

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

FORTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, April 11, 2007

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

CALL OF THE SENATE

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

Prayer was offered by Senator Gary W. Kubly.

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

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

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 Reports at the Desk be now adopted, with the exception of the report pertaining to appointments. The motion prevailed.

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

S.F. No. 1360: A bill for an act relating to game and fish; adding legislative members to the Game and Fish Oversight Committee; amending Minnesota Statutes 2006, section 97A.055, subdivision 4b.

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

Page 2, line 20, after the period, insert "Legislative appointees to the committee shall serve as nonvoting members and are not eligible for per diem for meetings of the committee."

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

S.F. No. 1185: A bill for an act relating to natural resources; modifying acquisition authority for state trails; modifying requirements for certain recreational vehicles; establishing an off-highway vehicle safety and conservation program; providing for off-trail snowmobile use in certain state forests; modifying certain state trails; modifying funding source for certain capital improvements; amending Minnesota Statutes 2006, sections 84.029, subdivision 2; 84.788, subdivision 1; 84.82, subdivision 6; 84.8205, subdivision 1; 84.925, subdivision 5; 84.926, by adding a subdivision; 85.015, subdivision 14; Laws 2005, First Special Session chapter 1, article 2, section 3, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 2006, section 85.015, subdivision 11.

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 84.029, subdivision 2, is amended to read:

Subd. 2. **Acquisition of land for trails.** The commissioner may acquire, by gift, purchase, or lease, easements or other interests in land for trails, and recreational uses related to trails, where necessary to complete trails established primarily in state forests, state parks, or other public land under the jurisdiction of the commissioner, when railroad rights-of-way are abandoned, when the use of township roads is compatible with vehicular travel, ~~and~~ or when needed to complete trails established by the legislature.

Sec. 2. Minnesota Statutes 2006, section 84.788, subdivision 1, is amended to read:

Subdivision 1. **General requirements.** Unless exempted in subdivision 2, ~~after January 1, 1994,~~ a person may not operate and an owner may not give permission for another to operate an off-highway motorcycle ~~on public lands or waters~~ unless the vehicle has been registered under this section.

Sec. 3. Minnesota Statutes 2006, section 84.82, subdivision 6, is amended to read:

Subd. 6. **Exemptions.** Registration is not required under this section for:

(1) a snowmobile owned and used by the United States, another state, or a political subdivision thereof;

(2) a snowmobile registered in a country other than the United States temporarily used within this state;

(3) a snowmobile that is covered by a valid license of another state and has not been within this

state for more than 30 consecutive days;

- (4) a snowmobile used exclusively in organized track racing events;
- (5) a snowmobile in transit by a manufacturer, distributor, or dealer; ~~or~~
- (6) a snowmobile at least 15 years old in transit by an individual for use only on land owned or leased by the individual; or
- (7) a snowmobile while being used to groom a state or grant-in-aid trail.

Sec. 4. Minnesota Statutes 2006, section 84.8205, subdivision 1, is amended to read:

Subdivision 1. **Sticker required; fee.** (a) Except as provided in paragraph (b), a person may not operate a snowmobile on a state or grant-in-aid snowmobile trail unless a snowmobile state trail sticker is affixed to the snowmobile. The commissioner of natural resources shall issue a sticker upon application and payment of a \$15 fee. The fee for a three-year snowmobile state trail sticker that is purchased at the time of snowmobile registration is \$30. In addition to other penalties prescribed by law, a person in violation of this subdivision must purchase an annual state trail sticker for a fee of \$30. The sticker is valid from November 1 through April 30. Fees collected under this section, except for the issuing fee for licensing agents, shall be deposited in the state treasury and credited to the snowmobile trails and enforcement account in the natural resources fund and, except for the electronic licensing system commission established by the commissioner under section 84.027, subdivision 15, must be used for grants-in-aid, trail maintenance, grooming, and easement acquisition.

(b) A state trail sticker is not required under this section for:

- (1) a snowmobile owned by the state or a political subdivision of the state that is registered under section 84.82, subdivision 5;
- (2) a snowmobile that is owned and used by the United States, another state, or a political subdivision thereof that is exempt from registration under section 84.82, subdivision 6;
- (3) a collector snowmobile that is operated as provided in a special permit issued for the collector snowmobile under section 84.82, subdivision 7a; ~~or~~
- (4) a person operating a snowmobile only on the portion of a trail that is owned by the person or the person's spouse, child, or parent; or
- (5) a snowmobile while being used to groom a state or grant-in-aid trail.

