

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

SIXTY-SEVENTH DAY

St. Paul, Minnesota, Friday, May 11, 2007

The Senate met at 9:00 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 the Chaplain, Rev. Dee Pederson.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 608 and 1542.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 10, 2007

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 118: A bill for an act relating to state government; adding legislators who represent the capitol area as nonvoting members of the Capitol Area Architectural and Planning Board; amending Minnesota Statutes 2006, section 15B.03, subdivision 1.

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

Mariani, Loeffler and Holberg.

Senate File No. 118 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 10, 2007

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 1165: A bill for an act relating to the open meeting law; authorizing meetings by telephone or other electronic means under certain conditions; amending Minnesota Statutes 2006, section 13D.05, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 13D.

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

Welti, Simon and Hamilton.

Senate File No. 1165 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 10, 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. 463: A bill for an act relating to notaries public; increasing maximum fees; amending Minnesota Statutes 2006, section 357.17.

Senate File No. 463 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 10, 2007

Senator Betzold moved that the Senate do not concur in the amendments by the House to S.F. No. 463, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 596: A bill for an act relating to data practices; clarifying duties and classifications; making technical changes; providing for access to and classifications of data; amending Minnesota Statutes 2006, sections 13.02, subdivisions 8, 11; 13.04, subdivisions 3, 4; 13.05, subdivision 10; 13.072, subdivision 1; 13.08, subdivision 4; 13.32, subdivision 5; 13.35; 13.355, subdivision 1; 13.384, subdivisions 1, 2; 13.39, subdivisions 1, 2, 2a, 3; 13.392, subdivision 1; 13.393; 13.40, subdivisions 1, 3; 13.41, subdivision 3; 13.43, subdivisions 2, 5, 7, 9, 10, 11; 13.435; 13.44, subdivisions 1, 2, 3; 13.462; 13.48; 13.4965, subdivision 3; 13.552, subdivision 3; 13.591, subdivision 4; 13.72, by adding subdivisions; 13.861, subdivision 1; 13.87, subdivisions 1, 2; 84.0274, subdivision 5; 122A.33, subdivision 3; 171.07, subdivision 1a; 270B.01, subdivision 8; 270B.02, subdivision 3; 270B.085, by adding a subdivision; 270B.14, subdivision 3; 273.1315; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 2006, section 13.79, subdivision 2.

Senate File No. 596 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 10, 2007

Senator Olson, M. moved that the Senate do not concur in the amendments by the House to S.F. No. 596, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1045, and repassed said bill in accordance with the report of the Committee, so adopted.

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 May 10, 2007

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1351.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 10, 2007

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 1351: A bill for an act relating to transportation; modifying or adding provisions related to geotechnical investigations before eminent domain proceedings, the highway sign franchise program, streets and highways, highway safety rest areas, highway construction bids and training, town road abandonment, bridges, special mobile equipment, motor vehicle titles, motor vehicle transfers, traffic regulations, flammable liquid definition, drivers' licenses and identification cards, driver records and education, the Real ID Act, traffic-control signals, transportation goals and mission, statewide transportation plan, metropolitan transportation system performance evaluations, transportation contracts, rail service improvement, use of rail bank property, local airports, towing, vehicle impoundments, transit and paratransit, special transportation, small vehicle passenger service, transportation accessibility, transit ways and facilities, light rail transit, vehicle license plates, vehicle size and weight restrictions, vehicle load limits and permits, paper product vehicle routes and permits, definition of full-size pickup truck, vehicle idle reduction technology, commercial vehicles and drivers, vehicle registration, insurance requirements for vehicles owned by charitable organizations, the Unified Carrier Registration Agreement, household goods movers, obsolete motor carrier laws and conforming changes, railroad company requirements, the position of state rail safety inspector, and the Railroad Walkways Safety Act; requiring studies and reports; imposing penalties; making clarifying and technical changes; appropriating money; amending Minnesota Statutes 2006, sections 117.041, by adding a subdivision; 160.02, subdivision 19, by adding a subdivision; 160.80; 161.14, subdivision 18, by adding subdivisions; 161.32, subdivisions 1, 1b, 4; 164.06, subdivision 2; 165.01; 165.03; 168.011, subdivision 22; 168.013, subdivision 1e; 168.10, subdivisions 1a, 1b, 1c, 1d, 1g, 1h, 1i; 168.12, subdivisions 1, 2, 2a, 2b, 2c, 2d, 2e; 168A.01, by adding a subdivision; 168A.05, subdivisions 3, 5; 168A.10, subdivision 1; 168A.101; 168A.151, subdivision 1; 168A.153; 168B.04, subdivision 2; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.087, subdivision 1, by adding a subdivision; 169.01, subdivisions 4c, 19, 20, 78, by adding subdivisions; 169.041, subdivisions 1, 2; 169.06, subdivision 5; 169.14, subdivision 2, by adding subdivisions; 169.34; 169.471, subdivision 1; 169.781; 169.782, subdivision 1; 169.783, subdivision 1; 169.81, subdivisions 2, 3c; 169.823, subdivision 1; 169.824, subdivision 2; 169.8261; 169.86, subdivision 5, by adding a subdivision; 169.862; 169.864, subdivisions 1, 2; 169.87, subdivision 4; 171.01, by adding a subdivision; 171.02, subdivision 1; 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.12, subdivision 6; 171.14; 174.01, subdivision 2; 174.02, subdivision 1a; 174.03, subdivision 1, by adding subdivisions; 174.24, subdivision 2a; 174.255, by adding a subdivision; 174.29, by adding subdivisions; 174.30, subdivisions 4, 9; 174.64, subdivisions 2, 4; 174.66; 218.021, subdivision 1; 218.041, subdivision 6; 221.011, subdivision 8, by adding a subdivision; 221.025; 221.026; 221.031, subdivisions 1, 6; 221.0314, subdivision 9, by adding a subdivision; 221.033, subdivision

2d; 221.036, subdivisions 1, 3; 221.037, subdivision 1; 221.091, subdivision 2; 221.131; 221.132; 221.141, subdivisions 1, 4; 221.185; 221.221, subdivision 3; 221.231; 221.291, subdivision 4; 221.60, subdivision 1, by adding a subdivision; 222.50, subdivision 7; 222.63, subdivision 4, by adding a subdivision; 299F.60, subdivision 1; 299J.16, subdivision 1; 325F.665, by adding a subdivision; 473.1466; 473.166; 473.386, subdivisions 1, 2, 2a, 3; 473.399; 473.3993, subdivisions 1, 3, by adding a subdivision; 473.3994; 473.3997; 473.4051; 473.408, by adding subdivisions; Laws 2005, First Special Session chapter 1, article 4, section 39; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 169; 174; 219; 221; 473; repealing Minnesota Statutes 2006, sections 168A.05, subdivision 5a; 174.65; 221.011, subdivisions 24, 25, 28, 29, 38, 41, 44, 45; 221.0252, subdivision 7; 221.072; 221.111; 221.121, subdivisions 1, 2, 3, 4, 5, 6, 6a, 6c, 6d, 6e, 6f, 7; 221.122; 221.123; 221.131, subdivisions 2a, 3; 221.141, subdivision 6; 221.151; 221.152; 221.153, subdivisions 1, 2; 221.161; 221.171; 221.172, subdivisions 3, 4, 5, 6, 7, 8; 221.296, subdivisions 3, 4, 5, 6, 7, 8; 221.60, subdivisions 2, 3, 3a, 4, 5, 6; 221.601; 221.602; 325E.0951, subdivision 3a; 473.1465; 473.247; 473.3994, subdivision 13; Laws 1999, chapter 230, section 44.

Senator Pogemiller moved that H.F. No. 1351 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

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

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

H.F. No. 1781 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1781	1688				

and that the above Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H.F. No. 1781 was read the second time.

MOTIONS AND RESOLUTIONS

CONFIRMATION

Senator Pappas moved that the report from the Committee on Higher Education, reported May

7, 2007, pertaining to appointments, be taken from the table. The motion prevailed.

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

Senator Pappas moved that in accordance with the report from the Committee on Higher Education, reported May 7, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA OFFICE OF HIGHER EDUCATION
DIRECTOR

Susan Heegaard, 1742 Hartford Ave., St. Paul, Ramsey County, effective January 2, 2007, for a term expiring on January 3, 2011.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Chaudhary moved that the report from the Committee on Environment and Natural Resources, reported April 24, 2007, pertaining to appointments, be taken from the table. The motion prevailed.

