

## EIGHTY-NINTH DAY

St. Paul, Minnesota, Tuesday, March 11, 2008

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

**CALL OF THE SENATE**

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

Prayer was offered by the Chaplain, Rev. Paul Rogers.

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

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

The President declared a quorum present.

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

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received.

February 28, 2008

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

The Subcommittee on Committees of the Committee on Rules and Administration met on February 28, 2008, and by appropriate action made the following appointments.

Pursuant to Minnesota Statutes 2007

3.885: Legislative Commission on Planning and Fiscal Policy - Senator Senjem to serve at the pleasure of the appointing authority.

Pursuant to Laws of Minnesota 1996

Chapter 407, section 32, subdivision 4, as amended by Laws 1999, chapter 231, section 99 subdivision 1: Iron Range Off Highway Vehicle Recreation Area Advisory Committee - Senator Tomassoni to serve at the pleasure of the appointing authority.

Pursuant to Laws of Minnesota 2007

Chapter 147, article 2, section 16: Advisory Committee on Human Services Laws and Administrative Requirements - Senator Berglin to serve at the pleasure of the appointing authority.

Pursuant to Senate Rules 2007

Senate Rule 55: Subcommittee on Ethical Conduct - Senator Ingebrigtsen to serve at the pleasure of the appointing authority.

Sincerely,  
Lawrence J. Pogemiller, Chair  
Subcommittee on Committees

March 10, 2008

The Honorable Margaret Anderson Kelliher  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2008 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2008	Date Filed 2008
	3201	154	5:17 p.m. March 7	March 7

Sincerely,  
Mark Ritchie  
Secretary of State

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1546, 2602, 2827, 3368, 3099, 3289, 2907, 3139, 2816 and 2932.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 10, 2008

**FIRST READING OF HOUSE BILLS**

The following bills were read the first time.

**H.F. No. 1546:** A bill for an act relating to elections; providing for verification of certain address changes; making conforming procedural changes; amending Minnesota Statutes 2006, sections 201.12; 201.13, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1297, now on General Orders.

**H.F. No. 2602:** A bill for an act relating to public safety; exempting police vehicles from window glazing restrictions; amending Minnesota Statutes 2006, section 169.71, subdivision 4.

Referred to the Committee on Judiciary.

**H.F. No. 2827:** A bill for an act relating to local government; amending county historical society funding; amending Minnesota Statutes 2006, section 138.053.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2690, now on the Calendar.

**H.F. No. 3368:** A bill for an act relating to utilities; setting filing deadline for certain reports; regulating customer payment arrangements during cold weather period; regulating payment agreements for certain utility services; amending Minnesota Statutes 2006, section 216B.098, subdivision 3; Minnesota Statutes 2007 Supplement, sections 216B.091; 216B.096, subdivisions 5, 10.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3081, now on the Calendar.

**H.F. No. 3099:** A bill for an act relating to state government; requiring emergency management training for certain executive branch employees; amending Minnesota Statutes 2006, section 12.09, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2656, now on General Orders.

**H.F. No. 3289:** A bill for an act relating to auctioneers; exempting auctioneers from certain requirements applicable to professional fund-raisers; amending Minnesota Statutes 2006, section

309.515, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2979, now on General Orders.

**H.F. No. 2907:** A bill for an act relating to Yellow Medicine County; providing a process for making certain offices appointive in Yellow Medicine County.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2534, now on the Calendar.

**H.F. No. 3139:** A bill for an act relating to veterinary medicine; recognizing Program for the Assessment of Veterinary Education Equivalence certification; limiting use of certain drugs; changing certain requirements; regulating prescription of drugs; amending Minnesota Statutes 2006, sections 156.001, by adding a subdivision; 156.02, subdivisions 1, 2; 156.04; 156.072, subdivision 2; 156.073; 156.12, subdivisions 2, 4, 6; 156.15, subdivision 2; 156.16, subdivisions 3, 10; 156.18, subdivisions 1, 2; 156.19.

Referred to the Committee on Finance.

**H.F. No. 2816:** A bill for an act relating to Nicollet County; providing a process for making certain offices appointive in Nicollet County.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2472, now on the Calendar.

**H.F. No. 2932:** A bill for an act relating to town cemeteries; specifying uses of certain cemetery funds; amending Minnesota Statutes 2006, sections 365.29; 365.30; 365.31; 365.33, subdivision 4; 365.35; 365.36, subdivisions 2, 3; 471.84.

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

## REPORTS OF COMMITTEES

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

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

**S.F. No. 2944:** A bill for an act relating to health; establishing a standard of protection for the risk of cancer and requiring modification of rules; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Delete everything after the enacting clause and insert:

"Section 1. [144.673] CANCER RISK ASSESSMENT.

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the

meanings given them.

(b) "Known carcinogen" means a substance categorized as a known human carcinogen by at least one of the following agencies: United States Environmental Protection Agency; United States Department of Health and Human Services, National Toxicology Program; or World Health Organization International Agency for Research on Cancer.

(c) "Probable carcinogen" means a substance categorized as a probable human carcinogen or a likely human carcinogen by at least one of the following agencies: United States Environmental Protection Agency; United States Department of Health and Human Services, National Toxicology Program; or World Health Organization International Agency for Research on Cancer.

Subd. 2. **Risk level.** The commissioner of health shall assess the risk of human cancer from known and probable carcinogens in the air, water, or soil using the following formula: a lifetime risk level of  $10^{-6}$ , so that no more than one out of every 1,000,000 people exposed to a substance or chemical over a lifetime would be estimated to develop cancer from that exposure.

Subd. 3. **Implementation.** The risk level established in this section shall apply to permits and licenses issued on or after August 1, 2009. Any permits or licenses issued prior to August 1, 2009, that are affected by this section shall remain valid until the permit or license is renewed, revised, or reissued.

**EFFECTIVE DATE.** This section is effective August 1, 2008."

Delete the title and insert:

"A bill for an act relating to health; establishing a standard of protection for the risk of cancer; proposing coding for new law in Minnesota Statutes, chapter 144."

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

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

**S.F. No. 3263:** A bill for an act relating to health; permitting hospital records to be transferred to electronic image; amending Minnesota Statutes 2006, sections 145.30; 145.31; Minnesota Statutes 2007 Supplement, section 145.32, subdivision 1.

