

## EIGHTY-FOURTH DAY

St. Paul, Minnesota, Monday, March 3, 2008

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

**CALL OF THE SENATE**

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

Prayer was offered by the Chaplain, Rev. Cindy Mueller.

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

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

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communication was received.

February 28, 2008

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

Enclosed is a copy of the Notice of Appointment for Robert J. McFarlin, Jr., whom I have appointed Acting Commissioner of the Minnesota Department of Transportation, effective immediately.

Sincerely,  
Tim Pawlenty, Governor

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 2428.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned February 28, 2008

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2553 and 3055.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted February 28, 2008

### FIRST READING OF HOUSE BILLS

The following bills were read the first time.

**H.F. No. 2553:** A bill for an act relating to state government; creating a catastrophe survivor compensation fund; appropriating money; amending Minnesota Statutes 2006, section 13.635, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 8A.

Referred to the Committee on Finance.

**H.F. No. 3055:** A bill for an act relating to state government; providing deficiency funding for certain state agencies; appropriating money.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2766, now on General Orders.

### REPORTS OF COMMITTEES

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

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

**was referred**

**S.F. No. 2818:** A bill for an act relating to environment; establishing principles of a cap and trade program for greenhouse gas emissions; establishing a climate trust fund, and specifying its goals and uses; requiring studies; appropriating money from the general fund; proposing coding for new law in Minnesota Statutes, chapter 216H.

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

Page 2, line 24, delete "add" and insert "recommend"

Page 3, line 11, delete "such"

Page 3, line 14, delete "strongly encouraged to work" and insert "authorized to enter into agreements"

Page 3, delete lines 19 to 21 and insert:

"(b) Any agreements entered into under paragraph (a) are not effective until enacted into law."

And when so amended the bill be re-referred to the Committee on Energy, Utilities, Technology and Communication without recommendation. Amendments adopted. Report adopted.

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

**S.F. No. 2491:** A bill for an act relating to insurance; regulating claim denials under aviation liability coverage; amending Minnesota Statutes 2006, section 60A.081, subdivision 1; Minnesota Statutes 2007 Supplement, section 360.59, subdivision 10.

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

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

**S.F. No. 2500:** A bill for an act relating to horse racing; providing for sharing of purse set-aside and breeder's fund revenue; modifying certain restrictions on simulcasting; amending Minnesota Statutes 2006, sections 240.06, subdivision 5a, by adding a subdivision; 240.13, subdivision 6.

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

Page 3, line 33, delete "(b)" and insert "(2)"

Page 3, after line 36, insert:

"Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment."

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

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

**S.F. No. 2807:** A bill for an act relating to local government; authorizing certain expenditures by towns; amending Minnesota Statutes 2006, section 365.10, subdivision 12.

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

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2006, section 365.10, subdivision 8, is amended to read:

Subd. 8. **Buy, beautify park.** The electors may let the town board, by itself or with other towns, buy grounds for a public park and may limit the price to be paid for the grounds. The electors may let the town, alone or with the other towns, care for, improve, and beautify the parks. ~~The electors may decide, by ballot, the amount of money to be raised for those purposes.~~ The electors may vote a tax to pay for what they allow under this subdivision."

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

**S.F. No. 2401:** A bill for an act relating to elections; proposing an amendment to the Minnesota Constitution, article VI, sections 7 and 8; establishing and modifying procedures for filling judicial vacancies; creating a judicial performance commission; creating a commission on appellate judicial selection; amending Minnesota Statutes 2006, sections 10A.01, subdivisions 7, 10, 15; 204B.06, subdivision 6; 204B.34, subdivision 3; 204B.36, subdivision 4; 480B.01, subdivision 11; proposing coding for new law in Minnesota Statutes, chapters 204D; 480B; repealing Minnesota Statutes 2006, sections 204B.36, subdivision 5; 204D.14, subdivision 3.

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

Delete everything after the enacting clause and insert:

**"ARTICLE 1**

**CONSTITUTIONAL AMENDMENT**

Section 1. **CONSTITUTIONAL AMENDMENTS PROPOSED.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article VI, section 7, will read:

Sec. 7. ~~The term of office of all judges shall be six years and until their successors are qualified.~~ They Following appointment by the governor, each judge shall initially hold office for a term ending December 31 following the next regularly scheduled general election held more than three years after the appointment. Thereafter, the term of office shall be eight years and until a successor is appointed and qualified and shall commence on the first day of January following the judge's

retention election. Judges' retention shall be elected determined by the voters from the area which they are to serve, in the manner provided by law. A judicial performance commission shall evaluate in a nonpartisan manner the performance of judges according to criteria that the commission develops and publishes, and such other criteria as may be established by law.

article VI, section 8, will read:

Sec. 8. Whenever there is a vacancy in the office of judge, the governor shall appoint ~~in the manner provided by law~~ a qualified person to fill the vacancy ~~until a successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after the appointment~~ from a list of candidates nominated by a selection commission, in the manner provided by law.

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

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

"Shall the Minnesota Constitution be amended to provide that judges shall be appointed by the governor from a list of names submitted by a selection commission, evaluated based on performance before standing for a retention election to the office, and then retained or removed regularly based on a decision by the voters?"

Yes .....

No ....."

**ARTICLE 2**

**STATUTORY PROVISIONS**

Section 1. Minnesota Statutes 2006, section 10A.01, subdivision 7, is amended to read:

Subd. 7. **Ballot question.** "Ballot question" means a question or proposition that is placed on the ballot and that may be voted on by all voters of the state. "Promoting or defeating a ballot question" includes activities related to qualifying the question for placement on the ballot. A ballot question does not include a judicial retention election.

Sec. 2. Minnesota Statutes 2006, section 10A.01, subdivision 10, is amended to read:

Subd. 10. **Candidate.** "Candidate" means an individual who seeks nomination or election as a state constitutional officer, or legislator, or judge retention in a judicial office. An individual is deemed to seek nomination or election if the individual has taken the action necessary under the law of this state to qualify for nomination or election, has received contributions or made expenditures in excess of \$100, or has given implicit or explicit consent for any other person to receive contributions or make expenditures in excess of \$100, for the purpose of bringing about the individual's nomination or election. A candidate remains a candidate until the candidate's principal campaign committee is dissolved as provided in section 10A.24.

Sec. 3. Minnesota Statutes 2006, section 10A.01, subdivision 15, is amended to read:

Subd. 15. **Election.** "Election" means a primary, special primary, general, ~~or special,~~ or retention election.

Sec. 4. Minnesota Statutes 2006, section 204B.06, subdivision 6, is amended to read:

Subd. 6. **Judicial retention candidates; designation of term office.** ~~An individual~~ A justice or judge who files as a retention candidate for the office of chief justice or associate justice of the Supreme Court, judge of the Court of Appeals, or judge of the district court shall state in the affidavit of candidacy the office of the particular justice or judge for which the individual is a retention candidate. The individual shall be a retention candidate only for the office identified in the affidavit. Each justice of the Supreme Court and each Court of Appeals and district court judge is deemed to hold a separate nonpartisan office.

Sec. 5. Minnesota Statutes 2006, section 204B.34, subdivision 3, is amended to read:

Subd. 3. **Judicial elections.** ~~When one or more justices of the Supreme Court or judges of the Court of Appeals or of a district court are to be nominated at the same primary or elected at the same general election have filed for retention election, the notice of election shall state the name of each justice or judge whose successor is to be nominated or elected seeking retention.~~

Sec. 6. Minnesota Statutes 2006, section 204B.36, subdivision 4, is amended to read:

Subd. 4. **Judicial retention candidates.** ~~The official ballot shall contain the names of all candidates for each judicial office and shall state the number of those candidates for whom a voter may vote.~~ (a) The official ballot shall contain the names of all justices or judges seeking to retain their office. Each seat for an associate justice, associate judge, or judge of the district court must be numbered. The words "SUPREME COURT," "COURT OF APPEALS," and "(number) DISTRICT COURT" must be printed above the respective judicial office groups on the ballot. The title of each judicial office shall be printed on the official primary and general election ballot as follows:

~~(a)~~ (1) In the case of the Supreme Court:

"Chief justice";

"Associate justice (number)";

~~(b)~~ (2) In the case of the Court of Appeals:

"Judge (number)"; or

~~(c)~~ (3) In the case of the district court:

"Judge (number)."

(b) A judicial retention election shall be placed on the ballot as a question, as provided in subdivision 3. The question shall appear in substantially the following form: "Shall ..... (name of judge) of the ..... (district court, court of appeals, or supreme court) be retained in office?"

Sec. 7. **[204D.30] RETENTION OF JUDGES.**

(a) Within the time period established by section 204B.09, a judge seeking to retain judicial office shall file an affidavit of candidacy with the secretary of state. All judges who have filed an affidavit of candidacy as provided in this section shall be placed on the appropriate official ballot at the next regular general election under a nonpartisan designation in the form provided in section 204B.36, subdivision 4.

(b) If a majority of those voting on the question votes "No," then upon the expiration of the term for which the judge was serving, a vacancy shall exist, which shall be filled as provided in chapter 480B. If a majority of those voting on the question vote "Yes," the judge shall remain in office for an eight-year term, subject to removal as provided by the Minnesota Constitution. A judge who loses a retention election shall be ineligible to be nominated to fill the resulting vacancy.

(c) A judge seeking to retain judicial office shall be considered a candidate for election to that office. A judicial retention election is not a ballot question for the purposes of the Minnesota election law.

Sec. 8. Minnesota Statutes 2006, section 480B.01, subdivision 11, is amended to read:

Subd. 11. **Nominees to governor.** ~~Within 60 days after the receipt of a notice of a judicial vacancy, the committee shall recommend to the governor no fewer than three and no more than five nominees for each judicial vacancy. The names of the nominees must be made public. The governor may fill the vacancy from the nominees recommended by the commission. If the governor declines to select a nominee to fill the vacancy from the list of nominees, or if no list is submitted to the governor under this subdivision, the governor may select a person to fill the vacancy without regard to the commission's recommendation. If fewer than 60 days remain in the term of office of a governor who will not succeed to another term, the governor may fill a vacancy without waiting for the commission to recommend a list of nominees.~~ Within 60 days after the occurrence of a vacancy in the office of judge, the commission on judicial selection shall submit to the governor the names of three candidates nominated by the commission for the vacancy. The names of the nominees must be made public. The governor shall appoint a qualified person to fill the vacancy from that list of three candidates or may direct the commission to nominate three additional candidates from which the governor shall appoint a qualified person to fill the vacancy. If the governor directs the commission to nominate additional candidates, the commission must submit its list of nominees to the governor within 60 days. If the governor requests an additional set of nominees, the appointment must be made from the new set. If the commission does not submit a list of nominees within the required time frame, the governor may appoint any qualified individual to fill the vacancy without regard to the commission's work.

Sec. 9. [480B.02] COMMISSION ON APPELLATE JUDICIAL SELECTION.

Subdivision 1. **Commission on Appellate Judicial Selection.** (a) A Commission on Appellate Judicial Selection is established in the judicial branch. The commission shall be composed of eleven members. In addition to the provisions established in this section, the commission shall conduct business in the manner specified by section 480B.01, subdivisions 7, 9, 10, and 12.

(b) All members of the commission must be residents of the state of Minnesota at the time of their appointment and for the duration of their term. Members of the commission may not serve as a public official as defined in section 10A.01, subdivision 35, while a member of the commission. Members of the commission who are attorneys must have been admitted to practice before the Minnesota Supreme Court for not less than five years. Members shall be eligible for reappointment up to two additional full terms. Members of the commission who would otherwise be eligible to hold judicial office may not be considered or appointed to fill a judicial vacancy while they are members of the commission or for one year following the end of membership on the commission.

Subd. 2. **Commission members.** (a) Members of the commission shall be appointed and serve as follows:

(1) the governor shall appoint five members of the commission, one of whom must be appointed to serve as commission chair. Gubernatorial appointees shall serve on the commission until the governor who made the appointment leaves office or for a term of four years, whichever comes first;

(2) the chief justice of the supreme court shall appoint two members of the commission. The chief justice's appointees shall serve on the commission for a four-year term; and

(3) the legislature shall appoint a total of four members. Legislative appointments shall be made sequentially as follows: the speaker of the house shall appoint one member, the majority leader of the senate shall appoint one member, the minority leader of the house shall appoint one member, and the minority leader of the senate shall appoint one member. Legislative appointees shall serve on the commission for a two-year term.