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

Senator Chaudhary moved that in accordance with the report from the Committee on Environment and Natural Resources, reported April 24, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF NATURAL RESOURCES
COMMISSIONER

Mark Holsten, 7790 Minar Ln., Stillwater, Washington County, effective January 2, 2007, for a term expiring on January 3, 2011.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Chaudhary moved that the report from the Committee on Environment and Natural Resources, reported April 24, 2007, pertaining to appointments, be taken from the table. The motion prevailed.

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

Senator Chaudhary moved that in accordance with the report from the Committee on Environment and Natural Resources, reported April 24, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA POLLUTION CONTROL AGENCY
COMMISSIONER

Bradley M. Moore, 84 Crocus St., Mahtomedi, Washington County, effective January 2, 2007, for a term expiring on January 3, 2011.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Chaudhary moved that the report from the Committee on Environment and Natural Resources, reported April 27, 2007, pertaining to appointments, be taken from the table. The motion prevailed.

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

Senator Chaudhary moved that in accordance with the report from the Committee on Environment and Natural Resources, reported April 27, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

CLEAN WATER COUNCIL

David Bennett, 109 Crystal View Cir., Burnsville, Dakota County, effective February 26, 2007, for a term expiring on January 5, 2009.

Marilyn Bernhardson, 217 W. Wyoming St., Redwood Falls, Redwood County, effective January 1, 2007, for a term expiring on January 3, 2011.

Pamela Blixt, 4811 - 38th Ave. S., Minneapolis, Hennepin County, effective January 1, 2007, for a term expiring on January 5, 2009.

Earl Bukowski, 1150 Meadowbrook Ln., Sauk Rapids, Benton County, effective January 1, 2007, for a term expiring on January 3, 2011.

Brian Davis, 575 Mount Curve Blvd., St. Paul, Ramsey County, effective January 1, 2007, for a term expiring on January 5, 2009.

John Greer, 201 Lake Ave., Albany, Stearns County, effective January 1, 2007, for a term expiring on January 5, 2009.

Delvin G. Haag, 714 - 9th St. N.W., Buffalo, Wright County, effective January 1, 2007, for a term expiring on January 3, 2011.

Scott Hoese, 5520 Polk Ave., Mayer, Carver County, effective January 1, 2007, for a term expiring on January 5, 2009.

David P. Jeronimus, 4254 Turner Rd., Duluth, St. Louis County, effective January 1, 2007, for a term expiring on January 3, 2011.

Christopher Kolbert, 101 Richland Ave., St. Charles, Winona County, effective February 26, 2007, for a term expiring on January 3, 2011.

William Moore, 1338 Belmont Dr., Woodbury, Washington County, effective January 1, 2007, for a term expiring on January 3, 2011.

Gary Pedersen, 17822 - 60th St., Dover, Olmsted County, effective February 26, 2007, for a term expiring on January 3, 2011.

Steven Pedersen, 8403 Mississippi Blvd. N.W., Coon Rapids, Anoka County, effective January 1, 2007, for a term expiring on January 5, 2009.

Louis N. Smith, 4321 Fremont Ave. S., Minneapolis, Hennepin County, effective January 1, 2007, for a term expiring on January 3, 2011.

Sarah Strommen, 14546 Krypton St. N.W., Ramsey, Anoka County, effective January 1, 2007, for a term expiring on January 3, 2011.

Deborah Swackhamer, 14955 -130th St. N., Stillwater, Washington County, effective January 1, 2007, for a term expiring on January 5, 2009.

Paul Torkelson, 71664 - 320th St., St. James, Watonwan County, effective January 1, 2007, for a term expiring on January 3, 2011.

Robert Vogel, 71 Todd St., New Market, Scott County, effective January 1, 2007, for a term expiring on January 5, 2009.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Bakk moved that the report from the Committee on Taxes, reported April 25, 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 April 25, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

TAX COURT JUDGE

Kathleen Hvass Sanberg, 6136 Sherman Cir., Edina, Hennepin County, effective April 24, 2007, for a term expiring on January 7, 2013.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Marty moved that the report from the Committee on Health, Housing and Family Security, reported April 23, 2007, pertaining to appointments, be taken from the table. The motion prevailed.

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

Senator Marty moved that in accordance with the report from the Committee on Health, Housing and Family Security, reported April 23, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

DEPARTMENT OF HEALTH COMMISSIONER

Dianne Mandernach, Rt. 2, Box 709, Sturgeon Lake, Pine County, effective January 2, 2007, for a term expiring on January 3, 2011.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Marty moved that the report from the Committee on Health, Housing and Family Security, reported April 23, 2007, pertaining to appointments, be taken from the table. The motion prevailed.

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

Senator Marty moved that in accordance with the report from the Committee on Health, Housing and Family Security, reported April 23, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

**MINNESOTA HOUSING FINANCE AGENCY
COMMISSIONER**

Timothy Marx, 1546 Portland Ave., St. Paul, Ramsey County, effective January 2, 2007, for a term expiring on January 3, 2011.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Marty moved that the report from the Committee on Health, Housing and Family Security, reported April 23, 2007, pertaining to appointments, be taken from the table. The motion prevailed.

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

Senator Marty moved that in accordance with the report from the Committee on Health, Housing and Family Security, reported April 23, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA HOUSING FINANCE AGENCY

Michael D. Finch, 5917 Girard Ave. S., Minneapolis, Hennepin County, effective January 23, 2006, for a term expiring on January 4, 2010.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Senator Marty moved that the report from the Committee on Health, Housing and Family Security, reported April 23, 2007, pertaining to appointments, be taken from the table. The motion prevailed.

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

Senator Marty moved that in accordance with the report from the Committee on Health, Housing and Family Security, reported April 23, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA HOUSING FINANCE AGENCY

Lee J. Himle, 516 Hillcrest Dr., Spring Valley, Fillmore County, effective January 29, 2007, for a term expiring on January 3, 2011.

Marina Munoz Lyon, 1738 Hague Ave., St. Paul, Ramsey County, effective January 29, 2007, for a term expiring on January 3, 2011.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Marty moved that the report from the Committee on Health, Housing and Family Security, reported April 23, 2007, pertaining to appointments, be taken from the table. The motion prevailed.

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

Senator Marty moved that in accordance with the report from the Committee on Health, Housing and Family Security, reported April 23, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

EMERGENCY MEDICAL SERVICES REGULATORY BOARD

Lori Brown, 3043 Sandy Hook Dr., Roseville, Ramsey County, effective March 22, 2006, for a term expiring on January 4, 2010.

Laurie Hill, 5939 Honeysuckle Ln. N.W., Akeley, Cass County, effective March 22, 2006, for a term expiring on January 4, 2010.

Robert Jensen, 255 Riverside St., Mora, Kanabec County, effective March 22, 2006, for a term expiring on January 4, 2010.

Marlys Tanner, 1991 Lakeview Dr., Carlton, Carlton County, effective March 22, 2006, for a term expiring on January 4, 2010.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Senator Rest moved that the report from the Committee on State and Local Government Operations and Oversight, reported May 3, 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 May 3, 2007, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF THE ARTS

Judson Bemis, Jr., 2309 E. Lake of the Isles Pkwy., Minneapolis, Hennepin County, effective July 7, 2005, for a term expiring on January 5, 2009.

Andrew Berryhill, 2432 E. 1st St., Duluth, St. Louis County, effective July 7, 2005, for a term

expiring on January 5, 2009.

MINNESOTA RACING COMMISSION

William Kozitza, 1106 Lor Ray Dr., North Mankato, Nicollet County, effective October 19, 2005, for a term expiring on June 30, 2011.

Lynn Leegard, 614 - 88th Ave. N.E., Blaine, Anoka County, effective September 13, 2005, for a term expiring on June 30, 2011.

Camille McArdle, 20925 County Rd. 50, Corcoran, Hennepin County, effective October 19, 2005, for a term expiring on June 30, 2011.

The motion prevailed. So the appointments were confirmed.

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.

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 238 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 238

A bill for an act relating to health; establishing public policy to protect employees and the general public from the hazards of secondhand smoke; requiring persons to refrain from smoking in certain areas; amending Minnesota Statutes 2006, sections 144.412; 144.413, subdivisions 2, 4, by adding subdivisions; 144.414; 144.416; 144.417; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2006, section 144.415.

