

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

FORTY-SEVENTH DAY

St. Paul, Minnesota, Friday, April 13, 2007

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

CALL OF THE SENATE

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

Prayer was offered by Senator Michael J. Jungbauer.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1133.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 12, 2007

Mr. President:

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

S.F. No. 1045: A bill for an act relating to Scott County; renaming the Scott County Housing and Redevelopment Authority.

Senate File No. 1045 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 12, 2007

Senator Ortman moved that S.F. No. 1045 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 881 and 1490.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 12, 2007

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 881: A bill for an act relating to metropolitan government; modifying the Metropolitan Land Planning Act and related statutes; correcting erroneous, ambiguous, and obsolete references; making miscellaneous technical corrections to statutes; amending Minnesota Statutes 2006, sections 15.99, subdivision 2; 473.175; 473.851; 473.852, subdivision 1; 473.854; 473.856; 473.857, subdivision 2; 473.858; 473.859, subdivision 1; 473.866; 473.867, subdivisions 1, 2; 473.869; 473.871; repealing Minnesota Statutes 2006, sections 473.1455; 473.868.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 981, now on General Orders.

H.F. No. 1490: A bill for an act relating to Scott County; authorizing adoption of personnel rules; modifying veterans' preference.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1419, now on General Orders.

REPORTS OF COMMITTEES

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 2001: A bill for an act relating to state government; modifying the process for disposition of surplus real property; amending Minnesota Statutes 2006, sections 16B.281, subdivisions 1, 3; 16B.282; 16B.283; 16B.284; 16B.287, subdivision 2; repealing Minnesota Statutes 2006, sections 16B.281, subdivisions 2, 4, 5; 16B.285.

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 2057: A bill for an act relating to airports; authorizing local units of government to create airport authorities; authorizing a property tax levy; defining terms; amending Minnesota Statutes 2006, section 360.031; proposing coding for new law in Minnesota Statutes, chapter 360.

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

Page 2, line 2, before the period, insert ", including a proposed date for the first meeting of the authority"

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

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

S.F. No. 1927: A bill for an act relating to a uniform system of public schools; requiring the Department of Education to examine educational programs throughout Minnesota to determine if a general and uniform system of public schools exists; requiring a report; appropriating money.

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

Page 1, line 7, delete "UNIFORM SYSTEM OF PUBLIC SCHOOLS" and insert "STUDY OF PUBLIC SCHOOL SYSTEMS"

Page 1, line 12, delete "the opportunities for classes"

Page 1, delete lines 13 to 14 and insert "whether equal educational opportunities for student achievement exist throughout the state. The department shall assess the extent to which school size, tax base disparities, funding disparities, and facility differences affect educational opportunities for achievement for all students in the state."

Amend the title as follows:

Page 1, line 2, delete "a uniform system of"

Page 1, line 4, delete "and uniform" and insert ", uniform, thorough, and efficient"

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 2043: A bill for an act relating to local government; authorizing home rule charter cities to provide by charter the procedures for appointment of housing and redevelopment authority commissioners; amending Minnesota Statutes 2006, section 469.003, subdivision 6.

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

Delete everything after the enacting clause and insert:

"Section 1. CITY OF ANOKA HRA.

The city of Anoka may provide in its home rule charter the procedures for the appointment of the city housing and redevelopment authority commissioners, notwithstanding Minnesota Statutes, section 469.003, subdivision 6.

EFFECTIVE DATE. This section is effective the day after the governing body of the city of Anoka and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Delete the title and insert:

"A bill for an act relating to the city of Anoka; authorizing the city in its home rule charter to provide the procedure for the appointment of the city housing and redevelopment authority commissioners."

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was referred

S.F. No. 1075: A bill for an act relating to the State Board of Investment; requiring divestment from certain investments relating to Sudan; proposing coding for new law in Minnesota Statutes, chapter 11A.

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 875: A bill for an act relating to employment; increasing and indexing the minimum wage; eliminating the training wage; requiring notice to new employees; amending Minnesota Statutes 2006, section 177.24, subdivision 1, by adding a subdivision.

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 886: A resolution memorializing the President and Congress to promote the United States' ability to compete in the global marketplace for talented and necessary workers.

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 Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 514: A bill for an act relating to employment; regulating unpaid work for cash assistance; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 1443: A bill for an act relating to unemployment insurance; providing eligibility for unemployment benefits and extra benefits for certain mechanics involved in a labor dispute with Northwest Airlines, Inc.

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

Delete everything after the enacting clause and insert:

"Section 1. **UNEMPLOYMENT BENEFITS; CONTINUED REQUEST TIME PERIOD WAIVER.**

Notwithstanding the requirements of Minnesota Statutes, sections 268.085, subdivision 1, clause (1), and 268.086, the commissioner must accept continued requests for unemployment benefits and pay unemployment benefits to an applicant who:

(1) was employed as a technician or inspector for Northwest Airlines, Inc., prior to August 20, 2005;

(2) stopped working on or about August 20, 2005, because of a labor dispute between the Aircraft Mechanics Fraternal Association (AMFA) and Northwest Airlines, Inc.;

(3) did not file continued requests for unemployment benefits within the time periods required under Minnesota Statutes, section 268.086; and

(4) meets all the other requirements for the payment of unemployment benefits under Minnesota Statutes, section 268.069, subdivision 2.

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

Delete the title and insert:

"A bill for an act relating to unemployment insurance; providing a waiver from certain filing requirements."

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 1735: A bill for an act relating to building codes; requiring adoption of certain provisions relating to radon control; amending Minnesota Statutes 2006, section 16B.61, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 16B.61, is amended by adding a subdivision to read:

Subd. 3b. **Radon code.** The commissioner of labor and industry shall adopt rules for radon control as part of the State Building Code for all new residential buildings. These rules shall incorporate the radon control methods found in the International Residential Code appendix as the model language, with necessary amendments to coordinate with the other adopted construction codes in Minnesota."

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 1787: A bill for an act relating to workers' compensation; requiring the commissioner of labor and industry to adopt rules regarding common carrier railroad employees; requiring a report; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. **WORKERS' COMPENSATION EXCLUSION INFORMATION.**

The commissioner of labor and industry shall provide information to medical care providers, employers, employees, insurers, and other individuals and organizations involved in the workers' compensation system in Minnesota regarding federal exclusions from state workers' compensation coverage under Minnesota Statutes, section 176.041, subdivision 1.

Sec. 2. **REPORT.**

The commissioner of labor and industry shall submit a report by March 1, 2008, to the committees of the house of representatives and senate with jurisdiction over workers' compensation issues detailing the department's dissemination of information required under section 1.

Sec. 3. **EFFECTIVE DATE.**

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

Delete the title and insert:

"A bill for an act relating to workers' compensation; requiring the commissioner of labor and industry to provide information regarding federal exclusions from state workers' compensation coverage; requiring a report."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 2212: A bill for an act relating to unemployment insurance; modifying Social Security offset provisions; amending Minnesota Statutes 2006, section 268.085, subdivision 4.

