACILITIES.**

Subdivision 1. Annual report required. The Pollution Control Agency shall annually prepare a report tracking the location and capacity of each new wastewater treatment system requiring a National Pollutant Discharge Elimination System or State Disposal System permit built after May 1, 2000. The report shall also include the name of the owner, primary engineering firm that designed the facilities, the primary contractor that constructed the facilities, and any management company, other than the owner, that manages the facilities.

The annual report must also provide the total number of new systems built after that date. The commissioner shall submit the report to ~~the chairs~~ of the legislative committees with jurisdiction over environmental policy and finance, and publish the report on the agency's Web site, by February 1 of each year.

Subd. 2. New facilities not meeting permit requirements. (a) The report required under subdivision 1 shall include the information required in paragraphs (b) and (c) for the first five years of operation of a new facility.

(b) For National Pollutant Discharge Elimination System permitted facilities, provide a list of reported effluent violations that occurred during each calendar year. This list should include the effluent parameter violated; the violation date; and, if available, any known information regarding the causes of the reported limit violations.

(c) For State Disposal System permitted facilities, provide a summary of conditions at the facilities which pose an imminent threat to public health and safety as defined in rules of the Pollution Control Agency, or a list of reported limit violations that occurred during each calendar year. This list should include the parameter violated; violation date; and, if available, any known information regarding the causes of the reported public health risk or limit violations.

**Sec. 2. [115.449] PUBLIC WASTEWATER TREATMENT FACILITIES PROPOSAL REQUIREMENTS.**

A proposal for design services for a public wastewater treatment facility requiring a National Pollutant Discharge Elimination System or State Disposal System permit shall include a description of the treatment alternatives the engineer will evaluate and provide a range of all annual operation and maintenance costs of operating the facility for the first five years of operation."

Amend the title accordingly

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

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

**S.F. No. 2437:** A bill for an act relating to the environment; requiring the replacement or discontinued operation of straight-pipe systems for sewage disposal within ten months of notice; amending Minnesota Statutes 2004, section 115.55, subdivision 1, by adding a subdivision.

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

Page 2, line 21, after "that" insert "includes toilet waste and"

Page 2, line 32, delete "shall" and insert "may"

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

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

**S.F. No. 2655:** A bill for an act relating to waters; authorizing the Lower Minnesota River Watershed District to acquire, maintain, operate, improve, and enlarge a site for the deposit of dredge material, issue and sell general obligation bonds or revenue bonds for the acquisition, maintenance, operation, improvement, and enlargement of the dredge material site, and charge fees for permitting private customers to deposit dredge material at the dredge material site.

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

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

**S.F. No. 3048:** A bill for an act relating to game and fish; clarifying restrictions on taking farm-raised cervidae; amending Minnesota Statutes 2004, section 17.452, subdivision 4; Minnesota Statutes 2005 Supplement, section 35.155, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 97B.

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

Page 1, line 9, after "35.155" insert ", subdivision 10, paragraph (b),"

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

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

**S.F. No. 2926:** A bill for an act relating to game and fish; modifying conditions for a person to receive emergency crop protection assistance; amending Minnesota Statutes 2004, section 97A.028, subdivision 3.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 97A.028, subdivision 3, is amended to read:

Subd. 3. **Emergency deterrent materials assistance.** (a) For the purposes of this subdivision, "cooperative damage management agreement" means an agreement between a landowner or tenant and the commissioner that establishes a program for addressing the problem of destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, or destruction of agricultural crops by flightless Canada geese.

(b) A landowner or tenant may apply to the commissioner for emergency deterrent materials assistance in controlling destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, or destruction of agricultural crops by flightless Canada geese. Subject to the availability of money appropriated for this purpose, the commissioner shall provide suitable deterrent materials when the commissioner determines that:

(1) immediate action is necessary to prevent significant damage from continuing, or to prevent the spread of disease in wild animals; and

(2) a cooperative damage management agreement cannot be implemented immediately.

(c) A person may receive emergency deterrent materials assistance under this subdivision more than once, but the cumulative total value of deterrent materials provided to a person, or for use on a parcel, may not exceed \$3,000 for specialty crops or measures to prevent the spread of disease in wild animals in animal disease quarantine areas established by the Board of Animal Health, or \$750 for protecting stored forage crops, or \$500 for agricultural crops damaged by flightless Canada

geese. If a person is a co-owner or cotenant with respect to the specialty crops for which the deterrent materials are provided, the deterrent materials are deemed to be "provided" to the person for the purposes of this paragraph.

(d) As a condition of receiving emergency deterrent materials assistance under this subdivision, a landowner or tenant shall enter into a cooperative damage management agreement with the commissioner. Deterrent materials provided by the commissioner may include repellents, fencing materials, or other materials recommended in the agreement to alleviate the damage problem. If requested by a landowner or tenant, any fencing materials provided must be capable of providing long-term protection of specialty crops. A landowner or tenant who receives emergency deterrent materials assistance under this subdivision shall comply with the terms of the cooperative damage management agreement.

Sec. 2. Minnesota Statutes 2004, section 97A.045, subdivision 11, is amended to read:

Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner determines that action is necessary to prevent or control a wildlife disease, the commissioner may prevent or control wildlife disease in a species of wild animal in addition to the protection provided by the game and fish laws by further limiting, closing, expanding, or opening seasons or areas of the state; by reducing or increasing limits in areas of the state; by establishing disease management zones; by authorizing free licenses; by allowing shooting from motor vehicles by persons designated by the commissioner; by issuing replacement licenses for sick animals; by requiring sample collection from hunter-harvested animals; by limiting wild animal possession, transportation, and disposition; and by restricting wildlife feeding.

(b) The commissioner shall restrict wildlife feeding within a 15-mile radius of a cattle herd that is infected with bovine tuberculosis.

(c) The commissioner may prevent or control wildlife disease in a species of wild animal in the state by emergency rule adopted under section 84.027, subdivision 13."

Amend the title accordingly

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

#### **Senator Scheid from the Committee on Commerce, to which was referred**

**S.F. No. 2823:** A bill for an act relating to financial institutions; modifying certain provisions relating to vehicle forfeitures and fees for information releases; amending Minnesota Statutes 2004, sections 48.513; 169A.63, subdivision 11; 609.535, subdivision 6.

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

Page 3, delete section 4

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

#### **Senator Scheid from the Committee on Commerce, to which was referred**

**S.F. No. 3121:** A bill for an act relating to financial institutions; regulating electronic financial terminals, and the expenses of organizing and incorporating banks; amending Minnesota Statutes 2004, section 47.62, subdivision 1; repealing Minnesota Statutes 2004, sections 46.043; 47.62, subdivision 5.

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

Page 1, after line 19, insert:

"Sec. 2. Minnesota Statutes 2005 Supplement, section 47.75, subdivision 1, is amended to read:

Subdivision 1. **Retirement, health savings, and medical savings accounts.** (a) A commercial bank, savings bank, savings association, credit union, or industrial loan and thrift company may act as trustee or custodian:

- (1) under the Federal Self-Employed Individual Tax Retirement Act of 1962, as amended;
- (2) of a medical savings account under the Federal Health Insurance Portability and Accountability Act of 1996, as amended;
- (3) of a health savings account under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, as amended; and
- (4) under the Federal Employee Retirement Income Security Act of 1974, as amended.

(b) The trustee or custodian may accept the trust funds if the funds are invested only in savings accounts or time deposits in the commercial bank, savings bank, savings association, credit union, or industrial loan and thrift company, except that health savings accounts may also be invested in transaction accounts. Health savings accounts invested in transaction accounts shall not be subject to the restrictions in section 48.512, subdivision 3. All funds held in the fiduciary capacity may be commingled by the financial institution in the conduct of its business, but individual records shall be maintained by the fiduciary for each participant and shall show in detail all transactions engaged under authority of this subdivision.

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

Sec. 3. Minnesota Statutes 2005 Supplement, section 48.15, subdivision 4, is amended to read:

Subd. 4. **Retirement, health savings, and medical savings accounts.** (a) A state bank may act as trustee or custodian:

- (1) of a self-employed retirement plan under the Federal Self-Employed Individual Tax Retirement Act of 1962, as amended;
- (2) of a medical savings account under the Federal Health Insurance Portability and Accountability Act of 1996, as amended;
- (3) of a health savings account under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, as amended; and
- (4) of an individual retirement account under the Federal Employee Retirement Income Security Act of 1974, as amended,

if the bank's duties as trustee or custodian are essentially ministerial or custodial in nature and the funds are invested only (i) in the bank's own savings or time deposits, except that health savings accounts may also be invested in transaction accounts. Health savings accounts invested in transaction accounts shall not be subject to the restrictions in section 48.512, subdivision 3; or (ii) in any other assets at the direction of the customer if the bank does not exercise any investment discretion, invest the funds in collective investment funds administered by it, or provide any investment advice with respect to those account assets.

(b) Affiliated discount brokers may be utilized by the bank acting as trustee or custodian for self-directed IRAs, if specifically authorized and directed in appropriate documents. The relationship between the affiliated broker and the bank must be fully disclosed. Brokerage commissions to be charged to the IRA by the affiliated broker should be accurately disclosed. Provisions should be made for disclosure of any changes in commission rates prior to their becoming effective. The affiliated broker may not provide investment advice to the customer.



(c) All funds held in the fiduciary capacity may be commingled by the financial institution in the conduct of its business, but individual records shall be maintained by the fiduciary for each participant and shall show in detail all transactions engaged under authority of this subdivision.

(d) The authority granted by this section is in addition to, and not limited by, section 47.75.

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

Renumber the sections in sequence

Amend the title accordingly

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

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

**S.F. No. 3017:** A bill for an act relating to agriculture; providing for a study and report on public and private funding of a milk volume production loan program.

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

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

**S.F. No. 3236:** A bill for an act relating to agriculture; modifying financial statement requirements for grain buyers; amending Minnesota Statutes 2005 Supplement, section 223.17, subdivision 6.

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

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

**S.F. No. 3285:** A bill for an act relating to agriculture; repealing regulation of beekeeping; amending Minnesota Statutes 2004, section 28A.15, subdivision 4; repealing Minnesota Statutes 2004, sections 19.50; 19.51; 19.52; 19.53; 19.55; 19.56; 19.561; 19.57; 19.58; 19.59; 19.61; 19.63; 19.65; Minnesota Statutes 2005 Supplement, section 19.64, subdivision 1.

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

Page 1, after line 16, insert:

"Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment."

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

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

**S.F. No. 3287:** A bill for an act relating to motor vehicles; exempting combat wounded veterans from paying cost of special license plates; amending Minnesota Statutes 2004, section 168.123, by adding a subdivision.

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

Committee on Transportation. Report adopted.

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

**S.F. No. 3333:** A bill for an act relating to military affairs; authorizing National Guard employees to carry certain weapons; amending Minnesota Statutes 2004, sections 609.67, subdivisions 3, 5; 626.88, subdivision 1.

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

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

**S.F. No. 3334:** A bill for an act relating to agriculture; changing certain food law provisions; amending Minnesota Statutes 2004, sections 25.33, subdivision 11; 25.39, subdivisions 2, 3; 25.40; 25.41, subdivisions 1, 2, 4, 7, by adding a subdivision; 25.42, subdivision 1.

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

Page 2, line 15, strike "promulgate such" and insert "adopt"

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

**Senator Higgins from the Committee on State and Local Government Operations, to which was referred**

**S.F. No. 2302:** A bill for an act relating to state government; designating the state fruit; proposing coding for new law in Minnesota Statutes, chapter 1.

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

**Senator Higgins from the Committee on State and Local Government Operations, to which was re-referred**

**S.F. No. 2677:** A bill for an act relating to state government; establishing a climate neutral policy for state building projects funded with state bonds; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

**Senator Higgins from the Committee on State and Local Government Operations, to which was re-referred**

**S.F. No. 2870:** A bill for an act relating to public safety; directing the commissioner of public safety to analyze and use trafficking data to address trafficking problems in Minnesota; directing the commissioner of public safety to establish policies to provide assistance to trafficking victims; creating a human trafficking task force; creating the unclassified service position of trafficking coordinator; enhancing penalties for trafficking crimes; appropriating money; amending Minnesota Statutes 2005 Supplement, sections 299A.78; 609.282; 609.283; proposing coding for new law in Minnesota Statutes, chapter 299A.

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

**Senator Higgins from the Committee on State and Local Government Operations, to which was referred**

**S.F. No. 3022:** A bill for an act relating to boxing; regulation of boxing; establishing a boxing commission; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 341.

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

Page 1, line 10, delete everything after the period

Page 1, delete line 11

Page 8, line 12, delete "January" and insert "July"

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

**Senator Higgins from the Committee on State and Local Government Operations, to which was referred**

**H.F. No. 3142:** A bill for an act relating to Hennepin County; modifying regional park district provisions; amending Minnesota Statutes 2004, section 383B.79, subdivision 1.

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

**Senator Higgins from the Committee on State and Local Government Operations, to which was re-referred**

**S.F. No. 3148:** A bill for an act relating to the city of Grand Rapids; authorizing issuance of certain capital improvement bonds.

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

**Senator Higgins from the Committee on State and Local Government Operations, to which was re-referred**

**S.F. No. 3283:** A bill for an act relating to agriculture; providing for a checkoff for fertilizer, soil amendment, and plant amendment; establishing a Minnesota Agricultural Fertilizer Research and Education Council and program; exempting on-farm storage from fertilizer facility safeguarding and permitting; appropriating money; amending Minnesota Statutes 2004, section 18C.305, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 18C.

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

**Senator Wiger from the Committee on Elections, to which was referred**

**S.F. No. 58:** A bill for an act relating to the legislature; reducing the number of members of the senate and house of representatives; amending Minnesota Statutes 2004, sections 2.021; 2.031, subdivision 1; repealing Minnesota Statutes 2004, section 2.031, subdivision 2.