May 10, 2007

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 238 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 238 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 116L.17, subdivision 1, is amended to read:

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

(b) "Commissioner" means the commissioner of employment and economic development.

(c) "Dislocated worker" means an individual who is a resident of Minnesota at the time employment ceased or was working in the state at the time employment ceased and:

(1) has been permanently separated or has received a notice of permanent separation from public or private sector employment and is eligible for or has exhausted entitlement to unemployment benefits, and is unlikely to return to the previous industry or occupation;

(2) has been long-term unemployed and has limited opportunities for employment or reemployment in the same or a similar occupation in the area in which the individual resides, including older individuals who may have substantial barriers to employment by reason of age;

(3) has been self-employed, including farmers and ranchers, and is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; ~~or~~

(4) has been permanently separated from employment in a restaurant, bar, or lawful gambling organization from October 1, 2007, to October 1, 2009, due to the implementation of any state law prohibiting smoking; or

(5) is a displaced homemaker. A "displaced homemaker" is an individual who has spent a substantial number of years in the home providing homemaking service and (i) has been dependent upon the financial support of another; and now due to divorce, separation, death, or disability of that person, must find employment to self support; or (ii) derived the substantial share of support from public assistance on account of dependents in the home and no longer receives such support.

To be eligible under this clause, the support must have ceased while the worker resided in Minnesota.

(d) "Eligible organization" means a state or local government unit, nonprofit organization, community action agency, business organization or association, or labor organization.

(e) "Plant closing" means the announced or actual permanent shutdown of a single site of employment, or one or more facilities or operating units within a single site of employment.

(f) "Substantial layoff" means a permanent reduction in the workforce, which is not a result of a plant closing, and which results in an employment loss at a single site of employment during any 30-day period for at least 50 employees excluding those employees that work less than 20 hours per week.

Sec. 2. Minnesota Statutes 2006, section 144.412, is amended to read:

144.412 PUBLIC POLICY.

The purpose of sections 144.411 to 144.417 is to protect ~~the public health, comfort and environment by prohibiting smoking in areas where children or ill or injured persons are present, and employees and the general public from the hazards of secondhand smoke~~ by limiting eliminating smoking in public places, places of employment, public transportation, and at public meetings to designated smoking areas.

Sec. 3. Minnesota Statutes 2006, section 144.413, is amended by adding a subdivision to read:

Subd. 1a. **Indoor area.** "Indoor area" means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge window screen with an 18 by 16 mesh count is not a wall.

Sec. 4. Minnesota Statutes 2006, section 144.413, is amended by adding a subdivision to read:

Subd. 1b. **Place of employment.** "Place of employment" means any indoor area at which two or more individuals perform any type of a service for consideration of payment under any type of contractual relationship, including, but not limited to, an employment relationship with or for a private corporation, partnership, individual, or government agency. Place of employment includes any indoor area where two or more individuals gratuitously perform services for which individuals are ordinarily paid. A place of employment includes, but is not limited to, public conveyances, factories, warehouses, offices, retail stores, restaurants, bars, banquet facilities, theaters, food stores, banks, financial institutions, employee cafeterias, lounges, auditoriums, gymnasiums, restrooms, elevators, hallways, museums, libraries, bowling establishments, employee medical facilities, and rooms or areas containing photocopying equipment or other office equipment used in common. Vehicles used in whole or in part for work purposes are places of employment during hours of operation if more than one person is present. An area in which work is performed in a private residence is a place of employment during hours of operation if:

(1) the homeowner uses the area exclusively and regularly as a principal place of business and has one or more on-site employees; or

(2) the homeowner uses the area exclusively and regularly as a place to meet or deal with patients, clients, or customers in the normal course of the homeowner's trade or business.

Sec. 5. Minnesota Statutes 2006, section 144.413, subdivision 2, is amended to read:

Subd. 2. **Public place.** "Public place" means any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants; bars; any other food or liquor establishment; retail stores; offices and other commercial establishments; public conveyances; educational facilities other than public schools, as defined in section 120A.05, subdivisions 9, 11, and 13; hospitals; nursing homes; auditoriums; arenas; meeting rooms; and common areas of rental apartment buildings, but excluding private, enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers.

Sec. 6. Minnesota Statutes 2006, section 144.413, subdivision 4, is amended to read:

Subd. 4. **Smoking.** "Smoking" means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment tobacco or plant product

intended for inhalation.

Sec. 7. Minnesota Statutes 2006, section 144.413, is amended by adding a subdivision to read:

Subd. 5. Public transportation. "Public transportation" means public means of transportation, including light and commuter rail transit; buses; enclosed bus and transit stops; taxis, vans, limousines, and other for-hire vehicles other than those being operated by the lessee; and ticketing, boarding, and waiting areas in public transportation terminals.

Sec. 8. Minnesota Statutes 2006, section 144.414, is amended to read:

144.414 PROHIBITIONS.

Subdivision 1. Public places, places of employment, public transportation, and public meetings. Smoking shall not be permitted in and no person shall smoke in a public place or, at a public meeting except in designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place. Furthermore, this prohibition shall not apply to places of work not usually frequented by the general public, except that the state commissioner of health shall establish rules to restrict or prohibit smoking in factories, warehouses, and those places of work where the close proximity of workers or the inadequacy of ventilation causes smoke pollution detrimental to the health and comfort of nonsmoking employees, in a place of employment, or in public transportation, except as provided in this section or section 144.4167.

Subd. 2. Day care premises. Smoking is prohibited in a day care center licensed under Minnesota Rules, parts 9503.0005 to 9503.0175, or in a family home or in a group family day care provider home licensed under Minnesota Rules, parts 9502.0300 to 9502.0445, during its hours of operation. The proprietor of a family home or group family day care provider must disclose to parents or guardians of children cared for on the premises if the proprietor permits smoking outside of its hours of operation. Disclosure must include posting on the premises a conspicuous written notice and orally informing parents or guardians.

Subd. 3. Health care facilities and clinics. (a) Smoking is prohibited in any area of a hospital, health care clinic, doctor's office, licensed residential facility for children, or other health care-related facility, other than except that a patient or resident in a nursing home, boarding care facility, or licensed residential facility, except as allowed in this subdivision for adults may smoke in a designated separate, enclosed room maintained in accordance with applicable state and federal laws.

(b) Smoking by participants in peer reviewed scientific studies related to the health effects of smoking may be allowed in a separated room ventilated at a rate of 60 cubic feet per minute per person pursuant to a policy that is approved by the commissioner and is established by the administrator of the program to minimize exposure of nonsmokers to smoke. Except as provided in section 246.0141, smoking by patients in a locked psychiatric unit may be allowed in a separated well-ventilated area in the unit under a policy established by the administrator of the program that allows the treating physician to approve smoking if, in the opinion of the treating physician, the benefits to be gained in obtaining patient cooperation with treatment outweigh the negative impacts of smoking.

Subd. 4. **Public transportation vehicles.** Smoking is prohibited in public transportation vehicles except that the driver of a public transportation vehicle may smoke when the vehicle is being used for personal use. For purposes of this subdivision, "personal use" means that the public transportation vehicle is being used by the driver for private purposes and no for-hire passengers are present. If a driver smokes under this subdivision, the driver must post a conspicuous sign inside the vehicle to inform passengers.

Sec. 9. Minnesota Statutes 2006, section 144.416, is amended to read:

144.416 RESPONSIBILITIES OF PROPRIETORS.

(a) The proprietor or other person ~~in charge~~, firm, limited liability company, corporation, or other entity that owns, leases, manages, operates, or otherwise controls the use of a public place, public transportation, place of employment, or public meeting shall make reasonable efforts to prevent smoking in the public place, public transportation, place of employment, or public meeting by:

~~(a) (1) posting appropriate signs;~~

~~(b) arranging seating to provide a smoke-free area;~~

~~(c) asking smokers to refrain from smoking upon request of a client or employee suffering discomfort from the smoke; or~~

~~(d) or by any other means which may be appropriate; and~~

(2) asking any person who smokes in an area where smoking is prohibited to refrain from smoking and, if the person does not refrain from smoking after being asked to do so, asking the person to leave. If the person refuses to leave, the proprietor, person, or entity in charge shall handle the situation consistent with lawful methods for handling other persons acting in a disorderly manner or as a trespasser.