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

Page 1, line 17, strike "PHOTOSTATIC"

Page 1, line 19, after "film" insert a comma and after "image" insert a comma

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

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

**S.F. No. 2055:** A bill for an act relating to health; authorizing the Department of Health to

review registrations and assess the public health risks of carcinogenic and endocrine-disrupting pesticides and high-potency nervous system toxins; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Page 2, after line 22, insert:

"(e) Any registration determinations or restrictions placed by the commissioner of health shall take effect on January 1, 2010."

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

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

**S.F. No. 3486:** A bill for an act relating to human services; modifying Medicare special needs plans; amending Minnesota Statutes 2006, section 256B.69, subdivision 28.

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

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

**S.F. No. 3135:** A bill for an act relating to health; creating the Minnesota Responds Medical Reserve Corps; amending Minnesota Statutes 2006, sections 145A.04, by adding subdivisions; 145A.06, by adding subdivisions; 176.011, subdivision 9; proposing coding for new law in Minnesota Statutes, chapter 192.

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

Page 1, before line 7, insert:

"Section 1. Minnesota Statutes 2006, section 12.22, subdivision 2a, is amended to read:

Subd. 2a. **Volunteer protections.** (a) Individuals who volunteer to assist a local political subdivision during an emergency or disaster, who register with that subdivision, and who are under the direction and control of that subdivision are considered an employee of that subdivision for purposes of workers' compensation and tort claim defense and indemnification.

(b) Individuals who volunteer to assist the state during an emergency or disaster, who register with a state agency, and who are under the direction and control of the state agency are considered an employee of the state for purposes of workers' compensation and tort claim defense and indemnification.

(c) Notwithstanding qualification for volunteer protection under paragraph (a) or (b), a Minnesota Responds Medical Reserve Corps volunteer under sections 145A.04 to 145A.06, responding at the request of the commissioner of health, must receive state workers' compensation benefits and tort claim defense and indemnification as provided in section 145A.06, subdivision 7."

Page 2, line 27, after "Center" insert "or other public or private emergency preparedness partners"

Page 4, after line 24, insert:

"Sec. 7. Minnesota Statutes 2006, section 145A.06, is amended by adding a subdivision to read:

Subd. 8. **Volunteer health practitioners licensed in other states.** (a) While an emergency declaration is in effect, a volunteer health practitioner who is (1) registered with a registration system that complies with the emergency system for the advanced registration of volunteer health professionals (ESAR-VHP) established under United States Code, title 42, section 247d-7b; (2) licensed and in good standing in the state upon which the practitioner's registration is based; and (3) requested for deployment by the state's authorized representative under section 192.89, may practice in this state within the scope of practice authorized in the licensing state and to the extent authorized by this section as if the practitioner were licensed in this state.

(b) A volunteer health practitioner qualified under paragraph (a) is not entitled to the liability protections of section 192.89, subdivision 6, if the practitioner is licensed in more than one state and any license of the practitioner is suspended, revoked, or subject to an agency order limiting or restricting practice privileges, or has been voluntarily terminated under threat of sanction."

Page 8, after line 30, insert:

"Sec. 10. **EFFECTIVE DATE.**

This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title accordingly

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

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

**H.F. No. 2636** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2636	2807				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2636 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2636, the first engrossment; and insert the language after the enacting clause of S.F. No. 2807, the first engrossment; further, delete the title of H.F. No. 2636, the first engrossment; and insert the title of S.F. No. 2807, the first engrossment.

And when so amended H.F. No. 2636 will be identical to S.F. No. 2807, and further recommends that H.F. No. 2636 be given its second reading and substituted for S.F. No. 2807, and that the Senate

File be indefinitely postponed.

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

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

S.F. No. 3486 was read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. No. 2636 was read the second time.

### **MOTIONS AND RESOLUTIONS**

Senator Sheran moved that the name of Senator Sieben be added as a co-author to S.F. No. 208. The motion prevailed.

Senator Betzold moved that the name of Senator Sieben be added as a co-author to S.F. No. 2390. The motion prevailed.

Senator Hann moved that his name be stricken as a co-author to S.F. No. 2826. The motion prevailed.

Senator Scheid moved that the name of Senator Pogemiller be added as a co-author to S.F. No. 2849. The motion prevailed.

Senator Scheid moved that the name of Senator Pogemiller be added as a co-author to S.F. No. 2851. The motion prevailed.

Senator Saltzman moved that the names of Senators Hann and Lynch be added as co-authors to S.F. No. 3156. The motion prevailed.

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

Senator Prettner Solon moved that the name of Senator Marty be added as a co-author to S.F. No. 3486. The motion prevailed.

Senator Larson moved that the names of Senators Michel and Carlson be added as co-authors to S.F. No. 3496. The motion prevailed.

Senator Higgins moved that the name of Senator Sieben be added as a co-author to S.F. No. 3559. The motion prevailed.

Senator Wiger moved that the name of Senator Sieben be added as a co-author to S.F. No. 3560. The motion prevailed.

Senator Tomassoni moved that the names of Senators Sieben and Higgins be added as co-authors to S.F. No. 3565. The motion prevailed.



Senator Sheran moved that the name of Senator Doll be added as a co-author to S.F. No. 3573. The motion prevailed.

Senator Hann moved that his name be stricken as a co-author to S.F. No. 3574. The motion prevailed.

Senator Rest moved that S.F. No. 2886 be withdrawn from the Committee on Finance and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Cohen moved that S.F. No. 3307 be withdrawn from the Committee on Finance and re-referred to the Committee on Judiciary. The motion prevailed.

Senator Pogemiller moved that H.F. No. 1219 be taken from the table, given a second reading and placed on General Orders. The motion prevailed.

**H.F. No. 1219:** A bill for an act relating to transportation; removing sunset date for weight exemptions for certain milk trucks; amending Minnesota Statutes 2006, section 169.87, subdivision 4.

H.F. No. 1219 was read the second time.

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

### **INTRODUCTION AND FIRST READING OF SENATE BILLS**

The following bills were read the first time.

#### **Senator Saltzman introduced—**

**S.F. No. 3634:** A bill for an act relating to economic development; establishing an Office of Science and Technology in the Department of Employment and Economic Development; providing for small business assistance and development; appropriating money.

Referred to the Committee on Business, Industry and Jobs.