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 268.085, subdivision 4, is amended to read:

Subd. 4. **Social Security benefits.** (a) Any applicant aged 62 or over ~~shall be~~ is required to state when filing an application for unemployment benefits and when filing continued ~~biweekly~~ requests for unemployment benefits ~~whether~~ if the applicant is receiving, has filed for, or intends to file for, primary Social Security old age benefits for any week during the benefit year.

If the effective date of the applicant's Social Security claim for old age benefits is, or will be, after the start of the base period, there shall must be deducted from an applicant's weekly unemployment benefit amount 50 percent of the weekly equivalent of the primary Social Security old age benefit the applicant has received, has filed for, or intends to file for, with respect to that week.

If the effective date of the applicant's Social Security claim for old age benefits is before the start of the base period, there is no deduction from the applicant's weekly unemployment benefit amount.

(b) An applicant who is receiving, has received, or has filed for primary Social Security disability benefits for any week during the benefit year ~~shall must~~ be determined unable to work and unavailable for suitable employment for that week, unless:

(1) the Social Security Administration approved the collecting of primary Social Security disability benefits each month the applicant was employed during the base period; or

(2) the applicant provides a statement from an appropriate health care professional who is aware of the applicant's Social Security disability claim and the basis for that claim, certifying that the applicant is able to work and available for suitable employment.

If an applicant meets the requirements of clause (1) ~~or~~ there is no deduction from the applicant's weekly benefit amount for any Social Security disability benefits. If only clause (2) applies, then there shall must be deducted from the applicant's weekly unemployment benefit amount 50 percent of the weekly equivalent of the primary Social Security disability benefits the applicant is receiving, has received, or has filed for, with respect to that week; provided, however, that if the Social Security Administration determines that an individual is not entitled to receive primary Social Security disability benefits for any week the applicant has applied for those benefits, the 50 percent deduction ~~shall does~~ not apply to that week.

(c) Information from the Social Security Administration ~~shall be~~ is considered conclusive, absent specific evidence showing that the information was erroneous.

(d) If the computation of the reduced unemployment benefits is not a whole dollar, it ~~shall be~~ is rounded down to the next lower whole dollar.

(e) This subdivision does not apply to Social Security survivor benefits.

EFFECTIVE DATE. This section is effective for unemployment insurance benefit accounts filed effective on or after September 30, 2007."

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was re-referred

S.F. No. 1085: A bill for an act relating to health and the environment; prohibiting the sale of certain mercury-containing products; modifying restrictions on the sale, use, and disposal of certain mercury-containing products; requiring certain consumer information; modifying lamp recycling facility operation requirements; amending Minnesota Statutes 2006, sections 115A.932, subdivision 1; 116.92, subdivisions 3, 7a, by adding subdivisions; 116.93, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 121A; 325E.

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

Page 2, line 5, delete "disposed of" and insert "recycled"

Page 2, line 9, after "facility" insert ", retailer take-back and utility provider program sites, or other sites designated by an electric utility under section 216B.241, subdivisions 2 and 4"

Page 2, lines 18 and 19, reinstate the stricken language

Page 2, delete lines 26 to 30 and insert:

"(b) Labeling of items in accordance with mercury product labeling plans approved by another state that is a member of the Interstate Mercury Education and Reduction Clearinghouse (IMERC) shall be considered to be in compliance with this section. The manufacturer shall provide a copy of the labeling plan to the agency and shall notify the agency if the approval is modified.

(c) Manufacturers of products that contain a mercury-containing lamp not intended to be replaceable by the user or consumer shall meet the product labeling requirements of this section by placing the label on the product or in the care and use manual or product instructions.

EFFECTIVE DATE. Paragraphs (b) and (c) apply to products manufactured on or after January 1, 2008."

Page 3, line 10, delete "audibly"

Page 4, after line 17, insert:

"(c) A manufacturer shall be in compliance with this subdivision if:

(1) it has received an exclusion or exemption from a state that is a member of the Interstate Mercury Education and Reduction Clearinghouse (IMERC) for replacement parts or for a use where no feasible alternative is available;

(2) it submits a copy of the approved exclusion or exemption to the commissioner; and

(3) it meets all of the requirements in the approved exclusion or exemption for its activities within the state."

Page 5, line 2, delete "or animal"

Page 5, after line 8, insert:

"Sec. 12. Minnesota Statutes 2006, section 116.92, is amended by adding a subdivision to read:

Subd. 8j. **Exclusion for existing equipment.** The prohibitions in subdivisions 8b to 8g of this section do not apply if a switch, relay, or measuring device is used to replace a switch, relay, or measuring device that is a component of a larger product in use prior to January 1, 2008, provided the owner of that equipment has made every reasonable effort to determine that no compatible nonmercury replacement component exists."

Page 5, after line 13, insert:

"Sec. 14. **[116.921] MULTISTATE CLEARINGHOUSE.**

The agency is authorized to participate in the Interstate Mercury Education and Reduction Clearinghouse (IMERC) to assist in carrying out the requirements and coordinating any other activities related to the administration of statutes governing the purchase, sale, use, labeling, disposal, and management of mercury and mercury-containing products."

Page 6, delete section 15

Renumber the sections in sequence

Amend the title numbers accordingly

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was re-referred

S.F. No. 1278: A bill for an act relating to state government; defining best value; changing provisions for acquisition and competitive bidding; amending Minnesota Statutes 2006, sections 16C.02, by adding subdivisions; 16C.03, subdivision 3, by adding subdivisions; 16C.26; 16C.27, subdivision 1; 16C.28; 103D.811, subdivision 3; 103E.505, subdivision 5; 116A.13, subdivision 5; 123B.52, subdivision 1, by adding a subdivision; 160.17, by adding a subdivision; 160.262, by adding a subdivision; 161.32, by adding a subdivision; 161.3412, subdivision 1; 161.38, subdivision 4; 365.37, by adding a subdivision; 374.13; 375.21, by adding a subdivision; 383C.094, by adding a subdivision; 412.311; 429.041, by adding a subdivision; 458D.21, by adding a subdivision; 469.015, by adding a subdivision; 469.068, subdivision 1, by adding a subdivision; 471.345, subdivision 5, by adding subdivisions; 473.523, by adding a subdivision; 473.756, subdivision 12; proposing coding for new law in Minnesota Statutes, chapter 161.