(b) The proprietor or other person or entity in charge of a public place, public meeting, public transportation, or place of employment must not provide smoking equipment, including ashtrays or matches, in areas where smoking is prohibited. Nothing in this section prohibits the proprietor or other person or entity in charge from taking more stringent measures than those under sections 144.414 to 144.417 to protect individuals from secondhand smoke. The proprietor or other person or entity in charge of a restaurant or bar may not serve an individual who is in violation of sections 144.411 to 144.417.

Sec. 10. [144.4167] PERMITTED SMOKING.

Subdivision 1. **Scientific study participants.** Smoking by participants in peer reviewed scientific studies related to the health effects of smoking may be allowed in a separated room ventilated at a rate of 60 cubic feet per minute per person pursuant to a policy that is approved by the commissioner and is established by the administrator of the program to minimize exposure of nonsmokers to smoke.

Subd. 2. **Traditional Native American ceremonies.** Sections 144.414 to 144.417 do not prohibit smoking by a Native American as part of a traditional Native American spiritual or cultural ceremony. For purposes of this section, a Native American is a person who is a member of an Indian tribe as defined in section 260.755, subdivision 12.

Subd. 3. **Private places.** Except as provided in section 144.414, subdivision 2, nothing in sections 144.411 to 144.417 prohibits smoking in:

(1) private homes, private residences, or private automobiles when they are not in use as a place of employment, as defined in section 144.413, subdivision 1b; or

(2) a hotel or motel sleeping room rented to one or more guests.

Subd. 4. **Tobacco products shop.** Sections 144.414 to 144.417 do not prohibit the lighting of tobacco in a tobacco products shop by a customer or potential customer for the specific purpose of sampling tobacco products. For the purposes of this subdivision, a tobacco products shop is a retail establishment with an entrance door opening directly to the outside that derives more than 90 percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Tobacco products shop" does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

Subd. 5. **Heavy commercial vehicles.** Sections 144.414 to 144.417 do not prohibit smoking in the cabs of motor vehicles registered under section 168.013, subdivision 1e, with a total gross weight of 26,001 pounds or greater.

Subd. 6. **Farm vehicles and construction equipment.** Sections 144.414 to 144.417 do not prohibit smoking in farm trucks, as defined in section 168.011, subdivision 17; implements of husbandry, as defined in section 168A.01, subdivision 8; and special mobile equipment, as defined in section 168.011, subdivision 22. This subdivision applies to farm trucks, implements of husbandry, and special mobile equipment, when being used for their intended purposes.

Subd. 7. **Family farms.** Sections 144.414 to 144.417 do not prohibit smoking in the house, garage, barns, and other buildings on a family farm that meets the following criteria: (1) the family farm is engaged in farming, as defined in section 500.24, subdivision 2, paragraph (a); (2) the family farm meets the definition of family farm under section 500.24, subdivision 2, paragraph (b), (c), (j), or (l); and (3) the family farm employs two or fewer persons who are not family members.

Subd. 8. **Disabled veterans rest camp.** Sections 144.414 to 144.417 do not prohibit smoking in the disabled veterans rest camp located in Washington County, established as of January 1, 2007.

Subd. 9. **Theatrical productions.** Sections 144.414 to 144.417 do not prohibit smoking by actors and actresses as part of a theatrical performance conducted in compliance with section 366.01. Notice of smoking in a performance shall be given to theater patrons in advance and shall be included in performance programs.

Sec. 11. Minnesota Statutes 2006, section 144.417, is amended to read:

144.417 COMMISSIONER OF HEALTH, ENFORCEMENT, PENALTIES.

Subdivision 1. **Rules.** ~~(a)~~ The state commissioner of health shall adopt rules necessary and reasonable to implement the provisions of sections 144.411 to 144.417, ~~except as provided for in section 144.414.~~

~~(b) Rules implementing sections 144.411 to 144.417 adopted after January 1, 2002, may not~~

~~take effect until approved by a law enacted after January 1, 2002. This paragraph does not apply to a rule or severable portion of a rule governing smoking in office buildings, factories, warehouses, or similar places of work, or in health care facilities. This paragraph does not apply to a rule changing the definition of "restaurant" to make it the same as the definition in section 157.15, subdivision 12.~~

Subd. 2. **Penalties Violations.** ~~Any person who violates section 144.414 or 144.4165 is guilty of a petty misdemeanor. (a) Any proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area in which smoking is prohibited under sections 144.414 to 144.417, and that knowingly fails to comply with sections 144.414 to 144.417, is guilty of a petty misdemeanor.~~

(b) Any person who smokes in an area where smoking is prohibited or restricted under sections 144.414 to 144.417 is guilty of a petty misdemeanor.

(c) A proprietor, person, or entity in charge of a public place, public meeting, place of employment, or public transportation must not retaliate or take adverse action against an employee or anyone else who, in good faith, reports a violation of sections 144.414 to 144.417 to the proprietor or person in charge of the public place, public meeting, place of employment, or public transportation, or to the commissioner of health or other designee responsible for enforcing sections 144.414 to 144.417.

(d) No person or employer shall discharge, refuse to hire, penalize, discriminate against, or in any manner retaliate against any employee, applicant for employment, or customer because the employee, applicant, or customer exercises any right to a smoke-free environment provided by sections 144.414 to 144.417 or other law.

Subd. 3. **Injunction.** The state commissioner of health, a board of health as defined in section 145A.02, subdivision 2, or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of ~~section 144.416 or 144.4165~~ sections 144.414 to 144.417.

Subd. 4. **Local government ordinances.** (a) Nothing in sections 144.414 to 144.417 prohibits a statutory or home rule charter city or county from enacting and enforcing more stringent measures to protect individuals from secondhand smoke.

(b) Except as provided in sections 144.411 to 144.417, smoking is permitted outside of restaurants, bars, and bingo halls unless limited or prohibited by restrictions adopted in accordance with paragraph (a).

Sec. 12. **CHARITABLE GAMBLING IMPACT STUDY.**

The Gambling Control Board, in cooperation with the commissioner of revenue, shall study the impact of a statewide smoking ban in public places on lawful gambling. The board shall provide a summary report with recommendations to the governor and the appropriate committees of the legislature prior to March 31, 2008.

Sec. 13. **DISLOCATED WORKER PROGRAM; ALLOCATION OF FUNDS.**

The Job Skills Partnership Board must enable the dislocated worker program under Minnesota Statutes, section 116L.17, to provide services under that program to employees of bars, restaurants, and lawful gambling organizations who become unemployed from October 1, 2007, to October 1, 2009, due to the provisions of this act.

Sec. 14. **FREEDOM TO BREATHE ACT.**

This act shall be referred to as the "Freedom to Breathe Act of 2007."

Sec. 15. **REPEALER.**

Minnesota Statutes 2006, section 144.415, is repealed.

Sec. 16. **EFFECTIVE DATE.**

Sections 1 to 15 are effective October 1, 2007."

Delete the title and insert:

"A bill for an act relating to health; establishing the Freedom to Breathe Act of 2007; establishing public policy to protect employees and the general public from the hazards of secondhand smoke; prohibiting smoking in certain areas; providing penalties; amending Minnesota Statutes 2006, sections 116L.17, subdivision 1; 144.412; 144.413, subdivisions 2, 4, by adding subdivisions; 144.414; 144.416; 144.417; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 2006, section 144.415."

We request the adoption of this report and repassage of the bill.

Senate Conferees: (Signed) Kathy Sheran, D. Scott Dibble, Ron Latz, Steve Dille, Julie A. Rosen

House Conferees: (Signed) Thomas Huntley, Erin Murphy, Kim Norton, Ken Tschumper, Dan Severson

Senator Sheran moved that the foregoing recommendations and Conference Committee Report on S.F. No. 238 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

CALL OF THE SENATE

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

S.F. No. 238 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 43 and nays 21, as follows:

Those who voted in the affirmative were:

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

Skogen

Torres Ray

Wiger

Those who voted in the negative were:

Bakk

Johnson

Metzen

Saxhaug

Wergin

Day

Jungbauer

Neuville

Skoe

Gerlach

Koch

Olson, G.

