

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

THIRTY-EIGHTH DAY

St. Paul, Minnesota, Tuesday, March 27, 2007

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. David Holte.

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

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

The President declared a quorum present.

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

REPORTS OF COMMITTEES

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

Senator Pogemiller, from the Committee on Rules and Administration, to which was referred

H.F. No. 1033 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
1033	927

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1033 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1033; and insert the language after the enacting clause of S.F. No. 927, the first engrossment; further, delete the title of H.F. No. 1033; and insert the title of S.F. No. 927, the first engrossment.

And when so amended H.F. No. 1033 will be identical to S.F. No. 927, and further recommends that H.F. No. 1033 be given its second reading and substituted for S.F. No. 927, and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. No. 1033 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Pariseau moved that the name of Senator Kubly be added as a co-author to S.F. No. 605. The motion prevailed.

Senator Stumpf moved that the names of Senators Bakk, Pappas, Clark and Pogemiller be added as co-authors to S.F. No. 1611. The motion prevailed.

Senator Lynch moved that the name of Senator Wiger be added as a co-author to S.F. No. 1921. The motion prevailed.

Senator Doll moved that the name of Senator Bonoff be added as a co-author to S.F. No. 2051. The motion prevailed.

Senator Olseen introduced –

Senate Resolution No. 64: A Senate resolution honoring Glenn Johnson for his 30 years of dedication in serving Isanti County, Minnesota.

Referred to the Committee on Rules and Administration.

Senator Clark moved that S.F. No. 1439 be withdrawn from the Committee on Finance and re-referred to the Committee on Education. The motion prevailed.

Senators Pogemiller and Senjem introduced –

Senate Concurrent Resolution No. 7: A Senate concurrent resolution relating to adjournment for more than three days.

BE IT RESOLVED, by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon their adjournments, the Senate and House of Representatives may each set its next day of meeting for Tuesday, April 10, 2007.

2. Each house consents to adjournment of the other house for more than three days.

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

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.

Senators Neuville, Ingebrigtsen, Koch and Gerlach introduced–

S.F. No. 2158: A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XIII; recognizing as marriage or its legal equivalent only a union between one man and one woman.

Referred to the Committee on Judiciary.

Senators Hann, Jungbauer and Vandever introduced–

S.F. No. 2159: A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XIII; recognizing as marriage or its legal equivalent only a union between one man and one woman.

Referred to the Committee on Judiciary.

Senators Limmer, Gimse, Wergin and Pariseau introduced–

S.F. No. 2160: A bill for an act relating to the Minnesota Constitution by adding a section to article XIII; recognizing as marriage only a union between one man and one woman.

Referred to the Committee on Judiciary.

Senator Prettner Solon introduced–

S.F. No. 2161: A bill for an act relating to real property; providing for plats of land; amending Minnesota Statutes 2006, sections 505.01; 505.03, subdivision 1; 505.04; 505.08, subdivisions 2, 3;

505.1792, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 505; repealing Minnesota Statutes 2006, sections 505.02; 505.08, subdivisions 1, 2a.

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

Senator Vandever introduced—

S.F. No. 2162: A bill for an act relating to horse racing; revoking current licenses unless live racing is conducted; amending Minnesota Statutes 2006, section 240.07, by adding a subdivision.

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

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

S.F. No. 2163: A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for the Great River Ridge Trail.

Referred to the Committee on Finance.

Senator Wergin introduced—

S.F. No. 2164: A bill for an act relating to taxes; authorizing the city of Isle to impose a local sales tax.

Referred to the Committee on Taxes.

Senators Pogemiller, Berglin and Prettnner Solon introduced—

S.F. No. 2165: A bill for an act relating to workers' compensation; modifying compensation, retraining, and fee provisions; establishing an advisory commission; requiring a report; requiring rulemaking; amending Minnesota Statutes 2006, sections 176.101, subdivision 1; 176.102, subdivision 11; 176.136, subdivision 1a.

Referred to the Committee on Business, Industry and Jobs.

Senators Tomassoni and Bakk introduced—

S.F. No. 2166: A bill for an act relating to capital improvements; appropriating money for development of an industrial park in the city of Virginia; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Neuville and Day introduced—

S.F. No. 2167: A bill for an act relating to employment; providing grants to create employment opportunities in the private sector for former correctional facility inmates; appropriating money.

Referred to the Committee on Business, Industry and Jobs.

Senators Saltzman, Higgins and Sheran introduced—

S.F. No. 2168: A bill for an act relating to crimes; prohibiting mandatory polygraphs for criminal sexual conduct victims; proposing coding for new law in Minnesota Statutes, chapter 611A.

Referred to the Committee on Judiciary.

Senator Pappas introduced—

S.F. No. 2169: A bill for an act relating to higher education; providing for the licensing or registration of private postsecondary educational institutions; providing penalties; providing certain exemptions; amending Minnesota Statutes 2006, sections 136A.61; 136A.62, subdivision 3; 136A.63; 136A.64; 136A.65, subdivision 1, by adding subdivisions; 136A.657, by adding a subdivision; 136A.66; 136A.67; 136A.68; 136A.69; 141.21, subdivisions 1a, 5; 141.25, subdivisions 1, 5, 7, 9, 10, 12; 141.255, subdivision 2; 141.265, subdivision 2; 141.271, subdivisions 10, 12; 141.28, subdivision 1; 141.32; 141.35; proposing coding for new law in Minnesota Statutes, chapters 136A; 141.

Referred to the Committee on Higher Education.

Senator Wergin introduced—

S.F. No. 2170: A bill for an act relating to individual income taxation; allowing a capital gain exclusion; amending Minnesota Statutes 2006, sections 290.01, subdivision 19b, as amended; 290.091, subdivision 2.

Referred to the Committee on Taxes.

Senator Berglin introduced—

S.F. No. 2171: A bill for an act relating to state government; making changes to health and human services programs; modifying health policy; changing licensing provisions; altering provisions for mental and chemical health; modifying child care provisions; amending children and family services provisions; changing continuing care provisions; amending MinnesotaCare; adjusting child care assistance eligibility; establishing family stabilization services; enacting federal compliance requirements; expanding medical assistance coverage; providing rate increases for certain providers; modifying fees; appropriating money for human services, health, veterans nursing homes boards, the Emergency Medical Services Regulatory Board; health care boards, the Council on Disability, the ombudsman for mental health and developmental disabilities, and the ombudsman for families; requiring reports; amending Minnesota Statutes 2006, sections 16A.724, subdivision 2, by adding subdivisions; 47.58, subdivision 8; 62E.02, subdivision 7; 62J.07, subdivisions 1, 3; 62J.495; 62J.692, subdivisions 1, 4, 5, 8; 62J.82; 62L.02, subdivision 11; 62Q.165, subdivisions 1, 2; 62Q.80, subdivisions 3, 4, 13, 14, by adding a subdivision; 69.021, subdivision 11; 103I.101, subdivision 6; 103I.208, subdivisions 1, 2; 103I.235, subdivision 1; 119B.011, by adding a subdivision; 119B.035, subdivision 1; 119B.05, subdivision 1; 119B.09, subdivision 1; 119B.12, by adding a subdivision; 119B.13, subdivisions 1, 7; 144.123; 144.125, subdivisions 1, 2; 144.3345; 144D.03, subdivision 1; 148.5194, by adding a subdivision; 148.6445, subdivisions 1, 2; 148C.11, subdivision 1; 149A.52, subdivision 3; 149A.97, subdivision 7; 153A.14, subdivision 4a; 153A.17; 169A.70, subdivision 4; 245.465, by adding a subdivision; 245.4874; 245.771, by adding a

subdivision; 245.98, subdivision 2; 245A.035; 245A.10, subdivision 2; 245A.16, subdivisions 1, 3; 245C.02, by adding a subdivision; 245C.04, subdivision 1; 245C.05, subdivisions 1, 4, 5, 7, by adding a subdivision; 245C.08, subdivisions 1, 2; 245C.10, by adding a subdivision; 245C.11, subdivisions 1, 2; 245C.12; 245C.16, subdivision 1; 245C.17, by adding a subdivision; 245C.21, by adding a subdivision; 245C.23, subdivision 2; 246.54, subdivisions 1, 2; 252.27, subdivision 2a; 252.32, subdivision 3; 253B.185, by adding a subdivision; 254B.02, subdivision 3; 256.01, subdivision 2b, by adding subdivisions; 256.482, subdivisions 1, 8; 256.969, subdivisions 3a, 9, 27, by adding a subdivision; 256.975, subdivision 7; 256B.056, subdivision 10; 256B.0621, subdivision 11; 256B.0622, subdivision 2; 256B.0623, subdivision 5; 256B.0625, subdivisions 17, 18a, 20, 30, by adding subdivisions; 256B.0631, subdivisions 1, 3; 256B.0911, subdivisions 1a, 3a, 3b, by adding a subdivision; 256B.0913, by adding a subdivision; 256B.0915, by adding a subdivision; 256B.0943, subdivision 8; 256B.0945, subdivision 4; 256B.095; 256B.0951, subdivision 1; 256B.15, by adding a subdivision; 256B.199; 256B.431, subdivisions 2e, 41; 256B.434, by adding a subdivision; 256B.437, by adding a subdivision; 256B.441, subdivisions 1, 2, 5, 6, 10, 11, 13, 14, 17, 20, 24, 30, 31, 34, 38, 46, by adding subdivisions; 256B.5012, by adding a subdivision; 256B.69, subdivisions 2, 4, 5g, 5h; 256B.75; 256B.76; 256B.763; 256D.03, subdivisions 3, 4; 256I.04, subdivision 3; 256I.05, by adding subdivisions; 256J.01, by adding a subdivision; 256J.02, by adding a subdivision; 256J.021; 256J.08, subdivision 65; 256J.20, subdivision 3; 256J.32, subdivision 6; 256J.425, subdivisions 3, 4; 256J.49, subdivision 13; 256J.521, subdivisions 1, 2; 256J.53, subdivision 2; 256J.55, subdivision 1; 256J.626, subdivisions 1, 2, 3, 4, 5, 6; 256L.01, subdivisions 1, 4; 256L.03, subdivisions 1, 3, 5; 256L.035; 256L.04, subdivisions 1a, 7, 10; 256L.05, subdivisions 1, 1b, 2, 3a; 256L.07, subdivisions 1, 2, 3, 6; 256L.09, subdivision 4; 256L.11, subdivision 7; 256L.12, subdivision 9a; 256L.15, subdivisions 1, 2, 4; 256L.17, subdivisions 2, 3, 7; 259.20, subdivision 2; 259.29, subdivision 1; 259.41; 259.53, subdivision 2; 259.57, subdivision 2; 259.67, subdivision 4; 260C.209; 260C.212, subdivision 2; 462A.05, by adding a subdivision; 518A.56, by adding a subdivision; 609.115, subdivisions 8, 9; Laws 2005, chapter 98, article 3, section 25; Laws 2005, First Special Session chapter 4, article 9, section 3, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16C; 144; 145; 149A; 245; 245C; 252; 254A; 256; 256B; 256C; 256J; 256L; repealing Minnesota Statutes 2006, sections 62A.301; 62J.692, subdivision 10; 256B.0631, subdivision 4; 256B.441, subdivisions 12, 16, 21, 26, 28, 42, 45; 256J.24, subdivision 6; 256J.29; 256J.37, subdivisions 3a, 3b; 256J.626, subdivisions 7, 9; 256L.035; 256L.07, subdivision 2a; Laws 2004, chapter 288, article 6, section 22; Minnesota Rules, parts 4610.2800; 9585.0030.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS - CONTINUED