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

Page 2, line 1, delete "2007" and insert "2013"

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

**Senator Wiger from the Committee on Elections, to which was referred**

**S.F. No. 425:** A bill for an act proposing an amendment to the Minnesota Constitution, article IV, section 4; providing staggered terms of office for senators.

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

Page 2, line 1, delete "2010" and insert "2012"

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

**Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 2887:** A bill for an act relating to manufactured homes; regulating manufactured home park conversions; amending Minnesota Statutes 2004, section 327C.095, subdivisions 1, 5.

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

Page 1, line 11, delete "commissioner of" and insert "commissioners of health and"

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

**Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 3089:** A bill for an act relating to taxation; modifying the property tax abatement process as it applies to certain electric generating facilities; amending Minnesota Statutes 2004, sections 116J.993, subdivision 3; 469.1813, subdivisions 1, 6b, 8, 9, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 469.1813, subdivision 6.

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

**Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 3216:** A bill for an act relating to housing; regulating condominium conversions; amending Minnesota Statutes 2005 Supplement, section 515B.1-106.

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

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

**S.F. No. 2881:** A bill for an act relating to human services; providing for interstate contracts for chemical health services; amending Minnesota Statutes 2004, section 245.50, subdivisions 1, 2, 5.

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

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

**S.F. No. 3290:** A bill for an act relating to human services; providing children's mental health grants; establishing mental health service delivery and finance reform; modifying mental health case management and rates; modifying general assistance medical care coverages; amending Minnesota Statutes 2004, sections 245.465, by adding a subdivision; 246.54, subdivision 1,

by adding a subdivision; 256B.0625, subdivision 20; 256B.0945, subdivisions 1, 4; 256B.69, subdivisions 5g, 5h; 256L.12, subdivision 9a; Minnesota Statutes 2005 Supplement, sections 245.4874; 256D.03, subdivision 4; 256L.03, subdivision 1; 256L.035; proposing coding for new law in Minnesota Statutes, chapters 245; 256B; repealing Minnesota Statutes 2004, sections 245.465, subdivision 2; 256B.0945, subdivisions 5, 6, 7, 8, 9; 256B.83.

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

Page 1, line 16, delete "Mental health services already provided" and insert "Responsibility not duplicated"

Page 2, delete line 5 and insert "counties and health plans in mental health services, including case management,"

Page 2, line 15, delete "share of" and insert "and county"

Page 2, line 18, after "commissioner" insert ", in consultation with counties,"

Page 2, line 19, after "programs" insert ", including the value of case management transfer grants under section 256B.0625, subdivision 20,"

Page 2, after line 34, insert:

"(3) allow potential bidders at least 90 days to respond to the request for proposals;"

Page 2, line 35, delete "(3)" and insert "(4)"

Page 3, line 1, delete "(4)" and insert "(5)" and after "2008" insert ", with not more than 20 percent of the statewide population described in paragraph (b) included during calendar year 2008 and additional individuals included in subsequent years"

Page 3, line 6, delete "they have no other" and insert "an individual has another"

Page 3, line 8, delete "the" and insert "an"

Page 6, line 3, delete "Mental health services already provided" and insert "Responsibility not duplicated"

Page 6, line 9, delete "in" and insert "for"

Page 6, line 20, delete "those counties whose" and after "applications" insert "that"

Page 11, after line 3, insert:

"Sec. 9. Minnesota Statutes 2004, section 256B.0625, subdivision 28, is amended to read:

Subd. 28. **Certified nurse practitioner services.** Medical assistance covers services performed by a certified pediatric nurse practitioner, a certified family nurse practitioner, a certified adult nurse practitioner, a certified obstetric/gynecological nurse practitioner, a certified neonatal nurse practitioner, ~~or~~ a certified geriatric nurse practitioner, a clinical nurse specialist in mental health, or a certified psychiatric nurse practitioner in independent practice, if:

(1) the service provided on an inpatient basis is not included as part of the cost for inpatient services included in the operating payment rate;

(2) the service is otherwise covered under this chapter as a physician service; and

(3) the service is within the scope of practice of the nurse practitioner's license as a registered nurse, as defined in section 148.171."

Page 11, after line 32, insert:

"Sec. 12. Minnesota Statutes 2005 Supplement, section 256B.0946, subdivision 1, is amended to read:

Subdivision 1. **Covered service.** (a) Effective July 1, 2006, and subject to federal approval, medical assistance covers medically necessary services described under paragraph (b) that are provided by a provider entity eligible under subdivision 3 to a client eligible under subdivision 2 who is placed in a treatment foster home licensed under Minnesota Rules, parts 2960.3000 to 2960.3340.

(b) Services to children with severe emotional disturbance residing in treatment foster care settings must meet the relevant standards for mental health services under sections 245.487 to 245.4887. In addition, specific service components reimbursed by medical assistance must meet the following standards:

(1) case management service component must meet the standards in Minnesota Rules, parts 9520.0900 to 9520.0926 and 9505.0322, excluding subparts 6 and 10;

(2) psychotherapy, crisis assistance, and skills training components must meet the standards for children's therapeutic services and supports in section 256B.0943; and

(3) family psychoeducation services under supervision of a mental health professional."

Page 12, line 31, delete "sections" and insert "section"

Page 12, line 32, delete "and" and insert "or section"

Re-number the sections in sequence

Amend the title accordingly

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

### **Senator Scheid from the Committee on Commerce, to which was re-referred**

**S.F. No. 2898:** A bill for an act relating to insurance; conforming regulation of qualified long-term care insurance to requirements for state participation in the federal long-term care partnership program; amending state long-term care partnership program requirements; amending Minnesota Statutes 2004, sections 62S.05, by adding a subdivision; 62S.08, subdivision 3; 62S.081, subdivision 4; 62S.10, subdivision 2; 62S.13, by adding a subdivision; 62S.14, subdivision 2; 62S.15; 62S.20, subdivision 1; 62S.24, subdivisions 1, 3, 4, by adding subdivisions; 62S.25, subdivision 6, by adding a subdivision; 62S.26; 62S.266, subdivision 2; 62S.29, subdivision 1; 62S.30; Minnesota Statutes 2005 Supplement, section 256B.0571; proposing coding for new law in Minnesota Statutes, chapter 62S.

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

Page 12, line 35, delete "insurance department" and insert "commissioner"

Page 16, delete section 20 and insert:

"Sec. 20. **[62S.315] PRODUCER TRAINING.**

The commissioner shall approve insurer and producer training requirements in accordance with the NAIC Long-Term Care Insurance Model Act provisions. The commissioner of human services shall provide technical assistance and information to the commissioner in accordance with Public Law 109-171, section 6021."

Page 18, line 11, strike "first" and delete "July 1, 2006" and insert "the effective date of the state

plan amendment"

Page 20, delete subdivision 10 and insert:

"Subd. 10. ~~Dollar-for-dollar asset protection policies~~ **Long-term care partnership policy inflation protection.** (a) ~~A dollar-for-dollar asset protection policy must meet all of the requirements in paragraphs (b) to (e).~~

(b) ~~The policy must satisfy the requirements of chapter 62S.~~

(c) ~~The policy must offer an elimination period of not more than 180 days for an adjusted premium.~~

(d) ~~The policy must satisfy the requirements established by the commissioner of human services under subdivision 14.~~

(e) ~~Minimum daily benefits shall be \$130 for nursing home care or \$65 for home care, with inflation protection provided in the policy as described in section 62S.23, subdivision 1, clause (1). These minimum daily benefit amounts shall be adjusted by the commissioner on October 1 of each year by a percentage equal to the inflation protection feature described in section 62S.23, subdivision 1, clause (1), for purposes of setting minimum requirements that a policy must meet in future years in order to initially qualify as an approved policy under this subdivision. Adjusted minimum daily benefit amounts shall be rounded to the nearest whole dollar. A long-term care partnership policy must provide the inflation protection described in this subdivision. If the policy is sold to an individual who:~~

(1) has not attained age 61 as of the date of purchase, the policy must provide compound annual inflation protection;

(2) has attained age 61, but has not attained age 76 as of such date, the policy must provide some level of inflation protection; and

(3) has attained age 76 as of such date, the policy may, but is not required to, provide some level of inflation protection."

Page 23, line 13, delete "by September 30, 2006,"

Page 23, line 14, delete everything after "section"

Page 23, line 15, delete everything before the period

Amend the title accordingly

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

**Senator Kelley from the Committee on Education, to which was referred**

**S.F. No. 2817:** A resolution memorializing the President and Congress to carry through on their pledge to fund 40 percent of special education costs.

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

**Senator Kelley from the Committee on Education, to which was referred**

**S.F. No. 3534:** A bill for an act relating to education finance; providing for an approved special education study and report; appropriating money.

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

Committee on Finance. Report adopted.

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

**S.F. No. 2974:** A bill for an act relating to game and fish; modifying critical habitat private sector matching account provisions; providing definitions; providing for and modifying disposition of certain revenue; modifying restrictions on motorized watercraft and recreational vehicles in wildlife management areas; providing for inspection of equipment used to take wild animals; modifying certain penalty and fee amounts; modifying certain game and fish license provisions; modifying firearms possession provisions for persons under 16; providing for collecting antler sheds; modifying certain provisions for taking and possessing game and fish; modifying provisions for fishing contests; providing for a moratorium on use of public waters for aquaculture; amending Minnesota Statutes 2004, sections 84.943, subdivision 3; 97A.015, by adding a subdivision; 97A.055, subdivision 2; 97A.065, subdivision 2; 97A.075, subdivision 1; 97A.101, subdivision 4; 97A.251, subdivision 1; 97A.321; 97A.445, subdivision 3; 97A.475, subdivision 2; 97B.021, subdivision 1, by adding a subdivision; 97B.301, subdivision 7; 97C.081, subdivisions 4, 6, 8, 9; 97C.205; 97C.355, subdivision 7; 97C.371, subdivision 4; Minnesota Statutes 2005 Supplement, sections 97A.405, subdivision 4; 97A.475, subdivision 3; 97A.551, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2004, section 97C.355, subdivision 6.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 84.943, subdivision 3, is amended to read:

Subd. 3. **Appropriations must be matched by private funds.** Appropriations transferred to the critical habitat private sector matching account and money credited to the account under section 168.1296, subdivision 5, may be expended only to the extent that they are matched equally with contributions to the account from private sources or by funds contributed to the nongame wildlife management account. The private contributions may be made in cash or in contributions of, property, land, or interests in land that are designated by the commissioner of natural resources as program acquisitions. Appropriations transferred to the account that are not matched within three years from the date of the appropriation shall cancel to the source of the appropriation. For the purposes of this section, the private contributions of property, land, or interests in land that are retained by the commissioner shall be valued in accordance with their appraised value.

Sec. 2. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision to read:

Subd. 3a. **Bonus permit.** "Bonus permit" means a license to take and tag deer by archery or firearms, in addition to deer authorized to be taken under regular firearms or archery licenses.

Sec. 3. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision to read:

Subd. 14a. **Deer.** "Deer" means white-tailed or mule deer.

Sec. 4. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision to read:

Subd. 26b. **Intensive deer area.** "Intensive deer area" means an area of the state where taking a deer of either sex is allowed and where multiple bonus permits are authorized.

Sec. 5. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision to read:

Subd. 27b. **Lottery deer area.** "Lottery deer area" means an area of the state where taking antlerless deer is allowed only by either-sex permit and no bonus permits are authorized.

Sec. 6. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision to read:



Subd. 27c. **Managed deer area.** "Managed deer area" means an area of the state where taking a deer of either sex is allowed and where one bonus permit is authorized.

Sec. 7. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision to read:

Subd. 32a. **Muzzle-loader season.** "Muzzle-loader season" means the firearms deer season option open only for legal muzzle-loading firearms, as prescribed by the commissioner.

Sec. 8. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision to read:

Subd. 41a. **Regular firearms season.** "Regular firearms season" means any of the firearms deer season options prescribed by the commissioner that begin in November, exclusive of the muzzle-loader season.

Sec. 9. Minnesota Statutes 2004, section 97A.055, subdivision 2, is amended to read:

Subd. 2. **Receipts.** The commissioner of finance shall credit to the game and fish fund all money received under the game and fish laws and all income from state lands acquired by purchase or gift for game or fish purposes, including receipts from:

- (1) licenses and permits issued;
- (2) fines and forfeited bail;
- (3) sales of contraband, wild animals, and other property under the control of the division;
- (4) fees from advanced education courses for hunters and trappers;
- (5) reimbursements of expenditures by the division;
- (6) contributions to the division; and
- (7) revenue credited to the game and fish fund under section 297A.94, paragraph (e), clause (1).

Sec. 10. Minnesota Statutes 2004, section 97A.065, subdivision 2, is amended to read:

Subd. 2. **Fines and forfeited bail.** (a) Fines and forfeited bail collected from prosecutions of violations of: the game and fish laws or rules adopted thereunder; sections 84.091 to 84.15 or rules adopted thereunder; sections 84.81 to 84.91 or rules adopted thereunder; section 169A.20, when the violation involved an off-road recreational vehicle as defined in section 169A.03, subdivision 16; chapter 348; and any other law relating to wild animals or aquatic vegetation, must be paid to the treasurer of the county where the violation is prosecuted. The county treasurer shall submit one-half of the receipts to the commissioner and credit the balance to the county general revenue fund except as provided in paragraphs (b), and (c), and (d). In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), the share that would otherwise go to the county under this paragraph must be submitted to the commissioner of finance for deposit in the state treasury and credited to the general fund.