Sparks

Hann

Koering

Ortman

Tomassoni

Ingebrigtsen

Limmer

Pariseau

Vickerman

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Pogemiller, Chair of the Committee on Rules and Administration, designated S.F. No. 6 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 6: A bill for an act relating to natural and cultural resources; proposing an amendment to the Minnesota Constitution, article XI; increasing the sales tax rate by three-eighths of one percent and dedicating the receipts for natural and cultural heritage purposes; creating a cultural legacy fund; creating a heritage enhancement fund; creating a great outdoors Minnesota fund; establishing a Heritage Enhancement Council; amending Minnesota Statutes 2006, sections 10A.01, subdivision 35; 297A.62, subdivision 1; 297A.94; 297B.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 97A; 129D; proposing coding for new law as Minnesota Statutes, chapter 84E.

Senator Pariseau moved to amend S.F. No. 6 as follows:

Delete everything after the enacting clause and insert:

"Section 1. **CONSTITUTIONAL AMENDMENT.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section will be added to article XI, to read:

Sec. 15. Because hunting and fishing and the taking of game and fish are forever preserved for the people under article XIII, section 12, beginning July 1, 2009, the sales and use tax receipts equal to the state sales and use tax of one-eighth of one percent on sales and uses taxable under the general state sales and use tax law, plus penalties and interest and reduced by any refunds, are dedicated only to provide hunter and angler access and to improve, preserve, or protect game and fish habitat. The money dedicated under this section shall not be used as a substitute for traditional funding sources for the purposes specified, but the dedicated money shall supplement traditional sources of funding for those purposes. Easements in land acquired with money deposited in the game and fish preservation fund under this section must be open to public taking of game and fish during the open season.

Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment shall be submitted to the people at the 2008 general election. The

question submitted shall be:

"Because hunting and fishing are forever preserved under the Minnesota Constitution, shall the Minnesota Constitution be amended to provide funding, without increasing the state sales and use tax, beginning July 1, 2009, to provide hunter and angler access and to improve, preserve, or protect game and fish habitat by dedicating the sales and use tax receipts equal to the state sales and use tax of one-eighth of one percent on taxable sales?"

Yes

No"

Sec. 3. [84.946] GAME AND FISH PRESERVATION FUND.

The commissioner of finance shall create a game and fish preservation fund. The fund shall consist of revenue deposited under the Minnesota Constitution, article XI, section 15, and all money earned by the fund.

Sec. 4. [84.947] GAME AND FISH PRESERVATION FUND; EXPENDITURE ALLOCATION.

The commissioner of natural resources' budgetary oversight committee, under section 97A.055, subdivision 4b, shall allocate expenditures from the game and fish preservation fund. The amount of the game and fish preservation fund that is available for appropriation under the terms of the Minnesota Constitution, article XI, section 15, is appropriated to the commissioner of natural resources' budgetary oversight committee. The expenditure allocations must be only for projects that provide hunter and angler access and to improve, preserve, or protect game and fish habitat.

Sec. 5. [84.992] ACCESS TO MINNESOTA OUTDOORS.

Subdivision 1. **Walk-in access plan.** (a) The commissioner shall create a walk-in public access plan under which the commissioner may encourage owners and operators of privately held land to voluntarily make that land available for walk-in access by the public for hunting and fishing under programs administered by the commissioner and funded by revenue created under the Minnesota Constitution, article XI, section 15.

(b) As part of the plan, the commissioner shall explore entering into contracts with the owners or lessees of land to establish voluntary walk-in public access for hunting, fishing, or other wildlife-dependent recreational activities.

(c) In the plan, the commissioner must describe:

(1) the benefits that private land will provide the public, such as hunting, fishing, bird watching, and related outdoor activities; and

(2) the types of game, fish, and wildlife habitat improvements made to the land that will enhance public uses.

(d) The commissioner shall explore walk-in public access programs in other states and develop a walk-in program for public access to private lands for hunting, fishing, and related recreational activities.

Subd. 2. **Preemption.** Nothing in this section is intended to preempt other state laws, including

trespass and liability laws.

Subd. 3. **Report.** Before implementation, the commissioner must present the walk-in public access plan to the house and senate committees with jurisdiction over natural resources policy and finance, with recommendations on program implementation, by December 31, 2008.

Sec. 6. Minnesota Statutes 2006, section 97A.055, subdivision 4b, is amended to read:

Subd. 4b. **Citizen oversight subcommittees.** (a) The commissioner shall appoint subcommittees of affected persons to review the reports prepared under subdivision 4; review the proposed work plans and budgets for the coming year; propose changes in policies, activities, and revenue enhancements or reductions; review other relevant information; and make recommendations to the legislature and the commissioner for improvements in the management and use of money in the game and fish fund.

(b) The commissioner shall appoint the following subcommittees, each comprised of at least three affected persons:

(1) a Fisheries Operations Subcommittee to review fisheries funding, excluding activities related to trout and salmon stamp funding;

(2) a Wildlife Operations Subcommittee to review wildlife funding, excluding activities related to migratory waterfowl, pheasant, and turkey stamp funding and excluding review of the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c);

(3) a Big Game Subcommittee to review the report required in subdivision 4, paragraph (a), clause (2);

(4) an Ecological Services Operations Subcommittee to review ecological services funding;

(5) a subcommittee to review game and fish fund funding of enforcement, support services, and Department of Natural Resources administration;

(6) a subcommittee to review the trout and salmon stamp report and address funding issues related to trout and salmon;

(7) a subcommittee to review the report on the migratory waterfowl stamp and address funding issues related to migratory waterfowl;

(8) a subcommittee to review the report on the pheasant stamp and address funding issues related to pheasants; and

(9) a subcommittee to review the report on the turkey stamp and address funding issues related to wild turkeys.

(c) The chairs of each of the subcommittees shall form a Budgetary Oversight Committee to coordinate the integration of the subcommittee reports into an annual report to the legislature; recommend changes on a broad level in policies, activities, and revenue enhancements or reductions; provide a forum to address issues that transcend the subcommittees; and submit a report for any subcommittee that fails to submit its report in a timely manner.

(d) The Budgetary Oversight Committee shall develop recommendations for a biennial budget

plan and report for expenditures on game and fish activities. By August 15 of each even-numbered year, the committee shall submit the budget plan recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance. In addition, the committee must review and decide on recommended expenditures from the game and fish preservation fund under section 84.947.

(e) Each subcommittee shall choose its own chair, except that the chair of the Budgetary Oversight Committee shall be appointed by the commissioner and may not be the chair of any of the subcommittees.

(f) The Budgetary Oversight Committee must make recommendations to the commissioner and to the senate and house committees with jurisdiction over natural resources finance for outcome goals from expenditures.

(g) Notwithstanding section 15.059, subdivision 5, or other law to the contrary, the Budgetary Oversight Committee and subcommittees do not expire until June 30, 2010. Expenses for performing their duties under this section are governed by section 15.059, subdivision 6.

Sec. 7. Minnesota Statutes 2006, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section and the Minnesota Constitution, article XI, section 15, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund

an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

Sec. 8. EFFECTIVE DATE.

Sections 1 and 2 apply to sales and uses occurring after June 30, 2009. Sections 3, 4, 6, and 7 are effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters. Section 5 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to constitutional amendments; proposing an amendment to the Minnesota Constitution by adding a section to article XI; dedicating sales and use tax receipts equal to a rate of one-eighth of one percent on taxable sales and uses to provide angler and hunter access and to improve, preserve, or protect game and fish habitat; creating a game and fish preservation fund; providing for a walk-in public access program; amending Minnesota Statutes 2006, sections 97A.055, subdivision 4b; 297A.94; proposing coding for new law in Minnesota Statutes, chapter 84."

CALL OF THE SENATE

Senator Pogemiller imposed a call of the Senate for the balance of the proceedings on S.F. No. 6. The Sergeant at Arms was instructed to bring in the absent members.

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

The roll was called, and there were yeas 13 and nays 47, as follows:

Those who voted in the affirmative were:

Fischbach	Ingebrigtsen	Limmer	Robling	Wergin
Gerlach	Jungbauer	Ortman	Rosen	
Hann	Koch	Pariseau	Senjem	

Those who voted in the negative were:

Anderson	Dibble	Langseth	Olson, M.	Skoe
Bakk	Dille	Larson	Pappas	Skogen
Berglin	Doll	Latz	Pogemiller	Sparks
Betzold	Erickson Ropes	Lourey	Prettner Solon	Tomassoni
Bonoff	Foley	Marty	Rest	Torres Ray
Carlson	Frederickson	Michel	Rummel	Vickerman
Chaudhary	Gimse	Moua	Saltzman	Wiger
Clark	Higgins	Murphy	Saxhaug	
Cohen	Johnson	Neuville	Sheran	
Day	Kubly	Olseen	Sieben	

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

Senator Olson, G. moved to amend S.F. No. 6 as follows:

Page 1, line 25, after the second comma, insert "and" and delete ", and historic sites"

Page 2, line 1, delete the second "and"

Page 2, line 2, after "access" insert ", and historic sites"

Page 2, line 18, delete "historic"

Page 2, line 19, delete "sites," and after "heritage" insert "and history"

Page 3, line 34, before "natural" insert "and"

Page 4, line 1, delete ", and historic sites"

Page 6, line 28, before the period, insert "and to Minnesota historic sites"

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend S.F. No. 6 as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1**TITLE**

Section 1. TITLE.