#### **Senator Day introduced—**

**S.F. No. 3635:** A bill for an act relating to the state lottery; authorizing the director of the state lottery to establish lottery gaming machines and enter into a contract for the management and placement of the machines; providing powers and duties to the director; providing for gaming machine revenue; amending Minnesota Statutes 2006, sections 240.13, by adding a subdivision; 240.35, subdivision 1; 297A.94; 299L.02, subdivision 1; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.04; 349A.10, subdivisions 3, 6; 349A.13; 541.20; 541.21; 609.651, subdivision 1; 609.75, subdivisions 3, 4; 609.761, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 297A; 349A.

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

**Senators Doll, Dahle, Koering, Erickson Ropes and Sheran introduced—**

**S.F. No. 3636:** A bill for an act relating to human services; creating a special revenue fund for the surcharge on licensed nursing home beds; amending Minnesota Statutes 2006, section 256.9657, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on Finance.

**Senator Olseen introduced—**

**S.F. No. 3637:** A bill for an act relating to regulation of trade; prohibiting the sale of certain plastics that do not meet a specification; providing for penalties; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Day and Marty introduced—**

**S.F. No. 3638:** A bill for an act relating to health; providing an exception to the moratorium on new nursing home beds for a facility in Steele County; amending Minnesota Statutes 2006, section 144A.071, subdivision 4c.

Referred to the Committee on Finance.

**Senator Lourey introduced—**

**S.F. No. 3639:** A bill for an act relating to taxation; imposing additional penalties on certain delinquent property taxes; amending Minnesota Statutes 2006, section 279.03, by adding a subdivision.

Referred to the Committee on Taxes.

**Senator Olson, M. introduced—**

**S.F. No. 3640:** A bill for an act relating to retirement; general state employees retirement plan of the Minnesota State Retirement System; authorizing the purchase of allowable service credit for pre-July 1, 1977, Department of Natural Resources intermittent employment in certain instances.

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

**Senators Marty, Dahle, Doll and Rest introduced—**

**S.F. No. 3641:** A bill for an act relating to state government; specifying duties and rights of executive branch employees; providing remedies; amending Minnesota Statutes 2007 Supplement, section 181.932, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

**Senators Scheid, Gerlach, Higgins, Pappas and Vandever introduced—**

**S.F. No. 3642:** A bill for an act relating to alcohol; allowing a later closing time for on-sale establishments during the 2008 Republican National Convention.

Referred to the Committee on Commerce and Consumer Protection.

**Senators Torres Ray, Higgins, Dibble, Sieben and Berglin introduced—**

**S.F. No. 3643:** A bill for an act relating to the city of Minneapolis; extending the duration of certain tax increment financing districts; providing for distribution of their increments; limiting changes to the neighborhood revitalization program governance structure; amending Minnesota Statutes 2006, sections 469.1781; 469.1831, by adding a subdivision.

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

**Senator Erickson Ropes introduced—**

**S.F. No. 3644:** A bill for an act relating to housing finance; amending the purposes for certain flood disaster appropriations.

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

**Senator Olson, M. introduced—**

**S.F. No. 3645:** A bill for an act relating to education; establishing an American Indian education liaison position within the Department of Education.

Referred to the Committee on Education.

**Senators Pariseau, Limmer, Higgins and Ingebrigtsen introduced—**

**S.F. No. 3646:** A bill for an act relating to workers' compensation; providing for disability payments to an employee of a bomb squad.

Referred to the Committee on Business, Industry and Jobs.

**Senators Pariseau, Limmer and Ingebrigtsen introduced—**

**S.F. No. 3647:** A bill for an act relating to public safety; making certain emergency responders exempt from permit requirement for emergency communications equipment; amending Minnesota Statutes 2006, section 299C.37, subdivision 3.

Referred to the Committee on Judiciary.

**Senators Ingebrigtsen, Gimse, Pariseau, Day and Skogen introduced—**

**S.F. No. 3648:** A bill for an act relating to natural resources; creating the outdoor heritage fund; providing for disposition of certain receipts; creating the Sportsman's Stakeholders Council; proposing coding for new law in Minnesota Statutes, chapter 97A.

Referred to the Committee on Environment and Natural Resources.

**Senator Larson introduced—**

**S.F. No. 3649:** A bill for an act relating to state government; authorizing the secretary of state to transfer funds.

Referred to the Committee on Finance.

**Senator Robling introduced—**

**S.F. No. 3650:** A bill for an act relating to state government; modifying appropriations in Laws 2007, chapter 148, article 1; establishing a budget reserve escrow account for Republican National Convention; amending Minnesota Statutes 2006, section 16C.16, subdivision 5; repealing Minnesota Statutes 2006, section 240A.08.

Referred to the Committee on Finance.

**Senator Dille introduced—**

**S.F. No. 3651:** A bill for an act relating to agriculture; increasing the somatic cell count limit for goat milk; proposing coding for new law in Minnesota Statutes, chapter 32.

Referred to the Committee on Agriculture and Veterans.

**Senator Dille introduced—**

**S.F. No. 3652:** A bill for an act relating to veterans; changing veteran's preference provisions; amending Minnesota Statutes 2006, sections 43A.11, subdivision 7; 197.455, subdivision 8.

Referred to the Committee on Agriculture and Veterans.

**Senator Dille introduced—**

**S.F. No. 3653:** A bill for an act relating to taxes; individual income; allowing a subtraction for military survivor benefit payments; amending Minnesota Statutes 2006, section 290.091, subdivision 2; Minnesota Statutes 2007 Supplement, section 290.01, subdivision 19b.

Referred to the Committee on Taxes.

**Senator Dille introduced—**

**S.F. No. 3654:** A bill for an act relating to taxes; individual income; allowing a subtraction for military retirement benefits; amending Minnesota Statutes 2006, section 290.091, subdivision 2; Minnesota Statutes 2007 Supplement, section 290.01, subdivision 19b.

Referred to the Committee on Taxes.

**Senator Olson, M. introduced—**

**S.F. No. 3655:** A bill for an act relating to data practices; classifying metropolitan airport parking space customer data; amending Minnesota Statutes 2006, section 13.202, subdivision 11; proposing coding for new law in Minnesota Statutes, chapter 473.

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

**Senator Higgins introduced—**

**S.F. No. 3656:** A bill for an act relating to motor vehicles; authorizing automatic enforcement of official traffic-control devices; amending Minnesota Statutes 2006, sections 169.01, by adding subdivisions; 169.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Transportation.