(b) In making appointments, the governor, chief justice, and legislative leaders must consider the diversity of the state's population, as well as the importance of balanced geographic representation, and appoint individuals of outstanding competence and reputation. The governor, chief justice, and legislative leaders should consult with one another to ensure the requirements of this paragraph are met.

(c) A member may be removed by the appointing authority at any time (1) for cause, after notice and hearing, or (2) after missing three consecutive meetings. The chair of the board shall inform the appointing authority of a member missing the three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the secretary of the board shall notify the member in writing that the member may be removed for missing the next meeting.

(d) In the case of a vacancy on the board, the appointing authority shall appoint a person to fill the vacancy for the remainder of the unexpired term.

Subd. 3. **Nominations.** (a) Within 60 days after the occurrence of a vacancy in the office of appellate judge, the Commission on Appellate Judicial Selection shall submit to the governor the names of three candidates nominated by the commission for the vacancy. The governor shall appoint a qualified person to fill the vacancy from that list of three candidates or may direct the commission to nominate three additional candidates from which the governor shall appoint a qualified person to fill the vacancy. If the governor directs the commission to nominate additional candidates, the commission must submit its list of nominees to the governor within 60 days. If the governor requests an additional set of nominees, the appointment must be made from the new set. If the commission does not submit a list of nominees within the required time frame, the governor may appoint any qualified individual to fill the vacancy without regard to the commission's work.

(b) The commission must nominate qualified persons to fill a judicial vacancy based on the following criteria: integrity, legal knowledge, communication skills, judicial temperament, the ability to promote trust and confidence in the judiciary, common sense, experience, and diversity. The principal consideration in nominating a candidate for a vacancy shall be merit. The commission must make nominations in an impartial and objective manner without regard for the political affiliation of the nominee or the governor.

Sec. 10. **[480B.03] JUDICIAL PERFORMANCE COMMISSION.**

Subdivision 1. **Purpose of commission.** A Judicial Performance Commission is established

in the judicial branch. After public hearings, the commission shall adopt and administer for all judges a process for evaluating judicial performance. The performance review process must be designed to assist voters in evaluating the performance of judges standing for retention, facilitate self-improvement of all judges, and promote the public accountability of the judiciary.

Subd. 2. **Commission members.** (a) The Judicial Performance Commission shall be composed of 25 members. All members of the commission must be residents of Minnesota at the time of their appointment and for the duration of their term. A member of the commission may not serve as a public official, as defined in section 10A.01, subdivision 35, while a member of the commission. Members of the commission who are attorneys must have been admitted to practice before the Minnesota Supreme Court for not less than five years. Members of the commission shall be eligible for reappointment up to two additional full terms.

(b) Members of the commission shall be appointed and serve as follows:

(1) the governor shall appoint a total of nine members. Gubernatorial appointees shall serve on the commission until the governor who made the appointment leaves office or for a term of four years, whichever comes first;

(2) the chief justice of the supreme court shall appoint a total of eight members. The chief justice may only appoint individuals who are sitting or former Minnesota State Court judges. The chief justice shall select one of the appointees to serve as chair of the commission. The chief justice's appointees shall serve on the commission for a four-year term; and

(3) the legislature shall appoint a total of eight members. Legislative appointments shall be made sequentially as follows: the speaker of the house shall appoint one member, the majority leader of the senate shall appoint one member, the minority leader of the house shall appoint one member, and the minority leader of the senate shall appoint one member. After each legislative leader has made one appointment as provided in this clause, a second round of appointments shall be made in the same sequence. Legislative appointees shall serve on the commission for a two-year term.

(c) In making appointments, the governor, chief justice, and legislative leaders must consider the diversity of the state's population, as well as the importance of balanced geographic representation, and appoint individuals of outstanding competence and reputation. The governor, chief justice, and legislative leaders should consult with one another to ensure the requirements of this paragraph are met.

(d) Members shall perform their duties in an impartial and objective manner and shall base their recommendations solely upon matters that are in the record developed by the commission.

(e) A member may be removed by the appointing authority at any time (1) for cause, after notice and hearing, or (2) after missing three consecutive meetings. The chair of the board shall inform the appointing authority of a member missing the three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the secretary of the board shall notify the member in writing that the member may be removed for missing the next meeting.

(f) In the case of a vacancy on the board, the appointing authority shall appoint a person to fill the vacancy for the remainder of the unexpired term.

Subd. 3. **Meetings and data.** All meetings of the Judicial Performance Commission are subject to the requirements of chapter 13D. Notwithstanding section 13.90, and except as otherwise

provided in this section, data collected by the commission is public data pursuant to section 13.03, subdivision 1.

Subd. 4. **Authority of commission.** (a) The Judicial Performance Commission shall develop written standards, subject to approval by the supreme court, by which judicial performance is to be evaluated. The standards shall be periodically updated and must include knowledge of the law, procedure, integrity, impartiality, temperament, respect for litigants, respect for the rule of law, administrative skill, punctuality, and communication skills. The commission may not evaluate judicial performance based on substantive legal issues or opinions subject to standard appellate processes.

(b) The commission shall establish procedures for collecting information and conducting reviews and shall create and implement a program of periodic review of the performance of each judge. The commission must request public comment. Hearings shall be conducted on the performance of all judges prior to a final determination as to whether a judge meets or does not meet judicial performance standards. Hearings may be conducted by a panel of commission members, as provided in subdivision 8.

Subd. 5. **Surveys.** (a) Midway through a judge's term and again no fewer than nine months before the date of the election for retention of the judge's position, anonymous survey forms eliciting performance evaluations shall be distributed to a representative sampling of attorneys, litigants, other judges, and other persons who have been in direct contact with each judge being evaluated and who have direct knowledge of the judge's judicial performance during the evaluation period. The Supreme Court may adopt a rule establishing standards for survey procedures.

(b) The Judicial Performance Commission shall employ or contract with qualified individuals to prepare survey forms, process the survey responses, and compile the statistical reports of the survey results in a manner designed to ensure confidentiality and accuracy.

(c) The survey forms shall seek evaluations in accordance with the written performance standards approved by the supreme court and must solicit narrative comments regarding the judge's performance. Narrative comments shall be classified as private. In each election year, prior to making its final evaluation, the commission shall request written public comments and hold public hearings with respect to judges standing for retention.

Subd. 6. **Midterm evaluation.** The commission shall evaluate each judge halfway through the judge's term, as nearly as practicable, to provide feedback to the judge about the judge's performance and to give the judge an opportunity for improvement.

Subd. 7. **Final evaluation.** A judge seeking to be retained in office shall notify the commission in writing at least one year before the judge's term expires. An evaluation panel shall conduct an evaluation of the judge, and declare the judge "qualified" or "unqualified" for office. A declaration of "unqualified" shall not prohibit a judge from seeking retention by the voters.

Subd. 8. **Evaluation panels; review by full commission.** (a) An evaluation panel shall consist of five members, including at least one member appointed by each branch of government, but otherwise chosen randomly. A district judge who serves as a panel member may not evaluate another district judge who sits in the same judicial district. A panel must report its results to the full commission. The full commission shall review a panel's evaluation if the panel declares a judge unqualified, or if one panelist or three members of the commission request a review within 15 days after the panel makes

its report. The commission may overturn a panel's decision. If a panel's decision is not reviewed, the determination of the panel shall be final.

(b) If an evaluation is reviewed by the full commission, the commission shall provide written notice to the affected judge. The judge shall have the right to submit written comments to the commission and to appear and be heard by the commission prior to the final vote of the commission.

Subd. 9. **Publication of evaluation results.** Following a final evaluation, the commission shall compile a factual report on the judicial performance of each judge standing for retention and shall make the report available to the public one month before the time period established in section 204B.09 for filing an affidavit of candidacy with the secretary of state.

Subd. 10. **Rules.** The commission may adopt rules establishing additional criteria for evaluating judges and ensuring efficient performance of the commission's duties. For purposes of this subdivision, the commission is an agency under chapter 14.

Sec. 11. **[480B.05] JUDICIAL RETENTION ELECTIONS.**

Judicial retention elections shall be conducted consistent with the procedures established by law for the administration of state general elections. Judges standing for retention shall be placed on the ballot as provided in section 204D.30.

Sec. 12. **[480B.07] REQUIREMENTS FOR SERVICE ON COMMISSIONS.**

Subdivision 1. **Service on multiple commissions prohibited.** A person may not simultaneously serve on two or more commissions established under this chapter.

Subd. 2. **Service until appointment of successors.** Members of commissions established under this chapter continue to serve until their successors have been appointed and qualified.

Sec. 13. **[480B.09] TELEPHONIC OR ELECTRONIC PARTICIPATION IN MEETINGS.**

(a) If compliance with section 13D.02, is impractical, any of the commissions established under this chapter may conduct a meeting of its members by telephone or other electronic means, so long as the following conditions are met:

(1) all members of the commission participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) all members of the public present at the regular meeting location can clearly hear all discussion and testimony and all votes of members;

(3) at least one member of the commission is physically present at the regular meeting location; and

(4) all votes committing funds, finalizing recommendations, and approving contracts are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(b) Each member of the commission participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings. If telephone or other electronic means is used to conduct a meeting, the commission, to the extent practical, shall allow a person to monitor the meeting electronically from a remote

location. The commission may require the person making such a connection to pay for documented marginal costs that the commission incurs as a result of the additional connection. If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the commission shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and of whether and how a person may monitor the meeting electronically from a remote location. The timing and method of providing notice is governed by section 13D.04.

Sec. 14. **APPOINTMENTS AND FIRST MEETING OF COMMISSIONS.**

The appointing authorities must make initial appointments to the Judicial Performance Commission and the Commission on Appellate Judicial Selection no later than 90 days following adoption of the constitutional amendment proposed in article 1. No later than 30 days after all members of a commission established in this act are appointed, the chair of the commission must convene the first full meeting of the commission.

Sec. 15. **REPEALER.**

Minnesota Statutes 2006, sections 204B.36, subdivision 5; and 204D.14, subdivision 3, are repealed.

Sec. 16. **EFFECTIVE DATE.**

Article 2 is effective upon adoption of the constitutional amendment proposed in article 1."

Amend the title numbers accordingly

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

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

**S.F. No. 2327:** A bill for an act relating to veterans; including the spouse and children of a resident veteran in the definition of "resident student" for purposes of determining eligibility for state financial aid for higher education; amending Minnesota Statutes 2006, section 136A.101, subdivision 8.

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

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

**S.F. No. 2405:** A bill for an act relating to taxation; individual income; veterans; creating a subtraction for military pensions; amending Minnesota Statutes 2006, section 290.091, subdivision 2; Minnesota Statutes 2007 Supplement, section 290.01, subdivision 19b.

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

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

**S.F. No. 2840:** A bill for an act relating to the military; requiring a report on participation by Minnesota in the National Guard Youth Challenge Program.

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

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

**S.F. No. 2756:** A bill for an act relating to agriculture; authorizing farm use of certain anhydrous ammonia tanks; providing for refilling; authorizing rules to provide safety and environmental safeguards; proposing coding for new law in Minnesota Statutes, chapter 18C.

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

Page 1, line 7, before "Other" insert "(a)"

Page 1, after line 11, insert:

"(b) All tanks under this section must conform to United States Department of Transportation cargo tank specifications in Code of Federal Regulations, title 49, part 173, and must be maintained, tested, and inspected as required in Code of Federal Regulations, title 49, parts 173 and 180. All loading and unloading of the tanks must conform to requirements of Code of Federal Regulations, title 49, parts 173 and 177."

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

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

**S.F. No. 3156:** A bill for an act relating to education; clarifying the definition of comprehensive, scientifically based reading instruction; making requirements of prekindergarten through grade 6 teachers; appropriating money; amending Minnesota Statutes 2006, sections 122A.06, subdivision 4; 122A.18, subdivisions 2, 2a, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 122A.06, subdivision 4, is amended to read:

Subd. 4. **Comprehensive, scientifically based reading instruction.** (a) "Comprehensive, scientifically based reading instruction" includes a program or collection of instructional practices that is based on ~~reliable~~, valid, replicated evidence showing that when these programs or practices are used, students can be expected to achieve, at a minimum, satisfactory reading progress. The program or collection of practices must include, at a minimum, instruction in five areas of reading: phonemic awareness, phonics, fluency, vocabulary development, and ~~text~~ reading comprehension.