Sec. 5. Minnesota Statutes 2006, section 84.925, subdivision 5, is amended to read:

Subd. 5. **Training requirements.** (a) An individual who was born after July 1, 1987, and who is 16 years of age or older, must successfully complete the independent study course component of all-terrain vehicle safety training before operating an all-terrain vehicle on public lands or waters, public road rights-of-way, or state or grant-in-aid trails.

(b) An individual who is convicted of violating a law related to the operation of an all-terrain vehicle must successfully complete the independent study course component of all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

(c) An individual who is convicted for a second or subsequent excess speed, trespass, or wetland violation in an all-terrain vehicle season, or any conviction for careless or reckless operation of an all-terrain vehicle, must successfully complete the independent study and the testing and operating course components of all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

(d) An individual who receives three or more citations and convictions for violating a law related to the operation of an all-terrain vehicle in a two-year period must successfully complete the independent study and the testing and operating course components of all-terrain vehicle safety training before continuing operation of an all-terrain vehicle.

(e) An individual must present evidence of compliance with this subdivision before an all-terrain vehicle registration is issued or renewed.

Sec. 6. Minnesota Statutes 2006, section 84.926, is amended by adding a subdivision to read:

Subd. 6. **Snowmobiles; closed forests; off trail.** Forests classified as closed forests are open to off-trail snowmobile use unless prohibited, as determined by the commissioner by written order published in the State Register. The determination is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Sec. 7. Minnesota Statutes 2006, section 85.015, subdivision 14, is amended to read:

Subd. 14. **Gateway Trail Willard Munger Trail System, Chisago, Ramsey, Pine, St. Louis, Carlton, and Washington Counties.** (a) The trail shall consist of six segments. One segment shall be known as the Gateway Trail and shall originate at the State Capitol and shall extend northerly and northeasterly to William O'Brien State Park, thence northerly to Taylors Falls in Chisago County, and there terminate. One segment shall be known as the Boundary Trail and shall originate in Chisago County and extend into Duluth in St. Louis County. One segment shall be known as the Browns Creek Trail and shall originate at Duluth Junction and extend into Stillwater in Washington County. One segment shall be known as the Munger Trail and shall originate at Hinckley in Pine County and extend through Moose Lake in Carlton County to Duluth in St. Louis County. One segment shall be known as the Alex Laveau Trail and shall originate in Carlton County at Carlton and extend through Wrenshall to the Minnesota-Wisconsin border. One segment shall be established that extends the trail to include the cities of Proctor, Duluth, and Hermantown in St. Louis County.

(b) The ~~trail~~ Gateway and Browns Creek trails shall be developed primarily for hiking and nonmotorized riding and the remaining trails shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the ~~trail~~ Gateway and Browns Creek trails may be acquired by eminent domain.

(d) The commissioner of natural resources, after consulting with all local units of government affected by the trail, and with the commissioner of transportation and the Metropolitan Council, shall prepare a master plan for the trail. After completion of the master plan, any land or interest in land not needed for the trail may be disposed of by the commissioner of natural resources as follows:

(1) by transfer to the Department of Transportation, the Historical Society, or another state agency;

(2) by sale at not less than the purchase price to a city, town, school district, park district, or

~~other political subdivision whose boundaries include or are adjacent to the land, for public purposes only, after written notice to each of these political subdivisions; or~~

~~(3) if no offer to purchase is received from any political subdivision within one year after the completion of the master plan, then by public sale, at not less than the purchase price, upon notice published in the manner provided in section 92.14, and otherwise in the same manner as trust fund lands are sold, so far as applicable.~~

~~All proceeds derived from sales of unneeded land and interest in land shall be deposited in the state bond fund. For the purposes of United States Code, title 23, section 138, and title 49, section 1653(f), any land or interest in land not needed for the trail and transferred to another state agency, or sold, does not constitute permanent park, recreation area, or wildlife or waterfowl refuge facility land.~~

Sec. 8. **REPEALER.**

Minnesota Statutes 2006, section 85.015, subdivision 11, is repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying acquisition authority for state trails; modifying requirements for certain recreational vehicles; providing for off-trail snowmobile use in certain state forests; modifying certain state trails; amending Minnesota Statutes 2006, sections 84.029, subdivision 2; 84.788, subdivision 1; 84.82, subdivision 6; 84.8205, subdivision 1; 84.925, subdivision 5; 84.926, by adding a subdivision; 85.015, subdivision 14; repealing Minnesota Statutes 2006, section 85.015, subdivision 11."