**Senator Saxhaug introduced—**

**S.F. No. 3657:** A bill for an act relating to education; modifying the Online Learning Option Act; modifying the Postsecondary Enrollment Options Act; amending Minnesota Statutes 2006, sections 124D.09, subdivisions 3, 5, 7, 16, 24; 124D.095, subdivision 10; Minnesota Statutes 2007 Supplement, section 124D.095, subdivisions 3, 4, 7.

Referred to the Committee on Education.

**Senator Lourey introduced—**

**S.F. No. 3658:** A bill for an act relating to natural resources; exempting environmental learning centers from certain space requirements; amending Minnesota Statutes 2006, section 84.0875.

Referred to the Committee on Environment and Natural Resources.

**Senators Gerlach, Gimse, Koch, Hann and Pariseau introduced—**

**S.F. No. 3659:** A bill for an act relating to taxation; property; prohibiting an increase in taxable market value for homesteads owned by persons age 65 years or older; amending Minnesota Statutes 2006, sections 273.11, subdivision 5, by adding a subdivision; 273.121; 276.04, subdivision 2.

Referred to the Committee on Taxes.

**Senators Pariseau, Olson, G. and Hann introduced—**

**S.F. No. 3660:** A bill for an act relating to appropriations; appropriating money for environment and natural resources; providing for control of fish diseases; providing for disposition of proceeds from sale of administrative sites; modifying certain assessment requirements; amending Minnesota Statutes 2006, sections 17.4985, subdivisions 2, 3, 5; 17.4986, subdivisions 1, 2, 4; 17.4987; 17.4988, subdivision 3; 17.4992, subdivision 2; 17.4993; 84.0857; 84D.03, subdivision 4; 94.16, subdivision 3; 97C.203; 97C.205; 97C.341; 97C.391, by adding a subdivision; 97C.505, subdivision 1; 97C.515, subdivisions 2, 4, 5; 97C.821; 103A.43; Laws 2007, chapter 57, article 1,

section 4, subdivisions 3, 4, 6; repealing Minnesota Statutes 2006, section 97C.515, subdivision 3.

Referred to the Committee on Finance.

**Senator Dille introduced—**

**S.F. No. 3661:** A bill for an act relating to taxation; providing exemption for sales to lake improvement associations; amending Minnesota Statutes 2006, section 297A.70, subdivision 4.

Referred to the Committee on Taxes.

**Senator Betzold introduced—**

**S.F. No. 3662:** A bill for an act relating to Hennepin County; authorizing the electronic exchange of certain medical data; amending Minnesota Statutes 2006, section 383B.917, subdivision 1.

Referred to the Committee on Judiciary.

**Senator Sparks introduced—**

**S.F. No. 3663:** A bill for an act relating to life insurance; regulating individual contracts on a variable basis; requiring an annuity fee disclosure; proposing coding for new law in Minnesota Statutes, chapter 61A.

Referred to the Committee on Commerce and Consumer Protection.

**Senator Betzold introduced—**

**S.F. No. 3664:** A bill for an act relating to medical records; authorizing the electronic exchange of records with a nonprofit corporation providing physician services for Hennepin County; amending Minnesota Statutes 2006, section 383B.917, subdivision 1.

Referred to the Committee on Judiciary.

**Senators Ortman, Pariseau and Limmer introduced—**

**S.F. No. 3665:** A bill for an act relating to taxation; changing accelerated sales tax, cigarette and tobacco tax, and liquor tax liability; creating Surplus Lines Association of Minnesota; changing the rent percentage for purposes of property tax refund; abolishing political contribution refund; creating a tax debtor matching system; requiring certain tax withholding by contractors; changing income apportionment; providing income tax subtractions for certain retirement pay for service in the armed forces and for certain compensation for active duty performed in the state; modifying taxation of foreign operating corporations; providing a regional investment credit; providing a direct sales tax exemption for small businesses; providing income tax additions; changing the computation of unrefunded gas tax on all-terrain vehicles; reducing the general sales and use tax rate; modifying definition of retail sale and other sales and use tax definitions; modifying job opportunity building zone duration limits; imposing levy limits; providing tax base adjustments; providing transition aid for certain local governments; conforming to certain changes in the Internal Revenue Code; appropriating money; amending Minnesota Statutes 2006,

sections 60A.196; 116J.03, by adding a subdivision; 270A.03, subdivision 7; 270B.085, by adding a subdivision; 275.70, subdivision 5, by adding a subdivision; 275.71, subdivisions 1, 2, 4, 5; 289A.02, subdivision 7; 289A.20, subdivision 4; 289A.50, subdivision 1; 289A.60, subdivision 15; 290.01, subdivisions 6, 6b, 19a, 19c, 19d; 290.06, subdivision 2c, by adding a subdivision; 290.091, subdivision 2; 290.191, subdivisions 5, 6; 290.92, by adding a subdivision; 290A.03, subdivisions 11, 13; 291.005, subdivision 1; 296A.18, subdivision 4; 297A.61, subdivision 4, by adding subdivisions; 297A.63, subdivision 1; 297A.67, subdivision 8; 297B.02, subdivision 1; 297F.09, subdivision 10; 297G.09, subdivision 9; 469.312, subdivision 5; Minnesota Statutes 2007 Supplement, sections 290.01, subdivisions 19, 19b, 31; 290A.03, subdivision 15; 297A.62, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 13B; 60A; 116J; repealing Minnesota Statutes 2006, sections 10A.322, subdivision 4; 290.06, subdivision 23; 295.60.

Referred to the Committee on Taxes.

**Senators Chaudhary and Skogen introduced—**

**S.F. No. 3666:** A bill for an act relating to game and fish; establishing a walleye fishing stamp for the purpose of increased walleye stocking; amending Minnesota Statutes 2006, sections 97A.045, subdivision 7; 97A.055, subdivision 4b; 97A.075, by adding a subdivision; 97A.473, subdivision 2; 97A.474, subdivision 2; 97A.475, by adding a subdivision; 97A.485, subdivision 6; Minnesota Statutes 2007 Supplement, sections 97A.055, subdivision 4; 97A.405, subdivision 2; 97A.473, subdivision 5.

Referred to the Committee on Environment and Natural Resources.