Comprehensive, scientifically based reading instruction also includes and integrates

instructional strategies for continuously assessing, evaluating, and communicating the student's reading progress and needs in order to design and implement ongoing interventions so that students of all ages and proficiency levels can read and comprehend text and apply higher level thinking skills.

(b) "Phonemic awareness" is the ability of students to notice, think about, and manipulate the individual sounds in spoken syllables and words.

(c) "Phonics" is the understanding that there are systematic and predictable relationships between written letters and spoken words. Phonics instruction is a way of teaching reading that stresses learning how letters correspond to sounds and how to apply this knowledge in reading and spelling.

(d) "Fluency" is the ability of students to be able to read orally with speed, accuracy, and proper expression.

(e) "Vocabulary development" is the process of teaching vocabulary both directly and indirectly, with repetition and multiple exposures to vocabulary items. Learning in rich contexts, incidental learning, and use of computer technology all enhance the acquisition of vocabulary.

(f) "Reading comprehension" is an active process that requires intentional thinking during which meaning is constructed through interactions between text and reader. Comprehension skills are taught explicitly by demonstrating, explaining, modeling, and implementing specific cognitive strategies to help beginning readers derive meaning by intentional, problem-solving thinking processes.

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

Sec. 2. Minnesota Statutes 2006, section 122A.18, subdivision 2, is amended to read:

Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of Teaching must issue licenses under its jurisdiction to persons the board finds to be qualified and competent for their respective positions.

(b) The board must require a person to successfully complete an examination of skills in reading, writing, and mathematics before being granted an initial teaching license to provide direct instruction to pupils in prekindergarten, elementary, secondary, or special education programs. In addition, the board must require a person to successfully complete a Minnesota reading instruction competence assessment consistent with subdivision 2c before being granted an initial teaching license to provide direct instruction to pupils in prekindergarten or elementary programs. The board must require colleges and universities offering a board approved teacher preparation program to provide remedial assistance that includes a formal diagnostic component to persons enrolled in their institution who did not achieve a qualifying score on the skills examination or Minnesota reading instruction competence assessment, including those for whom English is a second language. The colleges and universities must provide assistance in the specific academic areas of deficiency in which the person did not achieve a qualifying score. School districts must provide similar, appropriate, and timely remedial assistance that includes a formal diagnostic component and mentoring to those persons employed by the district who completed their teacher education program outside the state of Minnesota, received a one-year license to teach in Minnesota and did not achieve a qualifying score on the skills examination, including those persons for whom English is a second language. The Board of Teaching shall report annually to the education committees of

the legislature on the total number of teacher candidates during the most recent school year taking the skills examination, the number who achieve a qualifying score on the examination, the number who do not achieve a qualifying score on the examination, the distribution of all candidates' scores, the number of candidates who have taken the examination at least once before, and the number of candidates who have taken the examination at least once before and achieve a qualifying score.

(c) A person who has completed an approved teacher preparation program and obtained a one-year license to teach, but has not successfully completed the skills examination, may renew the one-year license for two additional one-year periods. Each renewal of the one-year license is contingent upon the licensee:

(1) providing evidence of participating in an approved remedial assistance program provided by a school district or postsecondary institution that includes a formal diagnostic component in the specific areas in which the licensee did not obtain qualifying scores; and

(2) attempting to successfully complete the skills examination during the period of each one-year license.

(d) The Board of Teaching must grant continuing licenses only to those persons who have met board criteria for granting a continuing license, which includes successfully completing the skills examination in reading, writing, and mathematics and, where applicable, the reading instruction competence assessment.

(e) All colleges and universities approved by the board of teaching to prepare persons for teacher licensure must include in their teacher preparation programs a common core of teaching knowledge and skills to be acquired by all persons recommended for teacher licensure. This common core shall meet the standards developed by the interstate new teacher assessment and support consortium in its 1992 "model standards for beginning teacher licensing and development." Amendments to standards adopted under this paragraph are covered by chapter 14. The board of teaching shall report annually to the education committees of the legislature on the performance of teacher candidates on common core assessments of knowledge and skills under this paragraph during the most recent school year.

**EFFECTIVE DATE.** This section is effective July 1, 2010.

Sec. 3. Minnesota Statutes 2006, section 122A.18, subdivision 2a, is amended to read:

Subd. 2a. **Reading strategies.** (a) All colleges and universities approved by the Board of Teaching to prepare persons for classroom teacher licensure must include in their teacher preparation programs research-based best practices in reading, consistent with section 122A.06, subdivision 4, that enable the licensure candidate to know how to teach reading in the candidate's content areas and prepare the licensure candidate, where applicable, for the Minnesota reading instruction competence assessment.

(b) Board-approved teacher preparation programs for teachers of elementary education must require instruction in the application of comprehensive, scientifically based, ~~and balanced~~ reading instruction programs that:

(1) teach students to read using foundational knowledge, practices, and strategies consistent with section 122A.06, subdivision 4, so that all students will achieve continuous progress in reading; and

(2) teach specialized instruction in reading strategies, interventions, and remediations that enable students of all ages and proficiency levels to become proficient readers.

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

Sec. 4. Minnesota Statutes 2006, section 122A.18, is amended by adding a subdivision to read:

**Subd. 2c. Minnesota reading instruction competence assessment.** The Minnesota reading instruction competence assessment must measure the knowledge, skill, and ability of prekindergarten and elementary instructors in comprehensive, scientifically based reading instruction as defined in section 122A.06. The assessment must have been previously administered in another state for over five years and be composed of multiple choice and constructed response questions designed to measure reading instruction knowledge and skills. Test content areas must assess foundations of reading development, development of reading comprehension, reading assessment and instruction, and integration of knowledge and understanding.

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

**Sec. 5. MINNESOTA READING INSTRUCTION COMPETENCE ASSESSMENT AND PRETEST.**

**Subdivision 1. Commissioner of education.** (a) No later than June 30, 2008, the commissioner of education shall adopt a reading instruction competence assessment for all prekindergarten and elementary instructors consistent with Minnesota Statutes, section 122A.18, subdivision 2c.

(b) The commissioner shall report to the senate and house of representatives committees having jurisdiction over prekindergarten through grade 12 education policy by July 1, 2008, on the reading instruction competence assessment that was adopted.

(c) The commissioner, in consultation with members of the professional reading community, shall establish an approved list of reading instruction program centers that offer staff development and remedial training necessary to successfully complete the assessment described under Minnesota Statutes, section 122A.18, subdivision 2c, and adopted in paragraph (a).

**Subd. 2. Pretest and grant for candidates in an approved teacher preparation program.** (a) No later than November 1, 2008, a candidate enrolled in the final year of an approved teacher preparation program in prekindergarten or elementary education may apply to the commissioner of education, in a manner prescribed by the commissioner, to take a Minnesota reading instruction competence assessment pretest as determined under subdivision 1, paragraph (a).

(b) A candidate taking the pretest under paragraph (a) is eligible for a grant to attend an approved reading instruction program if the candidate also commits to attending and completing an approved reading instruction program of their choosing, and takes the reading instruction competence assessment as determined under subdivision 1, paragraph (a), at the completion of the reading instruction program.

**Subd. 3. Pretest and grant for districts.** (a) No later than November 1, 2008, schools providing instruction in prekindergarten through grade 6 may apply to the commissioner of education, in a manner prescribed by the commissioner, for their teachers to take a Minnesota reading instruction competence assessment pretest as determined under subdivision 1, paragraph (a).

(b) A school is eligible for a grant for prekindergarten through grade 2 teachers to attend an approved reading instruction program, if the teachers take the pretest, commit to attending and completing an approved reading instruction program of their choosing, and take the reading instruction competence assessment as determined under subdivision 1, paragraph (a), at the completion of the reading instruction program.

Subd. 4. **Passing score on the Minnesota reading instruction competence assessment.** The commissioner, in cooperation with the testing contractor providing the reading instruction competence assessment, must use the reading instruction competence assessment results on the pretest and posttest to determine a passing score on the Minnesota reading instruction competence assessment by October 1, 2009.

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

Sec. 6. **FOUNDATIONS OF READING GRANT FOR PREKINDERGARTEN THROUGH GRADE 2 TEACHERS AND TEACHER CANDIDATES.**

Of the amounts allocated under Laws 2007, chapter 146, article 7, section 4, subdivision 2, paragraph (j), \$..... must be allocated for foundations of reading grants to school districts for their prekindergarten through grade 2 teachers and \$..... must be allocated for foundations of reading grants for prekindergarten and elementary teacher candidates. The amounts allocated to this program must not be expended until the commissioner has certified that a private match has been received.

**EFFECTIVE DATE.** This section is effective for fiscal year 2009 only.

Sec. 7. **LEGISLATIVE APPROVAL.**

The Board of Teaching's proposed rules in the area of licensure in reading cannot become adopted rules until the legislative committees having jurisdiction over kindergarten through grade 12 education policy have approved the proposed rules."

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

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

**S.F. No. 3069:** A bill for an act relating to motor vehicles; requiring commissioner of public safety to issue special 2008 U.S. Women's Open license plates.

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

Delete everything after the enacting clause and insert:

"Section 1. **U.S. OPEN LICENSE PLATES.**

Subdivision 1. **Definitions.** (a) "Committee" means the 2008 U.S. Women's Open Committee.

(b) "Commissioner" means the commissioner of public safety.

Subd. 2. **Issuance and design.** Notwithstanding Minnesota Statutes, section 168.1293, upon the request of the committee, the commissioner shall issue to the committee a minimum of 250 special license plates for use in connection with the 2008 United States Golf Association Women's

Open Championship. The special plates must be of a design approved by the commissioner after consultation with the committee. The plates may be displayed only on a passenger vehicle, the use of which has been donated for the open championship by the vehicle manufacturer. The plates are valid from the date of issuance until July 4, 2008.

Subd. 3. **Fees.** The commissioner shall collect a fee of \$10 for each pair of special plates issued under this section.

Subd. 4. **Application.** In requesting special plates under this section, the committee shall provide the following information to the commissioner at least 60 days before the start of the period for which the plates are requested:

- (1) the dates of the period for which the plates are requested;
- (2) the name, address, and telephone number of an authorized representative of the committee;
- (3) the quantity of plates requested; and
- (4) a certification that the insurance required under Minnesota Statutes, section 65B.49, subdivision 3, will be provided for each vehicle for which special plates are provided under this section.

Subd. 5. **Liability.** If a parking violation citation is issued for a violation committed by a driver of a vehicle displaying special plates issued under this section, the committee is liable for the amount of fine, penalty assessment, late payment penalty, or cost of warrants issued in connection with the violation unless, within 15 days after receiving knowledge of the violation, the committee provides to the issuing authority the following information to the extent available: the driver's full name; home address; local address, if any; license number; and employer's name and address. If the committee is relieved of liability under this subdivision, the person who committed the violation remains liable for the violation.

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

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

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

**S.F. No. 2204:** A bill for an act relating to motor vehicles; allowing multiple sets of plates for physically disabled persons; amending Minnesota Statutes 2006, section 168.021, subdivisions 1, 2.

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

Page 1, line 15, reinstate the stricken language

Page 1, line 16, reinstate "motor vehicle at the same time unless"

Page 1, line 17, after the stricken "person" insert "the state council on disability approves the issuance of a second set of plates to a motor vehicle owner" and reinstate the stricken period

Page 1, line 18, reinstate the stricken language

Page 1, line 21, reinstate the stricken language and delete "(c)"

Page 2, line 1, delete the new language and reinstate the stricken language

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

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

**S.F. No. 2365:** A bill for an act relating to motor vehicles; establishing Minnesota sesquicentennial special plates; proposing coding for new law in Minnesota Statutes, chapter 168.

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

Page 1, line 7, after "plates" insert "or one motorcycle plate"

Page 1, line 8, after the second comma, insert "motorcycle,"

Page 1, line 18, after "automobile" insert ", one-ton pickup truck, motorcycle, or recreational vehicle"

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

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

**S.F. No. 3080:** A bill for an act relating to motor vehicles; allowing use of temporary permit while awaiting delivery of license plates; amending Minnesota Statutes 2006, section 168.09, subdivision 7.

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

Page 2, line 2, after the period, insert "The permit may be issued only by the commissioner or by a deputy registrar under section 168.33."