SPECIAL ORDERS

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

S.F. Nos. 817, 238, 2089, 857 and 2096.

SPECIAL ORDER

S.F. No. 817: A bill for an act relating to labor; allowing the commissioner of labor and industry to issue orders of compliance relating to overtime for nurses; extending certain protections to state nurses involved in resident or patient care; amending Minnesota Statutes 2006, sections 177.27, subdivision 4; 181.275, subdivision 1, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Doll	Lourey	Prettner Solon	Sparks
Bakk	Erickson Ropes	Lynch	Rest	Stumpf
Berglin	Fischbach	Marty	Rummel	Tomassoni
Betzold	Foley	Metzen	Saltzman	Torres Ray
Bonoff	Frederickson	Moua	Saxhaug	Vickerman
Carlson	Jungbauer	Murphy	Scheid	Wergin
Clark	Koering	Olseen	Senjem	Wiger
Cohen	Kubly	Olson, G.	Sheran	
Day	Langseth	Olson, M.	Sieben	
Dibble	Larson	Pappas	Skoe	
Dille	Latz	Pogemiller	Skogen	

Those who voted in the negative were:

Gimse	Johnson	Michel	Robling
Hann	Koch	Neuville	Rosen
Ingebrigtsen	Limmer	Pariseau	Vandever

So the bill passed and its title was agreed to.

Senator Pogemiller moved that S.F. No. 817 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 238: A bill for an act relating to health; establishing public policy to protect employees and the general public from the hazards of secondhand smoke; requiring persons to refrain from smoking in certain areas; amending Minnesota Statutes 2006, sections 144.412; 144.413, subdivisions 2, 4, by adding subdivisions; 144.414; 144.416; 144.417; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2006, section 144.415.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 238. The Sergeant at Arms was instructed to bring in the absent members.

Senator Vickerman moved to amend S.F. No. 238 as follows:

Page 5, after line 35, insert:

"Subd. 6. **Private clubs.** Sections 144.414 to 144.417 do not prohibit smoking in private clubs, such as VFW and American Legion posts, bingo halls, and country clubs. A private club means an organization that has criteria for admission, membership control over the organization's operations, and use of facilities by nonmembers."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 42, as follows:

Those who voted in the affirmative were:

Bakk	Ingebrigtsen	Limmer	Scheid	Vandev eer
Day	Johnson	Neuville	Senjem	Vickerman
Doll	Jungbauer	Olson, G.	Skoe	
Fischbach	Koch	Ortman	Sparks	
Hann	Koering	Robling	Tomassoni	

Those who voted in the negative were:

Anderson	Dille	Lynch	Pariseau	Sieben
Berglin	Foley	Marty	Pogemiller	Skogen
Betzold	Frederickson	Metzen	Prettner Solon	Stumpf
Bonoff	Gimse	Michel	Rest	Torres Ray
Carlson	Kubly	Moua	Rosen	Wergin
Chaudhary	Langseth	Murphy	Rummel	Wiger
Clark	Larson	Olseen	Saltzman	
Cohen	Latz	Olson, M.	Saxhaug	
Dibble	Lourey	Pappas	Sheran	

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

Senator Vickerman moved to amend S.F. No. 238 as follows:

Page 5, after line 35, insert:

"Subd. 6. **VFW and American Legion posts.** Sections 144.414 to 144.417 do not prohibit smoking in VFW and American Legion posts private clubs. A private club means an organization that has criteria for admission, membership control over the organization's operations, and use of facilities by nonmembers."

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Bakk	Johnson	Olson, G.	Senjem	Wergin
Day	Jungbauer	Ortman	Skoe	Wiger
Doll	Koch	Pariseau	Sparks	
Fischbach	Koering	Robling	Tomassoni	
Hann	Limmer	Rosen	Vandev eer	
Ingebrigtsen	Neuville	Scheid	Vickerman	

Those who voted in the negative were:

Anderson	Clark	Gimse	Lynch	Olseen
Berglin	Cohen	Kubly	Marty	Olson, M.
Betzold	Dibble	Langseth	Metzen	Pappas
Bonoff	Dille	Larson	Michel	Pogemiller
Carlson	Foley	Latz	Moua	Prettner Solon
Chaudhary	Frederickson	Lourey	Murphy	Rest

Rummel
Saltzman

Saxhaug
Sheran

Sieben
Skogen

Stumpf
Torres Ray

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

Senator Ortman moved to amend S.F. No. 238 as follows:

Page 5, after line 35, insert:

"Subd. 6. **Restaurants and bars.** A restaurant or bar with annual sales receipts of alcoholic beverages that are at least 60 percent of its total sales receipts for alcoholic beverages and food combined is exempt from the smoking prohibition in this act."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 36, as follows:

Those who voted in the affirmative were:

Bakk	Johnson	Limmer	Pariseau	Stumpf
Day	Jungbauer	Metzen	Robling	Tomassoni
Doll	Koch	Murphy	Saxhaug	Vandever
Fischbach	Koering	Neuville	Scheid	Vickerman
Hann	Kubly	Olson, G.	Skoe	Wergin
Ingebrigtsen	Langseth	Ortman	Sparks	

Those who voted in the negative were:

Anderson	Dibble	Lourey	Pogemiller	Sieben
Berglin	Dille	Lynch	Prettner Solon	Skogen
Betzold	Erickson Ropes	Marty	Rest	Torres Ray
Bonoff	Foley	Michel	Rosen	Wiger
Carlson	Frederickson	Moua	Rummel	
Chaudhary	Gimse	Olseen	Saltzman	
Clark	Larson	Olson, M.	Senjem	
Cohen	Latz	Pappas	Sheran	

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

Senator Tomassoni moved to amend S.F. No. 238 as follows:

Page 6, line 33, before "Nothing" insert "(a)"

Page 6, after line 35, insert:

"(b) A statutory or home rule charter city or county may elect to hold a referendum to opt out of any or all of the provisions of this act."

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

Senator Ingebrigtsen moved to amend S.F. No. 238 as follows:

Page 2, line 12, after the period, insert "Place of employment includes a place of employment located on an Indian reservation."

Page 2, line 29, after the period, insert "Public place includes those located on an Indian reservation."

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

Senator Koering moved to amend S.F. No. 238 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 609.685, is amended to read:

609.685 SALE OF TOBACCO TO CHILDREN.

Subdivision 1. **Definitions.** For the purposes of this section, the following terms shall have the meanings respectively ascribed to them in this section.

(a) "Tobacco" means cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.

(b) "Tobacco related devices" means cigarette papers or pipes for smoking.

Subd. 1a. **Penalty to sell.** ~~(a) Whoever sells tobacco to a person under the age of 18 years is guilty of a misdemeanor for the first violation. Whoever violates this subdivision a subsequent time within five years of a previous conviction under this subdivision is guilty of a gross misdemeanor.~~

~~(b) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.~~

Subd. 2. **Other offenses.** ~~(a) Whoever furnishes tobacco or tobacco-related devices to a person under the age of 18 years is guilty of a misdemeanor for the first violation. Whoever violates this paragraph a subsequent time is guilty of a gross misdemeanor.~~

~~(b) A person under the age of 18 years who purchases or attempts to purchase tobacco or tobacco-related devices and who uses a driver's license, permit, Minnesota identification card, or any type of false identification to misrepresent the person's age, is guilty of a misdemeanor.~~

Subd. 3. **Petty misdemeanor.** Except as otherwise provided in subdivision 2, whoever possesses, smokes, chews, or otherwise ingests, purchases, or attempts to purchase tobacco or tobacco related devices and is under the age of 18 years is guilty of a petty misdemeanor.

Subd. 4. **Effect on local ordinances.** Nothing in subdivisions 1 to 3 shall supersede or preclude the continuation or adoption of any local ordinance which provides for more stringent regulation of the subject matter in subdivisions 1 to 3.

Subd. 5. **Exceptions.** (a) Notwithstanding subdivision 2, an Indian may furnish tobacco to an Indian ~~under the age of 18 years~~ if the tobacco is furnished as part of a traditional Indian spiritual or cultural ceremony. For purposes of this paragraph, an Indian is a person who is a member of an Indian tribe as defined in section 260.755, subdivision 12.

(b) The penalties in this section do not apply to a person ~~under the age of 18 years~~ who purchases or attempts to purchase tobacco or tobacco-related devices ~~while under the direct supervision of a responsible adult~~ for training, education, research, or enforcement purposes.