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

Page 3, lines 8 and 26, after "(2)" insert " , and paragraph (c)"

Page 3, delete section 5 and insert:

"Sec. 5. Minnesota Statutes 2006, section 16C.03, is amended by adding a subdivision to read:

Subd. 19. **Training.** Any personnel administering procurement procedures for a user of best value procurement or any consultant retained by a local unit of government to prepare or evaluate solicitation documents must be trained, either by the department or through other training, in the request for proposals process for best value contracting for construction projects. The commissioner

may establish a training program for state and local officials, and vendors and contractors, on best value procurement for construction projects, including those governed by section 16C.28. If the commissioner establishes such a training program, the state may charge a fee for providing training."

Page 4, lines 10, 18, and 22, after "(2)" insert ", and paragraph (c)"

Page 5, line 23, before the period, insert ", and paragraph (c)" and after the second "(2)" insert ", and paragraph (c)"

Page 5, after line 25, insert:

"(c) When using the procurement process described in subdivision 1, paragraph (a), clause (2), the solicitation document must state the relative importance of price and other factors."

Page 7, lines 10, 21, and 27, before the period, insert ", and paragraph (c)"

Page 9, lines 11, 17, 24, and 30, before the period, insert ", and paragraph (c)"

Page 10, line 31, before the period, insert ", and paragraph (c)"

Page 11, lines 23 and 30, before the period, insert ", and paragraph (c)"

Page 12, lines 2, 18, 24, and 30, before the period, insert ", and paragraph (c)"

Page 13, line 4, before the period, insert ", and paragraph (c)"

Page 14, lines 11, 18, and 25, before the period, insert ", and paragraph (c)"

Page 15, lines 2, 9, and 29, after "(2)" insert ", and paragraph (c)"

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 1370: A bill for an act relating to amusement rides; modifying provisions regulating amusement rides; defining terms; amending Minnesota Statutes 2006, sections 184B.01, subdivision 4, by adding subdivisions; 184B.02; 184B.03; 184B.05; 184B.07; proposing coding for new law in Minnesota Statutes, chapter 184B; repealing Minnesota Statutes 2006, section 184B.06.

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 184B.01, is amended by adding a subdivision to read:

Subd. 2a. **Certified amusement ride inspector.** "Certified amusement ride inspector" means an individual who holds one or more of the following current certifications:

(1) a Level II Amusement Ride and Device Inspector certification issued by the National Association of Amusement Ride Safety Officials (NAARSO);

(2) a Level III Amusement Ride and Device Inspector certification issued by the National Association of Amusement Ride Safety Officials (NAARSO);

(3) a Level II Certified Maintenance Technician certification issued by the Amusement Industry Manufacturers and Suppliers (AIMS) International;

(4) a Level III Certified Maintenance Professional certification issued by the Amusement Industry Manufacturers and Suppliers (AIMS) International;

(5) a Level II Certified Operations Technician certification issued by the Amusement Industry Manufacturers and Suppliers (AIMS) International; or

(6) a Level III Certified Operations Professional certification issued by the Amusement Industry Manufacturers and Suppliers (AIMS) International.

Sec. 2. Minnesota Statutes 2006, section 184B.01, subdivision 4, is amended to read:

Subd. 4. **Operator.** "Operator" means a person who owns an amusement ride the individual having direct control of the starting, stopping, or speed control of an amusement ride.

Sec. 3. Minnesota Statutes 2006, section 184B.01, is amended by adding a subdivision to read:

Subd. 5. **Owner.** "Owner" means a person who owns, leases, or manages the operation of an amusement ride.

Sec. 4. Minnesota Statutes 2006, section 184B.01, is amended by adding a subdivision to read:

Subd. 6. **Rider.** (a) "Rider" means an individual who is in the immediate vicinity of an amusement ride, including an individual:

(1) waiting in the immediate vicinity of an amusement ride;

(2) getting on an amusement ride;

(3) on an amusement ride before, during, and after its operation;

(4) getting off an amusement ride; or

(5) leaving or approaching an amusement ride and in its immediate vicinity.

(b) "Rider" does not include:

(1) any operator while operating the amusement ride or any employees, agents, or servants of an operator while engaged in the duties of employment; or

(2) any owner or any employees, agents, or servants of an owner while engaged in the duties of employment.

Sec. 5. Minnesota Statutes 2006, section 184B.02, is amended to read:

184B.02 INSURANCE REQUIREMENTS.

An operator must have an insurance policy in force written by an insurance company authorized to do business in this state, in an amount of not less than \$1,000,000 per occurrence, insuring the operator against liability for injury to persons arising out of the use of an amusement ride. No person shall operate an amusement ride unless there is an insurance policy in force, written by an insurance company authorized to do business in this state, with limits of not less than \$1,000,000

per occurrence and \$2,000,000 aggregate, insuring all owners against liability for injury to a rider in connection with the amusement ride. Before an amusement ride is operated, an owner of the amusement ride must file with each sponsor, lessor, landowner, or other person who has contracted for the amusement ride to be offered to any riders a copy of the insurance policy or a certificate stating that the insurance required by this section is in effect.

The copy of the insurance policy, insurance certificate, or attached schedule shall identify each amusement ride included in the coverage by name, manufacturer, and serial number.

An owner of the amusement ride, or the State Agricultural Society on its behalf, must file with the commissioner a certificate stating the insurance required by this section is in effect. If the amusement ride is not operated on a continual year-round basis, an owner, or the State Agricultural Society on its behalf, must file the insurance certificate with the commissioner not later than 30 days before the first operation of the amusement ride in Minnesota in any calendar year. If the amusement ride is operated on a continual year-round basis, an owner, or the State Agricultural Society on its behalf, must file the insurance certificate with the commissioner not later than ten days after the effective date of the insurance.

Sec. 6. [184B.021] RIDE OPERATOR REQUIREMENTS.

The owner of an amusement ride must have a documented training policy for the operation of an amusement ride. The ride owner must maintain a written certification for each person controlling the physical operation of an amusement ride that the person has received the training for the ride that is required by the documented training policy.

Sec. 7. Minnesota Statutes 2006, section 184B.03, is amended to read:

184B.03 INSPECTION.

~~Subdivision 1. **Annual inspections.** (a) An amusement ride must be inspected at least once annually by an insurer or a person with whom the insurer has contracted. If an inspection reveals that an amusement ride does not meet the insurer's underwriting standards, the insurer must notify the operator. An operator must not operate an amusement ride until the ride passes an insurer's inspection for all items related to safe operation of the amusement ride.~~

~~(b) The inspection required under this section must include testing consistent with current American Society for Testing and Material standards and specifications for amusement rides and devices. The inspection required by this section is in addition to any other inspection required or permitted by law.~~

~~(c) An operator must permit reasonable inspection of an amusement ride by the insurance company that insures the ride.~~

~~(d) Paragraphs (a) and (b) do not apply to amusement rides permanently located in an amusement park where the owner has a rehabilitative and preventative ride maintenance program that includes daily ride inspections for the protection of the general public and a full-time, permanent maintenance staff and has an insurance policy in force written by an insurance company authorized to do business in this state, in an amount of not less than \$50,000,000, insuring the operator against liability for injury to persons arising out of the use of an amusement ride.~~

(a) An amusement ride must be inspected at least once annually by a certified amusement ride

inspector. The certified amusement ride inspector must be either:

(1) an employee of the insurance company that insures the amusement ride; or

(2) an independent inspection service provider that the insurance company or owner, or the State Agricultural Society, has contracted with, or an employee of the independent inspection service provider. If the certified amusement ride inspector is not an employee or agent of the insurance company that insures the amusement ride, then the independent inspection service provider must, before performing the inspection, provide proof of liability insurance in the amount of \$1,000,000 to the insurance company or owner, or the State Agricultural Society, with whom the independent service provider has contracted.