~~(b) The commissioner may reimburse a county, from the game and fish fund, for the cost of keeping prisoners prosecuted for violations of the game and fish laws under this section if the county board, by resolution, directs: (1) the county treasurer to submit all game and fish fines and forfeited bail to the commissioner; and (2) the county auditor to certify and submit monthly itemized statements to the commissioner.~~

~~(e)~~ (b) The county treasurer shall submit one-half of the receipts collected under paragraph (a) from prosecutions of violations of sections 84.81 to 84.91 or rules adopted thereunder, and 169A.20, except receipts that are surcharges imposed under section 357.021, subdivision 6, to the commissioner and credit the balance to the county general fund. The commissioner shall credit these receipts to the snowmobile trails and enforcement account in the natural resources fund.

~~(d)~~(c) The county treasurer shall indicate the amount of the receipts that are surcharges imposed

under section 357.021, subdivision 6, and shall submit all of those receipts to the commissioner of finance.

Sec. 11. Minnesota Statutes 2004, section 97A.075, subdivision 1, is amended to read:

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

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

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

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

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

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 12. Minnesota Statutes 2004, section 97A.101, subdivision 4, is amended to read:

Subd. 4. **Restrictions on airboats, watercraft, and recreational vehicles.** (a) The use of airboats is prohibited at all times on lakes designated for wildlife management purposes under this section unless otherwise authorized by the commissioner.

(b) The commissioner may restrict the use of motorized watercraft and recreational vehicles on lakes designated for wildlife management purposes by posting all public access points on the designated lake. Restrictions may include prohibitions or limitations on the type of allowable motorized watercraft or recreational vehicle, horsepower or thrust of motor, speed of operation, season or area of use, or other restrictions that the commissioner determines are necessary to minimize disturbances to wildlife or to protect wildlife habitat. Designation of areas, times, and types of restrictions to be posted shall be by written order published in the State Register. Posting of the restrictions is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Sec. 13. Minnesota Statutes 2004, section 97A.221, subdivision 3, is amended to read:

Subd. 3. **Procedure for confiscation of property seized.** The enforcement officer must hold the seized property. The property held may be confiscated when:

(1) the person from whom the property was seized is convicted, the conviction is not under

appeal, and the time period for appeal of the conviction has expired; or

(2) the property seized is contraband consisting of a wild animal, wild rice, or other aquatic vegetation.

Sec. 14. Minnesota Statutes 2004, section 97A.221, subdivision 4, is amended to read:

Subd. 4. **Disposal of confiscated property.** Confiscated property may be disposed of or retained for use by the commissioner, or sold at the highest price obtainable as prescribed by the commissioner. Upon acquittal or dismissal of the charged violation for which the property was seized,:

(1) all property, other than contraband consisting of a wild animal, wild rice, or other aquatic vegetation, must be returned to the person from whom the property was seized; and

(2) the commissioner shall reimburse the person for the full value of any seized or confiscated property that is sold, lost, or damaged.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to property seized beginning one year prior to that date.

Sec. 15. Minnesota Statutes 2004, section 97A.225, subdivision 2, is amended to read:

Subd. 2. **Procedure for confiscation of property seized.** The enforcement officer must hold the seized property, subject to the order of the court having jurisdiction where the offense was committed. The property held is confiscated when:

(1) the commissioner complies with this section and;

(2) the person from whom it was seized is convicted of the offense; and

(3) the conviction is not under appeal and the time period for appeal of the conviction has expired.

Sec. 16. Minnesota Statutes 2004, section 97A.225, subdivision 5, is amended to read:

Subd. 5. **Court order.** (a) If the person arrested is acquitted, the court shall dismiss the complaint against the property and:

(1) order it returned to the person legally entitled to it; and

(2) order the commissioner to reimburse the person for the full value of any seized or confiscated property that is sold, lost, or damaged.

(b) Upon conviction of the person, the court shall issue an order directed to any person that may have any right, title, or interest in, or lien upon, the seized property. The order must describe the property and state that it was seized and that a complaint against it has been filed. The order shall require a person claiming right, title, or interest in, or lien upon, the property to file with the court administrator an answer to the complaint, stating the claim, within ten days after the service of the order. The order shall contain a notice that if the person fails to file an answer within the time limit, the property may be ordered sold by the commissioner.

(c) The court order must be served upon any person known or believed to have any right, title, interest, or lien in the same manner as provided for service of a summons in a civil action, and upon unknown persons by publication, in the same manner as provided for publication of a summons in a civil action.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to property seized beginning one year prior to that date.

Sec. 17. Minnesota Statutes 2004, section 97A.251, subdivision 1, is amended to read:

Subdivision 1. **Unlawful conduct.** A person may not:

(1) intentionally hinder, resist, or obstruct an enforcement officer, agent, or employee of the division in the performance of official duties;

(2) refuse to submit to inspection of ~~firearms~~ equipment used to take wild animals while in the field, licenses, or wild animals; or

(3) refuse to allow inspection of a motor vehicle, boat, or other conveyance used while taking or transporting wild animals.

Sec. 18. Minnesota Statutes 2004, section 97A.321, is amended to read:

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

The owner of a dog that pursues but does not kill a big game animal is guilty of a petty misdemeanor and is subject to a civil penalty of \$100 for each violation. The owner of a dog that kills ~~or pursues~~ a big game animal is guilty of a petty misdemeanor and is subject to a civil penalty of ~~up to~~ \$500 for each violation.

Sec. 19. Minnesota Statutes 2005 Supplement, section 97A.405, subdivision 4, is amended to read:

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

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

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

(1) when the season for the license being surrendered has not yet opened; or

(2) when the person is upgrading from a regular firearms or archery deer license to a multizone or all season deer license ~~that is valid in multiple zones~~.

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

Sec. 20. Minnesota Statutes 2004, section 97A.475, subdivision 2, is amended to read:

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

(1) for persons age 18 or over and under age 65 to take small game, \$12.50;

(2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;

(3) to take turkey, \$18;

(4) for persons age 18 or over to take deer with firearms, \$26;

(5) for persons age 18 or over to take deer by archery, \$26;

(6) to take moose, for a party of not more than six persons, \$310;

- (7) to take bear, \$38;
- (8) to take elk, for a party of not more than two persons, \$250;
- (9) multizone license to take antlered deer in more than one zone, \$52;
- (10) to take Canada geese during a special season, \$4;
- (11) all season license to take two deer throughout the state in any open deer season, except as restricted under section 97B.305, \$78;
- (12) to take prairie chickens, \$20;
- (13) for persons at least age 12 and under age 18 to take deer with firearms during the regular firearms season in any open zone or time period, \$13; and
- (14) for persons at least age 12 and under age 18 to take deer by archery, \$13.

Sec. 21. Minnesota Statutes 2005 Supplement, section 97A.475, subdivision 3, is amended to read:

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

- (1) to take small game, \$73;
- (2) to take deer with firearms, \$135;
- (3) to take deer by archery, the greater of:
  - (i) an amount equal to the total amount of license fees and surcharges charged to a Minnesota resident to take deer by archery in the person's state or province of residence; or
  - (ii) \$135;
- (4) to take bear, \$195;
- (5) to take turkey, \$73;
- (6) to take raccoon, bobcat, fox, or coyote, \$155;
- (7) multizone license to take antlered deer in more than one zone, \$270; and
- (8) to take Canada geese during a special season, \$4.

Sec. 22. Minnesota Statutes 2004, section 97A.475, subdivision 20, is amended to read:

Subd. 20. **Trapping license.** The fee for a license to trap fur-bearing animals is:

- (1) for residents over age 13 and under age 18, \$6;
- (2) for residents age 18 ~~and older~~ or over and under age 65, \$20; ~~and~~
- (3) for residents age 65 or over, \$10; and
- (4) for nonresidents, \$73.

Sec. 23. Minnesota Statutes 2004, section 97A.535, subdivision 1, is amended to read:

Subdivision 1. **Tags required.** (a) A person may not possess or transport deer, bear, elk, or moose taken in the state unless a tag is attached to the carcass in a manner prescribed by the commissioner. The commissioner must prescribe the type of tag that has the license number of the owner, the year of its issue, and other information prescribed by the commissioner.

(b) The tag and the license must be validated at the site of the kill as prescribed by the commissioner.

(c) Except as otherwise provided in this section, the tag must be attached to the deer, bear, elk, or moose at the site of the kill before the animal is removed from the site of the kill, and.

(d) The tag must remain attached to the animal until the animal is processed for storage.

(e) A person may move a lawfully taken deer, bear, elk, or moose from the site of the kill without attaching the validated tag to the animal only while in the act of manually or mechanically dragging, carrying, or carting the animal across the ground and while possessing the validated tag on their person. A motor vehicle may be used to drag the animal across the ground. At all other times, the validated tag must be attached to the deer, bear, elk, or moose:

(1) as otherwise provided in this section; and

(2) prior to the animal being placed onto and transported on a motor vehicle, being hung from a tree or other structure or device, or being brought into a camp or yard or other place of habitation.

Sec. 24. Minnesota Statutes 2005 Supplement, section 97A.551, subdivision 6, is amended to read:

Subd. 6. **Tagging and registration.** The commissioner may, by rule, require persons taking, possessing, and transporting certain species of fish to tag the fish with a special fish management tag and may require registration of tagged fish. A person may not possess or transport a fish species taken in the state for which a special fish management tag is required unless a tag is attached to the fish in a manner prescribed by the commissioner. The commissioner shall prescribe the manner of issuance and the type of tag as authorized under section 97C.087. The tag must be attached to the fish as prescribed by the commissioner immediately upon reducing the fish to possession and must remain attached to the fish until the fish is processed or consumed. Species for which a special fish management tag is required must be transported undressed, except as otherwise prescribed by the commissioner.

Sec. 25. Minnesota Statutes 2004, section 97B.021, subdivision 1, is amended to read:

Subdivision 1. **Restrictions.** (a) Except as provided in this subdivision, a person under the age of 16 may not possess a firearm, ~~unless accompanied by~~ without maintaining unaided visual and vocal contact with a parent or guardian.

(b) A person under age 16 may possess a firearm without ~~being accompanied by~~ maintaining unaided visual and vocal contact with a parent or guardian:

(1) on land owned by, or occupied as the principal residence of, the person or the person's parent or guardian;

(2) while participating in an organized target shooting program with adult supervision;

(3) while the person is participating in a firearms safety program or traveling to and from class;  
or

(4) if the person is age 14 or 15 and has a firearms safety certificate.

Sec. 26. Minnesota Statutes 2004, section 97B.021, is amended by adding a subdivision to read:

**Subd. 1a. Parent or guardian duties.** A parent or guardian may not knowingly direct, allow, or permit a person under the age of 16 to possess a firearm in violation of this section.

Sec. 27. **[97B.22] COLLECTING ANTLER SHEDS.**

(a) A person may take and possess naturally shed antlers without a license.

(b) A person may not place, arrange, or set equipment in a manner that is likely to artificially pull, sever, or otherwise cause antlers of live deer, moose, elk, or caribou to be shed or removed.

Sec. 28. Minnesota Statutes 2004, section 97B.301, subdivision 7, is amended to read:

Subd. 7. **All season deer license.** (a) A resident may obtain an all season deer license. ~~This license that authorizes the resident to take one buck by firearm or archery hunt during any season statewide. In addition, a resident obtaining this license may take one antlerless deer: the archery, regular firearms, and muzzle-loader seasons. The all season license is valid for taking three deer, no more than one of which may be a legal buck.~~

~~(1) by firearms in the regular firearms season if the resident first obtains an antlerless deer permit or if the resident takes the antlerless deer in an area where the commissioner has authorized taking a deer of either sex without an antlerless permit;~~

~~(2) by archery in the archery season; or~~

~~(3) by muzzleloader in the muzzleloader season.~~

(b) The all season deer license is valid for taking antlerless deer as follows:

(1) up to two antlerless deer may be taken during the archery or muzzle-loader seasons in any open area or during the regular firearms season in managed or intensive deer areas; and

(2) one antlerless deer may be taken during the regular firearms season in a lottery deer area, only with an either-sex permit or statutory exemption from an either-sex permit.

(c) The commissioner shall issue one tag for a buck and one tag for an antlerless deer three tags when issuing a license under this subdivision.

**Sec. 29. [97B.318] ARMS USE AREAS AND RESTRICTIONS; REGULAR FIREARMS SEASON.**

Subdivision 1. **Shotgun use area.** During the regular firearms season in the shotgun use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading long guns, and legal handguns may be used for taking deer. Legal shotguns include those with rifled barrels. The shotgun use area is that portion of the state lying within the following described boundary: Beginning on the west boundary of the state at U.S. Highway 10; thence along U.S. Highway 10 to State Trunk Highway (STH) 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence along I-94 to County State Aid Highway (CSAH) 40, Douglas County; thence along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of the Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence along the east, south, and west boundaries of the state to the point of beginning.

Subd. 2. **All legal firearms use area.** The all legal firearms use area is that part of the state lying outside of the shotgun use area.

Sec. 30. Minnesota Statutes 2004, section 97C.081, subdivision 4, is amended to read:

Subd. 4. **Restrictions.** The commissioner may by rule establish restrictions on fishing contests to protect fish and fish habitat, to minimize user conflicts, and for the safety of contest participants.

Sec. 31. Minnesota Statutes 2004, section 97C.081, subdivision 6, is amended to read:

Subd. 6. **Permit application process.** (a) Beginning September August 1 each year, the

commissioner shall accept permit applications for fishing contests to be held in the following year.

(b) If the number of permit applications received by the commissioner from ~~September~~ August 1 through the last Friday in ~~October~~ September exceeds the limits specified in subdivisions 7 and 8, the commissioner shall notify the affected applicants that their requested locations and time period are subject to a drawing. After notification, the commissioner shall allow the affected applicants a minimum of seven days to change the location or time period requested on their applications, provided that the change is not to a location or time period for which applications are already at or above the limits specified in subdivisions 7 and 8.