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

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

**S.F. No. 2337:** A bill for an act relating to motor vehicles; authorizing issuance of special veteran contribution plate for motorcycles; amending Minnesota Statutes 2006, section 168.1255, subdivisions 1, 3, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 168.12, subdivision 2, is amended to read:

Subd. 2. **Amateur radio licensee; special plates, rules.** (a) The commissioner shall issue amateur radio plates or a single motorcycle plate to an applicant who:

(1) is an owner of a passenger automobile ~~or~~ recreational motor vehicle, or motorcycle;

- (2) is a resident of this state;
  - (3) holds an official amateur radio station license or a citizens radio service class D license, in good standing, issued by the Federal Communications Commission;
  - (4) pays the registration tax required under section 168.013;
  - (5) pays a fee of \$10 for each set of special plates and any other fees required by this chapter; and
  - (6) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers;
- (b) In lieu of the registration number required for identification under subdivision 1, the plates must indicate the official amateur call letters of the applicant, as assigned by the Federal Communications Commission, and the words "AMATEUR RADIO."
- (c) This provision for the issue of special plates applies only if the applicant's motor vehicle is already registered in Minnesota so that the applicant has valid regular Minnesota plates issued for that motor vehicle under which to operate it during the time that it will take to have the necessary special plates made.
- (d) If owning more than one motor vehicle of the type specified in this subdivision, the applicant may apply for special plates for each of not more than two motor vehicles and, if each application complies with this subdivision, the commissioner shall furnish the applicant with the special plates, indicating the official amateur call letters and other distinguishing information as the commissioner considers necessary, for each of the two motor vehicles.
- (e) The commissioner may make reasonable rules governing the use of the special plates as will assure the full compliance by the owner of the special plates, with all existing laws governing the registration of motor vehicles and the transfer and use of the plates.
- (f) Despite any contrary provision of subdivision 1, the special plates issued under this subdivision may be transferred by an owner to another motor vehicle listed in paragraph (a) and registered to the same owner, upon the payment of a fee of \$5. The commissioner must be notified before the transfer and may prescribe a format for the notification.

Sec. 2. Minnesota Statutes 2006, section 168.12, subdivision 2c, is amended to read:

Subd. 2c. **National Guard; special plates, rules.** (a) The commissioner shall issue special plates or a single motorcycle plate to any applicant who:

- (1) is a regularly enlisted, commissioned, or retired member of the Minnesota National Guard, other than an inactive member who is not a retired member, and is an owner of a passenger automobile or motorcycle;
- (2) pays a fee of \$10 and any other fees required by this chapter;
- (3) pays the registration tax required by this chapter; and
- (4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(b) The adjutant general shall design the emblem for these special plates subject to the approval of the commissioner.

(c) An applicant must not be issued more than two sets of plates for motor vehicles registered to the applicant.

(d) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is an active or retired member of the Minnesota National Guard as specified in this subdivision. When the individual to whom the special plates were issued is no longer an active or retired member of the Minnesota National Guard, the special plates must be removed from the vehicle by the owner. Upon removal of the special plates, either the owner or purchaser of the motor vehicle is entitled to receive regular plates for the motor vehicle without cost for the remainder of the registration period for which the special plates were issued.

(e) While the person is an active or retired member of the Minnesota National Guard, plates issued pursuant to this subdivision may be transferred to another motor vehicle owned by that individual upon payment of a fee of \$5.

(f) For purposes of this subdivision, "retired member" means an individual placed on the roll of retired officers or roll of retired enlisted members in the Office of the Adjutant General under section 192.18 and who is not deceased.

(g) The commissioner may adopt rules under the Administrative Procedure Act to govern the issuance and use of the special plates authorized by this subdivision.

Sec. 3. Minnesota Statutes 2006, section 168.12, subdivision 2d, is amended to read:

Subd. 2d. **Ready Reserve; special plates, rules.** (a) The commissioner shall issue special plates or a single motorcycle plate to an applicant who:

(1) is not eligible for special National Guard plates under subdivision 2c, is a member of the United States armed forces ready reserve as described in United States Code, title 10, section 10142 or 10143, and is an owner of a passenger automobile or motorcycle;

(2) pays a fee of \$10 and any other fees required by this chapter;

(3) pays the registration tax required by this chapter; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(b) The commissioner of veterans affairs shall design the emblem for these special plates subject to the approval of the commissioner.

(c) An applicant must not be issued more than two sets of plates for motor vehicles owned by the applicant.

(d) Special plates issued under this subdivision may only be used during the period that the owner of the motor vehicle is a member of the ready reserve. When the owner is no longer a member, the special plates must be removed from the motor vehicle by the owner. On removing the special plates, either the owner or purchaser of the motor vehicle is entitled to receive regular plates for the motor vehicle without cost for the rest of the registration period for which the special plates were issued.

While the owner is a member of the ready reserve, plates issued under this subdivision may be transferred to another motor vehicle owned by that individual on paying a fee of \$5.

(e) The commissioner may adopt rules under the Administrative Procedure Act to govern the issuance and use of the special plates authorized by this subdivision.

Sec. 4. Minnesota Statutes 2006, section 168.12, subdivision 2e, is amended to read:

Subd. 2e. **Volunteer ambulance attendants; special plates.** (a) The commissioner shall issue special license plates or a single motorcycle plate to an applicant who:

(1) is a volunteer ambulance attendant as defined in section 144E.001, subdivision 15, and owns a motor vehicle taxed as a passenger automobile or a motorcycle;

(2) pays the registration tax required by this chapter for the motor vehicle;

(3) pays a fee of \$10 and any other fees required by this chapter; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(b) The commissioner shall not issue more than two sets of these plates to each qualified applicant.

(c) An individual may use special plates issued under this subdivision only during the period that the individual is a volunteer ambulance attendant. When the individual to whom the special plates were issued ceases to be a volunteer ambulance attendant, the individual shall remove each set of special plates issued. When ownership of the motor vehicle is transferred, the individual shall remove the special plates from that motor vehicle. On removal of each set of plates, the owner of the motor vehicle, or new owner in case of a transferred motor vehicle, is entitled to receive regular plates for the motor vehicle without cost for the rest of the registration period for which the set of special plates were issued. Special plates issued under this subdivision may be transferred to another motor vehicle owned by the volunteer ambulance attendant on payment of a fee of \$5.

(d) The commissioner may adopt rules governing the design, issuance, and sale of the special plates authorized by this subdivision.

Sec. 5. Minnesota Statutes 2006, section 168.1235, subdivision 1, is amended to read:

Subdivision 1. **General requirements; fees.** (a) The commissioner shall issue a special plate emblem for each plate to an applicant who:

(1) is a member of a congressionally chartered veterans service organization and is a registered owner of a passenger automobile, pickup truck, van, ~~or~~ self-propelled recreational vehicle, or motorcycle;

(2) pays the registration tax required by law;

(3) pays a fee of \$10 for each set of two plates, and any other fees required by this chapter; and

(4) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

(b) The additional fee of \$10 is payable at the time of initial application for the special plate emblem and when the plates must be replaced or renewed. An applicant must not be issued more than two sets of special plate emblems for motor vehicles listed in paragraph (a) and registered to the applicant.

(c) The applicant must present a valid card indicating membership in the American Legion or Veterans of Foreign Wars.

Sec. 6. Minnesota Statutes 2006, section 168.1255, subdivision 1, is amended to read:

Subdivision 1. **General requirements and procedures.** The commissioner shall issue special veteran contribution plates or a single motorcycle plate to an applicant who:

- (1) is a veteran, as defined in section 197.447;
- (2) is a registered owner of a passenger automobile or motorcycle;
- (3) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (4) pays the registration tax required under section 168.013;
- (5) pays the fees required under this chapter;

(6) pays an additional onetime World War II memorial contribution of \$30, ~~which the department shall retain until all start-up costs associated with the development and issuing of the plates have been recovered, after~~ which the commissioner shall deposit ~~contributions~~ in the World War II donation match account; and

(7) complies with this chapter and rules governing the registration of motor vehicles and licensing of drivers.

Sec. 7. Minnesota Statutes 2006, section 168.1255, is amended by adding a subdivision to read:

Subd. 1a. **Motorcycle plate.** A motorcycle plate issued under this section must be the same size as a regular motorcycle plate.

Sec. 8. Minnesota Statutes 2006, section 168.1255, subdivision 3, is amended to read:

Subd. 3. **Plate transfers.** Despite section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile registered to the individual to whom the veteran contribution plates were issued, or a single motorcycle plate may be transferred to another motorcycle registered to the individual to whom the plate was issued.

Sec. 9. Minnesota Statutes 2006, section 168.1255, is amended by adding a subdivision to read:

Subd. 6. **World War II memorial donation match account.** Money remaining in the World War II memorial donation match account after the state share of the construction costs of the World War II memorial has been paid in full is appropriated to the commissioner of veterans affairs for services and programs for veterans and their families.

Sec. 10. Minnesota Statutes 2006, section 168.129, subdivision 1, is amended to read:

Subdivision 1. **General requirements and procedures.** The commissioner shall issue special collegiate plates or a single motorcycle plate to an applicant who:

- (1) is a registered owner of a passenger automobile or motorcycle;
- (2) pays a fee as specified in section 168.12, subdivision 5, to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;
- (5) contributes at least \$25 annually to the scholarship account established in subdivision 6; and
- (6) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

Sec. 11. Minnesota Statutes 2006, section 168.1296, subdivision 1, is amended to read:

**Subdivision 1. General requirements and procedures.** (a) The commissioner shall issue critical habitat plates or a single motorcycle plate to an applicant who:

- (1) is a registered owner of a passenger automobile ~~or~~ recreational vehicle, or motorcycle;
- (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;
- (4) pays the fees required under this chapter;
- (5) contributes a minimum of \$30 annually to the Minnesota critical habitat private sector matching account established in section 84.943; and
- (6) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

(b) The critical habitat plate application must indicate that the annual contribution specified under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the applicant may make an additional contribution to the account.

(c) Owners of recreational vehicles under paragraph (a), clause (1), are eligible only for special critical habitat license plates for which the designs are selected under subdivision 2, on or after January 1, 2006.

(d) Special critical habitat license plates, the designs for which are selected under subdivision 2, on or after January 1, 2006, may be personalized according to section 168.12, subdivision 2a.

Sec. 12. Minnesota Statutes 2006, section 168.1297, subdivision 1, is amended to read:

**Subdivision 1. General requirements and procedures.** The commissioner shall issue special "Rotary member" plates or single motorcycle plate to an applicant who:

- (1) is a registered owner of a passenger automobile or motorcycle;
- (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- (3) pays the registration tax required under section 168.013;

- (4) pays the fees required under this chapter;
- (5) submits proof to the commissioner that the applicant is a member of Rotary International; and
- (6) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

Sec. 13. Minnesota Statutes 2006, section 190.19, subdivision 1, is amended to read:

Subdivision 1. **Establishment.** The Minnesota "Support Our Troops" account is established in the special revenue fund. The account shall consist of contributions from private sources and appropriations. Money in the account is appropriated in equal shares to the Department of Military Affairs and the Department of Veterans Affairs.

Sec. 14. Minnesota Statutes 2007 Supplement, section 190.19, subdivision 2, is amended to read:

Subd. 2. **Uses.** (a) Money appropriated from the Minnesota "Support Our Troops" account to the Department of Military Affairs may be used for:

- (1) grants directly to eligible individuals;
  - (2) grants to one or more eligible foundations for the purpose of making grants to eligible individuals, as provided in this section; or
  - (3) veterans' services.
- (b) As used in paragraph (a), the term, "eligible individual" includes any person who is:
- (1) a member of the Minnesota National Guard or a reserve unit based in Minnesota who has been called to active service as defined in section 190.05, subdivision 5;
  - (2) a Minnesota resident who is a member of a military reserve unit not based in Minnesota, if the member is called to active service as defined in section 190.05, subdivision 5;
  - (3) any other Minnesota resident performing active service for any branch of the military of the United States;
  - (4) a person who served in one of the capacities listed in clause (1), (2), or (3) who has current financial needs directly related to that service; and
  - (5) a member of the immediate family of an individual identified in clause (1), (2), (3), or (4). For purposes of this clause, "immediate family" means the individual's spouse and minor children and, if they are dependents of the member of the military, the member's parents, grandparents, siblings, stepchildren, and adult children.

(c) As used in paragraph (a), the term "eligible foundation" includes any organization that:

- (1) is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code;
- (2) has articles of incorporation under chapter 317A specifying the purpose of the organization as including the provision of financial assistance to members of the Minnesota National Guard and other United States armed forces reserves and their families and survivors; and

(3) agrees in writing to distribute any grant money received from the adjutant general under this section to eligible individuals as defined in this section and in accordance with any written policies and rules the adjutant general may impose as conditions of the grant to the foundation.