(b) Amusement rides that are not operated in Minnesota on a continual year-round basis must be inspected in the same calendar year and prior to July 1, or the first operation in Minnesota, whichever is later. Amusement rides that did not pass an inspection required by this section in the previous year must be inspected before being operated in Minnesota.

(c) If an inspection reveals that an amusement ride does not meet the current American Society for Testing and Materials (ASTM) Standards on Amusement Rides and Devices, F 846-92 and F 893-04, the insurer or independent inspection service provider must notify the owner of all defects.

(d) No person shall operate an amusement ride unless: (1) the amusement ride passed the most recent annual inspection required by this section; or (2) all defects identified during the most recent annual inspection have been corrected and the amusement ride passed a reinspection.

(e) All inspections and reinspections required by this section must include evaluation consistent with the current ASTM Standards on Amusement Rides and Devices, F 846-92 and F 893-04. All owners and operators must permit reasonable inspection of an amusement ride by the certified amusement ride inspector selected by the insurer or independent inspection service provider.

(f) The inspections required by this section are in addition to any other inspections required or permitted by law.

(g) Before the amusement ride is operated, an owner of an amusement ride must file with each sponsor, lessor, landowner, or other person who has contracted for the amusement ride to be offered to any riders an inspection affidavit attesting that the amusement ride passed the most recent inspection or reinspection required by this section. The inspection affidavit shall identify the amusement ride by name, manufacturer, and serial number, the date inspection was performed, and the inspector's name and certification number.

(h) An owner of an amusement ride, or the State Agricultural Society on its behalf, must also file the affidavit of inspection with the commissioner not later than ten days after the completion of each inspection, required by this section, that the amusement ride passes.

Subd. 2. **Daily inspections.** No person shall operate an amusement ride unless a daily inspection has been performed according to this section on the day of operation. An owner or operator of the amusement ride or certified amusement ride inspector shall perform the daily inspection before the ride is put into operation that day. The daily inspection shall be consistent with the current ASTM Standards on Amusement Rides and Devices, F 770-93. Each daily inspection shall be recorded in a daily logbook kept for each amusement ride. An owner of the amusement ride, or the State Agricultural Society on its behalf, shall maintain the record of daily inspections for a

period of not less than three years, and shall make the record of daily inspections available to the commissioner upon request. An owner or operator shall not knowingly operate, or permit to be operated, an amusement ride that has not passed the most recent daily inspection.

Subd. 3. **Inspection after alteration or modification.** An amusement ride that has been modified or altered in a manner that changes its dynamics or control system from the original manufacturer's design or specification since its last annual inspection must be inspected by a certified amusement ride inspector before it may be operated.

Subd. 4. **Inspection after serious injury or illness.** An amusement ride must be inspected by a certified amusement ride inspector and approved by the commissioner before it may be operated following a serious injury or illness involving the ride. A "serious injury or illness" has the meaning given it in section 184B.045.

Subd. 5. **Availability for inspection.** The owner of an amusement ride must make the ride available for inspections at all reasonable times and places requested by the commissioner or a law enforcement agency.

Sec. 8. **[184B.045] RECORDING AND REPORTING.**

(a) An owner, or the State Agricultural Society on its behalf, shall maintain a first-aid incident report log for all rider injuries or illnesses resulting from the operation of an amusement ride, other than minor injuries or illnesses. The recorded information shall include the following:

- (1) date the injury or illness occurred;
- (2) name, address, and telephone number of the rider receiving emergency health care service or treatment;
- (3) age of the rider;
- (4) manufacturer's name and serial number of the amusement ride involved in the incident or illness;
- (5) description of the injury or illness;
- (6) description of the first-aid service or treatment administered; and
- (7) any other pertinent information.

(b) An owner, or the State Agricultural Society on its behalf, shall maintain the first-aid incident report log for a period of not less than three years, and shall make the first-aid incident report log available to the commissioner upon request. An owner of an amusement ride, or the State Agricultural Society on its behalf, shall provide a report to the commissioner and a local law enforcement agency of any accident or incident arising from the use or operation of an amusement ride resulting in serious rider injury or illness. The accident involving the serious injury or illness must be investigated by the local law enforcement agency or the commissioner. A serious injury or illness is an injury or illness that results in death, dismemberment, disfigurement, compound fracture, or permanent loss of the use of a body organ, member, function, or system, or that requires hospital admission within 24 hours of the accident or incident.

Sec. 9. Minnesota Statutes 2006, section 184B.05, is amended to read:

184B.05 COMMISSIONER INFORMATION REQUESTS.

~~The commissioner may request from the sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for use by the public, whether or not the person is the operator, information concerning whether the insurance required by section 184B.02 is in effect on the amusement ride, and whether the inspection required by section 184B.03 has occurred. The person to whom the information request is made must respond to the commissioner within 15 days after the request is made. Each owner of an amusement ride, or the State Agricultural Society on its behalf, shall cooperate with the commissioner and shall, upon the commissioner's request, provide information to the commissioner regarding the operation of the amusement ride. When the commissioner requests information about the operation of an amusement ride, the commissioner shall identify a reasonable time limit for a response to the request.~~

Sec. 10. Minnesota Statutes 2006, section 184B.07, is amended to read:

184B.07 INJUNCTIONS.

~~A county attorney in a county in which an amusement ride is operated or, on request of the commissioner, the attorney general, may obtain an injunction or other equitable relief against an actual or threatened violation of this chapter.~~

Sec. 11. 184B.08] OPERATOR ENFORCEMENT.

A ride operator, owner, the State Agricultural Society, a sponsor, lessor, landowner, or other person who has contracted for the amusement ride to be offered to any riders may impose and enforce reasonable safety rules regarding the behavior of riders. An operator, owner, the State Agricultural Society, a sponsor, lessor, landowner, or other person who has contracted for the amusement ride to be offered to any riders, or its agents, may prohibit a person from riding a ride or may remove a rider from a ride for violations of those rules.

Sec. 12. 184B.09] COMMISSIONER ORDER.

The commissioner may issue an order requiring an amusement ride operator to cease operation of a ride if the commissioner finds that a ride is unsafe to operate.