**Senator Bonoff introduced—**

**S.F. No. 3667:** A bill for an act relating to early childhood education; proposing a grant program; appropriating money.

Referred to the Committee on Finance.

**Senator Torres Ray introduced—**

**S.F. No. 3668:** A bill for an act relating to homeless programs; allowing providers to impose requirements on clients and requiring consistency in program guidelines; amending Minnesota Statutes 2006, section 462A.29.

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

**Senators Torres Ray, Rest, Moua, Jungbauer and Olseen introduced—**

**S.F. No. 3669:** A bill for an act relating to transportation; requiring report on mitigating effects of transportation construction projects on small businesses.

Referred to the Committee on Transportation.

**Senator Gerlach introduced—**

**S.F. No. 3670:** A bill for an act relating to the Board of Medical Practice; changing criteria for removal from the board; amending Minnesota Statutes 2006, section 147.01, subdivision 1, by adding a subdivision.

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

**Senator Lourey introduced—**

**S.F. No. 3671:** A bill for an act relating to elections; exempting certain towns from a voting system requirement in certain situations; amending Minnesota Statutes 2006, section 206.57, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 206.57, subdivision 5.

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

**Senator Skogen introduced—**

**S.F. No. 3672:** A bill for an act relating to alcohol; making technical changes to State Fair provisions; amending Minnesota Statutes 2007 Supplement, section 340A.412, subdivision 4.

Referred to the Committee on Commerce and Consumer Protection.

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

**S.F. No. 3673:** A bill for an act relating to human services; promoting community-based care for older adults through the establishment of a community consortium demonstration project; establishing a community consortium account in the general fund to distribute pooled resources; requiring an evaluation of the demonstration project.

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

**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 Order of Business of Reports of Committees.

**REPORTS OF COMMITTEES**

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



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

**S.F. No. 3291:** A bill for an act relating to the State Building Code; regulating the application and enforcement of the State Building Code; amending Minnesota Statutes 2006, sections 16B.616, subdivision 4; 16B.62; 16B.71; Minnesota Statutes 2007 Supplement, section 16B.735; repealing Minnesota Statutes 2007 Supplement, sections 16B.72; 16B.73.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2007 Supplement, section 16B.61, subdivision 3, is amended to read:

Subd. 3. **Special requirements.** (a) **Space for commuter vans.** The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) **Smoke detection devices.** The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

(c) **Doors in nursing homes and hospitals.** The State Building Code may not require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

(d) **Child care facilities in churches; ground level exit.** A licensed day care center serving fewer than 30 preschool age persons and which is located in a belowground space in a church building is exempt from the State Building Code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

(e) **Family and group family day care.** Until the legislature enacts legislation specifying appropriate standards, the definition of dwellings constructed in accordance with the International Residential Code as adopted as part of the State Building Code applies to family and group family day care homes licensed by the Department of Human Services under Minnesota Rules, chapter 9502.

(f) **Enclosed stairways.** No provision of the code or any appendix chapter of the code may require stairways of existing multiple dwelling buildings of two stories or less to be enclosed.

(g) **Double cylinder dead bolt locks.** No provision of the code or appendix chapter of the code may prohibit double cylinder dead bolt locks in existing single-family homes, townhouses, and first floor duplexes used exclusively as a residential dwelling. Any recommendation or promotion of double cylinder dead bolt locks must include a warning about their potential fire danger and procedures to minimize the danger.

(h) **Relocated residential buildings.** A residential building relocated within or into a political

subdivision of the state need not comply with the State Energy Code or section 326.371 provided that, where available, an energy audit is conducted on the relocated building.

(i) **Automatic garage door opening systems.** The code must require all residential buildings as defined in section 325F.82 to comply with the provisions of sections 325F.82 and 325F.83.

(j) **Exit sign illumination.** For a new building on which construction is begun on or after October 1, 1993, or an existing building on which remodeling affecting 50 percent or more of the enclosed space is begun on or after October 1, 1993, the code must prohibit the use of internally illuminated exit signs whose electrical consumption during nonemergency operation exceeds 20 watts of resistive power. All other requirements in the code for exit signs must be complied with.

(k) **Exterior wood decks, patios, and balconies.** The code must permit the decking surface and upper portions of exterior wood decks, patios, and balconies to be constructed of (1) heartwood from species of wood having natural resistance to decay or termites, including redwood and cedars, (2) grades of lumber which contain sapwood from species of wood having natural resistance to decay or termites, including redwood and cedars, or (3) treated wood. The species and grades of wood products used to construct the decking surface and upper portions of exterior decks, patios, and balconies must be made available to the building official on request before final construction approval.

(l) **Bioprocess piping and equipment.** No permit fee for bioprocess piping may be imposed by municipalities under the State Building Code, except as required under section 326.47, subdivision 1. Permits for bioprocess piping shall be according to section 326.47 administered by the Department of Labor and Industry. All data regarding the material production processes, including the bioprocess system's structural design and layout, are nonpublic data as provided by section 13.7911.

(m) **Use of ungraded lumber.** The code must permit lumber mills to offer for sale ungraded dimension lumber for use in construction regulated by the State Building Code in all areas of the state under the following conditions:

(1) the producing mill shall sell or provide the ungraded dimension lumber directly to the end-use consumer or the consumer's licensed builder; and

(2) the producing lumber mill shall certify in writing to the end-use consumer or licensed builder on a form to be provided by the commissioner that the quality and safe working stresses of the species of dimension lumber are equal to or exceed stud grade for wall studs and wall plates and are equal to or exceed No. 2 grade for all other uses in accordance with national lumber grading standards and that the lumber does not exceed 22 percent moisture content at the time of sale. The certification shall be filed with the application for a building permit where applicable."

Page 3, line 27, delete "2007" and insert "2008"

Page 3, line 32, before the period, insert "that are located outside of a metropolitan county, as defined in section 473.121, subdivision 4"

Page 4, line 29, delete everything after "municipality" and insert "may enforce the State Building Code"

Page 4, line 30, delete "enforce it"

Page 4, line 34, delete everything before "no" and after "municipality" insert "or other municipalities or qualified individuals"

Page 4, line 36, delete "on a fee basis" and after the period, insert "The commissioner may be reimbursed for the inspection by retention or remission of some or all of the building permit fee collected or by other means."