This act shall be titled the "Dallas Sams Outdoor and Cultural Legacy Act."

ARTICLE 2

NATURAL HERITAGE LEGACY

Section 1. CONSTITUTIONAL AMENDMENT.

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section will be added to article XI, to read:

Sec. 15. Beginning July 1, 2009, until June 30, 2034, the sales and use tax rate shall be increased by five-sixteenths of one percent on sales and uses taxable under the general state sales and use tax law. Receipts from the increase, plus penalties and interest and reduced by any refunds, are dedicated as follows: 40 percent of the receipts shall be deposited in the heritage enhancement fund and may be spent only to preserve, enhance, or protect the state's fish, wildlife, habitat, land, and forest resources; and 60 percent of the receipts shall be deposited in the great outdoors Minnesota fund and may be spent only on protection and restoration of the state's lakes, rivers, streams, wetlands, groundwater, parks, trails, natural areas, and historic sites; a heritage enhancement fund; and a great outdoors Minnesota fund are created in the state treasury. The money dedicated under this section shall be appropriated by law. The money dedicated under this section shall not be used as a substitute for traditional funding sources for the purposes specified, but the dedicated money shall supplement traditional sources of funding for those purposes. Land acquired by fee with money deposited in the heritage enhancement fund under this section must be open to public taking of fish and game during the open season unless otherwise provided by law. If the base of the sales and use tax is changed, the legislature may proportionally adjust the sales and use tax rate in this section to within one-tenth of one percent in order to provide the same amount of revenue as practicable for each fund as existed before the change to the sales and use tax.

Sec. 2. SUBMISSION TO VOTERS.

The proposed amendment shall be submitted to the people at the 2008 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2009, to protect the state's water quality and groundwater; to preserve and enhance its fish, wildlife, habitat, natural land, and forest resources; to support its parks, trails, historic sites, and natural areas; and to protect and restore its lakes, rivers, streams, and wetlands by increasing the sales and use tax rate by five-sixteenths of one percent on taxable sales until the year 2034?"

Yes

No"

Sec. 3. Minnesota Statutes 2006, section 10A.01, subdivision 35, is amended to read:

Subd. 35. **Public official.** "Public official" means any:

(1) member of the legislature;

(2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or attorney in the Office of

Senate Counsel and Research or House Research;

- (3) constitutional officer in the executive branch and the officer's chief administrative deputy;
- (4) solicitor general or deputy, assistant, or special assistant attorney general;
- (5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06, or the state chief information officer;
- (6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;
- (7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;
- (8) executive director of the State Board of Investment;
- (9) deputy of any official listed in clauses (7) and (8);
- (10) judge of the Workers' Compensation Court of Appeals;
- (11) administrative law judge or compensation judge in the State Office of Administrative Hearings or referee in the Department of Employment and Economic Development;
- (12) member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council;
- (13) member or chief administrator of a metropolitan agency;
- (14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;
- (15) member or executive director of the Higher Education Facilities Authority;
- (16) member of the board of directors or president of Minnesota Technology, Inc.;
- (17) member of the board of directors or executive director of the Minnesota State High School League;
- (18) member of the Minnesota Ballpark Authority established in section 473.755; ~~or~~
- (19) citizen member of the Legislative-Citizen Commission on Minnesota Resources; or
- (20) member of the Heritage Enhancement Council.

EFFECTIVE DATE. This section is effective November 15, 2008, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 4. [84E.01] GREAT OUTDOORS MINNESOTA FUND.

The great outdoors Minnesota fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the great outdoors Minnesota fund must be credited to the fund. Money in the fund may be spent only on the protection and restoration of the state's lakes, rivers, streams, wetlands, groundwater, parks, trails, natural areas, and historic sites. Money appropriated

for parks from the fund shall be based on park usage, expenditures, and acreage.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 5. [97A.056] HERITAGE ENHANCEMENT FUND; HERITAGE ENHANCEMENT COUNCIL.

Subdivision 1. **Heritage enhancement fund.** (a) The heritage enhancement fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the heritage enhancement fund must be credited to the fund. At least 97 percent of the money appropriated from the fund must be spent on specific fish, wildlife, habitat, and land conservation projects.

(b) A forest legacy and forest consolidation account is created within the heritage enhancement fund. From the receipts deposited in the heritage enhancement fund under the Minnesota Constitution, article XI, section 15, 25 percent each fiscal year must be credited to the forest legacy and forest consolidation account. Money in the account may be spent only for the acquisition of permanent easements on private forest land or for the acquisition of land for forest consolidation.

Subd. 2. **Heritage Enhancement Council.** (a) A Heritage Enhancement Council of 16 members is created in the legislative branch, consisting of:

(1) three members of the senate appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(2) three members of the house of representatives appointed by the speaker of the house;

(3) three public members representing hunting, fishing, wildlife, forestry, or land conservation interests appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(4) three public members representing hunting, fishing, wildlife, forestry, or land conservation interests appointed by the speaker of the house; and

(5) four public members representing hunting, fishing, wildlife, forestry, or land conservation interests appointed by the governor.

(b) One member from the senate and one member from the house of representatives must be from the minority caucus.

(c) In making appointments to the council, appointing authorities shall consult with hunting, fishing, wildlife, forestry, and land conservation groups and shall consider geographic balance. Appointments to the council shall be made by February 1, 2009.

(d) Legislative members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the council. The removal and, beginning July 1, 2009, the compensation of public members is as provided in section 15.0575.

(e) The first meeting of the council shall be convened by the chair of the Legislative Coordinating Commission. Members shall elect a chair, vice chair, secretary, and other officers as determined by the council. The chair may convene meetings as necessary to conduct the duties prescribed by this section.

(f) Public membership terms are coterminous with the appointing authority and legislative membership terms are at the pleasure of the appointing authority, except that members shall serve on the council until their successors are appointed.

(g) Vacancies occurring on the council do not affect the authority of the remaining members of the council to carry out their duties. Vacancies shall be filled in the same manner as under paragraph (a).

(h) The governor's appointments to the council are subject to the advice and consent of the senate.

Subd. 3. **Duties of council.** (a) The council, in consultation with statewide and local fishing, hunting, wildlife, forestry, and land conservation groups, shall develop a biennial budget plan to recommend expenditures from the heritage enhancement fund to the legislature and the governor. The biennial budget plan shall include at least \$5,000,000 in each fiscal year for a conservation partners program to provide matching grants of up to \$20,000 to local sporting and conservation clubs for the improvement, enhancement, and protection of fish, game, wildlife, habitat, forestry, and land conservation. Approval of the biennial budget plan for the heritage enhancement fund requires an affirmative vote of at least 11 members of the council.

(b) In the biennial budget submitted to the legislature, the governor shall submit separate budget detail for planned expenditures from the heritage enhancement fund as recommended by the council.

(c) As a condition of acceptance of an appropriation from the heritage enhancement fund, an agency or entity receiving an appropriation shall submit a work program and quarterly progress reports for appropriations from the heritage enhancement fund to the members of the Heritage Enhancement Council in the form determined by the council.

Subd. 4. **Council administration.** (a) The council may employ personnel and contract with consultants as necessary to carry out functions and duties of the council. Permanent employees shall be in the unclassified service. The council may request staff assistance, legal opinion, and data from agencies of state government as needed for the execution of the responsibilities of the council.

(b) Beginning July 1, 2009, the administrative expenses of the council shall be paid from the heritage enhancement fund, as appropriated by law.

(c) A council member or an employee of the council may not participate in or vote on a decision of the council relating to an organization in which the member or employee has either a direct or indirect personal financial interest. While serving on or employed by the council, a person shall avoid any potential conflict of interest.