(c) After the applicants have been given at least seven days to change their applications, the commissioner shall conduct a drawing for all locations and time periods for which applications exceed limits. First preference in the drawings shall be given to applicants for established or traditional fishing contests, and second preference to applicants for contests that are not established as traditional fishing contests based on the number of times they have been unsuccessful in previous drawings. Except for applicants of established or traditional fishing contests, an applicant who is successful in a drawing loses all accumulated preference. "Established or traditional fishing contest" means a fishing contest that was issued permits in 1999 and 2000 or was issued permits four out of five years from 1996 to 2000 for the same lake and time period. Beginning with 2001, established or traditional fishing contests must continue to be conducted at least four out of five years for the same lake and time period to remain established or traditional.

(d) The commissioner has until ~~December~~ November 7 to approve or deny permit applications that are submitted by 4:30 p.m. on the last Friday in ~~October~~ September. The commissioner may approve a permit application that is received after 4:30 p.m. on the last Friday in ~~October~~ September if approving the application would not result in exceeding the limits in subdivisions 7 and 8.

Sec. 32. Minnesota Statutes 2004, section 97C.081, subdivision 8, is amended to read:

Subd. 8. **Limits on number of fishing contests.** ~~(a)~~ The number of permitted fishing contests allowed each month on a water body shall not exceed the following limits:

(1) Lakes:

	Maximum number of permitted fishing contests	Maximum number of large permitted fishing contests	Maximum number of permitted fishing contest days
Size/acres			
less than 2,000	2	0	4
2,000-4,999	3	1	6
5,000-14,999	4	2	8
15,000-55,000	5	3	10
more than 55,000	no limit	no limit	no limit

~~(b)~~ For boundary waters water lakes, the limits on the number of permitted fishing contests shall be determined based on the Minnesota acreage.

(2) Rivers:

<u>Maximum number of permitted fishing contests</u>	<u>Maximum number of large permitted fishing contests</u>	<u>Maximum number of permitted fishing contest days</u>
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Mississippi River:Pool 1, 2, 3, 5, 5A, 6,  
7, 8, 94 (each pool)2 (each pool)8 (each pool)Pool 45310St. Croix River214Lake St. Croix428

Contest waters identified in the permit for Mississippi River pools are limited to no more than one lockage upstream and one lockage downstream from the pool where the contest access and weigh-in is located.

Contest waters for Lake St. Croix are bounded by the U.S. Highway 10 bridge at Prescott upstream to the Arcola Bar. Contest waters for the St. Croix River are bounded by the Arcola Bar upstream to the Wisconsin state line.

For all other rivers, no more than two contest permits, not to exceed four days combined, may be issued for any continuous segment of a river per month. Of the two contests permitted, only one shall be a large permitted fishing contest. Permits issued by the commissioner shall not exceed 60 continuous river miles.

Sec. 33. Minnesota Statutes 2004, section 97C.081, subdivision 9, is amended to read:

Subd. 9. **Permit restrictions.** (a) The commissioner may require fishing contest permittees to limit pre-fishing to week days only as a condition of a fishing contest permit. The commissioner may require proof from permittees that pre-fishing restrictions on the permit are communicated to fishing contest participants and enforced.

(b) The commissioner may require permit restrictions on the hours that a permitted fishing contest is conducted, including, but not limited to, starting and ending times.

(c) The commissioner may require permit restrictions on the number of parking spaces that may be used on a state-owned public water access site. The commissioner may require proof from permittees that parking restrictions on the permit are communicated to fishing contest participants and enforced.

(d) To prevent undue loss mortality of released fish, the commissioner may require restrictions for off-site weigh-ins and live releases on a fishing contest permit or may deny permits requesting an off-site weigh-in or live release.

(e) A person may not transfer a fishing contest permit to another person.

(f) Failure to comply with fishing contest permit restrictions may be considered grounds for denial of future permit applications.

Sec. 34. Minnesota Statutes 2004, section 97C.205, is amended to read:

**97C.205 RULES FOR TRANSPORTING AND STOCKING FISH.**

(a) Except on the water body where taken, a person may not transport a live fish in a quantity of water sufficient to keep the fish alive, unless the fish:

(1) is being transported under an aquaculture license as authorized under sections 17.4985 and 17.4986;

(2) is being transported for a fishing contest weigh-in under section 97C.081;

(3) is a minnow being transported under section 97C.505 or 97C.515;

(4) is being transported by a commercial fishing license holder under section 97C.821; or

(5) is being transported as otherwise authorized in this section.

(b) The commissioner may adopt rules to allow and regulate:

(1) the transportation of fish and fish eggs ~~from one body of water to another~~; and

(2) the stocking of waters with fish or fish eggs.

~~(b)~~ (c) The commissioner shall prescribe rules designed to encourage local sporting organizations to propagate game fish by using rearing ponds. The rules must:

(1) prescribe methods to acquire brood stock for the ponds by seining public waters;

(2) allow the sporting organizations to own and use seines and other necessary equipment; and

(3) prescribe methods for stocking the fish in public waters that give priority to the needs of the community where the fish are reared and the desires of the organization operating the rearing pond.

~~(e)~~ (d) A person age 16 or under may, for purposes of display in a home aquarium, transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie, white crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black, yellow, and brown bullheads taken by angling. No more than four of each species may be transported at any one time, and any individual fish can be no longer than ten inches in total length.

Sec. 35. Minnesota Statutes 2004, section 97C.355, subdivision 7, is amended to read:

Subd. 7. **Dates and times houses may remain on ice.** (a) Except as provided in paragraph (d), a shelter, including a fish house or dark house, may not be on the ice between 12:00 a.m. and one hour before sunrise after the following dates:

(1) the last day of February, for state waters south of a line starting at the Minnesota-North Dakota border and formed by rights-of-way of U.S. Route No. 10, then east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border; and

(2) March 15, for other state waters.

A shelter, including a fish house or dark house, on the ice in violation of this subdivision is subject to the enforcement provisions of paragraph (b). The commissioner may, by rule, change the dates in this paragraph for any part of state waters. Copies of the rule must be conspicuously posted on the shores of the waters as prescribed by the commissioner.

(b) A conservation officer must confiscate a fish house ~~or~~, dark house, or shelter in violation of paragraph (a). The officer may remove, burn, or destroy the house or shelter. The officer shall seize the contents of the house or shelter and hold them for 60 days. If the seized articles have not been claimed by the owner, they may be retained for the use of the division or sold at the highest price obtainable in a manner prescribed by the commissioner.

(c) When the last day of February, under paragraph (a), clause (1), or March 15, under paragraph (a), clause (2), falls on a Saturday, a shelter, including a fish house or dark house, may be on the ice between 12:00 a.m. and one hour before sunrise until 12:00 a.m. the following Monday.

(d) A person may have a shelter, including a fish house or dark house, on the ice between 12:00 a.m. and one hour before sunrise on waters within the area prescribed in paragraph (a), clause (2), but the house or shelter may not be unattended during those hours.

Sec. 36. Minnesota Statutes 2004, section 97C.371, subdivision 4, is amended to read:

Subd. 4. **Open season.** The open season for spearing through the ice is December 1 to the ~~third~~ last Sunday in February.

Sec. 37. **DITCH BUFFER TASK FORCE.**

The Board of Water and Soil Resources shall convene a task force to address the recommendations and findings identified in the February 2006 public drainage ditch buffer study, including, but not limited to:

- (1) clarification of the point of beginning for measuring the required grass strip;
- (2) enhancing the ability of drainage authorities to establish and maintain grass strips;
- (3) developing methods and models for drainage records modernization;
- (4) developing a best management practices manual and training for public drainage systems and authorities;
- (5) annual reporting by drainage authorities; and
- (6) identifying barriers and promoting incentives for buffer strip implementation regarding federal, state, and local programs and requirements.

The recommendations must be done in consultation with farm groups, watershed districts, soil and water conservation districts, counties, industry, and conservation organizations, as well as federal agencies implementing voluntary buffer programs. State agencies participating shall include the Minnesota Department of Agriculture, Minnesota Pollution Control Agency, and Minnesota Department of Natural Resources. The board shall report the results to the senate and house of representatives committees with jurisdiction over public drainage systems by January 15, 2007.

Sec. 38. **MORATORIUM ON LICENSING OR USE OF NEW PUBLIC WATERS FOR AQUACULTURE.**

(a) Except as provided in paragraphs (b) and (c), the commissioner of natural resources may not license or use public waters, as defined in Minnesota Statutes, section 103G.005, subdivision 15, for aquaculture or the raising of fish that were not licensed by the commissioner of natural resources or used for that purpose by the commissioner of natural resources during the five-year period prior to April 1, 2006.

(b) The commissioner of natural resources may annually authorize fish rearing in new public waters, if the fish rearing is conducted as part of a wetland improvement plan approved by the commissioner.

(c) The commissioner of natural resources may license or use public waters for aquaculture that were not used during the time period prescribed in paragraph (a) as a replacement for public waters that were used during that time period and are being vacated for use in aquaculture or raising fish. The restrictions in paragraph (a) apply to public waters that are replaced under this paragraph.

(d) This section expires December 31, 2007.

Sec. 39. **REPEALER.**

Minnesota Statutes 2004, section 97C.355, subdivision 6, is repealed."

Amend the title accordingly

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

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

**S.F. No. 2991:** A bill for an act relating to family; creating a supervised visitation advisory committee; adjusting marriage dissolution fees to fund parenting time centers; appropriating money; amending Minnesota Statutes 2005 Supplement, sections 357.021, subdivisions 1a, 2; 517.08, subdivision 1c; proposing coding for new law in Minnesota Statutes, chapter 299A.

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

Page 3, line 33, delete "2006" and insert "2007"

Page 5, line 15, delete "2006" and insert "2007"

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

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

**S.F. No. 3246:** A bill for an act relating to transportation; commuter rail; authorizing the commissioner to contract for use of railroad right-of-way; regulating civil liability; amending Minnesota Statutes 2004, section 174.82.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 174.82, is amended to read:

**174.82 COMMISSIONER'S DUTIES.**

The planning, development, construction, operation, and maintenance of commuter rail track, facilities, and services are essential governmental functions, serve a public purpose, and are a matter of public necessity. The commissioner shall be responsible for all aspects of planning, developing, constructing, operating, and maintaining commuter rail, including system planning, advanced corridor planning, preliminary engineering, final design, construction, negotiating with railroads, and developing financial and operating plans. The commissioner may enter into a memorandum of understanding or agreement with a public or private entity, including a regional railroad authority, a joint powers board, and a railroad, to carry out these activities. The commissioner, or public entity contracting with the commissioner, may contract with a railroad that is a Class I railroad under federal law for the joint or shared use of the railroad's right-of-way or the construction, operation, or maintenance of rail track, facilities, or services for commuter rail purposes. Notwithstanding section 3.732, subdivision 1, clause (2), or section 466.01, subdivision 6, the Class I railroad and its employees acting under a commuter rail contract are immune from punitive damages in the same manner as the state or a municipality under section 3.736, subdivision 3, and section 466.04, subdivision 1, paragraph (b), and are entitled to indemnification as provided in section 3.736, subdivision 9, and section 466.07. Notwithstanding any law to the contrary, a contract with the Class I railroad for any commuter rail service, or joint or shared use of the railroad's right-of-way, may also provide for the allocation of financial responsibility and the procurement of insurance for the parties for all types of claims or damages. A contract entered into under this section does not affect rights of employees under the Federal Employers Liability Act."

Amend the title accordingly

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

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

**S.F. No. 3348:** A bill for an act relating to natural resources; modifying provisions for youth operation of all-terrain vehicles; amending Minnesota Statutes 2005 Supplement, section 84.9256, subdivision 1.

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

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

**S.F. No. 3053:** A bill for an act relating to game and fish; requiring rulemaking to allow all-terrain vehicle use on privately owned land during legal shooting hours of a deer season.

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

Page 1, line 5, after "VEHICLE" insert "OR SNOWMOBILE"

Page 1, line 8, after "vehicle" insert "or snowmobile"

Page 1, line 11, after "vehicle" insert "or snowmobile"

Page 1, line 12, after "vehicle" insert "or snowmobile"

Amend the title accordingly

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

**Senator Higgins from the Committee on State and Local Government Operations, to which was referred**

**S.F. No. 3044:** A bill for an act relating to economic development; establishing the Minnesota Biomedical Sciences Research Facilities Authority and the biomedical sciences research project funding program; providing for the University of Minnesota to apply for facility program funds; authorizing sale of state bonds to fund program; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Page 1, line 15, delete "For" and insert "Notwithstanding section 116J.03, for" and delete "this chapter" and insert "sections 116J.886 to 116J.8892"

Page 2, line 24, after the period, insert "The legislative members serve at the pleasure of the appointing authority and are nonvoting members."

Page 2, line 27, delete everything after the period

Page 2, delete lines 28 to 30

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

**Senator Higgins from the Committee on State and Local Government Operations, to which was re-referred**

**S.F. No. 2607:** A bill for an act relating to public safety; establishing a Crimes Against Children Team; specifying the team's duties and membership; authorizing memorandums of understanding with federal agencies, the Internet Crimes Against Children Task Force, local government, and law enforcement; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

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

Page 1, line 8, delete "TASK"

Page 1, line 9, delete "FORCE; MEMBERSHIP; DUTIES; GRANTS; REPORTS" and insert "; MEMBERSHIP; DUTIES"

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

**Senator Higgins from the Committee on State and Local Government Operations, to which was referred**

**S.F. No. 3023:** A bill for an act relating to state agencies; establishing timelines for agency action on building and environmental permits; amending Minnesota Statutes 2004, section 15.99.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 15.99, is amended to read:

**15.99 TIME DEADLINE FOR AGENCY ACTION.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms shall have the meanings given.

(b) "Agency" means a department, agency, board, commission, or other group in the executive branch of state government; a statutory or home rule charter city, county, town, or school district; any metropolitan agency or regional entity; and any other political subdivision of the state.