Sec. 13. REPEALER.

Minnesota Statutes 2006, section 184B.06, is repealed.

Sec. 14. EFFECTIVE DATE.

This act is effective January 1, 2008."

Delete the title and insert:

"A bill for an act relating to amusement rides; modifying provisions regulating amusement rides; defining terms; amending Minnesota Statutes 2006, sections 184B.01, subdivision 4, by adding subdivisions; 184B.02; 184B.03; 184B.05; 184B.07; proposing coding for new law in Minnesota Statutes, chapter 184B; repealing Minnesota Statutes 2006, section 184B.06."

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred

S.F. No. 599: A resolution urging the President and Congress to end trade, financial, and travel restrictions to Cuba.

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

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

S.F. No. 1764: A bill for an act relating to the environment; requiring commissioner of natural resources and director of Explore Minnesota Tourism to develop a travel green program; requiring a report.

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

Page 1, after line 20, insert "(6) Renewing The Countryside organization;"

Page 1, line 21, delete "(6)" and insert "(7)"

Page 1, line 22, delete "(7)" and insert "(8)"

Page 1, line 23, delete "(8)" and insert "(9)"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2043, 1075, 875, 514, 1443, 1735, 1787, 2212, 1085, 1278, 1370 and 599 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Marty moved that the name of Senator Erickson Ropes be added as a co-author to S.F. No. 50. The motion prevailed.

Senator Rest moved that the name of Senator Bonoff be added as a co-author to S.F. No. 416. The motion prevailed.

Senator Pariseau moved that her name be stricken as a co-author to S.F. No. 1517. The motion prevailed.

Senator Dibble moved that the name of Senator Sieben be added as a co-author to S.F. No. 1671. The motion prevailed.

Senator Sheran moved that the name of Senator Koering be added as a co-author to S.F. No. 2114. The motion prevailed.

Senator Clark moved that the name of Senator Sieben be added as a co-author to S.F. No. 2173. The motion prevailed.

Senator Moua introduced –

Senate Resolution No. 75: A Senate resolution recognizing Hmong National Development, Inc.

Referred to the Committee on Rules and Administration.

Senator Wergin moved that S.F. No. 2164 be withdrawn from the Committee on Taxes and returned to its author. The motion prevailed.

Senator Pogemiller, for Senator Murphy, moved that S.F. No. 1971, No. 83 on General Orders, be stricken and re-referred to the Committee on Transportation. The motion prevailed.

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

CALENDAR

H.F. No. 1004: A bill for an act relating to mortgages; prohibiting predatory lending practices; amending Minnesota Statutes 2006, sections 58.02, by adding a subdivision; 58.13, subdivision 1; 58.137, subdivision 1; 58.15; 58.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 58.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 221: A bill for an act relating to employment; requiring employers to provide written notice of certain rights and remedies; proposing coding for new law in Minnesota Statutes, chapter 181.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1495: A bill for an act relating to employment; extending laws governing payroll card accounts; amending Laws 2005, chapter 158, section 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 380: A bill for an act relating to elections; changing certain school district election provisions; eliminating an approval requirement for mail elections; authorizing certain school board primary elections; amending Minnesota Statutes 2006, sections 204B.46; 205A.03, subdivision 1; 205A.06, subdivision 1a; 205A.12, 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 59 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Day	Frederickson	Jungbauer	Lourey
Berglin	Dibble	Gerlach	Koering	Lynch
Betzold	Dille	Gimse	Kubly	Marty
Bonoff	Doll	Hann	Langseth	Metzen
Carlson	Erickson Ropes	Higgins	Larson	Michel
Chaudhary	Fischbach	Ingebrigtsen	Latz	Moua
Clark	Foley	Johnson	Limmer	Neuville

Olseen	Pogemiller	Saltzman	Skogen	Vandev eer
Olson, G.	Prettner Solon	Saxhaug	Sparks	Vickerman
Olson, M.	Rest	Sheran	Stumpf	Wergin
Pappas	Rosen	Sieben	Tomassoni	Wiger
Pariseau	Rummel	Skoe	Torres Ray	

Those who voted in the negative were:

Koch Senjem

So the bill passed and its title was agreed to.

S.F. No. 248: A bill for an act relating to elections; changing a prohibition on certain expenditures; amending Minnesota Statutes 2006, section 211B.12.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day Neuville Vandev eer

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 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 Olson, M.; Prettner Solon and Higgins introduced—

S.F. No. 2229: A bill for an act relating to health; promoting preventive health care by requiring high deductible health plans used with a health savings account to cover preventive care with no deductible as permitted by federal law; amending Minnesota Statutes 2006, section 62Q.65.

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

Senator Lourey introduced—

S.F. No. 2230: A bill for an act relating to human services; modifying state-operated services; exempting certain department vehicles from tax and fees; imposing penalties for bringing contraband on treatment facility property; changing firearm background check information; modifying sex offender programs; modifying consecutive sentencing for individuals assaulting employees of certain treatment programs; modifying the definition of vulnerable adults; amending Minnesota Statutes 2006, sections 168.012, subdivision 1; 243.55, subdivision 1; 245.041; 253B.09, subdivision 3a; 609.15, subdivision 1; 609.221, subdivision 2; 609.2232; 626.5572, subdivision 21.

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

Senator Erickson Ropes introduced—

S.F. No. 2231: A bill for an act relating to human services; making changes to continuing care provisions; amending data practices; changing long-term care provisions; allowing electronic meetings; altering service standards; amending Medicaid waivers for elderly services; modifying personal care assistant services; providing penalties; amending Minnesota Statutes 2006, sections 13.46, subdivision 2; 144A.071, subdivision 3; 144A.351; 256.9741, subdivisions 1, 3; 256.9742, subdivisions 3, 4, 6; 256.975, by adding a subdivision; 256B.0655, subdivisions 1, 1c, 1f, 1g, 2, by adding subdivisions; 256B.0911, subdivisions 3a, 4b, 6, 7, by adding a subdivision; 256B.0913, subdivisions 4, 5a; 256B.0915; 256B.27, subdivision 2a; 256B.49, subdivisions 13, 14; repealing Minnesota Statutes 2006, section 256.9743; Minnesota Rules, part 9505.0335.

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

Senators Dibble and Higgins introduced—

S.F. No. 2232: A bill for an act relating to public health; allowing municipalities to enact an ordinance authorizing dogs to accompany persons patronizing outdoor areas of food and beverage service establishments; proposing coding for new law in Minnesota Statutes, chapter 157.

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

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. Nos. 420, 1201, 2034 and 69, which the committee recommends to pass.

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

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 Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

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 referred

S.F. No. 100: A bill for an act relating to health; establishing state policy for stem cell research; providing criminal penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 137; 145.