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

S.F. No. 2103: A bill for an act relating to environment; modifying provisions for regulating genetically engineered organisms; amending Minnesota Statutes 2006, sections 116C.92; 116C.94, subdivision 1; 116C.97, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 116C.92, is amended to read:

116C.92 COORDINATION OF ACTIVITIES.

Subdivision 1. State coordinating organization. The Environmental Quality Board is designated the state coordinating organization for state and federal regulatory activities relating to genetically engineered organisms.

Subd. 2. Notice of nationwide action. The board shall notify interested parties if a permit to release genetically engineered wild rice is issued anywhere in the United States. For purposes of this subdivision, "interested parties" means:

- (1) the state's wild rice industry;
- (2) the legislature;
- (3) federally recognized tribes within Minnesota; and
- (4) individuals who request to be notified.

Sec. 2. Minnesota Statutes 2006, section 116C.94, subdivision 1, is amended to read:

Subdivision 1. **General authority.** (a) Except as provided in paragraph (b), the board shall adopt rules consistent with sections 116C.91 to 116C.96 that require an environmental assessment worksheet and otherwise comply with chapter 116D and rules adopted under it for a proposed release and a permit for a release. The board may place conditions on a permit and may deny, modify, suspend, or revoke a permit.

(b) The board shall adopt rules that require an environmental impact statement and otherwise comply with chapter 116D and rules adopted under it for a proposed release and a permit for a release of genetically engineered wild rice. The board may place conditions on the permit and may deny, modify, suspend, or revoke the permit.

Sec. 3. Minnesota Statutes 2006, section 116C.97, subdivision 2, is amended to read:

Subd. 2. **Federal oversight.** (a) If the board determines, upon its own volition or at the request of any person, that a federal program exists for regulating the release of certain genetically engineered organisms and the federal oversight under the program is adequate to protect human health or the environment, then any person may release such genetically engineered organisms after obtaining the necessary federal approval and without obtaining a state release permit or a significant environmental permit or complying with the other requirements of sections 116C.91 to 116C.96 and the rules of the board adopted pursuant to section 116C.94.

(b) If the board determines the federal program is adequate to meet only certain requirements of sections 116C.91 to 116C.96 and the rules of the board adopted pursuant to section 116C.94, the board may exempt such releases from those requirements.

(c) A person proposing a release for which a federal authorization is required may apply to the board for an exemption from the board's permit or to a state agency with a significant environmental permit for the proposed release for an exemption from the agency's permit. The proposer must file with the board or state agency a written request for exemption with a copy of the federal application and the information necessary to determine if there is a potential for significant environmental effects under chapter 116D and rules adopted under it. The board or state agency shall give public notice of the request in the first available issue of the EQB Monitor and shall provide an opportunity for public comment on the environmental review process consistent with chapter 116D and rules adopted under it. The board or state agency may grant the exemption if the board or state agency finds that the federal authorization issued is adequate to meet the requirements of chapter 116D and rules adopted under it and any other requirement of the board's or state agency's authority regarding the release of genetically engineered organisms. The board or state agency must grant or deny the exemption within 45 days after the receipt of the written request and the information required by the board or state agency.

(d) This subdivision does not apply to genetically engineered organisms for which an

environmental impact statement is required under sections 116C.91 to 116C.96.

Sec. 4. **WILD RICE STUDY.**

By February 15, 2008, the commissioner of natural resources must prepare a study for natural wild rice that includes:

- (1) the current location and estimated acreage and area of natural stands;
- (2) identified threats to natural stands, including, but not limited to, development pressure, water levels, pollution, invasive species, and genetic strains; and
- (3) recommendations to the house and senate committees with jurisdiction over natural resources on protecting and increasing natural wild rice stands in the state.