(d) The maximum grant awarded to an eligible individual under paragraph (a) in a calendar year with funds from the Minnesota "Support Our Troops" account, either through an eligible institution or directly from the adjutant general, may not exceed \$2,000.

(e) Money appropriated to the Department of Veterans Affairs from the Minnesota "Support Our Troops" account may be used for:

(1) grants to veterans service organizations; and

(2) outreach to underserved veterans."

Delete the title and insert:

"A bill for an act relating to motor vehicles; authorizing issuance of special plates for motorcycles; creating standing appropriations from certain license plate accounts to commissioner of veterans affairs and Department of Military Affairs; amending Minnesota Statutes 2006, sections 168.12, subdivisions 2, 2c, 2d, 2e; 168.1235, subdivision 1; 168.1255, subdivisions 1, 3, by adding subdivisions; 168.129, subdivision 1; 168.1296, subdivision 1; 168.1297, subdivision 1; 190.19, subdivision 1; Minnesota Statutes 2007 Supplement, section 190.19, subdivision 2."

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

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

**S.F. No. 1329:** A bill for an act relating to motor vehicles; establishing special plates remembering victims of impaired drivers; amending Minnesota Statutes 2006, section 168.1291, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapter 168.

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

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

**S.F. No. 2077:** A bill for an act relating to motor vehicles; authorizing special bronze star veteran's license plate; amending Minnesota Statutes 2006, section 168.123, subdivision 2.

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

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

**S.F. No. 3191:** A bill for an act relating to motor vehicles; establishing American Red Cross special license plates; proposing coding for new law in Minnesota Statutes, chapter 168.

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

Page 1, line 7, after "plates" insert "or a single motorcycle plate"

Page 1, line 8, after the second comma, insert "motorcycle,"

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

### **SECOND READING OF SENATE BILLS**

S.F. Nos. 2500 and 2807 were read the second time.

### **MOTIONS AND RESOLUTIONS**

Senator Rummel moved that the name of Senator Skogen be added as a co-author to S.F. No. 1858. The motion prevailed.

Senator Michel moved that the name of Senator Sheran be added as a co-author to S.F. No. 2206. The motion prevailed.

Senator Lynch moved that the name of Senator Saltzman be added as a co-author to S.F. No. 2835. The motion prevailed.

Senator Marty moved that the name of Senator Wiger be added as a co-author to S.F. No. 2917. The motion prevailed.

Senator Prettner Solon moved that the name of Senator Rest be added as a co-author to S.F. No. 2989. The motion prevailed.

Senator Berglin moved that the name of Senator Koering be added as a co-author to S.F. No. 3099. The motion prevailed.

Senator Moua moved that the name of Senator Sparks be added as a co-author to S.F. No. 3101. The motion prevailed.

Senator Olson, M. moved that the name of Senator Wiger be added as a co-author to S.F. No. 3236. The motion prevailed.

Senator Lourey moved that the name of Senator Sheran be added as a co-author to S.F. No. 3245. The motion prevailed.

Senator Rest moved that the name of Senator Pappas be added as a co-author to S.F. No. 3247. The motion prevailed.

Senator Vickerman moved that the name of Senator Sheran be added as a co-author to S.F. No. 3264. The motion prevailed.

Senator Erickson Ropes moved that the name of Senator Kubly be added as a co-author to S.F. No. 3281. The motion prevailed.

Senator Erickson Ropes moved that the name of Senator Kubly be added as a co-author to S.F. No. 3282. The motion prevailed.

Senator Tomassoni moved that the name of Senator Wiger be added as a co-author to S.F. No. 3328. The motion prevailed.

Senator Dibble moved that S.F. No. 3028 be withdrawn from the Committee on Commerce and Consumer Protection and re-referred to the Committee on Business, Industry and Jobs. The motion prevailed.

Senator Scheid moved that S.F. No. 2575, No. 4 on General Orders, be stricken and re-referred to the Committee on Taxes. The motion prevailed.

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

### CONSENT CALENDAR

**S.F. No. 2861:** A bill for an act relating to public safety; changing the due date of the Gang and Drug Oversight Council's annual report to the legislature; amending Minnesota Statutes 2006, section 299A.641, subdivision 12.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

**Senator Berglin introduced—**

**S.F. No. 3329:** A bill for an act relating to human services; appropriating money for supported work and auto-related costs for MFIP participants.

Referred to the Committee on Finance.

**Senator Berglin introduced—**

**S.F. No. 3330:** A bill for an act relating to human services; clarifying eligibility for the MFIP consolidated fund; amending Minnesota Statutes 2007 Supplement, section 256J.626, subdivision 3.

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

**Senator Dibble introduced—**

**S.F. No. 3331:** A bill for an act relating to local government finance; permitting Minneapolis Park and Recreation Board to retain proceeds from the condemnation of park lands necessary for the reconstruction and expansion of marked Interstate Highway 35W at the Mississippi River.

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

**Senators Carlson and Koering introduced—**

**S.F. No. 3332:** A bill for an act relating to mortuary science; changing a provision for the transportation of dead human bodies; allowing use of funeral conveyance requested by decedent; amending Minnesota Statutes 2007 Supplement, sections 149A.80, subdivision 1; 149A.93, subdivision 6.

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

**Senator Berglin introduced—**

**S.F. No. 3333:** A bill for an act relating to human services; prohibiting personal liability for certain persons with mental illness; amending Minnesota Statutes 2006, section 246.51, subdivision 1.

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

**Senators Lourey and Scheid introduced—**

**S.F. No. 3334:** A bill for an act relating to human services; authorizing county agency access to the statewide supervision system and National Crime Information Center for background checks for adult foster care, family adult day services, and family child care services; amending Minnesota Statutes 2006, section 241.065, subdivision 2; Minnesota Statutes 2007 Supplement, section 245C.08, subdivision 2.

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

**Senator Foley introduced—**

**S.F. No. 3335:** A bill for an act relating to public safety; modifying the retention of juvenile adjudication history; amending Minnesota Statutes 2006, section 299C.095, subdivisions 1, 2.

Referred to the Committee on Judiciary.

**Senator Foley introduced–**

**S.F. No. 3336:** A bill for an act relating to traffic regulations; providing for exemptions to vehicle window glazing restrictions; amending Minnesota Statutes 2006, section 169.71, subdivision 4.

Referred to the Committee on Transportation.

**Senators Prettner Solon, Doll, Anderson, Dibble and Rosen introduced–**

**S.F. No. 3337:** A bill for an act relating to energy; creating coordinated process for reducing greenhouse gas emissions; proposing coding for new law in Minnesota Statutes, chapter 216H.

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

**Senator Betzold introduced–**

**S.F. No. 3338:** A bill for an act relating to public safety; classifying law enforcement agency hold data as private; amending Minnesota Statutes 2006, section 13.87, by adding a subdivision.

Referred to the Committee on Judiciary.

**Senator Gimse introduced–**

**S.F. No. 3339:** A bill for an act relating to game and fish; allowing a nonresident to take fish by spearing from a dark house; amending Minnesota Statutes 2006, section 97C.371, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 97A.475, subdivision 7.

Referred to the Committee on Environment and Natural Resources.

**Senator Koering introduced–**

**S.F. No. 3340:** A bill for an act relating to domestic abuse; designating October as domestic violence awareness month in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 10.

Referred to the Committee on Judiciary.

**Senators Jungbauer, Dibble, Anderson, Prettner Solon and Rosen introduced–**

**S.F. No. 3341:** A bill for an act relating to energy; proposing the Business Energy Accountability Act of 2008; providing for a voluntary inventory of business energy use; proposing coding for new law in Minnesota Statutes, chapter 216C.

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

**Senators Foley and Moua introduced–**

**S.F. No. 3342:** A bill for an act relating to public safety; providing for an e-charging service; requiring fingerprinting; amending Minnesota Statutes 2006, sections 13.871, by adding a subdivision; 299C.10, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter

299C.

Referred to the Committee on Judiciary.

**Senator Sparks introduced—**

**S.F. No. 3343:** A bill for an act relating to environment; providing for publication of adjustments to costs announced by the Petroleum Tank Release Compensation Board; amending Minnesota Statutes 2006, section 115C.07, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

**Senator Vickerman introduced—**

**S.F. No. 3344:** A bill for an act relating to education finance; authorizing a transfer of funds for Independent School District No. 671, Hills-Beaver Creek.

Referred to the Committee on Finance.

**Senator Vickerman introduced—**

**S.F. No. 3345:** A bill for an act relating to taxation; providing motor fuel and sales tax exemptions for providers of special transportation services; amending Minnesota Statutes 2006, sections 296A.07, subdivision 4; 296A.08, subdivision 3; 297A.67, by adding a subdivision.

Referred to the Committee on Taxes.

**Senator Vickerman introduced—**

**S.F. No. 3346:** A bill for an act relating to human services; increasing rates for medical assistance coverage of special transportation services; amending Minnesota Statutes 2006, section 256B.0625, subdivision 17.

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

**Senator Vickerman introduced—**

**S.F. No. 3347:** A bill for an act relating to human services; prohibiting the use of a broker or coordinator for dispatching nonemergency medical transportation and certain disbursements; amending Minnesota Statutes 2006, section 256B.0625, by adding a subdivision.

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

**Senator Erickson Ropes introduced—**

**S.F. No. 3348:** A bill for an act relating to taxation; providing a sales tax exemption of materials, supplies, and equipment used in constructing a wastewater treatment facility in the city of Fountain; appropriating money; amending Minnesota Statutes 2006, sections 297A.71, by adding a subdivision; 297A.75, subdivisions 1, 2, 3.

Referred to the Committee on Taxes.

**Senator Pappas introduced—**

**S.F. No. 3349:** A bill for an act relating to education; creating a responsible family life and sexuality education program; proposing coding for new law in Minnesota Statutes, chapter 121A.

Referred to the Committee on Education.

**Senator Moua introduced—**

**S.F. No. 3350:** A bill for an act relating to human services; changing the standard of evidence in a disqualification to clear and convincing evidence; amending Minnesota Statutes 2006, sections 245C.29, subdivision 2; 256.045, subdivisions 3, 3b; Minnesota Statutes 2007 Supplement, sections 245C.14, subdivision 1; 245C.15, subdivisions 2, 3, 4; 245C.24, subdivision 3; 245C.27, subdivision 1.

Referred to the Committee on Judiciary.

**Senators Chaudhary, Marty and Moua introduced—**

**S.F. No. 3351:** A bill for an act relating to real estate; requiring that existing statutory implied residential construction warranties be made as express warranties and be provided to the buyer in writing; prohibiting waivers of the warranty; amending Minnesota Statutes 2006, sections 327A.04; 327A.06; 327A.07; 327A.08.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Rosen, Prettner Solon and Sheran introduced—**

**S.F. No. 3352:** A bill for an act relating to capital improvements; appropriating money for the Adolescent Treatment Center-Winnebago (ATCW); authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senators Marty, Doll, Koering, Higgins and Rosen introduced—**

**S.F. No. 3353:** A bill for an act relating to human services; providing long-term care rate adjustments; providing funding for long-term care employee health insurance costs; modifying MinnesotaCare eligibility for long-term care employees; requiring development of a new nursing facility rate rebasing methodology; requiring a study of direct care staffing; amending Minnesota Statutes 2006, sections 256B.434, by adding a subdivision; 256B.441, by adding a subdivision; 256B.5012, by adding a subdivision; 256L.07, subdivision 2; Minnesota Statutes 2007 Supplement, sections 256B.434, subdivision 19; 256B.441, subdivisions 1, 50, 51a; 256B.5012, subdivision 7; Laws 2007, chapter 147, article 7, section 71; repealing Minnesota Statutes 2007 Supplement, section 256B.441, subdivisions 55, 56.

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

**Senators Michel and Koering introduced—**

**S.F. No. 3354:** A bill for an act relating to health; changing provisions governing the operation of public pools, spas, and swimming pools; amending Minnesota Statutes 2006, section 144.1222, subdivision 1a, by adding subdivisions.

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

**Senators Rest, Bonoff and Scheid introduced—**

**S.F. No. 3355:** A bill for an act relating to education finance; authorizing a school district with a low fund balance to hold a referendum election at a time other than November; amending Minnesota Statutes 2006, section 126C.17, subdivision 11.