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

Page 1, delete section 2

Page 3, line 14, delete "to 3" and insert "and 2"

Renumber the sections in sequence

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 Rest from the Committee on State and Local Government Operations and Oversight, to which was re-referred

S.F. No. 794: A bill for an act relating to real property; providing that ownership of contiguous parcels of property must not be considered for certain land use and zoning purposes; increasing the dollar amount of the homestead exemption and providing for inflationary adjustments; providing for homestead property; amending Minnesota Statutes 2006, sections 394.36, by adding a subdivision; 462.357, subdivision 1e; 510.02; 510.05; 550.175, subdivisions 1, 4, by adding a subdivision; 550.18; 550.19; 550.22; 550.24; 580.24; proposing coding for new law in Minnesota Statutes, chapter 550.

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

Page 1, delete sections 1 and 2

Page 3, line 4, strike everything after "acres" and insert a period

Page 3, strike line 5

Page 3, line 6, strike the old language and delete the new language and insert "The"

Renumber the sections in sequence

Amend the title accordingly

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

Senator Rest from the Committee on State and Local Government Operations and Oversight, to which was re-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 be amended as follows:

Page 2, line 26, after the comma, insert "the director of"

Page 2, line 28, delete "facilitate" and insert "chair"

Page 3, line 4, after the period, insert "The advisory group shall prepare any draft legislation necessary to implement its recommendations."

Page 3, line 11, after "faculty" insert "member"

Page 3, line 17, delete "on February 16, 2008" and insert "when the report is filed and any accompanying draft legislation is submitted"

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

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

S.F. No. 2068: A bill for an act relating to health-related licensing; establishing licensure requirements for foreign trained professional counselors; adding professional counselors as a professional service; amending Minnesota Statutes 2006, section 319B.02, subdivision 19; proposing coding for new law in Minnesota Statutes, chapters 148; 148B.

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

Page 1, delete section 1

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. 868: A bill for an act relating to occupations and professions; changing provisions for speech-language pathologists and audiologists; amending Minnesota Statutes 2006, section 148.515, subdivision 2, by adding a subdivision.

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

Page 2, line 1, before "An" insert "(a)"

Page 2, after line 9, insert:

"(b) All of the audiology applicant's graduate coursework and clinical practicum required in the professional area for which licensure is sought must have been initiated and completed at an institution whose program meets the current requirements and was accredited by the Educational Standards Board of the Council on Academic Accreditation in Audiology and Speech-Language Pathology, a body recognized by the United States Department of Education, or an equivalent as determined by the commissioner, in the area for which licensure is sought."

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. 2098: A bill for an act relating to social work; changing licensing provisions for social work; amending Minnesota Statutes 2006, sections 148D.050, subdivision 1; 148D.055, subdivisions 2, 3, 4, 5, by adding a subdivision; 148D.060, subdivision 13; 148D.120, subdivision 2; 148D.125, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 148D.

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. 2099: A bill for an act relating to social work; providing for temporary license for social work under certain conditions; amending Minnesota Statutes 2006, section 148D.060, subdivisions 5, 6, 7, 13, by adding a subdivision.

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

Page 2, line 7, delete "3" and insert "2a"

Page 2, line 16, delete "4" and insert "2a"

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. 2100: A bill for an act relating to social work; modifying the Minnesota Board

of Social Work Practice Act; proposing coding for new law as Minnesota Statutes, chapter 148E; repealing Minnesota Statutes 2006, sections 148D.001; 148D.010; 148D.015; 148D.020; 148D.025; 148D.030; 148D.035; 148D.040; 148D.045; 148D.050; 148D.055; 148D.060; 148D.065; 148D.070; 148D.075; 148D.080; 148D.085; 148D.090; 148D.095; 148D.100; 148D.105; 148D.110; 148D.115; 148D.120; 148D.125; 148D.130; 148D.135; 148D.140; 148D.145; 148D.150; 148D.155; 148D.160; 148D.165; 148D.170; 148D.175; 148D.180; 148D.185; 148D.190; 148D.195; 148D.200; 148D.205; 148D.210; 148D.215; 148D.220; 148D.225; 148D.230; 148D.235; 148D.240; 148D.245; 148D.250; 148D.255; 148D.260; 148D.265; 148D.270; 148D.275; 148D.280; 148D.285; 148D.290.

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

Page 2, line 10, delete "9" and insert "11"

Page 2, line 12, delete "16" and insert "18"

Page 6, line 19, delete "OR" and insert "OF"

Page 13, line 10, delete "hours" and delete ", including cultural context, diversity,"

Page 13, line 11, delete "and social policy"

Page 13, line 18, delete "36" and insert "18" and delete "ten" and insert "five" and delete "and"

Page 13, line 19, delete the period and insert ", including cultural context, diversity, and social policy; and"

Page 13, after line 19, insert:

"(vi) 18 clock hours (five percent) in culturally specific clinical assessment and intervention."

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. 1823: A bill for an act relating to health professions; changing licensing requirements for physical therapists; imposing penalties; amending Minnesota Statutes 2006, sections 148.65, subdivisions 2, 3, by adding a subdivision; 148.67, subdivision 1; 148.70; 148.705; 148.706; 148.71; 148.73; 148.735; 148.736, subdivision 1; 148.74; 148.75; 148.754; 148.755; 148.76, subdivision 1; 148.78; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 2006, sections 148.691, subdivision 3; 148.71, subdivision 1; 148.72; 148.745; 148.775; Minnesota Rules, parts 5601.0200; 5601.0300; 5601.0400; 5601.0500; 5601.0600; 5601.0700; 5601.0800; 5601.1400; 5601.1500; 5601.1600; 5601.2800; 5601.2900; 5601.3000; 5601.3105; 5601.3110; 5601.3115; 5601.3120; 5601.3125; 5601.3130; 5601.3135; 5601.3140; 5601.3145; 5601.3150; 5601.3155; 5601.3160; 5601.3165.

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

Page 5, line 19, after the period, insert "The physical therapist is not required to be on-site, but must be easily available by telecommunications."

Page 9, line 10, delete "of" and insert "or"

Page 12, line 26, strike "practicing" and insert "has practiced"

Page 12, line 32, strike "dividing" and insert "has divided"

Page 13, line 5, reinstate the stricken language and delete "licensee"

Page 16, line 13, delete "PTA" and insert "P.T.A."

Page 17, after line 7, insert:

"Sec. 24. **APPLICABILITY OF RULES.**

Minnesota Rules, parts 5601.0100 to 5601.3200, apply both to physical therapists and physical therapist assistants, except parts 5601.1200; 5601.1300; 5601.1800; 5601.1900; 5601.2000; 5601.3200, subpart 2, item D; and 5601.3200, subpart 5, only apply to physical therapists."

Renumber the sections in sequence

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

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

S.F. No. 2105: A bill for an act relating to professions; changing licensing provisions for the Board of Pharmacy; amending Minnesota Statutes 2006, sections 151.01, by adding subdivisions; 151.06, subdivision 1; 151.21, subdivisions 1, 2, 3.