In developing the study, the commissioner must contact and ask for comments from the state's wild rice industry, the commissioner of agriculture, local officials with significant areas of wild rice within their jurisdictions, tribal leaders within affected federally recognized tribes, and interested citizens.

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

Sec. 5. **CONSTRUCTION.**

Nothing in this act affects, alters, or modifies the authorities, responsibilities, obligations, or powers of the state or any political subdivision thereof or any federally recognized tribe."

Amend the title as follows:

Page 1, line 3, before "amending" insert "requiring a study;"

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

H.F. No. 122: A bill for an act relating to commerce; regulating sales of American flags; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Page 1, line 6, after "person" insert "in the business of offering goods at retail"

Page 1, line 9, delete everything after "effective" and insert "January 1, 2008."

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

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

S.F. No. 1677: A bill for an act relating to occupations; registration required for hair braiding; proposing coding for new law in Minnesota Statutes, chapter 154.

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

Page 1, line 9, delete "annually"

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

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

S.F. No. 1825: A bill for an act relating to boxing; modifying oversight requirements; increasing fees; amending Minnesota Statutes 2006, sections 341.28, subdivision 2, by adding a subdivision; 341.32, subdivision 2; 341.321.

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

Page 1, delete section 2

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

S.F. No. 827: A bill for an act relating to health; requiring coverage for interpreter services for health plan and medical assistance enrollees; amending Minnesota Statutes 2006, section 256B.0625, subdivision 18a; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Delete everything after the enacting clause and insert:

"Section 1. **[62Q.40] LANGUAGE INTERPRETER SERVICES.**

(a) A health plan must cover sign language interpreter services provided to deaf and hard-of-hearing enrollees and language interpreter services provided to enrollees with limited English proficiency in order to facilitate the provision of health care services by a provider. For purposes of this section, "provider" has the meaning given in section 62J.03, subdivision 8, and includes a health care provider facility; and "health plan" includes coverage excluded under section 62A.011, subdivision 3, clauses (6), (7), (9), and (10). Interpreter services may be provided in person, by telephone, facsimile, video or audio streaming, or by video conference. In accordance with paragraphs (b) and (c), a health plan company shall reimburse either the party providing interpreter services directly for the costs of language interpreter services provided to the enrollee or the provider arranging for the provision of interpreter services. Providers that employ or contract with interpreters may bill and shall be reimbursed directly by health plan companies for such services in accordance with paragraph (b). A health plan company shall provide to enrollees, upon request, the policies and procedures for addressing the needs of deaf and hard-of-hearing

enrollees and enrollees with limited English proficiency. All parties providing interpreter services must disclose their methods for ensuring competency upon request of any health plan company, provider, or consumer.

(b) A health plan company may pay for interpreter services as required in paragraph (a) by establishing a network of interpreter service providers and requiring use of its own network of interpreter services providers. The health plan company shall consider, as part of its interpreter service provider network, entering into an agreement with a provider for use of an interpreter service provider employed by or under contract with the provider if:

(1) the provider accepts as reimbursement for services rendered by the provider's employed or contracted interpreter service provider the lesser of either the health plan company's reimbursement rate for its in-network interpreter service providers or the provider's fee for services rendered by the provider's interpreter service provider; and

(2) the interpreter service provider meets the published quality standards of the health plan company.

(c) If a health plan company's or a provider's employed or contracted interpreter service provider is unavailable to provide interpreter services, the health plan company shall reimburse the interpreter service provider at the lesser of the health plan company's median reimbursement rate for its in-network interpreter service providers or the interpreter service provider's fee. An interpreter service provider not employed or under contract with a health plan company or provider who fails to meet the quality standards of a health plan company or as required by law, shall be ineligible for reimbursement under this section.

(d) If the health plan company pays the interpreter service provider directly, it has no obligation to pay the provider under this section.

(e) Nothing in this section requires a health plan company to establish a network of interpreter service providers.

EFFECTIVE DATE. This section is effective July 1, 2008, and applies to plans issued or renewed to provide coverage to Minnesota residents on or after that date unless the legislature enacts alternative funding sources based on the recommendations of the commissioner of health.