~~Subd. 6. **Seizure of false identification.** A retailer may seize a form of identification listed in section 340A.503, subdivision 6, if the retailer has reasonable grounds to believe that the form of identification has been altered or falsified or is being used to violate any law. A retailer that seizes a form of identification as authorized under this subdivision shall deliver it to a law enforcement agency within 24 hours of seizing it."~~

Amend the title accordingly

Senator Betzold questioned whether the amendment was germane.

The President ruled that the amendment was germane.

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

The roll was called, and there were yeas 18 and nays 46, as follows:

Those who voted in the affirmative were:

Day	Gimse	Koch	Olson, G.	Senjem
Dille	Hann	Koering	Ortman	Tomassoni
Doll	Ingebrigtsen	Lynch	Pariseau	
Fischbach	Jungbauer	Neuville	Robling	

Those who voted in the negative were:

Anderson	Erickson Ropes	Marty	Rosen	Stumpf
Bakk	Foley	Metzen	Rummel	Torres Ray
Berglin	Frederickson	Michel	Saltzman	Vandever
Betzold	Johnson	Moua	Saxhaug	Vickerman
Bonoff	Kubly	Murphy	Scheid	Wergin
Carlson	Langseth	Olseen	Sheran	Wiger
Chaudhary	Larson	Pappas	Sieben	
Clark	Latz	Pogemiller	Skoe	
Cohen	Limmer	Prettner Solon	Skogen	
Dibble	Lourey	Rest	Sparks	

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

Senator Ingebrigtsen moved to amend S.F. No. 238 as follows:

Page 6, after line 35, insert:

"Sec. 11. **INDIAN CASINOS.**

A state appropriation may not be made for programs located on Indian reservations if a casino located on that reservation is not in compliance with Minnesota Statutes, sections 144.414 to 144.417."

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 17 and nays 48, as follows:

Those who voted in the affirmative were:

Day	Fischbach	Gimse	Hann	Ingebrigtsen
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Johnson	Neuville	Pariseau	Senjem
Jungbauer	Olson, G.	Robling	Sparks
Koch	Ortman	Rosen	Wergin

Those who voted in the negative were:

Anderson	Dille	Limmer	Pappas	Skoe
Bakk	Doll	Lourey	Pogemiller	Skogen
Berglin	Erickson Ropes	Lynch	Prettner Solon	Stumpf
Betzold	Foley	Marty	Rest	Tomassoni
Bonoff	Frederickson	Metzen	Rummel	Torres Ray
Carlson	Koering	Michel	Saltzman	Vandever
Chaudhary	Kubly	Moua	Saxhaug	Vickerman
Clark	Langseth	Murphy	Scheid	Wiger
Cohen	Larson	Olseen	Sheran	
Dibble	Latz	Olson, M.	Sieben	

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

Senator Vandever moved to amend S.F. No. 238 as follows:

Page 7, after line 12, insert:

"Sec. 14. **EFFECTIVE DATE.**

The provisions of sections 1 to 13 shall not become effective until 75 percent of the Indian tribal governments in Minnesota have agreed to enforce these provisions on tribal lands."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 45, as follows:

Those who voted in the affirmative were:

Day	Ingebrigtsen	Neuville	Robling	Sparks
Fischbach	Johnson	Olson, G.	Rosen	Vandever
Gimse	Jungbauer	Ortman	Scheid	Wergin
Hann	Koch	Pariseau	Senjem	

Those who voted in the negative were:

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

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

S.F. No. 238 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Berglin	Betzold	Bonoff	Carlson
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Chaudhary	Frederickson	Marty	Pogemiller	Sieben
Clark	Gimse	Metzen	Prettner Solon	Skogen
Cohen	Kubly	Michel	Rest	Torres Ray
Dibble	Langseth	Moua	Rosen	Wiger
Dille	Larson	Murphy	Rummel	
Doll	Latz	Ortman	Saltzman	
Erickson Ropes	Lourey	Olson, M.	Senjem	
Foley	Lynch	Pappas	Sheran	

Those who voted in the negative were:

Bakk	Johnson	Neuville	Saxhaug	Tomassoni
Day	Jungbauer	Olson, G.	Scheid	Vandever
Fischbach	Koch	Ortman	Skoe	Vickerman
Hann	Koering	Pariseau	Sparks	Wergin
Ingebrigtsen	Limmer	Robling	Stumpf	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2089: A bill for an act relating to state government; appropriating money for jobs and economic development purposes; establishing and modifying certain programs; regulating certain activities and practices; providing for accounts, assessments, and fees; modifying provisions governing contractors; requiring studies; amending Minnesota Statutes 2006, sections 13.712, by adding a subdivision; 13.7905, by adding a subdivision; 16B.61, subdivision 1a; 16B.65, subdivisions 1, 5a; 16B.70, subdivision 2; 80A.28, subdivision 1; 116J.551, subdivision 1; 116J.554, subdivision 2; 116J.555, subdivision 1; 116J.575, subdivisions 1, 1a; 116J.966, subdivision 1; 116L.17, subdivision 1; 116L.20, subdivision 1; 116M.18, subdivision 6a; 177.27, subdivisions 1, 4; 268A.01, subdivision 13, by adding a subdivision; 268A.085, subdivision 1; 268A.15, by adding a subdivision; 298.22, subdivision 2; 298.227; 326.242, subdivision 8, by adding a subdivision; 326.2441; 326.47, subdivision 6; 326.975, subdivision 1; 326.992; 327.33, subdivisions 2, 6; 327B.04, subdivision 7; 462A.21, subdivision 8b; 462A.33, subdivision 3; 471.471, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 177; 181; 182; 326; proposing coding for new law as Minnesota Statutes, chapters 59C; 326B; repealing Minnesota Statutes 2006, sections 16B.747, subdivision 4; 16C.18, subdivision 2; 181.722; 183.375, subdivision 5; 183.545, subdivision 9; 326.241, subdivision 3; 326.44; 326.52; 326.64; 326.975.

Senator Tomassoni moved to amend S.F. No. 2089 as follows:

Page 9, line 27, delete "5" and insert "4"

Page 56, delete section 61 and insert:

"Sec. 61. Minnesota Statutes 2006, section 326.37, subdivision 1, is amended to read:

Subdivision 1. **Rules.** The state ~~commissioner of health~~ Plumbing Board may, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new plumbing installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which located. Notwithstanding the provisions of Minnesota Rules, part 4715.3130, as they apply to review of plans and specifications,

the commissioner may allow plumbing construction, alteration, or extension to proceed without approval of the plans or specifications by the commissioner.

Except for powers granted to the Plumbing Board, the commissioner of labor and industry shall administer the provisions of sections 326.37 to 326.45 and for such purposes may employ plumbing inspectors and other assistants.

Sec. 62. [326.372] PLUMBING BOARD.

Subdivision 1. **Composition.** (a) The Plumbing Board shall consist of 12 voting members who must be residents of the state, appointed by the governor, and confirmed by the senate. The commissioner of labor and industry or the commissioner's designee shall be a voting member. The first appointed board members shall serve an initial term of four years, except where designated otherwise. The governor shall then reappoint the current members or appoint replacement members, all or in part, to subsequent three-year terms. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following three-year term. Of the 11 appointed members, the composition shall be as follows:

(1) two members shall be municipal plumbing inspectors, one from the seven-county metro area and one from greater Minnesota;

(2) one member shall be a licensed mechanical engineer;

(3) two members serving an initial term of three years shall be plumbing contractors or the representative of the contractor, engaged in a commercial scope of plumbing contracting, one from the metro area and one from greater Minnesota;

(4) two members serving an initial term of three years shall be plumbing contractors or their representatives, engaged in the residential scope of plumbing contracting, one from the metro area and one from greater Minnesota;

(5) two members serving an initial term of two years shall be plumbing journeypersons engaged in a commercial scope of plumbing systems installation, one from the metro area and one from greater Minnesota; and

(6) two members serving an initial term of two years shall be plumbing journeypersons engaged in a residential scope of plumbing systems installation, one from the metro area and one from greater Minnesota.

(b) Except for the licensed mechanical engineer, all persons appointed to the council must possess a current Minnesota plumbing license and maintain the license for the duration of their term.

Subd. 2. **Powers.** (a) The board shall have the power to:

(1) elect its chairperson;

(2) specify the plumbing code that must be followed in this state;

(3) maintain a review process to make determinations regarding any complaints, code amendments, code compliance, and code clarifications filed with the board;

(4) adopt rules necessary for the regulation and licensing of contractors, journeypersons, apprentices, and other persons engaged in the design, installation, and alteration of plumbing systems that would include issuing, renewing, revoking, refusing to renew, and suspending a plumbing license, except for persons licensed under sections 326.02 to 326.15;

(5) adopt rules necessary for continuing education for individuals regulated and licensed under this section;

(6) make recommendations to the commissioner regarding educational requirements for plumbing inspectors; and

(7) pay expenses deemed necessary in the performance of board duties, including:

(i) rent, utilities, and supplies in the manner and amount specified in section 43A.18, subdivision 2; and

(ii) per diem and expenses for its members as provided in section 15.0575, subdivision 3.

(b) Requests under the review process in paragraph (a), clause (3), may originate with the municipal inspectors, the plumbing contractors or their employees, and other persons engaged in the design, installation, and alteration of plumbing systems. The board shall make its findings known to all parties and the commissioner of labor and industry within the time period specified by the board.

Subd. 3. **Fees and finances.** The board shall submit an annual budget to the commissioner of labor and industry. The commissioner shall collect fees under section 326.42 necessary for the operation and continuance of the board. The commissioner is responsible for the enforcement of the codes and licensing requirements determined by the board. The board shall set the fees for licenses and certification under this section. The commissioner of finance shall make a quarterly certification of the amount necessary to pay expenses required for operation of the board under subdivision 2, paragraph (a), clause (6). The certified amount is appropriated to the board for those purposes from the fees collected under section 326.42.