Subd. 5. **Open meetings.** (a) Meetings of the council and other groups the council may establish must be open to the public. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations. For the purposes of this subdivision, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the council.

(b) For legislative members of the council, enforcement of this subdivision shall be governed by section 3.055, subdivision 2. For nonlegislative members of the council, enforcement of this subdivision shall be governed by section 13D.06, subdivisions 1 and 2.

Subd. 6. **Council expiration.** Subdivisions 2 to 5 expire on June 30, 2013, unless extended by

law.

EFFECTIVE DATE. This section is effective November 15, 2008, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 6. Minnesota Statutes 2006, section 297A.62, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) Except as otherwise provided in subdivision 2 or 3 or in this chapter, a sales tax of 6.5 percent is imposed on the gross receipts from retail sales as defined in section 297A.61, subdivision 4, made in this state or to a destination in this state by a person who is required to have or voluntarily obtains a permit under section 297A.83, subdivision 1.

(b) The increased rate required under the Minnesota Constitution, article XI, section 15, shall be added to the rate imposed under paragraph (a).

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 7. Minnesota Statutes 2006, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section and the Minnesota Constitution, article XI, section 15, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous

calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 8. Minnesota Statutes 2006, section 297B.02, subdivision 1, is amended to read:

Subdivision 1. **Rate.** There is imposed an excise tax at the rate provided in ~~chapter 297A~~ section 297A.62, subdivision 1, paragraph (a), on the purchase price of any motor vehicle purchased or acquired, either in or outside of the state of Minnesota, which is required to be registered under the laws of this state.

The excise tax is also imposed on the purchase price of motor vehicles purchased or acquired on Indian reservations when the tribal council has entered into a sales tax on motor vehicles refund agreement with the state of Minnesota.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

ARTICLE 3

CULTURAL LEGACY**Section 1. CONSTITUTIONAL AMENDMENT.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section will be added to article XI, to read:

Sec. 16. Beginning July 1, 2009, until June 30, 2034, the sales and use tax rate shall be increased by two-sixteenths of one percent on sales and uses taxable under the general state sales and use tax law. Receipts from the increase, plus penalties and interest, and reduced by any refunds, shall be deposited in the cultural legacy fund and may be spent only on arts, arts education, and arts access. A cultural legacy fund is created in the state treasury. The money dedicated under this section shall be appropriated by law. The money dedicated under this section shall not be used as a substitute for traditional funding sources for the purposes specified, but the dedicated money shall supplement traditional sources of funding for those purposes. If the base of the sales and use tax is changed, the legislature may proportionally adjust the sales and use tax rate in this section to within one-tenth of one percent in order to provide the same amount of revenue as practicable for each fund as existed before the change to the sales and use tax.

Sec. 2. SUBMISSION TO VOTERS.

The proposed amendment shall be submitted to the people at the 2008 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2009, to increase access to its arts and cultural heritage by increasing the sales and use tax rate by two-sixteenths of one percent on taxable sales until the year 2034?"

Yes

No"

Sec. 3. [129D.17] CULTURAL LEGACY FUND; EXPENDITURES.

Subdivision 1. **Fund.** The cultural legacy fund is established in the Minnesota Constitution, article XI, section 16. All money earned by the fund must be credited to the fund.

Subd. 2. **Expenditures.** Subject to the appropriation by law, receipts to the fund must be allocated as follows:

(1) 43 percent of the receipts may be spent only for grants to nonprofit art organizations to be allocated by the Minnesota Board of the Arts; and

(2) 57 percent may be spent only to provide access to arts education for Minnesota students through grants to schools and Minnesota-based nonprofit arts organizations.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 4. Minnesota Statutes 2006, section 297A.62, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) Except as otherwise provided in subdivision 2 or 3 or in this chapter, a sales tax of 6.5 percent is imposed on the gross receipts from retail sales as defined in

section 297A.61, subdivision 4, made in this state or to a destination in this state by a person who is required to have or voluntarily obtains a permit under section 297A.83, subdivision 1.

(b) The increased rate required under the Minnesota Constitution, article XI, section 16, shall be added to the rate imposed under paragraph (a).

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 5. Minnesota Statutes 2006, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section and the Minnesota Constitution, article XI, section 16, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game

and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 6. Minnesota Statutes 2006, section 297B.02, subdivision 1, is amended to read:

Subdivision 1. **Rate.** There is imposed an excise tax at the rate provided in ~~chapter 297A~~ section 297A.62, subdivision 1, paragraph (a), on the purchase price of any motor vehicle purchased or acquired, either in or outside of the state of Minnesota, which is required to be registered under the laws of this state.

The excise tax is also imposed on the purchase price of motor vehicles purchased or acquired on Indian reservations when the tribal council has entered into a sales tax on motor vehicles refund agreement with the state of Minnesota.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters."

Delete the title and insert:

"A bill for an act relating to natural and cultural resources; proposing amendments to the Minnesota Constitution, article XI; increasing the sales tax rate by five-sixteenths of one percent and dedicating the receipts for natural heritage purposes; increasing the sales tax rate by two-sixteenths of one percent for cultural heritage purposes; creating a cultural legacy fund; creating a heritage enhancement fund; creating a great outdoors Minnesota fund; establishing a Heritage Enhancement Council; amending Minnesota Statutes 2006, sections 10A.01, subdivision

35; 297A.62, subdivision 1; 297A.94; 297B.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 97A; 129D; proposing coding for new law as Minnesota Statutes, chapter 84E."

Senator Limmer moved to amend the Limmer amendment to S.F. No. 6 as follows:

Page 1, line 13, delete "five-sixteenths" and insert "three-eighths"

Page 2, line 3, delete "five-sixteenths" and insert "three-eighths"

Page 8, lines 12 and 28, delete "two-sixteenths" and insert "one-eighth"

Amend the title accordingly

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

The question recurred on the first Limmer amendment, as amended.

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

Those who voted in the affirmative were:

Dille	Hann	Koch	Olson, M.	Rosen
Fischbach	Ingebrigtsen	Limmer	Ortman	Senjem
Gerlach	Johnson	Neuville	Pariseau	Wergin
Gimse	Jungbauer	Olson, G.	Robling	

Those who voted in the negative were:

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

The motion did not prevail. So the first Limmer amendment, as amended, was not adopted.

Senator Dibble moved to amend S.F. No. 6 as follows:

Page 1, line 24, delete "the state's"

Page 1, line 25, after "sites" insert "in Minnesota"

Page 3, line 34, delete "the state's"

Page 4, line 1, after "sites" insert "in Minnesota"

The motion prevailed. So the amendment was adopted.

Senator Chaudhary moved to amend S.F. No. 6 as follows:

Page 1, line 21, before "heritage" insert "Lessard-"

Page 2, lines 2 and 7, before "heritage" insert "Lessard-"

Page 4, line 5, before "HERITAGE" insert "LESSARD-"

Page 4, line 7, before "Heritage" insert "Lessard-" and before "heritage" insert "Lessard-"

Page 4, lines 9, 12, and 13, before "heritage" insert "Lessard-"

Page 5, lines 18, 23, 26, 28, and 30, before "heritage" insert "Lessard-"

Page 6, line 2, before "heritage" insert "Lessard-"

Amend the title as follows:

Page 1, line 5, before "heritage" insert "Lessard-"

The motion prevailed. So the amendment was adopted.