Sec. 2. **INTERPRETER SERVICES WORK GROUP.**

(a) The commissioner of health shall, in consultation with the commissioners of commerce, human services, and employee relations, convene a work group to study the provision of interpreter services to patients in medical and dental care settings. The work group shall include one representative from each of the following groups:

(1) consumers;

(2) interpreters;

(3) interpreter service providers or agencies;

(4) health plan companies;

(5) self-insured purchasers;

- (6) hospitals;
 - (7) health care providers;
 - (8) dental providers;
 - (9) clinic administrators;
 - (10) state agency staff from the Departments of Health, Human Services, and Employee Relations;
 - (11) Minnesota Registry of Interpreters for the Deaf;
 - (12) local county social services agencies;
 - (13) local public health agencies; and
 - (14) three members from the interpreting stakeholders group.
- (b) The work group shall develop findings and recommendations on the following:
- (1) assuring access to interpreter services;
 - (2) compliance with requirements of federal law and guidance;
 - (3) developing a quality assurance program to ensure the quality of health care interpreting services, including requirements for training and establishing a certification process; and
 - (4) identifying broad-based funding mechanisms for interpreter services.
- (c) Based on the discussions of the work group, the commissioner shall make recommendations to the chairs of the health policy and finance committees in the house of representatives and senate by January 15, 2008, on how to ensure high quality interpreter services for patients in medical and dental settings, and for a broad-based funding mechanism for delivering these services.

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

Delete the title and insert:

"A bill for an act relating to health; requiring coverage for interpreter services; establishing an interpreter services work group; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 62Q."

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

S.F. No. 350: A bill for an act relating to veterans; providing a day off with pay to certain veterans on Veteran's Day; requiring certain instruction; encouraging employers to honor Veteran's Day; proposing coding for new law in Minnesota Statutes, chapter 197.

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

Page 1, line 9, delete "day off with pay" and insert "personal day of leave qualification"

Amend the title as follows:

Page 1, line 2, delete "day off with pay" and insert "personal day of leave"

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

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

S.F. No. 1397: A bill for an act relating to veterans affairs; providing a health screening benefit for eligible members of the armed forces; requiring notification; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 197.

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

Page 2, line 11, delete "\$3,000,000" and insert "\$1,000,000"

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

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

S.F. No. 2059: A bill for an act relating to veterans; changing certain qualifications for service on the Minnesota Veterans Homes Board and service as the board's executive director; amending Minnesota Statutes 2006, sections 198.002, subdivision 2; 198.004, subdivision 1.

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

Page 1, line 12, after the semicolon, insert "and"

Page 1, line 13, strike "three" and insert "eight"

Page 1, line 14, strike "; and" and insert a period

Page 1, line 15, strike "(3)" and after "five" insert "public" and strike everything after "members"

Page 1, line 16, strike everything before "members" and insert "must be"

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

S.F. No. 375: A bill for an act relating to veterans; education; clarifying and slightly extending eligibility for educational benefits for certain surviving military spouses and children under the War Orphans Act; amending Minnesota Statutes 2006, section 197.75.

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

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

S.F. No. 590: A resolution exhorting Congress to reform the federal Montgomery GI Bill for the Selected Reserves to permit members of the National Guard and reserves who have been mobilized into federal active duty in support of current wars to receive and use their federal educational benefits following separation from active reserve status and final discharge from the military.

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

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

S.F. No. 1998: A bill for an act relating to utilities; specifying conditions and procedures for the payment of compensation to certain intervenors in utility proceedings; amending Minnesota Statutes 2006, section 216B.16, subdivision 10.

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

Page 1, line 12, delete "any contested matter" and insert "a general rate case"

Page 1, line 21, delete "at a minimum" and insert "among other factors"

Page 2, delete lines 11 to 14 and insert:

"(1) whether the costs presented in the intervenor's claim reflect reasonable fees for attorneys and expert witnesses and other reasonable costs; and

(2) the ratio between the costs of intervention and the intervenor's unrestricted funds."

Page 2, line 31, delete "and"

Page 2, line 32, delete the period and insert "; and"

Page 2, after line 32, insert:

"(7) a narrative explaining why additional organizational funds cannot be devoted to the intervention."