Sec. 63. Minnesota Statutes 2006, section 326.38, is amended to read:

326.38 LOCAL REGULATIONS.

Any city having a system of waterworks or sewerage, or any town in which reside over 5,000 people exclusive of any statutory cities located therein, or the metropolitan airports commission, may, by ordinance, adopt local regulations providing for plumbing permits, bonds, approval of plans, and inspections of plumbing, which regulations are not in conflict with the plumbing standards on the same subject prescribed by the state ~~commissioner of health~~ Plumbing Board. No city or such town shall prohibit plumbers licensed by the state commissioner of health from engaging in or working at the business, except cities and statutory cities which, prior to April 21, 1933, by ordinance required the licensing of plumbers. Any city by ordinance may prescribe regulations, reasonable standards, and inspections and grant permits to any person, firm, or corporation engaged in the business of installing water softeners, who is not licensed as a master plumber or journeyman plumber by the state commissioner of ~~health~~ labor and industry, to connect water softening and water filtering equipment to private residence water distribution systems, where provision has been previously made therefor and openings left for that purpose or by use of cold water connections to a domestic water heater; where it is not necessary to rearrange, make any extension or alteration of,

or addition to any pipe, fixture or plumbing connected with the water system except to connect the water softener, and provided the connections so made comply with minimum standards prescribed by the state ~~commissioner of health~~ Plumbing Board.

Sec. 64. Minnesota Statutes 2006, section 326.40, subdivision 1, is amended to read:

Subdivision 1. **License required; master and journeyman plumbers.** In any city now or hereafter having 5,000 or more population, according to the last federal census, and having a system of waterworks or sewerage, no person, firm, or corporation shall engage in or work at the business of a master plumber or journeyman plumber unless licensed to do so by the state commissioner of ~~health labor and industry~~. A master plumber may also work as a journeyman plumber. Anyone not so licensed may do plumbing work which complies with the provisions of the minimum standard prescribed by the state ~~commissioner of health~~ Plumbing Board on premises or that part of premises owned and actually occupied by the worker as a residence, unless otherwise forbidden to do so by a local ordinance.

In any such city no person, firm, or corporation shall engage in the business of installing plumbing nor install plumbing in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber, who shall be responsible for proper installation, is in charge of the plumbing work of the person, firm, or corporation.

The ~~Department of Health~~ Plumbing Board shall prescribe rules, not inconsistent herewith, for the examination and licensing of plumbers.

Sec. 65. Minnesota Statutes 2006, section 326.401, subdivision 2, is amended to read:

Subd. 2. **Journeyman exam.** A plumber's apprentice who has completed four years of practical plumbing experience is eligible to take the journeyman plumbing examination. Up to 24 months of practical plumbing experience prior to registration as an apprentice may be applied to the four-year experience requirement. However, none of this practical plumbing experience may be applied if the person did not have any practical plumbing experience in the 12-month period immediately prior to registration. The ~~commissioner~~ Plumbing Board may adopt rules to evaluate whether the person's past practical plumbing experience is applicable in preparing for the journeyman's examination. If two years after completing the training the person has not taken the examination, the four years of experience shall be forfeited.

The commissioner may allow an extension of the two-year period for taking the exam for cases of hardship or other appropriate circumstances.

Sec. 66. Minnesota Statutes 2006, section 326.42, subdivision 1, is amended to read:

Subdivision 1. **Application.** Applications for plumber's license shall be made to the state commissioner of ~~health labor and industry~~, with fee. Unless the applicant is entitled to a renewal, the applicant shall be licensed by the state commissioner of ~~health labor and industry~~ only after passing a satisfactory examination administered by the ~~examiners~~ commissioner of labor and industry, based upon rules adopted by the Plumbing Board showing fitness. Examination fees for both journeyman and master plumbers shall be in an amount prescribed by the state commissioner of ~~health labor and industry~~ pursuant to section 144.122. Upon being notified that of having successfully passed the examination for original license the applicant shall submit an application, with the license fee herein provided. License fees shall be in an amount prescribed by the state

commissioner of ~~health~~ labor and industry pursuant to section 144.122. Licenses shall expire and be renewed as prescribed by the commissioner pursuant to section 144.122.

Sec. 67. Minnesota Statutes 2006, section 326.46, is amended to read:

326.46 SUPERVISION OF HIGH PRESSURE PIPING.

The Department of Labor and Industry shall supervise all high pressure piping used on all projects in this state, ~~and may prescribe minimum standards which shall be uniform~~ under rules adopted by the board.

The department shall employ inspectors and other assistants to carry out the provisions of sections 326.46 to 326.52.

Sec. 68. Minnesota Statutes 2006, section 326.461, is amended by adding a subdivision to read:

Subd. 1a. **Board.** "Board" means the Board of High Pressure Piping Systems.

Sec. 69. Minnesota Statutes 2006, section 326.47, subdivision 2, is amended to read:

Subd. 2. **Permissive municipal regulation.** A municipality may, by ordinance, provide for the inspection of high pressure piping system materials and construction, and provide that it shall not be constructed or installed except in accordance with minimum state standards. The authority designated by the ordinance for issuing high pressure piping permits and assuring compliance with state standards must report to the Department of Labor and Industry all violations of state high pressure piping standards.

A municipality may not adopt an ordinance with high pressure piping standards that does not conform to the uniform standards prescribed by the ~~Department of Labor and Industry~~ board. The ~~Department of Labor and Industry~~ board shall specify by rule the minimum qualifications for municipal inspectors."

Page 58, delete section 63 and insert:

"Sec. 71. [326.471] BOARD OF HIGH PRESSURE PIPING SYSTEMS.

Subdivision 1. **Composition.** (a) The Board of High Pressure Piping Systems shall consist of 12 members who must be residents of the state, appointed by the governor, and confirmed by the senate. The commissioner of the Department of Labor and Industry or the commissioner's designee shall be a voting member. The first appointed board members shall serve an initial term of four years, except where designated otherwise. The governor shall then reappoint the current members or appoint replacement members, all or in part, to subsequent three-year terms. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled for the existing term and the following three-year term. Of the 11 appointed members, the composition shall be as follows:

- (1) one member shall be a high pressure piping inspector;
- (2) one member shall be a licensed mechanical engineer;
- (3) one member shall be a representative of the piping industry;
- (4) four members shall be high pressure piping contractors or their representatives, engaged in

the scope of high pressure piping, two from the metro area and two from greater Minnesota;

(5) two members shall be high pressure piping journeypersons engaged in the scope of high pressure piping systems installation, one from the metro area and one from greater Minnesota; and

(6) two members shall be representatives from utility companies in Minnesota who shall serve an initial term of two years.

(b) Except for the licensed mechanical engineer and the members from utilities companies, all persons appointed to the board must possess a current license or competency credential required for contractors and persons engaged in the design, installation, alteration, and inspection of high pressure piping systems.

Subd. 2. **Powers.** (a) The board shall have the power to:

(1) elect its chair;

(2) specify the high pressure piping code that must be followed in Minnesota;

(3) maintain an appeals committee to make determinations regarding any complaints, code amendments, code compliance, and code clarifications filed with the board;

(4) adopt rules necessary for the regulation and licensing of contractors, journeypersons, trainees, and persons engaged in the design, installation, alteration, and inspection of high pressure piping systems, except for persons licensed under sections 326.02 to 326.15;

(5) adopt rules necessary for continuing education for individuals regulated and licensed under this section; and

(6) pay expenses deemed necessary in the performance of board duties, including:

(i) rent, utilities, and supplies in the manner and amount specified in section 43A.18, subdivision 2; and

(ii) per diem and expenses for its members as provided in section 15.0575, subdivision 3.

(b) Complaints filed under this section may originate with high pressure piping inspectors, contractors, or their employees, or other persons engaged in the design, installation, and alteration of a high pressure piping system. The board shall make their findings known to all parties and the commissioner of the Department of Labor and Industry within the time period specified by the board.

Subd. 3. **Fee and finances.** The board shall submit an annual budget to the commissioner of the Department of Labor and Industry. The commissioner shall collect fees under section 326.47, subdivision 6, necessary for the operation and continuance of the board. The commissioner is responsible for the enforcement of the codes and licensing requirements determined by the board. The board shall set the fees for licenses and certification under this section and for all high pressure piping system permits and submit the fee structure to the commissioner of labor and industry. The commissioner of finance shall make a quarterly certification of the amount necessary to pay expenses required for operation of the board under subdivision 2, paragraph (a), clause (6). The certified amount is appropriated to the board for those purposes from the fees collected under section 326.50.

Sec. 72. Minnesota Statutes 2006, section 326.48, subdivision 1, is amended to read:

Subdivision 1. **License required; rules; time credit.** No person shall engage in or work at the business of a contracting pipefitter unless issued an individual contracting pipefitter license to do so by the Department of Labor and Industry under rules prescribed by the board. No license shall be required for repairs on existing installations. No person shall engage in or work at the business of journeyman pipefitter unless issued an individual journeyman pipefitter competency license to do so by the Department of Labor and Industry under rules prescribed by the board. A person possessing an individual contracting pipefitter competency license may also work as a journeyman pipefitter.

No person, partnership, firm, or corporation shall install high pressure piping, nor install high pressure piping in connection with the dealing in and selling of high pressure pipe material and supplies, unless, at all times, a person possessing a contracting pipefitter individual competency license or a journeyman pipefitter individual competency license is responsible for the high pressure pipefitting work conducted by the person, partnership, firm, or corporation being in conformity with Minnesota Statutes and Minnesota Rules.

~~The Department of Labor and Industry~~ board shall prescribe rules, not inconsistent herewith, for the examination and individual competency licensing of contracting pipefitters and journeyman pipefitters and for issuance of permits by the department and municipalities for the installation of high pressure piping.

An employee performing the duties of inspector for the Department of Labor and Industry in regulating pipefitting shall not receive time credit for the inspection duties when making an application for a license required by this section.