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

Page 4, after line 30, insert:

"Sec. 7. Minnesota Statutes 2006, section 151.21, is amended by adding a subdivision to read:

Subd. 3a. **Prescriptions by electronic transmission.** Nothing in this section permits a prescriber to maintain "dispense as written" or "D.A.W." as a default on all prescriptions. Prescribers must add the "dispense as written" or "D.A.W." designation to electronic prescriptions individually, as appropriate."

Amend the title 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. 2066: A bill for an act relating to health-related licensing boards; establishing licensure for professional clinical counselors; modifying the definitions of mental health professionals; amending Minnesota Statutes 2006, sections 62A.152, subdivisions 2, 3; 148B.50, subdivision 5; 148B.53, subdivision 1; 245.462, subdivision 18; 245.470, subdivision 1; 245.4871, subdivision 27; 245.488, subdivision 1; 256B.0623, subdivision 5; 256B.0624, subdivisions 5, 8; 256B.0943,

subdivision 1; 256J.08, subdivision 73a; proposing coding for new law in Minnesota Statutes, chapter 148.

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

Page 1, delete section 1

Page 2, delete section 2

Page 2, line 23, delete "148.5301" and insert "148B.5301"

Page 4, line 32, after the second "licensed" insert "professional"

Page 5, line 23, delete "148.53" and insert "148B.53"

Page 5, line 33, delete "2 and 3" and insert "1 and 2"

Page 17, line 6, delete "148.5301" and insert "148B.5301"

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

S.F. No. 1343: A bill for an act relating to natural resources; providing for community forest management; providing for control of forest and shade tree pests; amending Minnesota Statutes 2006, sections 18G.03, by adding a subdivision; 18G.11; 84D.14; 88.01, by adding a subdivision; 88.79, subdivisions 1, 2; 88.82; 89.001, subdivision 8, by adding subdivisions; 89.01, subdivisions 1, 2, 4; 89.51, subdivisions 1, 6, 9; 89.52; 89.53; 89.54; 89.55; 89.56, subdivisions 1, 3; 89.57; 89.58; 89.59; 89.60; 89.61; 97A.205; proposing coding for new law in Minnesota Statutes, chapter 89; repealing Minnesota Statutes 2006, sections 18G.16; 89.51, subdivision 8.

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

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

H.F. No. 878: A bill for an act relating to agriculture; authorizing the commissioner of agriculture to serve as a consultant to the Board of Animal Health; amending Minnesota Statutes 2006, section 35.02, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S.F. No. 1405: A bill for an act relating to agriculture; changing certain livestock compensation provisions; amending Minnesota Statutes 2006, sections 3.737, subdivision 1; 3.7371, subdivision 3.

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

Page 1, lines 13 and 15, delete "calendar" and insert "fiscal"

Page 2, line 11, strike "calendar" and insert "fiscal"

Page 2, line 14, delete "calendar" and insert "fiscal"

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

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

S.F. No. 642: A bill for an act relating to natural resources; modifying requirements for ditch buffers; requiring annual drainage authority reports; modifying drainage repair and inspection requirements; appropriating money; amending Minnesota Statutes 2006, sections 103E.021, subdivisions 1, 2, 3, by adding a subdivision; 103E.315, subdivision 8; 103E.321, subdivision 1; 103E.701, by adding a subdivision; 103E.705, subdivisions 1, 2, 3; 103E.728, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 103E.

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

Page 1, line 19, delete "Preference"

Page 1, line 20, delete everything before "The"

Page 2, line 23, delete everything after the period

Page 2, line 24, delete everything before "The"

Page 6, delete section 13

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

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

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

S.F. No. 1432: A bill for an act relating to agriculture; providing an exception to recreational camping regulations for county fairgrounds; proposing coding for new law in Minnesota Statutes, chapter 38.

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 327.201, is amended to read:

327.201 STATE FAIR AND COUNTY FAIR CAMPING AREA AREAS.

Subdivision 1. **State Fair camping areas.** Notwithstanding sections 327.14 to 327.28 or any rule adopted by the commissioner of health, the State Agricultural Society must operate and maintain a camping area on the State Fairgrounds during the State Fair and the Minnesota Street Rod Association's Back to the 50's event, subject to the following conditions:

- (1) recreational camping vehicles and tents, including their attachments, must be separated from each other and from other structures by at least seven feet;
- (2) a minimum area of 300 square feet per site must be provided and the total number of sites must not exceed one site for every 300 square feet of usable land area; and
- (3) each site must face a driveway at least 16 feet in width and each driveway must have unobstructed access to a public roadway.

Subd. 2. **County fair camping areas.** Notwithstanding sections 327.14 to 327.28, or any rule adopted by the commissioner of health, any area maintained by a county agricultural society as a camping area during a county fair or any other fair is subject to the conditions specified in subdivision 1, clauses (1) to (3)."

Amend the title numbers accordingly

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

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

S.F. No. 1472: A bill for an act relating to agriculture; extending the prohibition on certain new open air swine basins; amending Minnesota Statutes 2006, section 116.0714.

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 116.0714, is amended to read:

116.0714 NEW OPEN AIR SWINE BASINS.

~~After May 18, 2002,~~ The commissioner of the Pollution Control Agency or a county board shall not approve any permits for the construction of new open air swine basins, except that existing facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment program for resolving pollution problems or to allow conversion of an existing basin of less than 1,000,000 gallons to a different animal type, provided all standards are met. This section expires June 30, ~~2007~~ 2012.

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 Environment and Natural Resources. Amendments adopted. Report adopted.

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

S.F. No. 1274: A resolution memorializing the United States Congress to reauthorize the Conservation Reserve Program as part of the 2007 Farm Bill.

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

Delete everything after the resolving clause and insert:

"WHEREAS, the Conservation Reserve Program is a voluntary federal program that protects millions of acres of American topsoil from erosion, thereby safeguarding our nation's soil and water resources while at the same time benefiting our nation's farmers and farming communities; and

WHEREAS, some 33,000 Minnesota farms participate in the Conservation Reserve Program, committing to take 1,800,000 of our state's most environmentally sensitive acres out of agricultural production for a period of ten to 15 years; and

WHEREAS, Minnesota farmers have instituted conservation and erosion control measures on these acres, including planting trees and native grasses, installing filter strips and riparian buffers, and restoring wetlands important to wildlife including native and migrating waterfowl; and

WHEREAS, through the Conservation Reserve Program, Minnesota farmers remove environmentally sensitive acres from agricultural production and plant them with cover crops; and

WHEREAS, the Wetlands Reserve Program is a voluntary federal program in which Minnesota landowners protect, restore, and enhance wetlands on their property, thereby improving wetland values and functions and providing valuable wildlife habitat; and