(c) "Request" means a written application related to zoning, septic systems, watershed district review, soil and water conservation district review, or the expansion of the metropolitan urban service area, for a permit, license, or other governmental approval of an action. A request must be submitted in writing to the agency on an application form provided by the agency, if one exists. The agency may reject as incomplete a request not on a form of the agency if the request does not include information required by the agency. A request not on a form of the agency must clearly identify on the first page the specific permit, license, or other governmental approval being sought. No request shall be deemed made if not in compliance with this paragraph.

(d) "Applicant" means a person submitting a request under this section. An applicant may designate a person to act on the applicant's behalf regarding a request under this section and any action taken by or notice given to the applicant's designee related to the request shall be deemed taken by or given to the applicant.

Subd. 2. **Deadline for response.** (a) Except as otherwise provided in this section, section 462.358, subdivision 3b, or chapter 505, and notwithstanding any other law to the contrary, an agency must approve or deny within 60 days a written request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area for a permit, license, or other governmental approval of an action. Failure of an agency to deny a request within 60 days is approval of the request. If an agency denies the request, it must state in writing the reasons for the denial at the time that it denies the request.

(b) When a vote on a resolution or properly made motion to approve a request fails for any reason, the failure shall constitute a denial of the request provided that those voting against the motion state on the record the reasons why they oppose the request. A denial of a request because of a failure to approve a resolution or motion does not preclude an immediate submission of a same or similar request.

(c) Except as provided in paragraph (b), if an agency, other than a multimember governing body, denies the request, it must state in writing the reasons for the denial at the time that it denies the request. If a multimember governing body denies a request, it must state the reasons for denial on the record and provide the applicant in writing a statement of the reasons for the denial. If the written statement is not adopted at the same time as the denial, it must be adopted at the next meeting following the denial of the request but before the expiration of the time allowed for making a decision under this section. The written statement must be consistent with the reasons stated in the record at the time of the denial. The written statement must be provided to the applicant upon adoption.

Subd. 3. **Application; extensions.** (a) The time limit in subdivision 2 begins upon the agency's receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the agency, including the applicable application fee. If an agency receives a written request that does not contain all required information, the 60-day limit starts over only if the agency sends written notice within 15 business days of receipt of the request telling the requester what information is missing.

(b) If a request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area requires the approval of more than one state agency in the executive branch, the 60-day period in subdivision 2 begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(c) An agency response meets the 60-day time limit if the agency can document that the response was sent within 60 days of receipt of the written request.

(d) The time limit in subdivision 2 is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

(e) The time limit in subdivision 2 is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to a city, county, town, school district, metropolitan or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for agency action is extended to 60 days after the required prior approval is granted.

(f) An agency may extend the time limit in subdivision 2 before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

(g) An applicant may by written notice to the agency request an extension of the time limit under this section."

Amend the title accordingly

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

**Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 1263:** A bill for an act relating to energy; establishing goal of wind power usage at 20 percent by 2020; establishing wind energy conversion system loan guarantee program; amending Minnesota Statutes 2004, section 216B.1691, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216C.

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

Delete everything after the enacting clause and insert:

"Section 1. **[216C.42] WIND ENERGY LOAN GUARANTEE PROGRAM.**

Subdivision 1. **Created.** The wind energy loan guarantee program is created to be administered by the commissioner of commerce. The purpose of the program is to encourage the financing, construction, and operation in Minnesota of wind energy conversion systems. The program shall:

(1) guarantee financial institutions that provide financing for a wind energy conversion system that the state will guarantee, in case of a borrower's default, up to 15 percent of the value of the amount financed, not to exceed \$300,000 for each system;

(2) allow the interest rate to be negotiable between the financial institution and borrower, except that one percent on the outstanding balance must be charged annually as a loan guarantee fee and paid to the state and deposited in the account established in subdivision 2;

(3) require that the financial institution making a loan guaranteed pursuant to this section must be located in Minnesota; and

(4) require that the wind energy conversion system for which financing is requested be located in Minnesota.

The program may not provide insurance for more than 20 systems.

Subd. 2. **Wind energy loan guarantee account.** The wind energy loan guarantee account is established as a separate account in the special revenue fund in the state treasury. The account consists of the proceeds of the loan guarantee fees collected annually, any federal money that may be made available for this program, money appropriated or donated to the account, and any interest earned on investments of money in the account. Money in the account is appropriated to the commissioner for the purposes of this section. State guarantee payments must be disbursed as the first source for payment on default of a loan.

Subd. 3. **Rules.** The commissioner may adopt rules to operate the program.

Sec. 2. **APPROPRIATION.**

\$...... is appropriated from the general fund to the commissioner of commerce for deposit in the wind energy loan guarantee account in the special revenue fund for the purposes of that account. The appropriation does not lapse."

Amend the title accordingly

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

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

**S.F. No. 3007:** A bill for an act relating to highways; authorizing cities of the first class to allow advertising on trash and recycling receptacles placed in rights-of-way of streets and highways; amending Minnesota Statutes 2004, section 160.27, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 160.27, is amended by adding a subdivision to read:

Subd. 7a. **Trash and recycling receptacles.** (a) Trash and recycling receptacles and enclosures



around them may be placed and maintained within the limits of any street or highway, excluding streets and highways within cities with a population of fewer than 50,000, when a license, permit, or franchise therefor is first obtained from the road authority. The owners may place advertisements on trash and recycling receptacles, and on any enclosures around them, if authorized by the license, permit, or franchise. The receptacles and enclosures shall not be placed or maintained on the portion of the highway or street prepared and maintained for vehicle traffic.

(b) The council of any city with a population of 50,000 or greater may, by public negotiation or bid, grant franchises for the placement, operation, or maintenance of trash and recycling receptacles on streets and highways within the city. The franchises shall be granted subject to terms and conditions as the city may prescribe, including the payment of compensation to the city. This provision does not supersede or preclude any requirements for obtaining permits from the appropriate road authority having jurisdiction for construction, reconstruction, or maintenance of the right-of-way of any trunk highway, county highway, or county state-aid highway.

(c) On streets and highways outside of cities, the road authority may, by public negotiation or bid, grant franchises for the placement, operation, or maintenance of trash and recycling receptacles on streets and highways within the road authority's jurisdiction. The franchises shall be granted subject to terms and conditions as the road authority may prescribe, including the payment of compensation to the road authority."

Amend the title accordingly

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

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

**S.F. No. 3450:** A bill for an act relating to metropolitan government; governing special transportation service requirements; amending Minnesota Statutes 2004, section 473.386, subdivision 3.

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

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

**S.F. No. 3250:** A bill for an act relating to coroners; modifying and updating the coroner and medical examiners law; providing criminal penalties; amending Minnesota Statutes 2004, sections 390.005; 390.01; 390.04; 390.11; 390.111; 390.15; 390.17; 390.21; 390.221; 390.23; 390.25; 390.31, subdivision 1; Minnesota Statutes 2005 Supplement, section 390.05; proposing coding for new law in Minnesota Statutes, chapter 390; repealing Minnesota Statutes 2004, sections 390.006; 390.06; 390.07; 390.16; 390.19; 390.20; 390.24; 390.31, subdivisions 2, 3; 390.33; 390.34; 390.35; 390.36.

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

Page 1, line 14, after "coroner" insert "or medical examiner" and before "A" insert "Each county must have a coroner or medical examiner."

Page 1, line 16, after the period, insert "A medical examiner must be appointed by the county board. The term of an appointed coroner or medical examiner must not be longer than five years."

Page 2, delete lines 3 and 4

Page 2, line 23, delete everything after the period

Page 2, delete line 24

Page 2, line 26, before "by" insert "training"

Page 2, line 27, after "office" insert ", unless the coroner has already obtained this training" and delete "The coroner or medical examiner need not be a resident of the county."

Page 2, after line 27, insert:

"(c) The coroner or medical examiner need not be a resident of the county."

Page 2, line 31, after "term" insert "of office"

Page 3, line 3, after "EXAMINER" insert "; SELECTION AND TERM"

Page 4, delete lines 4 and 5 and insert:

"The coroner or medical examiner is an independent official of the county, subject only to appointment, removal, and budgeting by the county board."

Page 4, line 12, before the period, insert ", but only for purposes of this chapter"

Page 5, line 11, delete "qualification" and insert "qualifications"

Page 5, line 13, before the comma, insert "of that county"

Page 6, line 5, reinstate the stricken "whose bodies are"

Page 6, line 35, before "investigation" insert "coroner's or medical examiner's"

Page 6, line 36, after "needed" insert "by the coroner or medical examiner"

Page 7, line 1, delete "Such authority shall not be subject to"

Page 7, line 2, delete "judicial order or injunction."

Page 7, delete lines 6 to 8 and insert "For deaths occurring within a facility licensed by the Department of Corrections, the coroner or medical examiner shall ensure that a forensic pathologist who is certified by the American Board of Pathology reviews each death and performs an autopsy on all unnatural, unattended, or unexpected deaths and others as necessary."

Page 8, delete lines 4 to 6 and insert:

"Subd. 2a. **Deaths caused by fire; autopsies.** ~~The coroner shall conduct an autopsy in the case of any human death reported to the coroner by the state fire marshal or a chief officer under section 299F.04, subdivision 5, and apparently caused by fire. The coroner or medical examiner shall conduct an autopsy or require that one be performed in the case of a death reported to the coroner or medical examiner by the state fire marshal or a chief officer under section 299F.04, subdivision 5, and apparently caused by fire, and in which the decedent is pronounced dead outside of a hospital in which identification of the decedent has not been confirmed. If the decedent has died in a hospital and identification is not in question, an autopsy may be performed or ordered by the coroner or medical examiner.~~"

Page 9, line 5, delete "These"

Page 9, delete line 6

Page 9, line 7, delete "Act, sections 13.10 and 13.83." and insert "These records of the coroner or medical examiner are the property of the county and subject to chapter 13."

Page 9, line 15, after the period, insert "In a case in which a crime may be involved, the coroner or medical examiner shall promptly notify the law enforcement agency with jurisdiction over a criminal investigation of the death."

Page 10, line 21, after "staff" insert ", in coordination with the applicable law enforcement agency,"

Page 10, line 34, before "criminal" insert "potential" and delete "When further"

Page 10, lines 35 and 36, delete the new language and strike the old language

Page 12, delete section 14

Page 13, line 12, delete ", except law enforcement," and insert ", except law enforcement personnel,"

Page 14, line 1, delete everything after the period

Page 14, delete lines 2 to 6 and insert "Personal property, including wearing apparel, may be released to the person entitled to control the disposition of the body of the decedent or to the personal representative of the decedent. Personal property not otherwise released pursuant to this subdivision must be disposed of pursuant to section 525.393."

Page 14, line 20, before "shall" insert "or, for deaths occurring within a facility licensed by the Department of Corrections, the forensic pathologist who reviewed the death,"

Page 14, line 25, before "If" insert "The forensic pathologist who reviewed the death of an incarcerated person within a facility licensed by the Department of Corrections may file or amend the cause or manner of death information with the State Registrar."

Page 16, line 4, after "attorney" insert ", law enforcement agency,"

Page 16, line 5, delete "court or authorized attorney" and insert "person"

Page 16, line 7, delete "court, attorney, or agency" and insert "person"

Page 16, line 23, delete everything after "sections" and insert "383A.36; 383B.225; 390.006; 390.06; 390.07; 390.16; 390.17; 390.19; 390.20;"

Page 16, line 24, before "390.33" insert "390.32;"

Renumber the sections in sequence

Amend the title accordingly

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

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

**S.F. No. 3128:** A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2004, sections 3.736, subdivision 8; 13.322, subdivision 3; 13.355, by adding a subdivision; 13.6905, by adding a subdivision; 16B.85, subdivision 5; 45.011, subdivision 1; 62D.03, subdivision 4; 62D.30, subdivision 8; 62Q.19, subdivision 2; 82.50, subdivision 7; 97A.445, subdivision 3; 103F.205, subdivision 1; 103G.293; 115A.0716, subdivision 3; 145A.09, subdivision 4; 168.187, subdivision 12; 169.781, subdivision 1; 253B.045, subdivision 2; 256.9831, subdivision 1; 256B.0917, subdivision 13; 256B.093, subdivision 3a; 256J.88; 260C.007, subdivision 6; 273.03, subdivision 3; 273.111, subdivision 3; 290.48, subdivision 10; 295.50, subdivision 10b; 297E.01, subdivision 8; 299A.292, subdivision 2; 299A.80, subdivision 1; 299C.091, subdivision 2; 349.12, subdivision 21; 353.27, subdivision 9; 353.33, subdivision 1; 353.656, subdivision 8; 354.05, subdivision 13; 466.06; 581.02; 609.652, subdivision 2; 609.671,

subdivision 1; 626.5572, subdivision 2; Minnesota Statutes 2005 Supplement, sections 16C.33, subdivision 3; 116J.575, subdivision 1; 138.17, subdivision 10; 144.225, subdivision 7; 144.335, subdivision 1; 144.602, subdivision 1; 148B.60, subdivision 3; 148D.240, subdivision 5; 168.128, subdivision 2; 168.33, subdivision 2; 169.18, subdivision 11; 216B.1612, subdivision 2; 237.763; 245C.15, subdivision 3; 256B.441, subdivision 13; 270C.96; 289A.42, subdivision 1; 296A.22, subdivision 9; 325E.61, subdivision 5; 349.153; 357.021, subdivision 1a; 604A.33, subdivision 1; Laws 2005, chapter 20, article 2, section 1; Laws 2005, chapter 88, article 3, section 10; Laws 2005, First Special Session chapter 6, article 3, section 95; repealing Minnesota Statutes 2004, sections 155A.03, subdivision 11; 299J.061; 309.50, subdivision 8; 326.991, subdivision 2; Laws 2001, First Special Session chapter 5, article 12, sections 31; 32; Laws 2005, chapter 156, article 5, section 20; Laws 2005, First Special Session chapter 4, article 5, section 14.