Sec. 73. Minnesota Statutes 2006, section 326.48, subdivision 2, is amended to read:

Subd. 2. **High pressure pipefitting business license.** Before obtaining a permit for high pressure piping work, a person, partnership, firm, or corporation must obtain or utilize a business with a high pressure piping business license.

A person, partnership, firm, or corporation must have at all times as a full-time employee at least one individual holding an individual contracting pipefitter competency license. Only full-time employees who hold individual contracting pipefitter licenses are authorized to obtain high pressure piping permits in the name of the business. The individual contracting pipefitter competency license holder can be the employee of only one high pressure piping business at a time.

To retain its business license without reapplication, a person, partnership, firm, or corporation holding a high pressure piping business license that ceases to employ a person holding an individual contracting pipefitter competency license shall have 60 days from the last day of employment of its previous individual contracting pipefitter competency license holder to employ another license holder. The Department of Labor and Industry must be notified no later than five days after the last day of employment of the previous license holder.

No high pressure pipefitting work may be performed during any period when the high pressure pipefitting business does not have an individual contracting pipefitter competency license holder on staff. If a license holder is not employed within 60 days, the pipefitting business license shall lapse.

~~The Department of Labor and Industry~~ board shall prescribe by rule procedures for application for and issuance of business licenses and fees.

Sec. 74. Minnesota Statutes 2006, section 326.50, is amended to read:

326.50 APPLICATION; FEES.

Application for an individual contracting pipefitter competency or an individual journeyman pipefitter competency license shall be made to the Department of Labor and Industry, with fees. The applicant shall be licensed only after passing an examination administered by the Department of Labor and Industry in accordance with rules adopted by the board.

Sec. 75. Minnesota Statutes 2006, section 326.51, is amended to read:

326.51 DEPARTMENT MAY REVOKE LICENSES.

The department board may revoke or suspend, for cause, any license obtained through error or fraud, or if the licensee is shown to be incompetent, or for a violation of any of its rules and regulations applicable to high pressure pipefitting work. The licensee shall have notice, in writing, enumerating the charges, and be entitled to a hearing on at least ten days' notice, with the right to produce testimony. The hearing shall be held pursuant to chapter 14. The ~~commissioner~~ board shall issue a final order based on testimony and the record at hearing. One year from the date of revocation application may be made for a new license.

Sec. 76. Minnesota Statutes 2006, section 326.52, is amended to read:

326.52 DEPOSIT OF FEES.

All fees received under sections 326.46 to 326.52 shall be deposited by the Department of Labor and Industry to the credit of the general fund in the state treasury. The salaries and per diem of the inspectors and examiners hereinbefore provided, their expenses, and all incidental expenses of the department and board in carrying out the provisions of sections 326.46 to 326.52 shall be paid from the appropriations made to the Department of Labor and Industry. The ~~commissioner~~ board by rule shall set the amount of the fees at a level that approximates, to the greatest extent possible, the salaries, per diem, and incidental expenses of the department."

Page 70, after line 11, insert:

"Sec. 87. TRANSFER OF AUTHORITY; BOARD OF HIGH PRESSURE PIPING SYSTEMS.

The authority of the commissioner of labor and industry to adopt rules relating to high pressure piping systems is transferred to the Board of High Pressure Piping Systems. Licenses and permits currently in effect remain in effect according to their terms unless affected by board action. Rules adopted by the commissioner of labor and industry remain in effect until amended or repealed by the board. The commissioner of administration may not use the authority under Minnesota Statutes, section 16B.37, to modify transfers of authority in this act.

Sec. 88. FIRST MEETING; APPOINTMENTS FOR BOARD OF HIGH PRESSURE PIPING SYSTEMS.

The governor must complete the appointments required by Minnesota Statutes, section 326.471, no later than July 1, 2007. The commissioner of labor and industry shall convene the first meeting of the Board of High Pressure Piping Systems no later than September 1, 2007.

Sec. 89. TRANSFER OF AUTHORITY; PLUMBING BOARD.

The authority of the commissioners of health and labor and industry to adopt rules relating to plumbers is transferred to the Plumbing Board. Licenses and permits currently in effect remain in effect according to their terms unless affected by board action. Rules adopted by the commissioner of health or labor and industry remain in effect until amended or repealed by the board. The commissioner of administration may not use the authority under Minnesota Statutes, section 16B.37, to modify the transfers of authority in this act.

Sec. 90. FIRST MEETING; APPOINTMENTS FOR PLUMBING BOARD.

The governor must complete the appointments required by Minnesota Statutes, section 326.372, no later than July 1, 2007. The commissioner of labor and industry shall convene the first meeting of the Plumbing Board no later than September 1, 2007."

Page 70, line 23, delete "subdivision 3"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend S.F. No. 2089 as follows:

Page 62, line 12, after the second semicolon, insert "181.723;"

The motion prevailed. So the amendment was adopted.

S.F. No. 2089 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 59 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Latz	Pappas	Sieben
Bakk	Fischbach	Lourey	Pariseau	Skoe
Berglin	Foley	Lynch	Pogemiller	Skogen
Betzold	Frederickson	Marty	Prettner Solon	Sparks
Bonoff	Gimse	Metzen	Rest	Stumpf
Chaudhary	Johnson	Michel	Robling	Tomassoni
Clark	Jungbauer	Moua	Rosen	Torres Ray
Cohen	Koch	Neuville	Rummel	Vandever
Day	Koering	Olseen	Saltzman	Vickerman
Dibble	Kubly	Olson, G.	Saxhaug	Wergin
Dille	Langseth	Olson, M.	Scheid	Wiger
Doll	Larson	Ortman	Sheran	

Those who voted in the negative were:

Hann	Ingebrigtsen	Limmer	Senjem
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So the bill, as amended, was passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 857: A bill for an act relating to health care; establishing premium rate restrictions and expenditure limits; amending Minnesota Statutes 2006, sections 62A.65, subdivision 3; 62J.04, subdivision 3, by adding a subdivision; 62J.041; 62J.301, subdivision 3; 62J.38; 62L.08, subdivision 8.

CALL OF THE SENATE

Senator Berglin imposed a call of the Senate for the balance of the proceedings on S.F. No. 857. The Sergeant at Arms was instructed to bring in the absent members.

S.F. No. 857 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Cohen	Lourey	Pappas	Stumpf
Bakk	Dibble	Marty	Pogemiller	Tomassoni
Berglin	Doll	Metzen	Saltzman	Torres Ray
Betzold	Erickson Ropes	Moua	Saxhaug	Vickerman
Carlson	Foley	Murphy	Sheran	Wiger
Chaudhary	Kubly	Olseen	Sieben	
Clark	Langseth	Olson, M.	Skoe	

Those who voted in the negative were:

Bonoff	Ingebrigtsen	Limmer	Prettner Solon	Skogen
Day	Johnson	Lynch	Rest	Sparks
Dille	Jungbauer	Michel	Robling	Vanderveer
Fischbach	Koch	Neuville	Rosen	Wergin
Frederickson	Koering	Olson, G.	Rummel	
Gimse	Larson	Ortman	Scheid	
Hann	Latz	Pariseau	Senjem	

So the bill failed to pass.

SPECIAL ORDER

S.F. No. 2096: A bill for an act relating to state government; appropriating money for environmental, natural resources, and energy purposes; establishing and modifying certain programs; modifying rulemaking authority; providing for accounts, assessments, and fees; amending Minnesota Statutes 2006, sections 84.025, subdivision 9; 84.026, subdivision 1; 84.027, by adding a subdivision; 84.0855, subdivisions 1, 2; 84.780; 84.922, subdivisions 1a, 5; 84.927, subdivision 2; 84D.03, subdivision 1; 84D.12, subdivisions 1, 3; 84D.13, subdivision 7; 85.32, subdivision 1; 86B.415, subdivisions 1, 2, 3, 4, 5, 7; 86B.706, subdivision 2; 89A.11; 93.0015, subdivision 3; 97A.045, by adding a subdivision; 97A.055, subdivision 4; 97A.065, by adding a subdivision; 97A.405, subdivision 2; 97A.411, subdivision 1; 97A.451, subdivision 3a; 97A.465, by adding subdivisions; 97A.473, subdivisions 3, 5; 97A.475, subdivisions 3, 7, 11, 12, by adding a subdivision; 97B.601, subdivision 3; 97B.715, subdivision 1; 97B.801; 97C.081, subdivision

3; 97C.355, subdivision 2; 116C.779, subdivision 1; 216B.812, subdivisions 1, 2; 216C.051, subdivision 9; Laws 2003, chapter 128, article 1, section 169; proposing coding for new law in Minnesota Statutes, chapters 84; 84D; 89; 103F; 144; 216B; 216C; 325E; repealing Minnesota Statutes 2006, section 93.2236.

Senator Anderson moved to amend S.F. No. 2096 as follows:

Page 55, delete section 8 and insert:

"Sec. 8. Minnesota Statutes 2006, section 116C.779, subdivision 1, is amended to read:

Subdivision 1. **Renewable development account.** (a) The public utility that owns the Prairie Island nuclear generating plant must transfer to a renewable development account \$16,000,000 annually each year the plant is in operation, and \$7,500,000 each year the plant is not in operation if ordered by the commission pursuant to paragraph ~~(e)~~ (d). The fund transfer must be made if nuclear waste is stored in a dry cask at the independent spent-fuel storage facility at Prairie Island for any part of a year. Funds in the account may be expended only for development of renewable energy sources. Preference must be given to development of renewable energy source projects located within the state. The utility that owns a nuclear generating plant is eligible to apply for renewable development fund grants. The utility's proposals must be evaluated by the renewable development fund board in a manner consistent with that used to evaluate other renewable development fund project proposals.

(b) The public utility that owns the Monticello nuclear generating plant must transfer to the renewable development account \$350,000 each year for each dry cask containing spent fuel that is located at the Monticello nuclear power plant for each year the plant is in operation, and \$5,250,000 each year the plant is not in operation if ordered by the commission pursuant to paragraph (d). The fund transfer must be made if nuclear waste is stored in a dry cask at the independent spent-fuel storage facility at Monticello for any part of a year.