WHEREAS, the Conservation Reserve Program and the Wetlands Reserve Program have the ability to sequester carbon in addition to providing erosion control, water quality protection, and wildlife habitat; and

WHEREAS, in 2006 there were 14,500 acres enrolled in the Wetlands Reserve Program in Minnesota, representing nearly ten percent of program acreage nationwide and trailing only Arkansas and Nebraska in the number of acres enrolled; and

WHEREAS, recent United States Department of Agriculture decisions regarding rental rates, appraisals, eligibility, and maintenance have limited enrollment in the Conservation Reserve Program and the Wetlands Reserve Program well below the amount of acres authorized in the 2002 Farm Bill; and

WHEREAS, as successful and equitable conservation programs, the Conservation Reserve Program and the Wetlands Reserve Program enjoy broad support in Minnesota from farming, hunting, wildlife, and environmental communities; NOW, THEREFORE,

BE IT RESOLVED by the Legislature of the State of Minnesota that it urges the United States Department of Agriculture to utilize its authority to offer general sign-up enrollments during 2007 with competitive market rental rates to achieve the enrollment of acres authorized for the Conservation Reserve Program in the 2002 Farm Bill.

BE IT FURTHER RESOLVED by the Legislature of the State of Minnesota that it urges the

Congress of the United States to reauthorize the Conservation Reserve Program with an enrollment cap of 45,000,000 acres and the Wetlands Reserve Program as part of the 2007 Farm Bill.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, the Secretary of the United States Department of Agriculture, the chairs of congressional committees with jurisdiction over agriculture, and Minnesota's Senators and Representatives in Congress."

And when so amended the resolution do pass and be re-referred to the Committee on Environment and Natural Resources. Amendments adopted. Report adopted.

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

S.F. No. 1218: A bill for an act relating to elections; changing certain procedures and requirements for absent voters; providing for privacy of certain voter registration information; providing for certain emergency situations; authorizing rulemaking; amending Minnesota Statutes 2006, sections 201.091, subdivision 9; 203B.16, subdivision 2; 203B.17, subdivision 2; 203B.19; 203B.21, subdivisions 2, 3; 203B.22; 203B.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 203B.

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

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

H.F. No. 293: A bill for an act relating to state government; appropriating money for environment and natural resources; modifying meeting requirements of the Legislative-Citizen Commission on Minnesota Resources; amending Minnesota Statutes 2006, section 116P.08, subdivision 5.

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

Page 3, delete lines 27 to 29

Page 3, line 30, delete everything before the period and insert "under this appropriation is not eligible for payment under Minnesota Statutes, section 290C.07"

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

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

S.F. No. 1073: A bill for an act relating to state government; ratifying certain labor agreements and compensation plans.

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

Page 1, after line 20, insert:

"Subd. 5. **Public Employees Retirement Association.** The proposal to increase the salary of the director of the Public Employees Retirement Association, as approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 27, 2007, is ratified.

Subd. 6. **Minnesota State Retirement System.** The proposal to increase the salary of the director of the Minnesota State Retirement System, as approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 27, 2007, is ratified.

Subd. 7. **Teachers Retirement Association.** The proposal to increase the salary of the director of the Teachers Retirement Association, as approved by the Legislative Coordinating Commission Subcommittee on Employee Relations on March 27, 2007, is ratified."

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

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

H.F. No. 472: A bill for an act relating to energy; extending eligibility period for certain renewable energy production incentives; amending Laws 2005, chapter 40, section 2, subdivision 4.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

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

S.F. No. 322: A bill for an act relating to civil commitment; expanding early intervention services; amending Minnesota Statutes 2006, section 253B.065, subdivision 5.

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

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2006, section 253B.02, subdivision 2, is amended to read:

Subd. 2. **Chemically dependent person.** "Chemically dependent person" means any person (a) determined as being incapable of self-management or management of personal affairs by reason of the habitual and excessive use of alcohol, drugs, or other mind-altering substances; and (b) whose recent conduct as a result of habitual and excessive use of alcohol, drugs, or other mind-altering substances poses a substantial likelihood of physical harm to self or others as demonstrated by (i) a recent attempt or threat to physically harm self or others, (ii) evidence of recent serious physical problems, or (iii) a failure to obtain necessary food, clothing, shelter, or medical care. "Chemically dependent person" also means a pregnant woman who has engaged during the pregnancy in habitual or excessive use, for a nonmedical purpose, of any of the following ~~controlled~~ substances or their derivatives: opium, cocaine, heroin, phencyclidine, methamphetamine, or amphetamine, tetrahydrocannabinol, or alcohol."

Page 2, after line 23, insert:

"Sec. 3. Minnesota Statutes 2006, section 626.5561, subdivision 1, is amended to read:

Subdivision 1. **Reports required.** A person mandated to report under section 626.556, subdivision 3, shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive. Any person may

make a voluntary report if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive. An oral report shall be made immediately by telephone or otherwise. An oral report made by a person required to report shall be followed within 72 hours, exclusive of weekends and holidays, by a report in writing to the local welfare agency. Any report shall be of sufficient content to identify the pregnant woman, the nature and extent of the use, if known, and the name and address of the reporter.

Sec. 4. Minnesota Statutes 2006, section 626.5561, subdivision 2, is amended to read:

Subd. 2. **Local welfare agency.** ~~If the report alleges a pregnant woman's use of a controlled substance for a nonmedical purpose~~ Upon receipt of a report required under subdivision 1, the local welfare agency shall immediately conduct an appropriate assessment and offer services indicated under the circumstances. Services offered may include, but are not limited to, a referral for chemical dependency assessment, a referral for chemical dependency treatment if recommended, and a referral for prenatal care. The local welfare agency may also take any appropriate action under chapter 253B, including seeking an emergency admission under section 253B.05. The local welfare agency shall seek an emergency admission under section 253B.05 if the pregnant woman refuses recommended voluntary services or fails recommended treatment.

Sec. 5. **REPEALER.**

Minnesota Statutes 2006, section 626.5563, is repealed."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the second semicolon, insert "expanding the definition of chemically dependent person;"

Amend the title numbers accordingly

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

SECOND READING OF SENATE BILLS

S.F. Nos. 794, 2068, 868, 2098, 2099, 2100, 2105, 1343, 1405, 642, 1432, 1218, 1073 and 322 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 878, 293 and 472 were read the second time.

RECESS

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

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

APPOINTMENTS

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

H.F. No. 886: Senators Langseth, Cohen, Senjem, Metzen and Wergin.

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

MEMBERS EXCUSED

Senators Bakk, Murphy and Scheid were excused from the Session of today. Senators Koering and Marty were excused from the Session of today from 11:00 to 11:20 a.m. Senator Robling was excused from the Session of today from 11:20 to 11:25 a.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 10:00 a.m., Monday, April 16, 2007. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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