Referred to the Committee on Finance.

**Senator Skoe introduced—**

**S.F. No. 3356:** A bill for an act relating to taxation; modifying requirements applicable to the green acres property tax program; amending Minnesota Statutes 2006, section 273.111, subdivisions 6, 8, 14.

Referred to the Committee on Taxes.

**Senator Skoe introduced—**

**S.F. No. 3357:** A bill for an act relating to taxation; requiring certain practices by assessors; requiring a statement on truth in taxation notices; amending Minnesota Statutes 2006, section 273.03, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 275.065, subdivision 3.

Referred to the Committee on Taxes.

**Senator Skoe introduced—**

**S.F. No. 3358:** A bill for an act relating to highways; designating the Clearwater County Veterans Memorial Highway; amending Minnesota Statutes 2006, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation.

**Senator Skoe introduced—**

**S.F. No. 3359:** A bill for an act relating to state lands; authorizing the public sale of tax-forfeited land in Clearwater County.

Referred to the Committee on Environment and Natural Resources.

**Senators Foley, Saxhaug, Frederickson, Torres Ray and Clark introduced—**

**S.F. No. 3360:** A bill for an act relating to animals; changing provisions prohibiting animal fights

and possession of certain items; imposing penalties; amending Minnesota Statutes 2006, section 343.31, subdivision 1.

Referred to the Committee on Judiciary.

**Senators Rosen, Langseth, Skoe, Stumpf and Wergin introduced—**

**S.F. No. 3361:** A bill for an act relating to education finance; increasing equalizing factors and threshold rates in the debt service equalization program; improving ability of school districts to improve school buildings and facilities; reducing property taxes; amending Minnesota Statutes 2006, section 123B.53, subdivisions 4, 5.

Referred to the Committee on Finance.

**Senators Foley and Higgins introduced—**

**S.F. No. 3362:** A bill for an act relating to police officers; permitting police officers to be represented by an attorney and a union representative at disciplinary hearing; amending Minnesota Statutes 2006, section 626.89, subdivision 9.

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

**Senators Cohen and Rest introduced—**

**S.F. No. 3363:** A bill for an act relating to state government; specifying the development of budget recommendations and requiring state agencies to provide information; amending Minnesota Statutes 2006, section 3.885, by adding a subdivision.

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

**Senators Lourey and Koering introduced—**

**S.F. No. 3364:** A bill for an act relating to state government; changing provisions of the Commission of Deaf, Deaf-blind and Hard-of-Hearing Minnesotans; amending Minnesota Statutes 2006, section 256C.28, as amended.

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

**Senator Kubly introduced—**

**S.F. No. 3365:** A bill for an act relating to state lands; authorizing the conveyance of certain surplus state land bordering public water in Chippewa County.

Referred to the Committee on Environment and Natural Resources.

**Senators Berglin, Prettner Solon, Rosen, Erickson Ropes and Lourey introduced—**

**S.F. No. 3366:** A bill for an act relating to human services; modifying the phase-in of rebased nursing facility operating cost payment rates; amending Minnesota Statutes 2007 Supplement, section 256B.441, subdivisions 1, 55.

Referred to the Committee on Finance.

**Senators Prettner Solon, Erickson Ropes, Rosen, Sheran and Olson, M. introduced—**

**S.F. No. 3367:** A bill for an act relating to human services; providing additional rate adjustments for nursing facilities and community-based long-term care providers; amending Minnesota Statutes 2007 Supplement, section 256B.434, subdivision 19; Laws 2007, chapter 147, article 7, section 71.

Referred to the Committee on Finance.

**Senator Rest introduced—**

**S.F. No. 3368:** A bill for an act relating to public safety; holding department harmless for negligent dissemination of vehicle or driver data; amending Minnesota Statutes 2006, section 13.69, by adding a subdivision.

Referred to the Committee on Transportation.

**Senators Saltzman; Olseen; Larson; Olson, G. and Dibble introduced—**

**S.F. No. 3369:** A bill for an act relating to drivers' licenses; requiring commissioner of public safety to include information and questions relating to pupil transportation safety in driver's manual and examination; amending Minnesota Statutes 2006, section 171.13, subdivision 1, by adding a subdivision.

Referred to the Committee on Transportation.

**Senator Olseen introduced—**

**S.F. No. 3370:** A bill for an act relating to elections; providing for assessment and payment of certain costs; amending Minnesota Statutes 2006, section 211B.37.

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

**Senator Scheid introduced—**

**S.F. No. 3371:** A bill for an act relating to anatomical gifts; amending the Darlene Luther Revised Uniform Anatomical Gifts Act and other statutes to clarify and conform inconsistent provisions authorizing agents to make medical decisions, control final disposition of remains, and make anatomical gifts; correcting an erroneous reference and making other corrections and clarifications; amending Minnesota Statutes 2007 Supplement, sections 149A.80, subdivision 2; 525A.02, subdivision 9; 525A.03; 525A.09.

Referred to the Committee on Judiciary.

**Senators Doll, Olseen, Dibble, Koering and Gimse introduced—**

**S.F. No. 3372:** A bill for an act relating to traffic regulations; establishing minimum requirements for city's permit program for long-term disability parking; amending Minnesota

Statutes 2006, section 169.346, subdivision 5.

Referred to the Committee on Transportation.

**Senator Rest introduced–**

**S.F. No. 3373:** A bill for an act relating to elections; providing for discretionary partial recounts; specifying certain recount and postelection review procedures; amending Minnesota Statutes 2006, sections 204C.35, subdivisions 1, 2, by adding a subdivision; 204C.36, subdivision 2, by adding a subdivision; 206.89, subdivision 2.

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

**Senator Rest introduced–**

**S.F. No. 3374:** A bill for an act relating to elections; requiring captioning for deaf and hard-of-hearing viewers on certain campaign communications; proposing coding for new law in Minnesota Statutes, chapter 10A.

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

**Senators Dahle, Betzold, Sparks, Torres Ray and Pogemiller introduced–**

**S.F. No. 3375:** A bill for an act relating to teacher retirement savings; requiring collective bargaining over the number of tax-sheltered annuity vendors a school district permits for payroll deduction; amending Minnesota Statutes 2006, section 123B.02, subdivision 15.

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

**Senators Higgins, Moua, Vickerman and Betzold introduced–**

**S.F. No. 3376:** A bill for an act relating to public safety; requiring screening of certain defendants in criminal cases for posttraumatic stress disorder; authorizing mitigated dispositions for certain offenders suffering from posttraumatic stress disorder who receive treatment; requiring legislative reports and the collection of summary data; requiring the preparation and distribution of an informational pamphlet; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Judiciary.

**Senator Wergin introduced–**

**S.F. No. 3377:** A bill for an act relating to public safety; repealing the Furniture Fire Safety Act; repealing Minnesota Statutes 2006, sections 299F.840; 299F.841, subdivisions 1, 4, 5, 6, 7, 8; 299F.842; 299F.843; 299F.844; 299F.845; 299F.846; 299F.847; 299F.848.

Referred to the Committee on Judiciary.

**Senators Lourey, Dille, Olseen, Rest and Wergin introduced–**

**S.F. No. 3378:** A bill for an act relating to local government; providing for a public hearing and

public testimony before making an appointment to fill a vacancy on a county board or city council; changing the time period in which an appointment may be made; amending Minnesota Statutes 2006, sections 375.101, by adding a subdivision; 412.02, subdivision 2a, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 375.101, subdivision 4.

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

**Senator Dibble introduced—**

**S.F. No. 3379:** A bill for an act relating to natural resources; mandating classification of Mississippi Headwaters State Forest.

Referred to the Committee on Environment and Natural Resources.

**Senator Olseen introduced—**

**S.F. No. 3380:** A bill for an act relating to energy; requiring advance notice to certain local units of government of intent to file certificate of need for construction of large energy facility; amending Minnesota Statutes 2006, section 216B.243, by adding a subdivision.

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

**Senator Olseen introduced—**

**S.F. No. 3381:** A bill for an act relating to local government; adding fire service to the list of services for which local governments may collect unpaid charges from tax refunds; amending Minnesota Statutes 2006, section 270A.03, subdivision 2.

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

**Senator Olseen introduced—**

**S.F. No. 3382:** A bill for an act relating to education; providing opportunities for school districts and charter schools to connect to Internet2 for advanced research and education applications; appropriating money.

Referred to the Committee on Finance.

**Senator Olseen introduced—**

**S.F. No. 3383:** A bill for an act relating to motor vehicles; modifying provisions governing requirement and use of USDOT carrier numbers; amending Minnesota Statutes 2006, section 168.185.

Referred to the Committee on Transportation.

**Senator Wiger introduced—**

**S.F. No. 3384:** A bill for an act relating to lawful gambling taxes; providing a refund to organizations for certain lawful purpose expenditures; proposing coding for new law in Minnesota

Statutes, chapter 297E.

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

**Senator Chaudhary introduced—**

**S.F. No. 3385:** A bill for an act relating to natural resources; modifying monument designation authority; modifying state park names; modifying state park permit requirements; eliminating certain finance report requirements; making technical corrections; amending Minnesota Statutes 2006, sections 85.011; 85.012, subdivisions 28, 49a; 85.013, subdivision 1; 85.054, subdivision 3, by adding a subdivision; 97A.055, subdivision 4b; repealing Minnesota Statutes 2006, sections 84.961, subdivision 4; 85.013, subdivision 21b; Laws 1989, chapter 335, article 1, section 21, subdivision 8, as amended.

Referred to the Committee on Environment and Natural Resources.

**Senators Sparks, Wergin, Kubly, Saxhaug and Jungbauer introduced—**

**S.F. No. 3386:** A bill for an act relating to environment; modifying licensing requirements for individual sewage treatment system professionals; amending Minnesota Statutes 2007 Supplement, section 115.56, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

**Senators Robling and Clark introduced—**

**S.F. No. 3387:** A bill for an act relating to higher education; clarifying certain scholarship program provisions; amending grant requirements; amending certain private institution provisions; making technical changes; providing for data sharing; amending Minnesota Statutes 2006, sections 13.32, by adding a subdivision; 141.25, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 136A.126; 136A.127; 136A.65, subdivisions 1, 3, 5, 6, 7; 136A.66; 136A.67; 136A.69; 141.25, subdivision 5; 141.28, subdivision 1; 141.35; 197.791, subdivisions 1, 4, 5.

Referred to the Committee on Higher Education.

**Senators Chaudhary, Marty and Berglin introduced—**

**S.F. No. 3388:** A bill for an act relating to insurance; requiring equal access to acupuncture services by certain group policies and subscriber contracts; requiring claim determinations regarding acupuncture services to be made or reviewed by acupuncture practitioners; requiring reporting on referrals to acupuncture practitioners and reimbursement rates; amending Minnesota Statutes 2006, section 62A.15, subdivision 4, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

Referred to the Committee on Commerce and Consumer Protection.

**Senator Dahle introduced—**

**S.F. No. 3389:** A bill for an act relating to subordinate service districts; authorizing towns to

refund surplus revenues upon the removal of a district; amending Minnesota Statutes 2006, section 365A.095.

Referred to the Committee on Taxes.

**Senators Prettner Solon and Bakk introduced—**

**S.F. No. 3390:** A bill for an act relating to the city of Duluth; authorizing extension of time for certain activities in certain tax increment financing districts.

Referred to the Committee on Taxes.

**Senators Betzold and Limmer introduced—**

**S.F. No. 3391:** A bill for an act relating to real property; providing for electronic recording; proposing coding for new law in Minnesota Statutes, chapter 507.

Referred to the Committee on Judiciary.

**Senator Robling introduced—**

**S.F. No. 3392:** A bill for an act relating to higher education; requiring a common course numbering system for the Minnesota State Colleges and Universities.

Referred to the Committee on Higher Education.

**Senator Berglin introduced—**

**S.F. No. 3393:** A bill for an act relating to environment; requiring the Pollution Control Agency to analyze cumulative pollution effects in an area prior to issuing a permit; amending Minnesota Statutes 2006, section 116.07, subdivision 4a.

Referred to the Committee on Environment and Natural Resources.

**Senator Saltzman introduced—**

**S.F. No. 3394:** A bill for an act relating to physical therapists; creating an exemption from the examination requirement for licensure.