Page 3, delete section 2 and insert:

"Sec. 2. **APPLICATION OF RULES.**

Minnesota Rules, parts 7831.0100; 7831.0200; 7831.0300; 7831.0400; 7831.0500; 7831.0600; 7831.0700; and 7831.0800, do not apply to a general rate case for a gas or electric utility held before the commission. The Public Utilities Commission shall adopt rules to conform with this section and Minnesota Statutes, section 216B.16, subdivision 10, as amended by this act, under the exempt rule procedures of Minnesota Statutes, section 14.388, subdivision 1, clause (3)."

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

S.F. No. 2041: A bill for an act relating to public utilities; providing for recovery of costs to be incurred as result of a qualified emissions-reduction project; amending Minnesota Statutes 2006, section 216B.1692, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. **ST. PAUL PORT AUTHORITY; ENERGY FACILITY.**

Notwithstanding Minnesota Statutes, section 465.717, the St. Paul Port Authority may create a not-for-profit corporation for purposes of owning or operating, or both, a steam producing facility to be located in St. Paul that uses fuel consistent with eligible energy technologies as defined in Minnesota Statutes, section 216B.1691.

The facility may not sell energy to retail customers other than one customer using steam in a paper recycling operation.

The environmental review and permitting and other preliminary work for the facility may proceed but construction of the facility may not be commenced until the facility receives support from local community organizations."

Delete the title and insert:

"A bill for an act relating to energy; authorizing the St. Paul Port Authority to create a not-for-profit corporation to own or operate a steam producing facility."

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

S.F. No. 2053: A bill for an act relating to energy; establishing propane prepurchase program in Department of Commerce; providing consumer protections to delivered-fuel customers; proposing coding for new law in Minnesota Statutes, chapters 216B; 325E.

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

Page 2, delete section 2 and insert:

"Sec. 2. **[325E.027] DELIVERED FUEL DEALER; DISCRIMINATION PROHIBITION.**

(a) No dealer or distributor of liquid propane gas or number 1 or number 2 fuel oil who has signed a low-income home energy assistance program vendor agreement with the Department of Commerce may refuse to deliver liquid propane gas or number 1 or number 2 fuel oil to any person

located within the dealer's or distributor's normal delivery area who receives direct grants under the low-income home energy assistance program if:

- (1) the person has requested delivery;
- (2) the dealer or distributor has product available;
- (3) the person requesting delivery is capable of making full payment at the time of delivery; and
- (4) the person is not in arrears regarding any previous fuel purchase from that dealer or distributor.

(b) A dealer or distributor making delivery to a person receiving direct grants under the low-income home energy assistance program may not charge that person any additional costs or fees that would not be charged to any other customer and must make available to that person any discount program on the same basis as the dealer or distributor makes available to any other customer."

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

Senator Pappas from the Committee on Higher Education, to which were referred the following appointments:

BOARD OF TRUSTEES OF THE MINNESOTA
STATE COLLEGES AND UNIVERSITIES

Caleb Anderson
Michael Boulton
Christine Rice
C. Scott Thiss
James Van Houten

MINNESOTA HIGHER EDUCATION FACILITIES AUTHORITY

Carla Nelson
Michael Ranum
David Rowland

Reports the same back with the recommendation that the appointments be confirmed.

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. No. 2053 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 122 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Wergin moved that the name of Senator Michel be added as a co-author to S.F. No. 159. The motion prevailed.

Senator Wergin moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Johnson be added as chief author to S.F. No. 873. The motion prevailed.

Senator Berglin moved that the name of Senator Saltzman be added as a co-author to S.F. No. 1963. The motion prevailed.

Senator Rest moved that the name of Senator Latz be added as a co-author to S.F. No. 2126. The motion prevailed.

Senators Hann, Limmer and Senjem introduced –

Senate Resolution No. 71: A Senate resolution relating to seating in the Senate Chamber; requiring seats to be assigned so that the caucuses are divided left and right, rather than front and back.

Referred to the Committee on Rules and Administration.

Senator Skoe introduced –

Senate Resolution No. 72: A Senate resolution honoring the Augsburg College wrestling team.

Referred to the Committee on Rules and Administration.