Senator Robling moved to amend S.F. No. 6 as follows:

Page 1, line 25, delete "24" and insert "ten"

Page 2, line 2, after the period, insert "The remaining 14 percent of the receipts shall be divided by law among the funds created in this section."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 43, as follows:

Those who voted in the affirmative were:

Berglin	Gimse	Koch	Ortman	Sieben
Dille	Hann	Limmer	Pariseau	Wergin
Doll	Ingebrigtsen	Neuville	Robling	
Fischbach	Johnson	Olson, G.	Rosen	
Gerlach	Jungbauer	Olson, M.	Senjem	

Those who voted in the negative were:

Anderson	Dibble	Latz	Pappas	Skoe
Bakk	Erickson Ropes	Lourey	Pogemiller	Skogen
Betzold	Foley	Lynch	Prettner Solon	Sparks
Bonoff	Frederickson	Marty	Rest	Tomassoni
Carlson	Higgins	Metzen	Rummel	Torres Ray
Chaudhary	Koering	Michel	Saltzman	Vickerman
Clark	Kubly	Moua	Saxhaug	Wiger
Cohen	Langseth	Murphy	Scheid	
Day	Larson	Olseen	Sheran	

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

Senator Marty moved to amend S.F. No. 6 as follows:

Page 1, delete section 2

Page 2, delete section 3

Page 3, line 28, delete ", if the" and insert a period

Page 3, delete line 29

Page 3, line 31, delete "the Minnesota Constitution," and insert "section 297A.94"

Page 3, line 32, delete everything before the period

Page 4, line 3, delete ", if the constitutional" and insert a period

Page 4, delete line 4

Page 4, line 8, delete "the Minnesota Constitution, article XI, section 15" and insert "section 297A.94"

Page 4, line 14, delete everything before "25" and insert "section 297A.94,"

Page 6, line 17, delete ", if the" and insert a period

Page 6, delete line 18

Page 6, line 20, delete "the Minnesota" and insert "section 297A.94"

Page 6, line 21, delete everything before the period

Page 6, line 29, delete ", if the constitutional" and insert a period

Page 6, delete line 30

Page 7, delete lines 4 and 5 and insert:

"(b) Beginning July 1, 2009, until June 30, 2034, the sales and use tax rate shall be increased by three-eighths of one percent on sales and uses taxable under the general state sales and use tax law."

Page 7, line 6, delete ", if the constitutional" and insert a period

Page 7, delete line 7

Page 7, line 10, delete the new language and insert "and in section 297A.62, subdivision 1, paragraph (b)"

Page 7, line 11, delete the new language

Page 8, after line 28, insert:

"(g) Receipts from the sales tax imposed in section 297A.62, subdivision 1, paragraph (b), plus penalties and interest and reduced by any refunds, are dedicated as follows: 33 percent of the receipts shall be deposited in the heritage enhancement fund and may be spent only to preserve, enhance, or protect the state's fish, wildlife, habitat, and land resources; 43 percent of the receipts shall be deposited in the great outdoors Minnesota fund and may be spent only on protection and restoration of the state's lakes, rivers, streams, wetlands, groundwater, parks, trails, natural areas, and historic sites; and 24 percent of the receipts shall be deposited in the cultural legacy fund and may be spent only on arts, arts education, and arts access. A cultural legacy fund; a heritage enhancement fund; and a great outdoors Minnesota fund are created in the state treasury. The money dedicated under this section shall be appropriated by law. The money dedicated under this section shall not be used as a substitute for traditional funding sources for the purposes specified, but the dedicated money shall supplement traditional sources of funding for those purposes. Land acquired by fee with money deposited in the heritage enhancement fund under this section must be open to public taking of fish and game during the open season unless otherwise provided by law. If the base of the sales and use tax is changed, the legislature may proportionally adjust the sales and use tax rate in this section to within one-tenth of one percent in order to provide the same amount of revenue as practicable for

each fund as existed before the change to the sales and use tax."

Page 8, line 29, delete "if the constitutional" and insert a period

Page 8, delete line 30

Page 9, line 4, delete "if the constitutional" and insert a period

Page 9, delete line 5

Amend the title as follows:

Page 1, line 2, delete "proposing an amendment to the"

Page 1, line 3, delete "Minnesota Constitution, article XI;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 38, as follows:

Those who voted in the affirmative were:

Bakk	Gerlach	Latz	Olseen	Skogen
Betzold	Johnson	Lourey	Prettner Solon	Sparks
Carlson	Jungbauer	Lynch	Rest	Tomassoni
Dille	Koering	Marty	Rummel	Torres Ray
Doll	Langseth	Murphy	Sieben	
Erickson Ropes	Larson	Neuville	Skoe	

Those who voted in the negative were:

Anderson	Fischbach	Kubly	Pappas	Senjem
Berglin	Foley	Limmer	Pariseau	Sheran
Bonoff	Frederickson	Metzen	Pogemiller	Vandever
Chaudhary	Gimse	Michel	Robling	Vickerman
Clark	Hann	Moua	Rosen	Wergin
Cohen	Higgins	Olson, G.	Saltzman	Wiger
Day	Ingebrigtsen	Olson, M.	Saxhaug	
Dibble	Koch	Ortman	Scheid	

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

S.F. No. 6 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 52 and nays 14, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bakk
Dille
Gerlach

Hann
Johnson
Langseth

Limmer
Marty
Murphy

Neuville
Ortman
Rest

Skoe
Vandevveer

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

Senator Pogemiller moved that S.F. No. 6 be laid on the table. 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.

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:

S.F. No. 463: Senators Betzold, Scheid and Ortman.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR

S.F. No. 883: A bill for an act relating to anatomical gifts; adopting the Darlene Luther Revised Uniform Anatomical Gift Act; imposing penalties; amending Minnesota Statutes 2006, sections 149A.80, subdivision 8; 149A.94, subdivision 1; 604A.13; proposing coding for new law as Minnesota Statutes, chapter 525A; repealing Minnesota Statutes 2006, sections 525.921; 525.9211; 525.9212; 525.9213; 525.9214; 525.9215; 525.9216; 525.9217; 525.9218; 525.9219; 525.9221; 525.9222; 525.9223; 525.9224.

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 55 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson
Bakk
Berglin
Betzold
Bonoff

Carlson
Chaudhary
Clark
Cohen
Day

Dibble
Dille
Doll
Erickson Ropes
Foley

Frederickson
Gerlach
Hann
Higgins
Ingebrigtsen

Koch
Koering
Kubly
Langseth
Larson

Latz	Moua	Pogemiller	Saltzman	Skogen
Lourey	Murphy	Prettner Solon	Saxhaug	Tomassoni
Lynch	Olseen	Rest	Scheid	Torres Ray
Marty	Olson, G.	Robling	Sheran	Vandever
Metzen	Olson, M.	Rosen	Sieben	Vickerman
Michel	Pappas	Rummel	Skoe	Wiger

Those who voted in the negative were:

Fischbach	Johnson	Limmer	Ortman	Wergin
Gimse	Jungbauer	Neuville	Pariseau	

So the bill passed and its title was agreed to.

S.F. No. 184: A bill for an act relating to health; authorizing registered nurses to dispense oral contraceptives in family planning clinics; expanding the definition of a governmental unit; providing for adjustment of medical assistance reimbursement rates for family planning clinics; amending Minnesota Statutes 2006, sections 148.235, by adding a subdivision; 471.59, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Vandever

So the bill passed and its title was agreed to.

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.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1360: A bill for an act relating to game and fish; adding legislative members to the Game and Fish Budgetary Oversight Committee until June 30, 2009.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1185: A bill for an act relating to natural resources; modifying acquisition authority for state trails; modifying registration or operation requirements for off-road recreational vehicles; providing for off-trail snowmobile use in certain state forests; modifying description of or requirements for certain state trails; providing for membership on Game and Fish Budgetary Oversight Committee; providing a penalty; 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; 84.9256, subdivision 2, by adding a subdivision; 84.9257; 84.926, by adding subdivisions; 84.928, subdivision 1; 84.929; 85.015, subdivisions 14, 22; 169A.35, subdivision 1; repealing Minnesota Statutes 2006, sections 84.928, subdivision 8; 85.015, subdivision 11.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Skoe	Tomassoni	Vandev eer
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So the bill passed and its title was agreed to.

S.F. No. 893: A bill for an act relating to elections; moving precinct caucuses from the first Tuesday in March to the second Tuesday in February; amending Minnesota Statutes 2006, section 202A.14, subdivision 1.

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 55 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berglin	Fischbach	Johnson	Kubly	Ortman
Dille	Ingebrigtsen	Jungbauer	Limmer	

So the bill passed and its title was agreed to.

S.F. No. 445: A bill for an act relating to occupations and professions; modifying provisions for individuals operating x-ray equipment; appropriating money; amending Minnesota Statutes 2006, section 144.121, subdivision 5, by adding subdivisions.

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

So the bill passed and its title was agreed to.

MEMBERS EXCUSED

Senator Stumpf was excused from the Session of today. Senator Sieben was excused from the Session of today from 9:00 to 10:00 a.m. Senator Scheid was excused from the Session of today from 9:00 a.m. to 1:00 p.m. Senator Vandever was excused from the Session of today from 9:00 a.m. to 1:10 p.m. Senators Koering and Lynch were excused from the Session of today from 11:50 a.m. to 12:00 noon. Senators Senjem and Sparks were excused from the Session of today at 2:00 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 1:00 p.m., Monday, May 14, 2007. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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