~~(b)~~ (c) Expenditures from the account may only be made after approval by order of the Public Utilities Commission upon a petition by the public utility.

~~(e)~~ (d) After discontinuation of operation of the Prairie Island nuclear plant or the Monticello nuclear plant and each year spent nuclear fuel is stored in dry cask at the ~~Prairie Island~~ facility, the commission shall require the public utility to pay \$7,500,000 for each facility that has been discontinued for any year in which the commission finds, by the preponderance of the evidence, that the public utility did not make a good faith effort to remove the spent nuclear fuel stored at ~~Prairie Island~~ the facility to a permanent or interim storage site out of the state. This determination shall be made at least every two years.

Sec. 9. [216B.1637] RECOVERY OF UTILITY GREENHOUSE GAS INFRASTRUCTURE COSTS.

A utility that owns a nuclear generating plant may propose to the commission electric and natural gas infrastructure improvements that result in the reduction of greenhouse gases. The commission may approve proposals if it determines, after notice and comment, that the project is consistent with the public interest and appropriately reduces greenhouse gases from the utility's electric or natural gas generating, transmission, or distribution assets without excessive cost. The commission shall provide timely recovery of the utility's costs of any approved projects through a rate adjustment similar to that provided for transmission projects under section 216B.16, subdivision 7b."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Vickerman moved to amend S.F. No. 2096 as follows:

Page 55, line 19, after "Minnesota" insert "and the Agricultural Utilization Research Institute"

The motion prevailed. So the amendment was adopted.

Senator Chaudhary moved to amend S.F. No. 2096 as follows:

Page 23, line 23, after the period, insert "Grants issued under this paragraph: (1) must be issued through a formal agreement with the organization; and (2) must not be used as a substitute for traditional spending by the organization. By December 15, each year, an organization receiving a grant under this paragraph shall report to the commissioner with details on expenditures from the grant."

Page 30, line 23, delete "informal"

Page 31, line 1, after "standards" insert ", train,"

Page 31, line 2, after the period, insert "The training shall include:"

Page 31, after line 2, insert:

"(1) the identification of invasive species;

(2) correctly reporting the location of invasive species; and

(3) basic global positioning system operation."

The motion prevailed. So the amendment was adopted.

Senator Rosen moved to amend S.F. No. 2096 as follows:

Page 48, line 7, after "plan" insert ", coordinated with the Centers for Disease Control and Prevention to ensure compatibility with the National Environmental Public Health Tracking Program,"

Page 51, line 31, after the period, insert "The commissioner shall rely upon protocols and guidelines developed by the Centers for Disease Control and Prevention, and the National Biomonitoring Program."

Page 51, line 32, before "peer-review" insert "scientific"

The motion prevailed. So the amendment was adopted.

S.F. No. 2096 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Jungbauer Koch

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

MOTIONS AND RESOLUTIONS - CONTINUED

RECONSIDERATION

Having voted on the prevailing side, Senator Sparks moved that the vote whereby S.F. No. 857 failed to pass the Senate on March 27, 2007, be now reconsidered.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 857. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Sparks motion.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bonoff	Hann	Larson	Pariseau	Skogen
Day	Ingebrigtsen	Limmer	Rest	Vandever
Dille	Johnson	Michel	Robling	Wergin
Fischbach	Jungbauer	Neuville	Rosen	
Frederickson	Koch	Olson, G.	Scheid	
Gimse	Koering	Ortman	Senjem	

The motion prevailed. So the vote was reconsidered.

S.F. No. 857: A bill for an act relating to health care; establishing premium rate restrictions and expenditure limits; amending Minnesota Statutes 2006, sections 62A.65, subdivision 3; 62J.04, subdivision 3, by adding a subdivision; 62J.041; 62J.301, subdivision 3; 62J.38; 62L.08, subdivision 8.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 36 and nays 29, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bonoff	Hann	Larson	Ortman	Scheid
Day	Ingebrigtsen	Latz	Pariseau	Senjem
Dille	Johnson	Limmer	Rest	Skogen
Fischbach	Jungbauer	Michel	Robling	Vanderveer
Frederickson	Koch	Neuville	Rosen	Wergin
Gimse	Koering	Olson, G.	Rummel	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 966 and 1594.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 27, 2007

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 966: A bill for an act relating to labor; allowing the commissioner of labor and industry to issue orders of compliance relating to overtime for nurses; amending Minnesota Statutes 2006, sections 177.27, subdivision 4; 181.275, subdivision 1, by adding a subdivision.

Senator Pogemiller moved that H.F. No. 966 be laid on the table. The motion prevailed.

H.F. No. 1594: A bill for an act relating to the military; expanding the reenlistment bonus program; providing for certain academic awards; amending Minnesota Statutes 2006, section 192.501, subdivisions 1b, 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 952, now on General Orders.

REPORTS OF COMMITTEES

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

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

S.F. No. 1769: A bill for an act relating to employment; providing remedies and enforcement for the prevailing wage law; amending Minnesota Statutes 2006, section 177.27, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapter 177.

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

Page 2, line 14, delete everything after the first "employees"

Page 2, line 15, delete everything before the period

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

Senator Wiger from the Committee on Education, to which was referred

S.F. No. 2002: A bill for an act relating to education; allowing physician-prescribed naturopathic medicine to be administered with appropriate supervision in schools; amending Minnesota Statutes 2006, section 121A.22, subdivisions 1, 3, 4.

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

Page 1, line 10, delete "including physician-prescribed" and insert "or"

Page 1, line 16, delete "Physician-prescribed"

Page 1, line 17, delete "that is" and insert "and that is available over the counter."

Page 1, delete line 18

Page 1, line 22, delete "physician-prescribed" and after "medicine" insert "in the original over-the-counter container"

Page 2, line 4, delete "physician-prescribed"

Page 2, line 5, delete the new language

Page 2, delete line 6

Amend the title as follows:

Page 1, line 2, delete "physician-prescribed"

And when so amended the bill do pass and be re-referred to the Committee on Health, Housing and Family Security. Amendments adopted. Report adopted.

Senator Wiger from the Committee on Education, to which was referred

S.F. No. 1956: A bill for an act relating to public health; creating a pilot project to make Minneapolis schools fragrance-free.

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

Delete everything after the enacting clause and insert:

"Section 1. **FRAGRANCE-FREE SCHOOLS EDUCATION PILOT PROJECT.**

The commissioner of health, in collaboration with the commissioner of education and the Minneapolis Board of Education, shall establish a working group composed of at least three students, two teachers, one school administrator, and one member of the Minneapolis Board of Education to recommend an education campaign in Minneapolis public schools to inform students and parents about the potentially harmful effects of the use of fragrance products on sensitive students and school personnel in Minneapolis schools.

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

And when so amended the bill do pass and be re-referred to the Committee on Health, Housing and Family Security. Amendments adopted. Report adopted.

Senator Wiger from the Committee on Education, to which was referred

S.F. No. 1393: A bill for an act relating to education; directing the commissioner of education to amend the rule governing supplemental education service providers to specify the basis for withdrawing department approval from providers that fail to increase student proficiency for two consecutive school years.

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

Page 1, line 14, delete "disentangle the impact" and insert "distinguish the effect"

Page 1, line 15, delete "impact" and insert "effect"

And when so amended the bill do pass and be re-referred to the Committee on State and Local

Government Operations and Oversight. Amendments adopted. Report adopted.

Senator Wiger from the Committee on Education, to which was referred

S.F. No. 1904: A bill for an act relating to education; appropriating money to the independent Office of Educational Accountability through the University of Minnesota; directing the Office of Educational Accountability to convene measurement experts to consider how school performance report card data are most usefully displayed; amending Minnesota Statutes 2006, sections 120B.31, subdivision 3; 120B.36, subdivision 1.

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 and Oversight. Report adopted.

Senator Wiger from the Committee on Education, to which was referred

S.F. No. 2051: A bill for an act relating to education; requiring school districts to report student achievement of locally developed academic standards; amending Minnesota Statutes 2006, section 120B.11, subdivision 5.

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

Senator Wiger from the Committee on Education, to which was referred

S.F. No. 1374: A bill for an act relating to education finance; authorizing a high five kindergarten program; amending Minnesota Statutes 2006, section 126C.05, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 124D; repealing Minnesota Statutes 2006, section 126C.10, subdivision 31.

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

Delete everything after the enacting clause and insert:

"Section 1. [124D.165] PREKINDERGARTEN PROGRAM.

Subdivision 1. **Programs authorized.** A school district may offer a prekindergarten program for four-year-old children upon approval of the commissioner of education. A school district must submit its program application to the commissioner in the form and manner required by the commissioner.

Subd. 2. **Program characteristics.** A prekindergarten program must prepare children for kindergarten and include the following:

(1) compensatory instruction that accelerates children's language and literacy skills and mathematical thinking;

(2) instructional content and activities that are of sufficient length and intensity to address learning needs;

(3) an assessment of each child's cognitive skills when the child enters and again before the child leaves the program to inform program planning and promote kindergarten readiness;

(4) teachers trained in child development and early education instruction; and

(5) class sizes of less than 20 children and child staff ratios of ten to one or less.

Each child participating in a prekindergarten program must have a learning plan created by the family and teacher designed to meet each child's stage of development and learning style. Teachers must participate in regular professional development activities to keep current on best practices.

Subd. 3. **Pupil eligibility.** A child may participate in a prekindergarten program if the child:

(1) is at least four years old on September 1;

(2) has completed the developmental screening under sections 121A.16 to 121A.19; and

(3) qualifies for free and reduced-price lunch, or is an English language learning child who is four years old on September 1.

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

Sec. 2. Minnesota Statutes 2006, section 126C.05, subdivision 1, is amended to read:

Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the age of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), in average daily membership enrolled in the district of residence, in another district under sections 123A.05 to 123A.08, 124D.03, 124D.06, 124D.07, 124D.08, or 124D.68; in a charter school under section 124D.10; or for whom the resident district pays tuition under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision.