Senators Koch, Dille, Wergin and Clark introduced –

Senate Resolution No. 73: A Senate resolution congratulating the Buffalo High School boys basketball team on winning the 2007 State High School Class AAAA boys basketball championship.

Referred to the Committee on Rules and Administration.

Senator Vandever introduced –

Senate Resolution No. 74: A Senate resolution recognizing Stephanie Zastrow of Forest Lake, Minnesota, as a 2006 State Farm Scholastic Honors Team Member.

Referred to the Committee on Rules and Administration.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Sparks introduced—

S.F. No. 2216: A bill for an act relating to telecommunications; amending regulation of cable communications systems; providing regulation of state-authorized video service providers; amending Minnesota Statutes 2006, sections 238.02, by adding subdivisions; 238.03; proposing coding for new law in Minnesota Statutes, chapter 238.

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

Senator Chaudhary introduced—

S.F. No. 2217: A bill for an act relating to game and fish; authorizing the commissioner of natural resources to issue special permits for taking bear for certain purposes; amending Minnesota Statutes 2006, section 97B.405.

Referred to the Committee on Environment and Natural Resources.

Senators Saltzman, Olseen, Metzen and Sieben introduced—

S.F. No. 2218: A bill for an act relating to civil actions; statutory housing warranties; regulating recovery for breaches; amending Minnesota Statutes 2006, section 327A.05.

Referred to the Committee on Judiciary.

Senators Prettner Solon, Rest, Chaudhary and Bakk introduced—

S.F. No. 2219: A bill for an act relating to natural resources; requiring all vessels engaged in port operations in this state to obtain a permit related to ballast water treatment and discharge; amending Minnesota Statutes 2006, section 84D.01, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 84D.

Referred to the Committee on Environment and Natural Resources.

Senators Michel, Bonoff, Rummel and Hann introduced—

S.F. No. 2220: A bill for an act relating to education; expanding postsecondary enrollment options program to include ninth and tenth grade students; amending Minnesota Statutes 2006, section 124D.09, subdivisions 3, 4, 5, 7, 8, 9.

Referred to the Committee on Education.

Senators Anderson and Kubly introduced—

S.F. No. 2221: A bill for an act relating to real property; regulating interests related to wind energy developments; amending Minnesota Statutes 2006, section 500.30.

Referred to the Committee on Judiciary.

MOTIONS AND RESOLUTIONS - CONTINUED**CONFIRMATION**

Senator Vickerman moved that the report from the Committee on Agriculture and Veterans, reported January 25, 2007, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Vickerman moved that the foregoing report be now adopted. The motion prevailed.

Senator Vickerman moved that in accordance with the report from the Committee on Agriculture and Veterans, reported January 25, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF ANIMAL HEALTH

Mahesh C. Kumar, 634 Jenisa Dr., St. Cloud, Stearns County, effective February 24, 2006, for a term expiring on January 4, 2010.

MINNESOTA RURAL FINANCE AUTHORITY

Lisa Heggedahl, 71521 - 240th Ave., Hayfield, Dodge County, effective July 6, 2006, for a term expiring on January 4, 2010.

Gary Pawlitschek, 601 - 6th Ave. S.W., Winnebago, Faribault County, effective July 6, 2006, for a term expiring on January 4, 2010.

Howard Swenson, 45612 - 380th St., Nicollet, Nicollet County, effective May 31, 2005, for a term expiring on January 5, 2009.

William Thyne, 321 Stephens Ave., Ortonville, Big Stone County, effective May 31, 2005, for a term expiring on January 5, 2009.

The motion prevailed. So the appointments were confirmed.

MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

William H. Tendle, Jr., 2510 Weston Ln., Plymouth, Hennepin County, effective February 16, 2006, for a term expiring on January 4, 2010.

William A. Wroolie, Jr., 1111 Lakeview Ln., Brainerd, Crow Wing County, effective February 16, 2006, for a term expiring on January 4, 2010.

Senator Pogemiller moved that the foregoing appointments relating to the Minnesota Veterans Homes Board of Directors be re-referred to the Committee on Agriculture and Veterans. The motion prevailed.

**DEPARTMENT OF VETERANS AFFAIRS
COMMISSIONER**

Clark Dyrud, 5501 Humboldt Cir., Minneapolis, Hennepin County, effective January 2, 2007, for a term expiring on January 3, 2011.