Page 5, line 7, delete "law" and insert "subdivision 1b"

Page 5, line 27, delete "has adopted" and insert "is enforcing"

Renumber the sections in sequence

Amend the title accordingly

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

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

**S.F. No. 3539:** A bill for an act relating to economic development; providing direction to conform the state's economic development policies with the state's environmental policy; requiring a report; amending Minnesota Statutes 2006, sections 116J.431, by adding a subdivision; 116J.8731, subdivision 4; Minnesota Statutes 2007 Supplement, section 116J.575, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Page 1, delete section 1

Page 2, line 12, delete "board" and insert "Jobs Skills Partnership Board"

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Energy, Utilities, Technology and Communications. Amendments adopted. Report adopted.

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

**S.F. No. 3540:** A bill for an act relating to economic development; creating a task force to analyze and plan for an economy that advances the environmental and energy policies of the state; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Energy, Utilities, Technology and Communication. Report adopted.

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

**S.F. No. 3158:** A bill for an act relating to commerce; requiring Explore Minnesota Tourism to

study vacation rental lodging; creating definitions; requiring a report.

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

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

**S.F. No. 1858:** A bill for an act relating to public health; protecting reproductive health and the health of children; prohibiting Bisphenol-A and Phthalates in products for young children; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Page 1, line 11, after the second "product" insert ", other than a product contained in a can, excepting those cans used for infant formulas,"

Page 2, lines 2 and 6, delete "person" and insert "manufacturer"

Page 2, line 9, delete "person or entity" and insert "manufacturer"

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

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

**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.

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

Delete everything after the enacting clause and insert:

"Section 1. **[583.33] CITATION.**

Sections 583.33 to 583.40 shall be cited as the "Minnesota Subprime Foreclosure Deferment Act of 2008."

Sec. 2. **[583.34] DEFINITIONS.**

Subdivision 1. **Scope.** For purposes of sections 583.33 to 583.40, the terms defined in this section have the meanings given to them.

Subd. 2. **The act.** "The act" means the Minnesota Subprime Foreclosure Deferment Act of 2008.

Subd. 3. **Deferment payment.** "Deferment payment" means the monthly amount that is due to the foreclosing lender by an eligible foreclosed borrower under section 583.37 to maintain the right to deferment.

Subd. 4. **Deferment period.** "Deferment period" means the period that begins on the effective date of the act and expires one year following the effective date of the act.

Subd. 5. **Deferment right.** "Deferment right" means the relief provided to an eligible foreclosed borrower in section 583.35.

Subd. 6. **Eligible foreclosed loan.** "Eligible foreclosed loan" means a residential mortgage loan for which a foreclosing lender has scheduled a foreclosure sale under chapter 580 or 581 or schedules a foreclosure sale during the deferment period for which: (1) the closing of the loan occurred after January 1, 2001, and prior to August 1, 2007; and (2) either is a subprime loan, or is a loan with negative amortization for which the required minimum payment of principal and interest increased after the date the loan was originated.

Subd. 7. **Eligible foreclosed borrower.** "Eligible foreclosed borrower" means a borrower who: (1) is a mortgagor under an eligible foreclosed loan; and (2) resides at the mortgaged property and intends to reside at the mortgaged property at least until the end of the deferment period. A borrower does not reside at the property unless the property has been the borrower's primary residence for six months prior to the date of the affidavit of deferment.

Subd. 8. **Foreclosing lender.** "Foreclosing lender" means the mortgagee who is foreclosing the mortgage of an eligible foreclosed borrower.

Subd. 9. **Minnesota Residential Mortgage Originator and Servicer Licensing Act definitions.** The following terms defined in section 58.02 have the same meanings for purposes of sections 583.33 to 583.40: "residential mortgage loan"; "residential mortgage servicer or servicer"; "residential real property" or "residential real estate"; "subprime loan"; "negative amortization" and "fully indexed rate."

### Sec. 3. **[583.35] RIGHT TO FORECLOSURE DEFERMENT.**

An eligible foreclosed borrower has the right to defer a foreclosure sale under chapter 580 or 581 until the expiration of the deferment period by providing an affidavit of deferment to the foreclosing lender in accordance with section 583.36. A foreclosing lender shall rescind notice of a foreclosure sale if the eligible foreclosed borrower has submitted to the foreclosing lender an affidavit of deferment prior to or at the time of the foreclosure sale, unless the lender has served a notice of denial in accordance with section 583.38. A lender is not required to rescind notice of a foreclosure sale if a borrower has previously obtained a deferment under this act. Upon expiration of the deferment period or the loss of the deferment under section 583.37, subdivision 4, a foreclosing lender may schedule a deferred foreclosure sale by publishing the notice of foreclosure sale once in the newspaper in which the original advertisement was published and by serving a copy of the notice of foreclosure sale in a like manner as a summons in a civil action in the district court upon the person in possession of the mortgaged premises, if the same are actually occupied, at least four weeks prior to the sale.

### Sec. 4. **[583.36] AFFIDAVIT OF DEFERMENT.**

Subdivision 1. **Affidavit of deferment.** The affidavit of deferment shall state the name of the eligible foreclosed borrower, the address of the property in foreclosure, and contain the following statements:

"(1) I am the borrower on a mortgage loan on residential property located at [address of property] (hereinafter "subject property");

(2) A foreclosure sale has been scheduled on the subject property;

(3) I currently reside at the subject property;

(4) I have resided at the subject property as my primary residence for six months prior to the date of this affidavit;

(5) If permitted to reside at the subject property, I intend to reside at the subject property until at least [end of deferment period];

(6) I believe that the mortgage loan on the subject property is either:

(i) a subprime loan; or

(ii) a loan with negative amortization for which the required minimum payment has increased."

The affidavit shall be signed by at least one eligible foreclosed borrower who is the mortgagor of the residential real property being foreclosed.

Subd. 2. **Service on foreclosing lender.** An affidavit of deferment shall be served by personal service, United States mail, or other reliable delivery service to the address provided in the notice of right to deferment or to the address of the counsel for the mortgagee in the notice of foreclosure.