(a) A prekindergarten pupil with a disability who is enrolled in a program approved by the commissioner and has an individual education plan is counted as the ratio of the number of hours of assessment and education service to 825 times 1.25 with a minimum average daily membership of 0.28, but not more than 1.25 pupil units.

(b) A prekindergarten pupil who is assessed but determined not to be disabled is counted as the ratio of the number of hours of assessment service to 825 times 1.25.

(c) A kindergarten pupil with a disability who is enrolled in a program approved by the commissioner is counted as the ratio of the number of hours of assessment and education services required in the fiscal year by the pupil's individual education program plan to 875, but not more than one.

(d) A kindergarten pupil, and any pupil participating in a prekindergarten program under section 124D.165, who is not included in paragraph (c) is counted as .557 of a pupil unit for fiscal year 2000 and thereafter.

(e) A pupil who is in any of grades 1 to 3 is counted as 1.115 pupil units for fiscal year 2000 and thereafter.

(f) A pupil who is any of grades 4 to 6 is counted as 1.06 pupil units for fiscal year 1995 and thereafter.

(g) A pupil who is in any of grades 7 to 12 is counted as 1.3 pupil units.

(h) A pupil who is in the postsecondary enrollment options program is counted as 1.3 pupil units.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2008.

Sec. 3. **REPEALER.**

Minnesota Statutes 2006, section 126C.10, subdivisions 31a and 31b, are repealed.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2008."

Amend the title as follows:

Page 1, line 2, delete "high five kindergarten" and insert "prekindergarten"

Amend the title numbers accordingly

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

Senator Wiger from the Committee on Education, to which was referred

S.F. No. 1791: A bill for an act relating to education; integrating instruction about the contributions of Minnesota American Indian tribes and communities into student learning and teacher preparation and licensing requirements; establishing committees on American Indian education programs; amending Minnesota Statutes 2006, sections 120B.021, subdivision 1; 120B.024; 122A.09, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 124D.

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 2006, section 120B.021, subdivision 1, is amended to read:

Subdivision 1. **Required academic standards.** The following subject areas are required for statewide accountability:

- (1) language arts;
- (2) mathematics;
- (3) science;
- (4) social studies, including history, geography, economics, and government and citizenship;
- (5) health and physical education, for which locally developed academic standards apply; and
- (6) the arts, for which statewide or locally developed academic standards apply, as determined by the school district. Public elementary and middle schools must offer at least three and require at least two of the following four arts areas: dance; music; theater; and visual arts. Public high schools must offer at least three and require at least one of the following five arts areas: media arts; dance; music; theater; and visual arts.

The commissioner must submit proposed standards in science and social studies to the legislature

by February 1, 2004.

For purposes of applicable federal law, the academic standards for language arts, mathematics, and science apply to all public school students, except the very few students with extreme cognitive or physical impairments for whom an individualized education plan team has determined that the required academic standards are inappropriate. An individualized education plan team that makes this determination must establish alternative standards.

A school district, no later than the 2007-2008 school year, must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule. A school district that incorporates these state graduation requirements before the 2007-2008 school year must provide students who enter the 9th grade in or before the 2003-2004 school year the opportunity to earn a diploma based on existing locally established graduation requirements in effect when the students entered the 9th grade. District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

The commissioner must include the contributions of Minnesota American Indian tribes and communities as they relate to each of the academic standards during the review and revision of the required academic standards.

EFFECTIVE DATE. This section is effective for the 2007-2008 school year and later.

Sec. 2. Minnesota Statutes 2006, section 122A.09, subdivision 4, is amended to read:

Subd. 4. **License and rules.** (a) The board must adopt rules to license public school teachers and interns subject to chapter 14.

(b) The board must adopt rules requiring a person to successfully complete a skills examination in reading, writing, and mathematics as a requirement for initial teacher licensure. Such rules must require college and universities offering a board-approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language.

(c) The board must adopt rules to approve teacher preparation programs. The board, upon the request of a postsecondary student preparing for teacher licensure or a licensed graduate of a teacher preparation program, shall assist in resolving a dispute between the person and a postsecondary institution providing a teacher preparation program when the dispute involves an institution's recommendation for licensure affecting the person or the person's credentials. At the board's discretion, assistance may include the application of chapter 14.

(d) The board must provide the leadership and shall adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes. The board must require that persons enrolled in a teacher preparation program receive instruction in historical and cultural competencies related to Minnesota American Indian tribes and communities and their contributions to Minnesota, consistent with sections 120B.021, subdivision 1, and 124D.71 to 124D.82. The competencies related to Minnesota American Indian tribes and communities must include, among

other components, standards for instructional practices most effective for successfully teaching elementary and secondary American Indian students.

(e) The board must adopt rules requiring successful completion of an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective on the dates determined by the board but not later than September 1, 2001.

(f) The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment.

(g) The board must grant licenses to interns and to candidates for initial licenses.

(h) The board must design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.

(j) The board must grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and 214.10. The board must not establish any expiration date for application for life licenses.

(k) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule.

(l) In adopting rules to license public school teachers who provide health-related services for disabled children, the board shall adopt rules consistent with license or registration requirements of the commissioner of health and the health-related boards who license personnel who perform similar services outside of the school.

(m) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect until they are approved by law. Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.

(n) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in understanding the key warning signs of early-onset mental illness in children and adolescents.

(o) The board must adopt rules to include instruction and other development activities to improve the understanding and effective instruction of and communication with Minnesota American Indian tribes and communities, consistent with paragraph (d) and sections 120B.021, subdivision 1, and 124D.71 to 124D.82, in the 125 clock hours of professional development that teachers must complete to renew their professional teaching license.

EFFECTIVE DATE. This section is effective for the 2007-2008 school year and later.

Sec. 3. ADVISORY TASK FORCE ON MINNESOTA AMERICAN INDIAN TRIBES AND COMMUNITIES AND K-12 STANDARDS-BASED REFORM.

(a) An advisory task force on Minnesota American Indian tribes and communities and K-12 standards-based reform is established to examine the impact of state and federal standards-based reform on Minnesota's K-12 students, including American Indian students, and to recommend to the legislature changes to the state's performance standards, content requirements, assessments measures, and teacher preparation programs to most effectively meet the educational needs of all students, including American Indian students enrolled in Minnesota schools. The task force, in consultation with American Indian educators, parents, and others who advocate for American Indian children, at least must determine if:

- (1) state education standards and assessments are appropriate for American Indian students;
- (2) American Indian students are fairly compared;
- (3) American Indian students receive the assistance they need to achieve the state standards; and
- (4) schools receive financial and technical assistance sufficient to meet the educational needs of American Indian students.

(b) The commissioner of education shall appoint an advisory task force on Minnesota American Indian tribes and communities and kindergarten through grade 12 standards-based reform that is composed of the following representatives: Department of Education staff experienced in working with American Indian students and programs; Minnesota American Indian tribes and communities; Minnesota School Board Association; school administrators; Education Minnesota; the state Board of Teaching; a minority member and majority member both from the Minnesota house of representatives and from the Minnesota senate; the Minnesota Council on Indian Affairs; postsecondary faculty who serve as instructors in teacher preparation programs; local community service providers who work with Minnesota American Indian tribes and communities; and other representatives recommended by task force members. Task force members' terms and other task force matters are subject to Minnesota Statutes, section 15.059, subject to the limits of available appropriations. The task force must submit a written report to the education policy and finance committees of the legislature by February 15, 2008, that includes any recommended changes to the state's performance standards, content requirements, assessments measures, and teacher preparation programs to most effectively meet the educational needs of American Indian students enrolled in Minnesota schools.

(c) Upon request, the commissioner of education must provide the task force with technical, fiscal, and other support.

(d) The task force expires on February 16, 2008.

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

Amend the title numbers accordingly

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

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

S.F. No. 1790: A bill for an act relating to health; changing provisions for adverse health care events reporting; amending Minnesota Statutes 2006, section 144.7065, subdivisions 4, 5, 6.

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

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

S.F. No. 1266: A bill for an act relating to health; requiring hospital emergency rooms to provide emergency contraception, prophylactic antibiotics, and information to sexual assault victims; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Page 1, delete section 1

Page 1, line 10, delete "145.471" and insert "145.4711"

Page 1, line 17, delete "requirement" and insert "regimen"

Page 2, line 5, before "It" insert "(a)"

Page 2, line 6, after "to" insert ", at a minimum"

Page 2, line 8, before the semicolon, insert "from the American College of Obstetricians and Gynecologists and distributed to all hospitals by the Department of Health"

Page 2, line 12, before the period, insert "provided it is not medically contraindicated and is ordered by a legal prescriber"

Page 2, after line 13, insert:

"(b) A hospital may administer a pregnancy test. If the pregnancy test is positive, the hospital does not have to comply with the provisions in paragraph (a)."

Page 2, line 15, after "to" insert ", at a minimum"

Page 2, line 22, before the period, insert ", provided it is not medically contraindicated and is ordered by a legal prescriber"

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

S.F. No. 1701: A bill for an act relating to health; establishing the Health Records Act; providing

penalties; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2006, section 144.335.

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

Page 2, line 23, delete "participants" and insert "providers"

Page 6, line 4, before "A" insert "(a)"

Page 6, line 9, after the period, insert "Only a provider may access patient identifying information in a record locator service."

Page 6, after line 11, insert:

"(b) A health information exchange maintaining a record locator service or an entity maintaining a record locator service for a health information exchange must maintain an audit log of providers accessing information in a record locator service that minimally contains information on:

- (1) the identity of the provider accessing the information;
- (2) the identity of the patient whose information was accessed by the provider; and
- (3) the date the information was accessed.

(c) No group purchaser may in any way require a provider to participate in any record locator service as a condition of payment or participation.