Senator Pogemiller moved that the foregoing appointment be laid on the table. The motion prevailed.

CONFIRMATION

Senator Bakk moved that the report from the Committee on Taxes, reported February 19, 2007, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Bakk moved that the foregoing report be now adopted. The motion prevailed.

Senator Bakk moved that in accordance with the report from the Committee on Taxes, reported February 19, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA DEPARTMENT OF REVENUE COMMISSIONER

Ward Einess, 525 N. 3rd St., Apt. 513, Minneapolis, Hennepin County, effective January 2, 2007, for a term expiring on January 3, 2011.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Rest moved that the report from the Committee on State and Local Government Operations and Oversight, reported March 5, 2007, pertaining to appointments, be taken from the table. The motion prevailed.

Senator Rest moved that the foregoing report be now adopted. The motion prevailed.

Senator Rest moved that in accordance with the report from the Committee on State and Local Government Operations and Oversight, reported March 5, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD

Terri H. Ashmore, 54 Hilltop Ln., St. Paul, Ramsey County, effective January 2, 2007, for a term expiring on January 3, 2011.

Bob Milbert, 308 Deerwood Ct., South St. Paul, Dakota County, effective January 2, 2007, for a term expiring on January 3, 2011.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS - CONTINUED

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Senator Metzen in the chair.

After some time spent therein, the committee arose, and Senator Metzen reported that the committee had considered the following:

S.F. No. 380, which the committee recommends to pass.

H.F. No. 1004, which the committee recommends to pass, subject to the following motion:

Senator Higgins moved that the amendment made to H.F. No. 1004 by the Committee on Rules and Administration in the report adopted March 31, 2007, pursuant to Rule 45, be stricken. The motion prevailed. So the amendment was stricken.

S.F. No. 221, which the committee recommends to pass with the following amendment offered by Senator Neuville:

Page 1, line 7, after "hire" insert ", and to an employee upon termination of employment,"

Page 1, delete lines 8 and 9

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1495, which the committee recommends to pass with the following amendment offered by Senator Sparks:

Delete everything after the enacting clause and insert:

"Section 1. Laws 2005, chapter 158, section 4, is amended to read:

Sec. 4. EFFECTIVE DATE; TERMINATION.

This act is effective the day following final enactment. The amendments made by section 1, and sections 2 and 3 expire May 31, ~~2007~~ 2008.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to employment; extending laws governing payroll card accounts; amending Laws 2005, chapter 158, section 4."

The motion prevailed. So the amendment was adopted.

S.F. No. 248, which the committee recommends to pass with the following amendment offered by Senator Limmer:

Page 1, line 17, strike "\$50" and insert "\$100"

The motion prevailed. So the amendment was adopted.

On motion of Senator Betzold, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Cohen moved that S.F. No. 265 be withdrawn from the Committee on Capital Investment and re-referred to the Committee on Finance. The motion prevailed.

Senator Berglin moved that S.F. No. 356, No. 70 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

RECESS

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Cohen moved that S.F. No. 100 be withdrawn from the Committee on Health, Housing and Family Security and re-referred to the Committee on Judiciary. The motion prevailed.

MEMBERS EXCUSED

Senator Ortman was excused from the Session of today.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Thursday, April 12, 2007. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Wednesday, April 11, 2007

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
350	..... 1958		122	..... 1955	1962
375	..... 1959				
590	..... 1960				
827	..... 1956				
1185	..... 1950				
1360	..... 1949				
1397	..... 1959				
1677	..... 1955				
1825	..... 1956				
1998	..... 1960				
2041	..... 1961				
2053	..... 1961	1962			
2059	..... 1959				
2103	..... 1953				

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
100	..... 1968		
159	..... 1963		
265	..... 1968		
356	..... 1968		
873	..... 1963		
1963	..... 1963		
2126	..... 1963		
Sen. Res. No. 71	..... 1963		
Sen. Res. No. 72	..... 1963		
Sen. Res. No. 73	..... 1963		

Sen. Res.
No. 74 1963

GENERAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
221	1967	1004	1967
248	1967		
380	1967		
1495	1967		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F Nos. 2216 to 2221 Page 1964