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

Page 17, lines 22 and 31, delete "contained in" and insert "governed by"

Page 17, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2004, section 13.322, is amended by adding a subdivision to read:

**Subd. 5. Use of Social Security numbers. Certain restrictions on the use of Social Security numbers are governed by section 325E.59.**"

Amend the title accordingly

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

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

**S.F. No. 2403:** A bill for an act relating to marriage; providing for the solemnization of Hmong marriages; imposing criminal penalties for knowingly facilitating the solemnization of a prohibited marriage; clarifying filing requirements for certain Quaker marriages; requiring the reporting of certain acts; amending Minnesota Statutes 2004, sections 517.05; 517.14; 517.18; Minnesota Statutes 2005 Supplement, section 626.556, subdivisions 2, 3.

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

Page 1, line 13, strike "court administrator of the district court" and insert "local registrar"

Page 1, lines 18 and 20, delete "court administrator" and insert "local registrar"

Page 1, line 21, delete "The"

Page 1, delete lines 22 and 23

Page 1, line 24, delete everything before the first "The"

Page 2, line 33, delete the comma

Page 2, line 34, delete everything before the period

Page 3, lines 3 and 7, delete "one month" and insert "five days"

Page 3, line 5, delete "district court" and insert "local registrar"

Page 3, line 9, delete "court administrator" and insert "local registrar"

Page 3, line 14, delete "section 517.02 or any other provision of"

Page 6, line 9, delete the second "allowing"

Page 6, line 10, delete "a child to enter into a marriage without the child's consent,"

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

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

**S.F. No. 2757:** A bill for an act relating to public safety; providing for prevention, preparedness, and response to unauthorized releases of extraordinarily hazardous substances; proposing coding for new law in Minnesota Statutes, chapter 115E.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2004, section 13.6905, is amended by adding a subdivision to read:

Subd. 1a. **Extraordinarily hazardous substance assessments and plans.** Extraordinarily hazardous substance assessments and plans are classified under section 115E.22, subdivision 5."

Page 4, delete lines 21 to 23 and insert:

"Subd. 5. **Data.** Assessments and plans prepared under this section are nonpublic data as defined in section 13.02 except that the data may be provided to law enforcement, firefighters, members of the National Guard, or other representatives of a government entity responding to a request for services at a facility that is the subject of the assessment and plan."

Renumber the sections in sequence

Amend the title accordingly

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

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

**S.F. No. 2857:** A bill for an act relating to high pressure piping; classifying data relating to bioprocess piping and equipment as nonpublic; including bioprocess piping in the definition of high pressure piping; amending Minnesota Statutes 2004, sections 16B.61, subdivisions 2, 3; 326.461, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 13.

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

Page 1, delete lines 9 to 14 and insert:

"(a) For the purpose of this section, "biotechnology process piping system" means piping and equipment utilizing living organisms for medical, research, or pharmaceutical purposes and meeting the most current requirements in the bioprocessing equipment standard adopted by the American Society of Mechanical Engineers and does not include process piping used to make bio-food products or treat waste.

(b) Schematic drawings, structural design, and layout of a biotechnology process piping system submitted by a business to the Department of Labor and Industry or a municipality in support of a building code permit application are nonpublic data."

Page 3, line 30, delete everything after the period

Page 3, delete lines 31 to 35

Page 3, line 36, delete everything before "No"

Page 4, line 3, after the period, insert "Section 13.7911 governs access to bioprocess piping and equipment data."

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

**Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 1596:** A bill for an act relating to employment; regulating employee invention agreements; amending Minnesota Statutes 2004, section 181.78, by adding a subdivision.

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

Page 1, line 14, delete "ten" and insert "two"

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

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

**S.F. No. 979:** A bill for an act relating to health; establishing a healthy biomonitoring program; requiring reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Page 2, line 24, after "exposure" insert "and disease outcomes"

Page 2, line 35, delete everything after "(b)" and insert "Data collected under the biomonitoring program are health data for purposes of section 13.3805 and shall not be made public without the written and informed consent of the individual to whom it pertains."

Page 2, delete line 36

Page 3, delete lines 1 and 2

Page 5, line 34, before the period, insert ", including the tracking of diseases for which there is scientific evidence of an environmental etiology"

Page 6, delete lines 7 to 11

Page 7, line 12, delete "2007" and insert "2008"

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 2723, 2437, 2655, 3121, 3017, 3236, 3333, 3334, 2302, 3148, 58, 2887, 2881, 2817, 3348, 3053, 3023, 3128, 2403, 2757 and 2857 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. No. 3142 was read the second time.

**MOTIONS AND RESOLUTIONS**

Senator Johnson, D.E. moved that the name of Senator Ourada be stricken as chief author, and the name of Senator Koch be added as chief author to S.F. No. 83. The motion prevailed.

Senator Jungbauer moved that the name of Senator Marty be added as a co-author to S.F. No. 2437. The motion prevailed.

Senator Olson moved that the name of Senator Bonoff be added as a co-author to S.F. No. 2776. The motion prevailed.

Senator Rosen moved that the name of Senator Clark be added as a co-author to S.F. No. 2879. The motion prevailed.

Senator Kubly moved that the name of Senator Larson be added as a co-author to S.F. No. 3022. The motion prevailed.

Senator Rosen moved that the name of Senator Johnson, D.E. be added as a co-author to S.F. No. 3265. The motion prevailed.

Senator Clark moved that the name of Senator Michel be added as a co-author to S.F. No. 3535. The motion prevailed.

Senator Berglin moved that S.F. No. 3070 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Berglin moved that S.F. No. 3103 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Hottinger moved that S.F. No. 1752, No. 51 on General Orders, be stricken and re-referred to the Committee on Crime Prevention and Public Safety. The motion prevailed.

Senator Higgins moved that S.F. No. 3252, No. 53 on General Orders, be stricken and re-referred to the Committee on Crime Prevention and Public Safety. The motion prevailed.

Senator Sams moved that S.F. No. 2734, No. 56 on General Orders, be stricken and re-referred to the Committee on Taxes. The motion prevailed.

**Senator Metzen introduced –**

**Senate Resolution No. 168:** A Senate resolution congratulating the St. Thomas Academy swimming and hockey teams on winning the 2006 State High School Class 1A boys swimming and hockey championships.

Referred to the Committee on Rules and Administration.

Senator Pariseau moved that her name be stricken as a co-author to S.F. No. 3048. The motion prevailed.

Senator Clark moved that S.F. No. 3533 be withdrawn from the Committee on Commerce and re-referred to the Committee on Education. The motion prevailed.

Senator Kelley moved that S.F. No. 3024 be withdrawn from the Committee on Education and re-referred to the Committee on State and Local Government Operations. The motion prevailed.

Senator Kelley moved that S.F. No. 3278 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Senator Koering moved that S.F. No. 3096, No. 24 on General Orders, be stricken and re-referred

to the Committee on State and Local Government Operations. The motion prevailed.

Senator Rest moved that S.F. No. 3402 be withdrawn from the Committee on State and Local Government Operations and re-referred to the Committee on Rules and Administration. The motion prevailed.

Senator Murphy moved that S.F. No. 3089 be withdrawn from the Committee on State and Local Government Operations and re-referred to the Committee on Taxes. The motion prevailed.

Senator Dibble moved that S.F. No. 2887, on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Dibble moved that S.F. No. 3007 be withdrawn from the Committee on Commerce, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 3007 was read the second time.

Senator Anderson moved that S.F. No. 3529 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Finance. The motion prevailed.

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

### REPORTS OF COMMITTEES

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

#### **Senator Lourey from the Committee on Health and Family Security, to which was referred**

**S.F. No. 2899:** A bill for an act relating to health; establishing a controlled substances reporting program; providing for disciplinary action; proposing coding for new law in Minnesota Statutes, chapter 152.

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

Page 2, line 1, delete "(a)"

Page 2, delete lines 4 and 5

Page 2, line 19, after the semicolon, insert "and"

Page 2, delete lines 20 and 21

Page 2, line 22, delete "(4)" and insert "(3)"

Page 2, line 34, after the semicolon, insert "and"

Page 2, line 35, delete the semicolon and insert a period

Page 2, delete line 36

Page 3, delete line 1

Page 3, delete lines 10 to 15

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

Page 3, line 20, delete "(5)" and insert "(2)"



Page 3, line 26, delete "or a breach of"

Page 3, line 27, delete "professional standards"

Page 3, line 28, delete everything before "authorities"

Page 4, line 10, delete "and analysis"

Page 4, delete lines 13 to 15

Page 4, line 16, delete "(7)" and insert "(6)"

Page 4, line 19, delete "(8)" and insert "(7)"

Page 4, line 21, delete "(9)" and insert "(8)"

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

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

#### **Senator Nienow introduced—**

**S.F. No. 3542:** A bill for an act relating to appropriations; appropriating money for a fire truck in the city of Harris.

Referred to the Committee on Finance.

#### **Senator Nienow introduced—**

**S.F. No. 3543:** A bill for an act relating to capital improvements; appropriating money for construction of bridge on marked Trunk Highway 95; authorizing sale and issuance of state trunk highway bonds.

Referred to the Committee on Finance.

#### **Senators Betzold and Ranum introduced—**

**S.F. No. 3544:** A bill for an act relating to public safety; appropriating funds for the project SOAR prisoner reentry program.

Referred to the Committee on Finance.

#### **Senators Anderson, Kubly and Rosen introduced—**

**S.F. No. 3545:** A bill for an act relating to energy; requiring utilities to meet certain renewable energy standards; amending Minnesota Statutes 2004, section 216B.1691.

Referred to the Committee on Jobs, Energy and Community Development.

**Senators McGinn, Day, Murphy and Vickerman introduced—**

**S.F. No. 3546:** A bill for an act relating to military; permitting military personnel stationed outside Minnesota to enter state parks without a fee while home on leave; amending Minnesota Statutes 2004, section 85.053, by adding a subdivision.

Referred to the Committee on Agriculture, Veterans and Gaming.

**Senator Skoe introduced—**

**S.F. No. 3547:** A bill for an act relating to taxation; property; increasing the residential and the agricultural market value homestead credit maximums; restoring certain market value credit losses to cities; amending Minnesota Statutes 2004, section 273.1384, subdivision 2; Minnesota Statutes 2005 Supplement, section 273.1384, subdivision 1; Laws 2005, First Special Session chapter 3, article 2, section 5.

Referred to the Committee on Taxes.

**Senator Skoe introduced—**

**S.F. No. 3548:** A bill for an act relating to taxation; property; increasing the residential and agricultural market value homestead credit maximums; restoring market value credit losses to cities; amending Minnesota Statutes 2004, section 273.1384, subdivision 2; Minnesota Statutes 2005 Supplement, section 273.1384, subdivision 1; Laws 2005, First Special Session chapter 3, article 2, section 5.

Referred to the Committee on Taxes.

**Senator Skoe introduced—**

**S.F. No. 3549:** A bill for an act relating to drivers' licenses; providing for use of tribal documents; amending Minnesota Statutes 2004, section 171.06, by adding a subdivision.

Referred to the Committee on Transportation.

**Senator Pogemiller introduced—**

**S.F. No. 3550:** A bill for an act relating to taxation; conforming certain provisions to federal law; increasing the standard deduction for married joint filers; modifying the alternative minimum tax; providing for taxation of certain compensation paid to nonresidents; modifying income tax rates; amending Minnesota Statutes 2004, sections 290.06, subdivision 2d; 290.091, subdivision 3; 290.17, subdivision 2; Minnesota Statutes 2005 Supplement, sections 289A.02, subdivision 7; 290.01, subdivisions 19, 19a, 19b, 31; 290.06, subdivision 2c; 290.0675, subdivision 1; 290.091, subdivision 2; 290A.03, subdivision 15.

Referred to the Committee on Taxes.

**Senator Metzen introduced—**

**S.F. No. 3551:** A bill for an act relating to real estate appraisers; regulating trainees; modifying appraiser education, experience, and examination requirements; amending Minnesota Statutes 2004, section 82B.11, subdivisions 2, 3; Minnesota Statutes 2005 Supplement, sections 82B.095; 82B.13, subdivisions 1, 4, 5, by adding subdivisions; 82B.14.

Referred to the Committee on Commerce.

**Senator Bakk introduced–**

**S.F. No. 3552:** A bill for an act relating to employment; establishing a task force to study day labor and temporary employment in Minnesota; requiring a report.

Referred to the Committee on Jobs, Energy and Community Development.

**Senator Bakk introduced–**

**S.F. No. 3553:** A bill for an act relating to employment; requiring written agreements to establish existence of independent contractor relationship; proposing coding for new law in Minnesota Statutes, chapter 181.

Referred to the Committee on Jobs, Energy and Community Development.

**Senator LeClair introduced–**

**S.F. No. 3554:** A bill for an act relating to appropriations; appropriating and transferring money and supplementing or reducing appropriations for various health and human services programs or activities; establishing, regulating, or modifying certain health and human services programs or activities; requiring studies and reports; amending Minnesota Statutes 2005 Supplement, section 16A.724, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Finance.

**Senator Belanger introduced–**

**S.F. No. 3555:** A bill for an act relating to consumer protection; regulating the use of motor vehicle event data recorders; requiring certain disclosures; restricting the use of certain data; proposing coding for new law in Minnesota Statutes, chapter 325F.

Referred to the Committee on Judiciary.

**Senators Anderson and Kubly introduced–**

**S.F. No. 3556:** A bill for an act relating to utilities; requiring utility bills to show energy costs; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Jobs, Energy and Community Development.