(d) A record locator service must provide a mechanism for patients to opt out of including their identifying information and information about the location of their health records in a record locator service. At a minimum, any consent form that permits a provider to access a record locator service must include a check-box option that allows a patient to completely opt out of the record locator service which shall be clearly displayed to the patient. A provider participating in a health information exchange with a record locator service who receives a patient's request to completely opt out of the record locator service or to not have a specific provider contact in the record locator service shall be responsible for removing the patient's information from the record locator service."

Page 6, line 12, before "In" insert "(a)"

Page 6, after line 16, insert:

"(b) When a health record is released using a representation from a provider that holds a consent from the patient, the releasing provider shall document:

- (1) the provider requesting the health records;
- (2) the identity of the patient;
- (3) the health records requested; and
- (4) the date the health records were requested."

Page 10, line 18, delete everything after "if" and insert "there is a negligent or intentional violation of sections 144.293 to 144.295."

Page 10, after line 18, insert:

"Subd. 3. **Liability for a record locator service.** A patient is eligible to receive compensatory damages plus costs and reasonable attorney fees if a health information exchange maintaining a record locator service, or an entity maintaining a record locator service for a health information exchange, negligently or intentionally violates the provisions of section 144.293, subdivision 8."

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

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 2157: A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; creating the Minnesota Biomedical Science Research Facilities Authority; authorizing the sale of state bonds; canceling previous appropriations; appropriating money; amending Laws 2005, chapter 20, article 1, sections 7, subdivision 2; 23, subdivision 8; Laws 2005, chapter 156, article 2, section 46; Laws 2006, chapter 258, sections 4, subdivision 4; 7, subdivisions 3, 22; 16, subdivision 4; 21, subdivisions 6, 15; proposing coding for new law in Minnesota Statutes, chapter 137.

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

Page 13, line 7, delete "St. Paul" and insert "the Union Depot Concourse Multimodal Transit Hub, located in downtown St. Paul in the area south of Kellogg Boulevard and east of Jackson Street,"

Page 13, line 24, after "for" insert "preliminary engineering, preliminary design," and before "and" insert a comma

Page 13, delete line 26 and insert "of Minneapolis and the city of St. Paul, with the terminus to be located in the Union Depot Concourse Multimodal Transit Hub, located in downtown St. Paul in the area south of Kellogg Boulevard and east of Jackson Street."

Page 28, after line 8, insert:

"Sec. 26. Laws 2006, chapter 258, section 7, subdivision 7, is amended to read:

Subd. 7. Lake Superior safe harbors

3,000,000

To design and construct capital improvements to public accesses and small craft harbors on Lake Superior in accordance with Minnesota Statutes, sections 86A.20 to 86A.24, and in cooperation with the United States Army Corps of Engineers.

This appropriation may be used to develop the harbor of refuge and marina at Two Harbors and is added to the appropriations in Laws 1998, chapter 404, section 7,

subdivision 24; and Laws 2000, chapter 492, article 1, section 7, subdivision 21, as amended by Laws 2005, chapter 20, article 1, section 42. Notwithstanding those laws, the commissioner may proceed with the Two Harbors project by providing up to \$625,000 to complete the design specifications and environmental work currently underway and proceed with the remaining money for the project upon securing an agreement with the U.S. Army Corps of Engineers that commits federal expenditures of at least \$4,000,000 to the project."

Page 29, line 15, after "project" insert "or pre-award authority"

Page 31, line 27, after the period, insert "A hospital licensed under sections 144.50 to 144.56 is not a biomedical science research facility."

Renumber the sections in sequence

Amend the title numbers accordingly

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

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 1972: A bill for an act relating to judiciary finance; appropriating money for the courts, public defenders, Board on Judicial Standards, and Uniform Laws Commission; adding new judgeships; correcting an unintentional repeal and resuming the payment of certain bail proceeds to the municipalities and subdivisions of government in Hennepin County; amending Minnesota Statutes 2006, section 2.722, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 484.

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

Page 1, line 13, delete "370,750,000" and insert "372,821,000" and delete "382,644,000" and insert "389,073,000" and delete "753,394,000" and insert "761,894,000"

Page 2, line 12, delete "44,277,000" and insert "44,494,000" and delete "44,902,000" and insert "45,584,000"

Page 2, line 16, delete "30,457,000" and insert "30,924,000" and delete "31,082,000" and insert "32,014,000"

Page 2, after line 20, insert:

"Maintain core justice operations. \$467,000 the first year and \$932,000 the second year are to maintain core justice functions."

Page 2, line 21, delete "13,820,000" and insert "13,570,000" and delete "13,820,000" and insert "13,570,000"

Page 3, after line 1, insert:

"Transfer authority. Notwithstanding Minnesota Statutes, section 16A.285, the Judicial Council may transfer amounts relating to maintaining core justice operations from the Supreme Court under section 3 and the trial courts under section 5 as necessary to pay for salary increases for judges of the Court of Appeals under this section."

Page 3, line 9, delete "244,507,000" and insert "247,499,000" and delete "252,259,000" and insert "258,368,000"

Page 3, after line 9, insert:

"Transfer authority. Notwithstanding Minnesota Statutes, section 16A.285, the Judicial Council may transfer amounts relating to the expansion of problem-solving courts and expanded resources for pro se litigants into the other items in this section."

Page 4, after line 19, insert:

"Maintain core justice operations. \$1,471,000 the first year and \$2,987,000 the second year are to maintain core justice functions."

Page 4, line 30, delete "70,955,000" and insert "69,817,000" and delete "73,605,000" and insert "73,243,000"

Page 5, line 6, delete "\$2,660,000" and insert "\$1,884,000"

Page 5, delete lines 21 to 24

Page 7, after line 25, insert:

"(a) Effective July 1, 2007, and July 1, 2008, the salaries of justices of the Supreme Court, and judges of the Court of Appeals and district court are increased by five percent."

Page 7, line 26, before "Effective" insert "(b)"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1769, 1790, 1266, 2157 and 1972 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that H.F. No. 966 be taken from the table. The motion prevailed.

H.F. No. 966: A bill for an act relating to labor; allowing the commissioner of labor and industry to issue orders of compliance relating to overtime for nurses; amending Minnesota Statutes 2006, sections 177.27, subdivision 4; 181.275, subdivision 1, by adding a subdivision.

SUSPENSION OF RULES

Senator Pogemiller moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 966 and that the rules of the Senate be so far suspended as to give H.F. No. 966 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 966 was read the second time.

Senator Anderson moved to amend H.F. No. 966 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 966, and insert the language after the enacting clause, and the title, of S.F. No. 817, the first engrossment.

The motion prevailed. So the amendment was adopted.

H.F. No. 966 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 53 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Latz	Pariseau	Skogen
Bakk	Doll	Lourey	Pogemiller	Sparks
Berglin	Erickson Ropes	Lynch	Prettner Solon	Stumpf
Betzold	Fischbach	Marty	Rest	Tomassoni
Bonoff	Foley	Metzen	Rummel	Torres Ray
Carlson	Frederickson	Moua	Saltzman	Vandever
Chaudhary	Jungbauer	Murphy	Saxhaug	Vickerman
Clark	Koering	Olseen	Scheid	Wergin
Cohen	Kubly	Olson, G.	Sheran	Wiger
Day	Langseth	Olson, M.	Sieben	
Dibble	Larson	Pappas	Skoe	

Those who voted in the negative were:

Gimse	Johnson	Michel	Robling
Hann	Koch	Neuville	Rosen
Ingebrigtsen	Limmer	Ortman	Senjem

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

RECESS

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

motion prevailed.

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

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

RECONSIDERATION

Having voted on the prevailing side, Senator Pogemiller moved that the vote whereby S.F. No. 2096 was passed by the Senate on March 27, 2007, be now reconsidered. The motion prevailed. So the vote was reconsidered.

S.F. No. 2096: A bill for an act relating to state government; appropriating money for environmental, natural resources, and energy purposes; establishing and modifying certain programs; modifying rulemaking authority; providing for accounts, assessments, and fees; amending Minnesota Statutes 2006, sections 84.025, subdivision 9; 84.026, subdivision 1; 84.027, by adding a subdivision; 84.0855, subdivisions 1, 2; 84.780; 84.922, subdivisions 1a, 5; 84.927, subdivision 2; 84D.03, subdivision 1; 84D.12, subdivisions 1, 3; 84D.13, subdivision 7; 85.32, subdivision 1; 86B.415, subdivisions 1, 2, 3, 4, 5, 7; 86B.706, subdivision 2; 89A.11; 93.0015, subdivision 3; 97A.045, by adding a subdivision; 97A.055, subdivision 4; 97A.065, by adding a subdivision; 97A.405, subdivision 2; 97A.411, subdivision 1; 97A.451, subdivision 3a; 97A.465, by adding subdivisions; 97A.473, subdivisions 3, 5; 97A.475, subdivisions 3, 7, 11, 12, by adding a subdivision; 97B.601, subdivision 3; 97B.715, subdivision 1; 97B.801; 97C.081, subdivision 3; 97C.355, subdivision 2; 116C.779, subdivision 1; 216B.812, subdivisions 1, 2; 216C.051, subdivision 9; Laws 2003, chapter 128, article 1, section 169; proposing coding for new law in Minnesota Statutes, chapters 84; 84D; 89; 103F; 144; 216B; 216C; 325E; repealing Minnesota Statutes 2006, section 93.2236.

Senator Limmer moved to amend S.F. No. 2096 as follows:

Page 52, line 2, before the semicolon, insert "as of March 27, 2007"

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend S.F. No. 2096 as follows:

Page 52, line 27, after the period, insert "The signed memorandum of understanding shall be reported to the chairs and ranking members of the senate and house of representatives committees having jurisdiction over judiciary and health and human services."

The motion prevailed. So the amendment was adopted.

S.F. No. 2096 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 61 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Jungbauer Koch

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

MEMBERS EXCUSED

Senators Gerlach and Higgins were excused from the Session of today. Senators Chaudhary and Ortman were excused from the Session of today from 12:00 noon to 12:40 p.m. Senators Fischbach and Latz were excused from the Session of today at 4:35 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 12:00 noon, Wednesday, March 28, 2007. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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