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

**Senators Ingebrigtsen, Gimse and Hann introduced—**

**S.F. No. 3395:** A bill for an act relating to drivers' licenses; modifying requirements for accepting driver's license from another state or jurisdiction as valid form of identification; amending Minnesota Statutes 2006, section 171.06, by adding a subdivision.

Referred to the Committee on Transportation.

**Senators Anderson, Clark, Scheid and Higgins introduced—**

**S.F. No. 3396:** A bill for an act relating to real property; providing for the Minnesota Subprime Foreclosure Deferment Act of 2008; proposing coding for new law in Minnesota Statutes, chapter 583.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Torres Ray, Higgins and Limmer introduced—**

**S.F. No. 3397:** A bill for an act relating to business organizations; providing for the return of documents submitted to the secretary of state; regulating foreign cooperatives; removing the request that the attorney general and the Department of Revenue be notified of the dissolution of foreign cooperatives and nonprofit corporations; allowing foreign limited liability partnerships to use alternative names under certain circumstances; eliminating contest of name filings; amending Minnesota Statutes 2006, sections 47.12, subdivision 2; 60A.07, subdivision 1; 303.11; 303.16, subdivision 4; 303.17, subdivision 4; 308A.005, by adding a subdivision; 308B.211, subdivision 2; 308B.221, subdivision 4; 317A.823, subdivision 2; 321.0108; 323A.1102; proposing coding for new law in Minnesota Statutes, chapters 5; 308A; 308B; repealing Minnesota Statutes 2006, sections 5.22; 302A.115, subdivision 8; 303.05, subdivision 4; 308A.121, subdivision 3; 308B.151; 317A.115, subdivision 6; 322B.12, subdivision 6.

Referred to the Committee on Judiciary.

**Senator Rest introduced—**

**S.F. No. 3398:** A bill for an act relating to state government; requiring the Office of Enterprise Technology to report to the legislature regarding its approval process for state agency technology requests and assistance provided to state agencies in developing agency information systems plans; amending Minnesota Statutes 2006, sections 16E.01, subdivision 3; 16E.04, subdivision 2.

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

**Senators Saltzman and Lynch introduced—**

**S.F. No. 3399:** A bill for an act relating to education; establishing course preparation and continuing education requirements for school administrators and teachers working with gifted and talented students; amending Minnesota Statutes 2006, sections 122A.14, by adding subdivisions; 122A.18, by adding subdivisions.

Referred to the Committee on Education.

**Senator Skogen introduced—**

**S.F. No. 3400:** A bill for an act relating to capital improvements; appropriating money for a highway overpass in the city of Staples; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

**Senator Skogen introduced—**

**S.F. No. 3401:** A bill for an act relating to natural resources; modifying public water access site acquisition authority; amending Minnesota Statutes 2006, section 97A.141, subdivision 1; repealing Minnesota Statutes 2006, section 97A.141, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

**Senator Skogen introduced—**

**S.F. No. 3402:** A bill for an act relating to transportation; transferring highway right-of-way to state rail bank.

Referred to the Committee on Transportation.

**Senator Lourey introduced—**

**S.F. No. 3403:** A bill for an act relating to human services; increasing payment rates for nursing facilities in Kanabec and Pine Counties to the geographic group III median rate; amending Minnesota Statutes 2006, section 256B.434, by adding a subdivision.

Referred to the Committee on Finance.

**Senator Betzold introduced—**

**S.F. No. 3404:** A bill for an act relating to data practices; permitting data sharing between the Department of Education and the Minnesota Office of Higher Education; amending Minnesota Statutes 2006, section 13.32, by adding a subdivision.

Referred to the Committee on Judiciary.

**Senator Betzold introduced—**

**S.F. No. 3405:** A bill for an act relating to retirement; providing for the amount of duty disability pension for injured police officers and firefighters; requiring employers to make reasonable efforts to provide less hazardous duty for injured employees; amending Minnesota Statutes 2007 Supplement, sections 353.031, by adding a subdivision; 353.656, subdivision 1.

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

**Senator Betzold, by request, introduced—**

**S.F. No. 3406:** A bill for an act relating to data practices; amending certain temporary classification provisions; classifying data; amending data privacy provisions; amending Minnesota Statutes 2006, sections 13.06, subdivisions 1, 3, 4, 5, by adding subdivisions; 13.601, subdivision 3; 13.64; 13.72, subdivision 13; repealing Minnesota Statutes 2006, section 13.06, subdivision 2; Minnesota Rules, part 1205.1800.

Referred to the Committee on Judiciary.

**Senator Betzold, by request, introduced—**

**S.F. No. 3407:** A bill for an act relating to government data practices; regulating use of driver's license numbers and application information; amending Minnesota Statutes 2006, sections 13.6905, subdivision 2, by adding a subdivision; 168.346, subdivision 1, by adding a subdivision; 171.12, subdivision 7, by adding a subdivision.

Referred to the Committee on Transportation.

**Senators Ingebrigtsen, Wergin and Robling introduced—**

**S.F. No. 3408:** A bill for an act relating to education finance; modifying the postsecondary enrollments options program; amending Minnesota Statutes 2006, section 124D.09, subdivisions 13, 20.

Referred to the Committee on Finance.

**Senators Higgins, Metzen, Tomassoni and Marty introduced—**

**S.F. No. 3409:** A bill for an act relating to employment; appropriating money for the Hennepin-Carver Workforce Investment Board.

Referred to the Committee on Finance.

**Senators Erickson Ropes and Carlson introduced—**

**S.F. No. 3410:** A bill for an act relating to human services; requiring the commissioner of human services to establish and administer a universal prescription drug program and prescription drug bulk purchasing program; establishing a dedicated fund; appropriating money from the dedicated fund to the commissioner; requiring mandated reports; proposing coding for new law as Minnesota Statutes, chapter 256N.

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

**Senators Erickson Ropes, Marty, Carlson and Doll introduced—**

**S.F. No. 3411:** A bill for an act relating to health; clarifying the purposes of the health care access fund; eliminating certain transfers from the health care access fund; amending Minnesota Statutes 2006, section 16A.724, by adding subdivisions; Minnesota Statutes 2007 Supplement, section 16A.724, subdivision 2; repealing Minnesota Statutes 2006, section 295.581; Minnesota Statutes 2007 Supplement, section 16A.724, subdivision 2.

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

**Senator Erickson Ropes introduced—**

**S.F. No. 3412:** A bill for an act relating to transportation; defining medium-speed electric vehicles; requiring medium-speed electric vehicles to be registered and titled; identifying roads on which medium-speed electric vehicles may be operated; amending Minnesota Statutes 2006, sections 168.011, subdivision 7; 168A.05, subdivision 9; 169.01, by adding a subdivision; 169.224.

Referred to the Committee on Transportation.

**Senators Erickson Ropes, Marty and Lourey introduced—**

**S.F. No. 3413:** A bill for an act relating to counties; providing a process for making certain county offices appointive in Houston County.

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

**Senators Erickson Ropes and Marty introduced—**

**S.F. No. 3414:** A bill for an act relating to health; requiring health plans to provide coverage for certain infertility treatments; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

**Senators Lynch, Wiger and Erickson Ropes introduced—**

**S.F. No. 3415:** A bill for an act relating to education; allowing licensed physicians and licensed psychologists to make a diagnosis and determination of ADD and ADHD; amending Minnesota Statutes 2006, section 125A.02, subdivision 1.

Referred to the Committee on Education.

**Senator Erickson Ropes introduced—**

**S.F. No. 3416:** A bill for an act relating to occupations and professions; changing psychologists' scope of practice; amending Minnesota Statutes 2006, section 148.89, subdivision 5.

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

**Senators Pappas and Sheran introduced—**

**S.F. No. 3417:** A bill for an act relating to occupations and professions; adding an exception to the complementary and alternative health care client bill of rights for in-patient hospital setting and hospice care; amending Minnesota Statutes 2007 Supplement, section 146A.11, subdivision 1.

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

**Senator Wergin introduced—**

**S.F. No. 3418:** A bill for an act relating to game and fish; modifying the dates and times fish houses, dark houses, and other shelters may be left on the ice; amending Minnesota Statutes 2006, section 97C.355, subdivision 7.

Referred to the Committee on Environment and Natural Resources.

**Senator Larson introduced—**

**S.F. No. 3419:** A bill for an act relating to traffic regulations; allowing certain state hospitals

and institutions and county social service agencies to operate vehicles exempt from payment of registration tax and fees; regulating display of vehicle license plates; amending Minnesota Statutes 2006, sections 168.012, subdivision 1; 169.79.

Referred to the Committee on Transportation.

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### GENERAL ORDERS

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

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

S.F. Nos. 2910 and 2918, which the committee recommends to pass.

S.F. No. 2912, which the committee recommends to pass, subject to the following motions:

Senator Limmer moved to amend S.F. No. 2912 as follows:

Page 4, line 18, delete the colon

Page 4, line 19, delete "1"

Page 4, line 20, delete "; and" and insert a period

Page 4, delete lines 21 to 22

Page 4, line 25, after the period, insert "The notice must include a list of contact information for authorized foreclosure counseling agencies."

Page 4, delete subdivision 3

Page 4, line 34, delete "4" and insert "3"

Page 4, line 35, delete "contracts or"

Page 5, delete lines 22 to 23 and insert:

"You may contact an authorized foreclosure prevention counseling agency to help you prevent foreclosure."

Page 5, line 31, delete the new language and insert "**Agencies You May Contact**"

Page 5, line 32, delete "agency" and insert "agencies"

Page 5, delete line 33

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 13 and nays 44, as follows:

Those who voted in the affirmative were:

Dille	Gimse	Koch	Robling	Vandev eer
Fischbach	Ingebrigtsen	Limmer	Rosen	
Frederickson	Johnson	Pariseau	Senjem	

Those who voted in the negative were:

Anderson	Dibble	Latz	Prettner Solon	Skogen
Bakk	Doll	Lourey	Rest	Sparks
Berglin	Erickson Ropes	Lynch	Rummel	Stumpf
Betzold	Foley	Marty	Saltzman	Tomassoni
Bonoff	Higgins	Metzen	Saxhaug	Torres Ray
Carlson	Koering	Michel	Scheid	Vickerman
Clark	Kubly	Olseen	Sheran	Wergin
Cohen	Langseth	Olson, M.	Sieben	Wiger
Dahle	Larson	Pogemiller	Skoe	

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

Senator Scheid moved to amend S.F. No. 2912 as follows:

Page 4, line 20, after "prevention" insert "counseling"

Page 4, line 26, after "foreclosure" insert "prevention"

The motion prevailed. So the amendment was adopted.

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

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Sparks moved that S.F. No. 2830 be withdrawn from the Committee on Commerce and Consumer Protection and re-referred to the Committee on Business, Industry and Jobs. The motion prevailed.

Senator Vickerman moved that the name of Senator Skogen be added as a co-author to S.F. No. 3344. The motion prevailed.

### **RECESS**

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

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

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

**REPORTS OF COMMITTEES**

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

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

**S.F. No. 3295:** A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; authorizing the sale of state bonds; canceling and modifying previous appropriations; appropriating money; amending Minnesota Statutes 2006, sections 16B.32, by adding a subdivision; 16B.325; 116.155, subdivisions 2, 3; 119A.45; 136F.10; 136F.60, subdivision 5; 136F.64, subdivision 1, by adding a subdivision; 136F.98, subdivision 1; Laws 2003, First Special Session chapter 20, article 1, section 12, subdivision 3; Laws 2005, chapter 20, article 1, sections 7, subdivision 21; 17; 20, subdivision 3; 21, subdivision 2; 23, subdivisions 8, 16; Laws 2006, chapter 258, sections 4, subdivision 4; 7, subdivisions 3, as amended, 7, 11, 22; 16, subdivision 5; 17, subdivision 8; 21, subdivisions 6, 15; 23, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 116; 137.

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

Page 1, line 28, delete "271,085,000" and insert "270,085,000"

Page 2, line 3, delete "99,660,000" and insert "99,560,000"

Page 2, line 11, delete "21,500,000" and insert "68,900,000"

Page 2, line 12, delete "136,620,000" and insert "135,620,000"

Page 2, line 14, delete "14,082,000" and insert "23,532,000"

Page 2, line 16, delete "221,825,000" and insert "208,825,000"

Page 2, line 21, delete "1,086,620,000" and insert "1,133,920,000"

Page 2, line 22, delete "958,785,000" and insert "959,118,000"

Page 2, line 23, delete "70,995,000" and insert "70,562,000"

Page 2, after line 27, insert:

<u>"Trunk Highway Fund</u>	<u>47,400,000"</u>
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Page 5, line 3, delete "271,085,000" and insert "270,085,000"

Page 7, line 12, delete "St. John's"

Page 7, delete line 13 and insert "the power plant building. This appropriation includes money to demolish the power plant annex to enable the new construction."