**Senator Hann introduced–**

**S.F. No. 3557:** A bill for an act relating to family law; requiring evidence to show the public authority's interest in IV-D cases; requiring a waiver of income withholding; amending Minnesota Statutes 2004, sections 518.551, subdivision 9; 518.6111, subdivision 16.

Referred to the Committee on Judiciary.

**Senator Day introduced–**

**S.F. No. 3558:** A bill for an act relating to labor; declaring a public policy; adopting record keeping requirements; requiring an affidavit; requiring a sign on certain vehicles; proposing coding for new law in Minnesota Statutes, chapter 177.

Referred to the Committee on Jobs, Energy and Community Development.

**Senator LeClair introduced—**

**S.F. No. 3559:** A bill for an act relating to labor; regulating state department construction contracts; proposing coding for new law in Minnesota Statutes, chapter 177.

Referred to the Committee on Jobs, Energy and Community Development.

**Senator Wergin introduced—**

**S.F. No. 3560:** A bill for an act relating to legislative organization; proposing a constitutional amendment to prohibit control of the legislative decision-making process by subgroups; requiring distribution of legislative powers; full house participation in final decisions; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Rules and Administration.

**Senators Pariseau and Olson introduced—**

**S.F. No. 3561:** A bill for an act relating to the legislature; proposing an amendment to the Minnesota Constitution, article IV, section 4; providing staggered terms of office for senators and staggered four-year terms of office for representatives; reducing the size of the legislature; amending Minnesota Statutes 2004, sections 2.021; 2.031, subdivision 1.

Referred to the Committee on Elections.

**Senators Tomassoni; Johnson, D.E.; Metzen; Larson and Clark introduced—**

**S.F. No. 3562:** A bill for an act relating to state government; creating a task force to study the feasibility of Minnesota submitting a bid to host the summer Olympics.

Referred to the Committee on State and Local Government Operations.

**Senator Koch introduced—**

**S.F. No. 3563:** A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XIII; recognizing as marriage only a legal union between a man and a woman and limiting recognition of other domestic unions.

Referred to the Committee on Judiciary.

**Senators Limmer and Pariseau introduced—**

**S.F. No. 3564:** A bill for an act relating to elections; providing that the receipt of an absentee ballot after the close of the polls on election day does not delay the reclassification of a voter to inactive status; amending Minnesota Statutes 2004, section 201.171.

Referred to the Committee on Elections.

**Senators Larson, Betzold, Pogemiller and Michel introduced—**

**S.F. No. 3565:** A bill for an act relating to state government; regulating the State Board of Investment; regulating expenses; appropriating money; amending Minnesota Statutes 2004, section 11A.07, subdivision 5; Minnesota Statutes 2005 Supplement, sections 11A.04; 11A.07, subdivision 4.

Referred to the Committee on State and Local Government Operations.

**Senators Stumpf, Sparks and Sams introduced–**

**S.F. No. 3566:** A bill for an act relating to the Rural Policy and Development Center; requiring a biennial report to the legislature; amending Minnesota Statutes 2004, section 116J.421, by adding a subdivision.

Referred to the Committee on Jobs, Energy and Community Development.

**Senators Berglin and Lourey introduced–**

**S.F. No. 3567:** A bill for an act relating to health occupations; allowing limited part-time practice authority for retired dentists; amending Minnesota Statutes 2004, section 150A.06, by adding a subdivision.

Referred to the Committee on Health and Family Security.

**Senators Berglin and Skoglund introduced–**

**S.F. No. 3568:** A bill for an act relating to public safety; appropriating money to expand the downtown security collaborative in Minneapolis.

Referred to the Committee on Finance.

**Senator Dibble introduced–**

**S.F. No. 3569:** A bill for an act relating to insurance; regulating nonrenewals of homeowner's insurance; prohibiting various discriminatory practices in automobile and homeowner's insurance; amending Minnesota Statutes 2004, sections 65A.29, subdivision 8; 65B.28, subdivision 1; 72A.20, subdivision 23; Minnesota Statutes 2005 Supplement, section 72A.20, subdivision 13.

Referred to the Committee on Commerce.

**Senators Bakk and Solon introduced–**

**S.F. No. 3570:** A bill for an act relating to taxation; exempting building materials and supplies used in constructing the Duluth Heritage Sports Center from the sales and use tax; amending Minnesota Statutes 2004, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

**Senator Tomassoni introduced–**

**S.F. No. 3571:** A bill for an act relating to state lands; providing for a conservation easement over tax-forfeited land in St. Louis County.

Referred to the Committee on Environment and Natural Resources.

**Senator Berglin introduced–**

**S.F. No. 3572:** A bill for an act relating to housing; regulating transactions between certain low-income and moderate-income housing developers and local units of government; proposing coding for new law in Minnesota Statutes, chapter 462A.

Referred to the Committee on Jobs, Energy and Community Development.

**Senators Sparks, Sams, Solon and Koering introduced–**

**S.F. No. 3573:** A bill for an act relating to insurance; permitting reductions in premiums on small employer health insurance in greater Minnesota; amending Minnesota Statutes 2004, sections 62A.65, subdivision 3; 62L.08, subdivision 4.

Referred to the Committee on Commerce.

**Senator Koering introduced–**

**S.F. No. 3574:** A bill for an act relating to transportation; authorizing sale of trunk highway bonds for French Rapids bridge; appropriating money.

Referred to the Committee on Finance.

**Senator Lourey introduced–**

**S.F. No. 3575:** A bill for an act relating to agriculture; providing a two-year moratorium on genetically engineered wild rice in the event of an application for a test plot; requiring assessment and reports during the moratorium; proposing coding for new law in Minnesota Statutes, chapter 18F.

Referred to the Committee on Agriculture, Veterans and Gaming.

**Senator Day introduced–**

**S.F. No. 3576:** A bill for an act relating to capital improvements; appropriating money for a new wastewater treatment facility in Medford; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Skoglund introduced–**

**S.F. No. 3577:** A bill for an act relating to corrections; clarifying imposition of local correction fees; amending Minnesota Statutes 2004, section 609.102, subdivision 2.

Referred to the Committee on Crime Prevention and Public Safety.

**Senators Moua, Belanger, Pogemiller, Sparks and Skoe introduced–**

**S.F. No. 3578:** A bill for an act relating to taxation; extending the application of the 4d property tax classification; amending Minnesota Statutes 2005 Supplement, section 273.128, subdivision 1.

Referred to the Committee on Taxes.

**Senators Bonoff, Kelley and Michel introduced–**

**S.F. No. 3579:** A bill for an act relating to education finance; authorizing funding to continue the scholars of distinction program; appropriating money.

Referred to the Committee on Finance.

**Senators Foley and Stumpf introduced–**

**S.F. No. 3580:** A bill for an act relating to education finance; reestablishing funding for hazardous transportation; amending Minnesota Statutes 2004, section 126C.10, subdivision 18, by

adding subdivisions; Minnesota Statutes 2005 Supplement, section 126C.13, subdivision 4.

Referred to the Committee on Finance.

**Senator Tomassoni introduced—**

**S.F. No. 3581:** A bill for an act relating to public safety; authorizing the sale and use of certain fireworks; providing licenses; proposing coding for new law in Minnesota Statutes, chapter 624.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Nienow introduced—**

**S.F. No. 3582:** A bill for an act relating to education; establishing a report card for colleges and universities that offer teacher preparation programs approved by the state Board of Teaching; amending Minnesota Statutes 2004, section 122A.18, by adding a subdivision.

Referred to the Committee on Education.

**Senator Nienow introduced—**

**S.F. No. 3583:** A bill for an act relating to education; ensuring that the standards for effective practice for teachers includes technology and information literacy standards; establishing a seven-year review cycle; amending Minnesota Statutes 2004, section 122A.18, subdivision 2.

Referred to the Committee on Education.

**Senator Higgins introduced—**

**S.F. No. 3584:** A bill for an act relating to state government; establishing a schedule for consideration of legislation; appropriating money for expenses of a governor-elect and 2007 legislative forums; proposing coding for new law in Minnesota Statutes, chapters 3; 4.

Referred to the Committee on State and Local Government Operations.

**Senator Johnson, D.E. introduced—**

**S.F. No. 3585:** A bill for an act relating to a University of Minnesota football stadium; providing a process for state support of a football stadium at the University of Minnesota; appropriating money; amending Minnesota Statutes 2004, sections 297A.71, by adding a subdivision; 340A.404, subdivision 4a; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Finance.

**Senators Metzen and Kiscaden introduced—**

**S.F. No. 3586:** A bill for an act relating to economic development; creating a new salaried position as a federal procurement assistance specialist; providing funding for a database for a grant clearinghouse Web site; appropriating money.

Referred to the Committee on Jobs, Energy and Community Development.

**Senators Kiscaden, Michel and Reiter introduced—**

**S.F. No. 3587:** A bill for an act relating to state government; modifying procurement provisions;

amending Minnesota Statutes 2004, sections 16C.02, subdivisions 4, 12, 14, by adding subdivisions; 16C.03, subdivisions 3, 4, 8, 13, 16; 16C.05, subdivisions 1, 2; 16C.08, subdivision 2, by adding a subdivision; Minnesota Statutes 2005 Supplement, sections 16C.09; 16C.10, subdivision 7.

Referred to the Committee on State and Local Government Operations.

**Senators Stumpf, Kelley and Hottinger introduced—**

**S.F. No. 3588:** A bill for an act relating to education; establishing a pilot program to use child-relevant American sign language to facilitate young children's development of second language learning and stronger literacy and verbal skills; appropriating money.

Referred to the Committee on Education.

**Senator Langseth introduced—**

**S.F. No. 3589:** A bill for an act relating to higher education; authorizing disclosure of certain information to parents; amending Minnesota Statutes 2005 Supplement, section 13.32, subdivision 3.

Referred to the Committee on Education.

**Senator Langseth introduced—**

**S.F. No. 3590:** A bill for an act relating to taxation; authorizing an increased levy by the Buffalo-Red River Watershed District for certain purposes.

Referred to the Committee on Taxes.

**Senator Kierlin introduced—**

**S.F. No. 3591:** A bill for an act relating to highways; amending requirements for financial assistance from the town bridge account; amending Minnesota Statutes 2004, section 161.082, subdivision 2a, by adding a subdivision.

Referred to the Committee on Transportation.

**Senator Kiscaden introduced—**

**S.F. No. 3592:** A bill for an act relating to taxation; providing a sales tax exemption for the Plainview-Elgin Sanitary District; amending Minnesota Statutes 2004, section 297A.71, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 297A.75, subdivision 1.

Referred to the Committee on Taxes.

**Senator Kiscaden introduced—**

**S.F. No. 3593:** A bill for an act relating to human services; requiring the commissioner of human services to establish annual reimbursement schedules and reimbursement limits for critical access dental providers; appropriating money for critical access dental provider reimbursement; amending Minnesota Statutes 2004, section 256B.76.

Referred to the Committee on Health and Family Security.



**Senators Michel, Koch, Jungbauer, Vickerman and Koering introduced—**

**S.F. No. 3594:** A bill for an act relating to the military; authorizing deferment of special assessments for certain members of the armed forces; clarifying that grants from the Support Our Troops account may be made to eligible individuals to pay special assessments; amending Minnesota Statutes 2004, section 435.193; Minnesota Statutes 2005 Supplement, section 190.19, subdivision 2.

Referred to the Committee on Agriculture, Veterans and Gaming.

**Senators Sparks, Wiger and Metzen introduced—**

**S.F. No. 3595:** A bill for an act relating to gambling; adding definitions; modifying certain provisions related to card clubs; amending Minnesota Statutes 2004, sections 240.01, subdivision 25, by adding a subdivision; 240.30, subdivisions 3, 6, 8.

Referred to the Committee on Agriculture, Veterans and Gaming.

**Senator Higgins introduced—**

**S.F. No. 3596:** A bill for an act relating to commerce; directing the Department of Commerce to develop a plan to license individual employees of mortgage originators; appropriating money.

Referred to the Committee on Finance.

**Senators Saxhaug, Sparks and Murphy introduced—**

**S.F. No. 3597:** A resolution memorializing Congress to support H.R. 3318, the Railroad Antitrust and Competition Enhancement Act.

Referred to the Committee on Transportation.

**Senators Limmer, Hann and Metzen introduced—**

**S.F. No. 3598:** A bill for an act relating to public safety; creating new penalties for criminal neglect of a vulnerable adult; amending Minnesota Statutes 2004, section 609.233, subdivision 1, by adding a subdivision.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Gerlach introduced—**

**S.F. No. 3599:** A bill for an act relating to commerce; clarifying that certain credit reporting agencies and employees are not required to be licensed as private detectives; amending Minnesota Statutes 2004, section 326.3341.

Referred to the Committee on Commerce.

**Senator Higgins introduced—**

**S.F. No. 3600:** A bill for an act relating to human services; restricting what qualifies as a trade secret; expanding managed care to include persons with disabilities; requiring stakeholder participation; requiring legislative authorization; amending Minnesota Statutes 2004, section 256B.69, subdivision 9, by adding subdivisions; Minnesota Statutes 2005 Supplement, section 256B.69, subdivision 23.

Referred to the Committee on Health and Family Security.

**Senator Neuville introduced—**

**S.F. No. 3601:** A bill for an act relating to education finance; authorizing Independent School District No. 716, Belle Plaine, to use health and safety revenue raised through the sale of bonds for other necessary health and safety building projects.

Referred to the Committee on Finance.

**Senator Cohen introduced—**

**S.F. No. 3602:** A bill for an act relating to capital investment; appropriating money for predesign and design of a new Starbase Minnesota facility; authorizing the issuance of general obligation bonds.

Referred to the Committee on Finance.

**Senator Belanger, by request, introduced—**

**S.F. No. 3603:** A bill for an act relating to transportation; modifying the price of surplus easement or property acquired for transportation purposes and offered for reconveyance to the original owner; amending Minnesota Statutes 2004, sections 161.43; 161.44, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 160.