Subd. 3. **Acknowledgment by foreclosing lender.** Unless the foreclosing lender has served a notice of denial under section 583.38, the foreclosing lender shall, within ten days of receiving the affidavit of deferment, provide to the eligible foreclosed borrower a written acknowledgment that it has received the affidavit of deferment. The acknowledgment shall state the following:

(1) that the foreclosure sale has been canceled;

(2) the deferment payment amount that is due by the eligible foreclosed borrower;

(3) the date that the first deferment payment is due;

(4) the date that each subsequent deferment payment is due; and

(5) the address to which the borrower should send the deferment payment or the payment delivery methods that are acceptable to the foreclosing lender. The acknowledgment shall be on a single sheet of paper, shall use plain language, and no other documents shall be included with the acknowledgment. The bottom of the acknowledgment shall include the following disclosure in bold, 14-point type:

The cancellation of the foreclosure sale on your property is the result of a law passed by the Minnesota Legislature in 2008. You must make the monthly payment in full by the due dates listed in this letter. If you do not make the payments on time, we will have the right to schedule a foreclosure sale on your property.

Subd. 4. **Charges prohibited.** A foreclosing lender shall not charge an eligible foreclosed borrower any amount other than the deferment payment for exercising the deferment right.

Sec. 5. **[583.37] BORROWER PAYMENT AND RESIDENCY REQUIREMENTS.**

Subdivision 1. **Borrower payment required.** An eligible foreclosed borrower who has a deferment right shall make monthly payments to the foreclosing lender. The payment shall be made no later than the 15th day of each month. The first payment is not due until the 15th day

of the month that is a minimum of 30 days after the date that the foreclosing lender sends the acknowledgment required by section 583.36, subdivision 3.

Subd. 2. **Amount of payment.** For an eligible foreclosed borrower with a subprime loan, the amount of payment shall be the lesser of: (1) the monthly payment of principal and interest on the date the loan was originated; or (2) 65 percent of the monthly payment of principal and interest at the time the borrower defaulted prior to foreclosure. For an eligible foreclosed borrower with a negative amortization loan that is not also a subprime loan, the amount of payment would be the minimum monthly payment on the date the loan was originated.

Subd. 3. **Payment advice notice.** The foreclosing lender shall provide to the eligible foreclosed borrower monthly written payment advice notices. The notice shall be sent by the first day of each month until the expiration of the deferment period or the loss of the deferment under subdivision 4. Each notice shall state (1) the amount of payment owed from the eligible foreclosed borrower; (2) the address to which the borrower should send the deferment payment; and (3) the date that the payment must be received to avoid loss of the deferment right under subdivision 4. The payment advice notice shall be on a single sheet of paper, shall use plain language, and no other documents shall be included with the notice. The bottom of the notice shall include the following disclosure in bold, 14-point type:

The deferment of the foreclosure sale on your property is the result of a law passed by the Minnesota Legislature in 2008. You must continue to make the monthly payment in full by the 15th day of each month. If you do not make the payments on time, we will have the right to schedule a foreclosure sale on your property. The deferment period will end on (last day of deferment period).

Subd. 4. **Borrower failure to pay.** An eligible foreclosed borrower who fails to make payments in the amount required and by the date required under this section shall lose the deferment right.

Subd. 5. **Borrower residency requirement.** An eligible foreclosed borrower loses the right to deferment if the borrower ceases to reside at the mortgaged property during the deferment period.

#### Sec. 6. **[583.38] RESOLUTION OF DISPUTES; EFFECT OF DEFERRAL.**

Subdivision 1. **Dispute as to eligible foreclosed loan status.** If the foreclosing lender determines after a reasonable investigation and in good faith that the person submitting an affidavit of deferment is not the mortgagor under an eligible foreclosed loan, the foreclosing lender shall provide a notice of denial of deferment to the person submitting the affidavit of deferment. The foreclosing lender must send a notice of denial by certified mail through the United States mail within ten business days of receiving the affidavit of deferment. The notice is effective on mailing. The notice of denial shall be on a single sheet of paper and no other documents shall be included with the notice. Such notice must include an explanation, in plain language, of the reasons that the loan is not an eligible foreclosed loan. Such notice must also inform the person who executed the affidavit of deferment that the person has the right to apply to the court for an order deferring the foreclosure sale.

Subd. 2. **Other disputes.** For any other dispute about the deferment right or other rights or requirements under the act, a person can apply to the district court in the county where the property is located for an order establishing the rights of the parties to the dispute.

Subd. 3. **Effect of deferral right.** Nothing in this act shall alter contractual rights of the parties

to the mortgage loan other than providing the right to defer a foreclosure sale. A bona fide purchaser of an interest in real property mortgaged by an eligible foreclosed loan takes the interest in the real property not subject to any claims of ownership by a party based on any rights under this act.

**Sec. 7. [583.39] NOTICE OF RIGHT TO DEFERMENT.**

Subdivision 1. **Notice requirement; form and delivery of notice.** Every foreclosing lender shall send to each borrower who has an eligible foreclosed loan a notice of right to deferment. The notice of right to deferment shall be in the form of, and subject to the delivery requirements specified in, section 580.041, subdivision 1b. The notice of right to deferment must also indicate an address at which the foreclosing lender will accept service of an affidavit of deferment under section 583.36, subdivision 2. The terms of section 580.041, subdivisions 3 and 4, apply to this section. Notwithstanding the above, a foreclosing lender must within three days after the first day of the deferment period send the notice of right to deferment to each borrower who has an eligible foreclosed loan who has a foreclosure sale scheduled within 20 days of the first day of the deferment period, and must within 14 days after the first day of the deferment period send the notice of right to deferment to all other borrowers who have an eligible foreclosed loan at the beginning of the deferment period.

Subd. 2. **Content.** The notice required by this section must appear substantially as follows:

"Emergency Help For Homeowners in Foreclosure:

IMPORTANT: You are eligible to have the foreclosure of your home stopped until at least (end of deferment period).

The state of Minnesota recently passed a law that lets homeowners stop a foreclosure sale. To qualify, you must currently live at the home in foreclosure and intend to live at the home until the end of the deferment period.

You will also need to complete and sign a special form (called an "affidavit") and provide that affidavit to us at the following address: (insert address in the state of Minnesota).

There are many government agencies and nonprofit organizations that can help you complete this affidavit. For the name and telephone number of an organization near you, please call the Minnesota Housing Finance Agency (MHFA) at (insert telephone number/Web site). The state does not guarantee the advice of these agencies.

**Do not delay** dealing with the foreclosure because your options for foreclosure deferment end with the foreclosure sale."