Page 10, line 24, delete "13,500,000" and insert "12,500,000"

Page 18, line 12, delete "99,660,000" and insert "99,560,000"

Page 19, after line 10, insert:

"(b) Area II of the Minnesota River Basin"

Page 19, line 11, delete "(b)" and insert "(c)"

Page 19, line 12, delete "(c)" and insert "(d)"

Page 19, line 13, delete "(d)" and insert "(e)"

Page 19, line 15, delete "(e)" and insert "(f)"

Page 19, line 16, delete "(f)" and insert "(g)"

Page 19, line 17, delete "(g)" and insert "(h)"

Page 19, line 20, delete "(h)" and insert "(i)"

Page 19, line 21, delete "(i)" and insert "(j)"

Page 19, line 23, delete "siphons,"

Page 19, line 32, delete "(j)" and insert "(k)"

Page 20, line 1, delete "(k)" and insert "(l)"

Page 20, line 2, delete "(l)" and insert "(m)"

Page 20, line 3, delete "(m)" and insert "(n)"

Page 20, line 4, delete "(n)" and insert "(o)"

Page 20, line 5, delete "(o)" and insert "(p)"

Page 20, line 6, delete "(p)" and insert "(q)"

Page 20, line 7, delete "(q)" and insert "(r)"

Page 20, line 8, delete "(r)" and insert "(s)"

Page 20, line 9, delete "(s)" and insert "(t)"

Page 20, line 10, delete "(t)" and insert "(u)"

Page 20, line 11, delete "(u)" and insert "(v)"

Page 20, line 21, after the first comma, insert "Dawson,"

Page 22, line 18, before the period, insert ", and to design, construct, or acquire drainable ponds and other facilities for moving walleye rearing out of natural wetlands"

Page 22, line 33, delete "fee titles and"

Page 23, line 25, delete everything after the period

Page 23, delete lines 26 to 28

Page 24, line 6, delete "16,100,000" and insert "16,000,000"

Page 25, delete lines 19 to 28

Page 29, line 11, delete "the"

Page 29, delete line 12

Page 29, line 13, delete "Sewer District" and insert "Mille Lacs"

Page 32, delete lines 18 to 21

Page 39, line 8, delete "21,500,000" and insert "68,900,000"

Page 39, delete line 22 and insert:

**"Subd. 3. Urban Partnership Agreement**

**(a) General Fund Appropriation**

9,000,000"

Page 39, after line 32, insert:

**"(b) Federal Grant Appropriation**

47,400,000

From the trunk highway fund for the purposes specified in the federal grant implementing the Urban Partnership Agreement. This appropriation is in addition to the appropriations in Laws 2007, chapter 143, article 1, section 3, subdivision 3; and Laws 2008, chapter 152, article 2, section 3, subdivision 4. This appropriation is available until June 30, 2011."

Page 41, line 15, delete "136,620,000" and insert "135,620,000"

Page 43, line 4, delete "commit" and insert "spend" and delete "to" and insert "for"

Page 46, line 9, delete "11,000,000" and insert "10,000,000"

Page 49, line 24, before "rehabilitate" insert "construct and"

Page 50, delete lines 24 to 28

Page 51, delete lines 1 to 5

Page 52, line 33, delete "206,825,000" and insert "208,825,000"

Page 55, line 8, delete "Phosphorous" and insert "Phosphorus"

Page 55, after line 30, insert:

"\$3,500,000 is for public infrastructure, including land acquisition, to support a private research park within a designated bioscience subzone that is adjacent to and complementary to research facilities of a college or university."

Page 55, after line 33, insert:

"The commissioner may require that a grant from this appropriation be returned if construction does not commence within 120 days after a grant agreement is signed."

Page 59, line 14, delete "7,000,000" and insert "5,500,000"

Page 59, after line 22, insert:

**"(b) RiverCentre Debt Service**

3,500,000

For a grant to the city of St. Paul to pay principal costs through November 1, 2010, on the St. Paul Housing and Redevelopment Authority \$62,006,503 sales tax refunding bonds sold to pay costs of the RiverCentre Convention Center. The commissioner shall make grant payments to the city at least 30 days before the annual bond payment date, in accordance with a schedule set forth in the grant agreement with the city. The city shall make bond interest payments totaling \$7,160,884 through November 1, 2010. The legislature expects that the city will use the savings from this grant for ongoing capital asset preservation, maintenance, and improvement needs of the RiverCentre Convention Center and surrounding venues. The legislature may appropriate additional money at a later session to pay principal costs through the final payment, due November 1, 2015."

Page 59, line 23, delete "(b)" and insert "(c)"

Page 60, delete lines 28 to 30 and insert:

"\$100,000 is for a grant to the city of Wells to

renovate the historic Wells Train Depot. No match is required for this grant."

Page 62, line 3, delete "\$1,029,780,000" and insert "\$1,029,680,000"

Page 72, line 15, delete "the state's share of"

Page 72, delete line 16 and insert "required to pay debt service on the bonds issued to finance 80 percent of the project costs."

Page 72, delete line 23 and insert "research facility projects, provided that the principal amount of bonds issued by the University of Minnesota to pay the state's share of the costs"

Page 73, delete line 3 and insert "to reducing the appropriations needed under subdivision 3."

Page 73, after line 3, insert:

"Sec. 41. Minnesota Statutes 2006, section 462A.21, is amended by adding a subdivision to read:

Subd. 32. **Nonprofit housing bonds account.** The agency may establish a nonprofit housing bond account as a separate account within the housing development fund. Proceeds of nonprofit housing bonds and payments made by the state under section 462A.36 may be credited to the account. The agency may transfer the proceeds of nonprofit housing bonds to another account within the housing development fund that it determines appropriate to accomplish the purposes for which the bonds are authorized under section 462A.36.

Sec. 42. **[462A.36] NONPROFIT HOUSING BONDS; AUTHORIZATION; STANDING APPROPRIATION.**

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

(b) "Debt service" means the amount payable in any fiscal year of principal, premium, if any, and interest on nonprofit housing bonds and the fees, charges, and expenses related to the bonds.

(b) "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended.

(c) "Nonprofit housing bonds" means bonds issued by the agency under chapter 462A that are "qualified 501(c)(3) bonds" (within the meaning of Section 145(a) of the Internal Revenue Code) or are not "private activity bonds" (within the meaning of Section 141(a) of the Internal Revenue Code), for the purpose of financing or refinancing affordable housing authorized under chapter 462A.

(d) "Permanent supportive housing" means housing that is not time-limited and provides or coordinates with linkages to services necessary for residents to maintain housing stability and maximize opportunities for education and employment.

Subd. 2. **Authorization.** (a) The agency may issue up to \$30 million of nonprofit housing bonds in one or more series to which the payments made under this section may be pledged. The nonprofit housing bonds authorized in this subdivision may be issued for the purpose of making loans, on terms and conditions the agency deems appropriate, to finance the costs of the construction, acquisition, preservation, and rehabilitation of permanent supportive housing for individuals and families who: (1) either have been without a permanent residence for at least 12 months or at least four times in

the last three years; or (2) are at significant risk of lacking a permanent residence for 12 months or at least four times in the last three years.

(b) An insubstantial portion of the bond proceeds may be used for permanent supportive housing for individuals and families experiencing homelessness who do not meet the criteria of paragraph (a).

Subd. 3. **No full faith and credit.** The nonprofit housing bonds are not public debt of the state, and the full faith and credit and taxing powers of the state are not pledged to the payment of the nonprofit housing bonds or to any payment that the state agrees to make under this section. The bonds must contain a conspicuous statement to that effect.

Subd. 4. **Certification and payment; payment to the agency or trustee.** (a) The agency must certify annually to the commissioner of finance the actual amount of annual debt service on each series of bonds issued under subdivision 2.

(b) Each July 1, beginning in 2009 and through 2031, if any nonprofit housing bonds issued under subdivision 2 remain outstanding, the commissioner of finance must transfer to the nonprofit housing bond account established under section 462A.21, subdivision 32, the amount certified under paragraph (a), not to exceed \$2,400,000 annually. The amounts necessary to make the transfers is appropriated from the general fund to the commissioner of finance.

(c) The agency may pledge to the payment of the nonprofit housing bonds the payments to be made by the state under this section."

Page 76, after line 28, insert:

"Sec. 48. Laws 2005, chapter 20, article 1, section 23, subdivision 3, is amended to read:

**Subd. 3. Wastewater Infrastructure Funding Program**

29,900,000

(a) To the Public Facilities Authority for the purposes specified in this subdivision. \$29,300,000 of this appropriation is for grants and loans to eligible municipalities under the wastewater infrastructure program established in Minnesota Statutes, section 446A.072.

To the greatest practical extent, the authority must use the appropriation for projects on the 2005 project priority list in priority order to qualified applicants that submit plans and specifications to the Pollution Control Agency or receive a funding commitment from USDA Rural Economic and Community Development before December 1, 2006.

\$600,000 of this appropriation is to implement the wastewater infrastructure

program.

(b) The grants listed in this paragraph are not subject to the 2005 project priority list nor to the limitations on grant amounts set forth in Minnesota Statutes, section 446A.072, subdivision 5a.

\$1,500,000 is for a grant to the city of Aurora to reconstruct its wastewater treatment plant, damaged in an explosion May 5, 2004.

\$1,700,000 is for a grant to the Central Iron Range Sanitary Sewer District Authority to predesign and design the necessary facilities to collect, treat, and dispose of sewage in the district, including a pump-storage facility and a wind-energy facility.

Up to \$5,000,000 may be used as grants to the cities of Dunnell, Dumont, Henriette, Lewisville, McGrath, and Ostrander to undertake corrective action on systems built since 2001 with federal money from USDA Rural Economic and Community Development. A grant must not exceed the amount of federal money used in the construction of systems that incorporated sand filter treatment, fixed activated sludge treatment, or mechanical package plant treatment technologies.

\$4,950,000 is for a grant to the city of Duluth for design and construction of sanitary sewer overflow storage facilities at selected locations in the city of Duluth. This appropriation is available when matched by \$1 of money secured or provided by the city of Duluth for each \$1 of state money.

\$1,700,000 is for a grant to the city of Eagle Bend to predesign, design, construct, furnish, and equip a wastewater collection and treatment system.

\$1,500,000 is for a grant to the city of Two Harbors to retire loans, whether interfund or otherwise, incurred to acquire land for, design, construct, furnish, and equip a 2,500,000 gallon equalization basin and a

chlorine-contact tank of at least 100,000 gallon capacity, adjacent to the city's wastewater treatment plant. The equalization basin is required under the city's National Pollution Discharge Elimination System permit. This appropriation is not available until the commissioner of finance determines that \$325,000 has been committed to the project from nonstate sources.

\$1,550,000 for a grant to the city of Bayport for the Middle St. Croix River Watershed Management Organization to complete the sewer system extending from Minnesota Department of Natural Resources pond 82-310P (the prison pond) in Bayport through the Stillwater prison grounds to the St. Croix River. Notwithstanding Minnesota Statutes, section 16A.642, this appropriation is available until December 31, 2011.

\$2,000,000 is to the commissioner of employment and economic development for a grant to the city of New Brighton to relocate a sanitary sewer interceptor in the Northwest Quadrant to allow for redevelopment of that area."

Page 84, line 17, before "construction" insert "land acquisition for and"

Page 85, after line 34, insert:

**"EFFECTIVE DATE. This section is effective retroactively from June 2, 2006."**

Page 86, line 16, delete "Minnesota State University-Winona" and insert "Winona State University"

Renumber the sections in sequence

Amend the title numbers accordingly

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

## SECOND READING OF SENATE BILLS

S.F. No. 3295 was read the second time.

**MEMBERS EXCUSED**

Senators Gerlach, Hann, Jungbauer, Moua, Murphy, Ortman and Pappas were excused from the Session of today. Senators Rest and Vandever were excused from the Session of today from 11:00 to 11:20 a.m. Senator Senjem was excused from the Session of today from 11:00 to 11:35 a.m.

**ADJOURNMENT**

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Tuesday, March 4, 2008. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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