Referred to the Committee on Transportation.

**Senators Scheid, Kiscaden and Lourey introduced—**

**S.F. No. 3604:** A bill for an act relating to public safety; requiring public safety officers to notify the state's federally designated organ procurement organization when a deceased organ donor is discovered; amending Minnesota Statutes 2004, section 525.9214.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Rosen introduced—**

**S.F. No. 3605:** A bill for an act relating to human services; establishing the Minnesota pharmacy access program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256.

Referred to the Committee on Health and Family Security.

**Senators Fischbach and Wergin introduced—**

**S.F. No. 3606:** A bill for an act relating to employment; exempting nonpublic schools from requirements for the timely payment of wages; amending Minnesota Statutes 2004, section 181.101.

Referred to the Committee on Jobs, Energy and Community Development.

**Senator Pappas introduced—**

**S.F. No. 3607:** A bill for an act relating to state government; establishing provisions for rental rates in state-owned historic buildings; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on State and Local Government Operations.

**Senators Robling, Larson, Neuville, Ruud and Pappas introduced—**

**S.F. No. 3608:** A bill for an act relating to higher education; proposing a study to address the costs of textbooks.

Referred to the Committee on Education.

**Senator Bonoff introduced—**

**S.F. No. 3609:** A bill for an act relating to energy; extending eligibility to receive renewable energy production incentive under certain circumstances; amending Minnesota Statutes 2004, section 216C.41, subdivision 4; Minnesota Statutes 2005 Supplement, section 216C.41, subdivision 3.

Referred to the Committee on Jobs, Energy and Community Development.

**Senator Ruud introduced—**

**S.F. No. 3610:** A bill for an act relating to health; establishing backflow prevention at campgrounds; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

**Senator Skoe introduced—**

**S.F. No. 3611:** A bill for an act relating to education finance; placing a one-year moratorium on certain school district building projects for school districts serving fewer than 500 pupils.

Referred to the Committee on Finance.

**Senator Skoe introduced—**

**S.F. No. 3612:** A bill for an act relating to education; requiring school performance report cards to indicate both the cut score and the corresponding percent of items students must answer correctly at set performance levels; amending Minnesota Statutes 2004, section 120B.36, subdivision 1.

Referred to the Committee on Education.

**Senator Hottinger introduced—**

**S.F. No. 3613:** A bill for an act relating to civil actions; regulating medical liability actions; providing for the inadmissibility of certain health care provider statements, gestures, and conduct; proposing coding for new law in Minnesota Statutes, chapter 604.

Referred to the Committee on Judiciary.

**Senators Larson and Senjem introduced—**

**S.F. No. 3614:** A bill for an act relating to state government; establishing an expiration date for the State Designer Selection Board; requiring a report; repealing Minnesota Statutes 2004, section 16B.33, subdivisions 2, 3, 3a; Minnesota Statutes 2005 Supplement, section 16B.33, subdivisions 1, 4.

Referred to the Committee on State and Local Government Operations.

**Senator Hottinger introduced—**

**S.F. No. 3615:** A bill for an act relating to human services; modifying child care assistance parent fees; amending Minnesota Statutes 2004, section 119B.12, subdivision 2.

Referred to the Committee on Finance.

**Senator Bonoff introduced—**

**S.F. No. 3616:** A bill for an act relating to state government; requiring the State Board of Investment to monitor state investments in companies doing business with Sudan and to support shareholder resolutions that require affirmative action to end the crisis in Sudan; proposing coding for new law in Minnesota Statutes, chapter 11A.

Referred to the Committee on State and Local Government Operations.

**Senator Murphy introduced—**

**S.F. No. 3617:** A bill for an act relating to commerce; establishing the Board of Nontraditional Fighting; imposing a criminal penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 341.

Referred to the Committee on State and Local Government Operations.

**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.

**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**

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated S.F. No. 2750 a Special Order to be heard immediately.

**SPECIAL ORDER**

**S.F. No. 2750:** A bill for an act relating to eminent domain; defining public use or purpose; prohibiting the use of eminent domain for economic development; requiring clear and convincing evidence for certain takings; providing for attorney fees and other additional elements of compensation; making other changes in the exercise of eminent domain; amending Minnesota Statutes 2004, sections 117.025; 117.036; 117.055; 117.075, subdivision 1, by adding a subdivision; 117.085; 117.51; 117.52, subdivision 1, by adding a subdivision; 163.12, subdivisions 1a, 1b; proposing coding for new law in Minnesota Statutes, chapter 117.

Senator Bakk moved to amend S.F. No. 2750 as follows:

Page 4, line 7, delete the second "or"

Page 4, line 9, delete the period and insert "; or"

Page 4, after line 9, insert:

"(4) the provision of physical or financial assistance to a governmental unit or nonprofit organization that provides emergency shelter and services for homeless persons in a first class city."

Page 4, lines 16 and 22, delete "absolute necessity" and insert "feasible alternatives"

Page 5, lines 10, 21, and 22, delete the new language

Page 5, line 11, delete "fee owner or contract purchaser" and insert "owner"

Page 5, line 15, delete "fee owner or contract purchaser" and insert "owner"

Page 5, line 16, delete "fee"

Page 5, line 17, delete "or contract purchaser"

Page 5, line 19, delete "fee owner or contract purchaser" and insert "owner"

Page 5, line 26, delete "fee" and delete "or contract purchaser"

Page 5, line 28, delete "fee owner's or contract purchaser's" and insert "owner's"

Page 5, line 35, delete "fee owner or contract" and insert "owner"

Page 5, line 36, delete "purchaser"

Page 6, line 1, delete "either" and delete "fee"

Page 6, line 2, delete "or contract purchaser"

Page 6, line 6, delete the new language

Page 6, line 9, delete "fee"

Page 6, line 10, delete "or contract purchaser"

Page 7, line 30, after "objection" insert "or must appeal within 60 days of a court order"

Page 10, line 31, after "purchase" insert "a comparable property"

Page 11, line 4, delete "thereof" and insert "of the property"

Page 11, line 6, after "Sections" insert "117.012, subdivision 2;"

Page 11, line 7, after "117.188;" insert "117.196;"

Page 14, line 18, delete "March 1, 2006" and insert "that date, except the act does not apply to an action by a condemning authority if the action satisfies one of the following conditions:

(1) if the municipality, as that term is used in Minnesota Statutes, section 469.174, subdivision 6, by the day following final enactment, has approved a tax increment financing plan under Minnesota Statutes, section 469.175, before April 1, 2006, and one or more of the following conditions exists in connection with the tax increment financing plan:

(i) the developer has acquired property by June 1, 2006, in reliance on the condemning authority's contractual obligation to condemn property; or

(ii) the condemning authority has issued, sold, or entered a binding agreement to issue or sell bonds or other financial instruments to finance the costs of the tax increment financing plan or district by June 1, 2006; or

(2) creation of the tax increment financing district was authorized under a special law that received local approval or became effective without local approval before April 1, 2006, and the condemning authority commences the action within the later of:

(i) five years after the municipality approved the tax increment financing plan; or

(ii) the time period permitted under the special law for making expenditures to comply with Minnesota Statutes, section 469.1763, subdivision 3, but not to exceed a ten-year period; or

(3) the condemning authority has commenced a condemnation action before June 1, 2006, to complete land assembly for a project, financed in whole or part with abatement under Minnesota Statutes, sections 469.1813 through 469.1815, and the abatement resolution was adopted by one of the participating political subdivisions before April 1, 2006"

The motion prevailed. So the amendment was adopted.

Senator Kubly moved to amend S.F. No. 2750 as follows:

Page 10, line 12, before "In" insert "(a)"

Page 10, after line 21, insert:

"(b) If an eminent domain proceeding involves the condemnation of agricultural property, as defined in section 583.22, subdivision 2, the owner of the agricultural property must be compensated for the loss of the productive value of the agricultural property for a period of at least five years after commencement of the eminent domain proceeding. The productive value is calculated based on average productive capacity of the property during the five years preceding commencement of the eminent domain proceeding."

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 2750 as follows:

Page 11, after line 23, insert:

"Subd. 3. **Exception.** No attorney fees and costs may be awarded under this section if only a portion of a property located not more than 50 feet from the border of the property is being acquired and the final judgment or award of damages does not exceed \$25,000."

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 2750 as follows:

Page 10, after line 28, insert:

"Subd. 4. **Driveway access.** A business owner is entitled to reasonable compensation, not to exceed the three previous years' revenues minus the cost of goods sold, if the owner establishes that the actions of a government entity permanently eliminated 51 percent or greater of the driveway access into and out of a business and as a result of the loss of driveway access, revenue at the business was reduced by 51 percent or greater. A claim for compensation under this section must be made no later than one year after completion of the project which eliminated the driveway access."

The motion prevailed. So the amendment was adopted.

Senator Ortman moved to amend S.F. No. 2750 as follows:

Pages 2 to 3, delete subdivisions 6 to 7

Page 3, line 12, delete "8" and insert "6"  
 Page 3, line 27, delete "9" and insert "7"  
 Page 3, line 29, delete "10" and insert "8"  
 Page 4, line 8, delete "mitigation of a blighted area,"  
 Page 4, line 13, delete "BLIGHT MITIGATION AND"  
 Page 4, delete lines 15 to 20  
 Page 4, line 21, delete "Subd. 2." and insert "Subdivision 1."  
 Page 4, line 28, delete "blight or"  
 Page 4, line 30, delete "blight or"  
 Page 7, line 7, delete "mitigation of a blighted area,"  
 Page 8, line 17, delete "mitigation of a blighted area,"  
 Amend the title accordingly

### CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 2750. The Sergeant at Arms was instructed to bring in the absent members.

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

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

Those who voted in the affirmative were:

Bachmann	Hann	LeClair	Ortman	Sparks
Belanger	Johnson, D.J.	Limmer	Pariseau	Stumpf
Day	Jungbauer	McGinn	Reiter	Vickerman
Dille	Kierlin	Michel	Robling	Wergin
Fischbach	Koch	Neuville	Rosen	Wiger
Frederickson	Koering	Nienow	Ruud	
Gerlach	Larson	Olson	Sams	

Those who voted in the negative were:

Anderson	Cohen	Kiscaden	Murphy	Senjem
Bakk	Dibble	Kubly	Pappas	Skoe
Berglin	Foley	Langseth	Pogemiller	Skoglund
Betzold	Higgins	Lourey	Ranum	Solon
Bonoff	Hottinger	Marko	Rest	Tomassoni
Chaudhary	Johnson, D.E.	Marty	Saxhaug	
Clark	Kelley	Metzen	Scheid	

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

Senator Kelley moved to amend S.F. No. 2750 as follows:

Pages 9 and 10, delete section 10

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 41, as follows:

Those who voted in the affirmative were:

Anderson	Clark	Hottinger	Marko	Ranum
Belanger	Cohen	Kelley	Marty	Scheid
Betzold	Dibble	Kiscaden	Metzen	Senjem
Bonoff	Foley	Kubly	Pappas	Skoglund
Chaudhary	Higgins	Lourey	Pogemiller	Solon

Those who voted in the negative were:

Bachmann	Johnson, D.E.	Limmer	Reiter	Stumpf
Bakk	Johnson, D.J.	McGinn	Rest	Tomassoni
Berglin	Jungbauer	Michel	Robling	Vickerman
Day	Kierlin	Murphy	Rosen	Wergin
Dille	Koch	Neuville	Ruud	Wiger
Fischbach	Koering	Nienow	Sams	
Frederickson	Langseth	Olson	Saxhaug	
Gerlach	Larson	Ortman	Skoe	
Hann	LeClair	Pariseau	Sparks	

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

Senator Limmer moved to amend S.F. No. 2750 as follows:

Page 6, line 30, after "writing" insert "by certified mail"

Page 11, line 31, delete "or" and insert "within ten days, a written notice and offer to sell the property must be sent by certified mail to the last known address of the former owner and must be published for at least 30 days on the condemning authority's Web site, if any, and in a newspaper of general circulation in the jurisdiction where the property is located. If the former owner"

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 2750 as follows:

Page 2, line 19, delete "an area" and insert "one or more parcels of property:"

Page 2, delete lines 20 to 21 and insert:

"(1) that is zoned for urban use;

(2) where 90 percent of the parcels are actually used for urban use; and

(3) where more than 75 percent of the parcels containing buildings are structurally substandard."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 38, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Larson	Nienow	Rosen
Day	Johnson, D.J.	LeClair	Olson	Ruud
Dille	Jungbauer	Limmer	Ortman	Wergin
Fischbach	Kierlin	McGinn	Pariseau	
Frederickson	Koch	Murphy	Reiter	
Gerlach	Koering	Neuville	Robling	

Those who voted in the negative were:

Anderson	Bonoff	Dibble	Johnson, D.E.	Langseth
Bakk	Chaudhary	Foley	Kelley	Lourey
Berglin	Clark	Higgins	Kiscaden	Marko
Betzold	Cohen	Hottinger	Kubly	Marty



Metzen	Ranum	Scheid	Solon	Vickerman
Michel	Rest	Senjem	Sparks	Wiger
Pappas	Sams	Skoe	Stumpf	
Pogemiller	Saxhaug	Skoglund	Tomassoni	

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

S.F. No. 2750 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 64 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Ranum moved that S.F. No. 3250 be withdrawn from the Committee on Crime Prevention and Public Safety and re-referred to the Committee on State and Local Government Operations. The motion prevailed.

Senator Ranum moved that S.F. No. 2757, on General Orders, be stricken and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

### MEMBERS EXCUSED

Senator Moua was excused from the Session of today. Senator Scheid was excused from the Session of today from 11:00 a.m. to 12:30 p.m.

### ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 8:45 a.m., Wednesday, March 29, 2006. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