**Sec. 8. [583.40] BAD FAITH OR RECKLESS VIOLATION.**

A foreclosing lender who acts in bad faith or recklessly in violation of sections 583.35 to 583.39 shall be liable to a person injured by the violation for actual damages, statutory damages of up to \$25,000, punitive damages in an amount determined by the court, costs, and reasonable attorney's fees.

**Sec. 9. EFFECTIVE DATE.**

Sections 1 to 8 are effective seven days following final enactment."



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

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

**S.F. No. 651:** A bill for an act relating to the environment; restricting the manufacture and sale of certain polybrominated diphenyl ethers; requiring a report; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 325E.

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 2007 Supplement, section 325E.386, is amended to read:

**325E.386 PRODUCTS CONTAINING CERTAIN POLYBROMINATED DIPHENYL ETHERS BANNED; EXEMPTIONS.**

Subdivision 1. **Penta- and octabromodiphenyl ethers.** Except as provided in subdivision 3 2, beginning January 1, 2008, a person may not manufacture, process, or distribute in commerce a product or flame-retardant part of a product containing more than one-tenth of one percent of pentabromodiphenyl ether or octabromodiphenyl ether by mass.

Subd. 2. **Exemptions.** The following products containing polybrominated diphenyl ethers are exempt from subdivision 1 and section 325E.387, subdivision 2:

(1) the sale or distribution of any used transportation vehicle with component parts containing polybrominated diphenyl ethers;

(2) the sale or distribution of any used transportation vehicle parts or new transportation vehicle parts manufactured before January 1, 2008, that contain polybrominated diphenyl ethers;

(3) the manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of equipment containing polybrominated diphenyl ethers and used primarily for military or federally funded space program applications. This exemption does not cover consumer-based goods with broad applicability;

(4) the sale or distribution by a business, charity, public entity, or private party of any used product containing polybrominated diphenyl ethers;

(5) the manufacture, sale, or distribution of new carpet cushion made from recycled foam containing more than one-tenth of one percent polybrominated diphenyl ether;

(6) medical devices; or

(7) the manufacture, sale, repair, distribution, maintenance, refurbishment, or modification of telecommunications equipment containing polybrominated diphenyl ethers used by entities eligible to hold authorization in the Public Safety Pool under Code of Federal Regulations, title 47, part 90.

In-state retailers in possession of products on January 1, 2008, that are banned for sale under subdivision 1 may exhaust their stock through sales to the public. Nothing in this section restricts

the ability of a manufacturer, importer, or distributor from transporting products containing polybrominated diphenyl ethers through the state, or storing such products in the state for later distribution outside the state.

Subd. 3. **Commercial decabromodiphenyl ether.** Except as provided in subdivision 4, beginning July 1, 2010, a person may not manufacture, process, or distribute in commerce any of the following products containing more than one-tenth of one percent of commercial decabromodiphenyl ether by mass:

(1) the exterior casing of a television, computer, or computer monitor;

(2) upholstered furniture or textiles intended for indoor use in a home or other residential occupancy; or

(3) mattresses and mattress pads.

The sale or distribution by a business, charity, public entity, or private party of any used product containing commercial decabromodiphenyl ether is exempted from this subdivision.

In-state retailers in possession of products on January 1, 2010, that are banned for sale under this subdivision may exhaust their stock of products located in the state as of that date through sales to the public. Nothing in this section restricts the ability of a manufacturer, importer, or distributor from transporting products containing commercial decabromodiphenyl ether through the state, or storing such products in the state for later distribution outside the state.

Subd. 4. **Exemption process.** (a) A manufacturer or user of a product prohibited from manufacture, sale, or distribution under section 325E.386, subdivision 3, may apply for an exemption for a specific use of commercial decabromodiphenyl ether under this section by filing a written request with the commissioner. The commissioner may grant an exemption for a term not to exceed three years. The exemption is renewable upon written request. An initial or renewal request for exemption must include at least the following:

(1) a policy statement articulating upper management support for eliminating or reducing to the maximum feasible extent the use of commercial decabromodiphenyl ether;

(2) a description of the product and the amount of commercial decabromodiphenyl ether distributed for sale and use in the state on an annual basis;

(3) a description of the recycling and disposal system used for the product in the state and an estimate of the amount of product or commercial decabromodiphenyl ether that is recycled or disposed in the state on an annual basis;

(4) a description of the manufacturer's or user's past and ongoing efforts to eliminate or reduce the amount of commercial decabromodiphenyl ether used in the product;

(5) an assessment of options available to reduce or eliminate the use of commercial decabromodiphenyl ether, including any alternatives that do not contain commercial decabromodiphenyl ether, perform the same technical function, are commercially available, and are economically practicable;

(6) a statement of objectives in numerical terms and a schedule for achieving the elimination of commercial decabromodiphenyl ether and an environmental assessment of alternative products,

including but not limited to human health, solid waste, hazardous waste, and wastewater impacts associated with production, use, recycling, and disposal of the alternatives;

(7) a listing of options considered not to be technically or economically practicable; and

(8) certification of the accuracy of the information contained in the request, signed and dated by an official of the manufacturer or user.

(b) The commissioner may grant an initial or renewal exemption for a specific use of commercial decabromodiphenyl ether, with or without conditions, upon finding that the applicant has demonstrated that there is no alternative that performs the same technical function, is commercially available, is economically practicable, and provides net health and environmental benefits to the state.

Subd. 5. **Fees for exemption applicants.** The application fee for an exemption under subdivision 4 is \$2,000 per exemption. The fee is exempt from section 16A.1285. Revenues from application fees must be deposited in the environmental fund.

Sec. 2. Minnesota Statutes 2007 Supplement, section 325E.387, is amended by adding a subdivision to read:

Subd. 3. **Participation in interstate clearinghouse.** The commissioner may participate in a regional or national multistate clearinghouse to assist in carrying out the requirements of this section. The clearinghouse is authorized to maintain information on behalf of Minnesota, including, but not limited to:

(1) a list of all products containing polybrominated diphenyl ethers; and

(2) information on all exemptions granted by the state."

Amend the title numbers accordingly

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

### **Senator Moua from the Committee on Judiciary, to which was referred**

**S.F. No. 3067:** A bill for an act relating to business organizations; waiver of reinstatement fee after certain dissolution of an entity when a principal of the entity is a returning combat veteran; proposing coding for new law in Minnesota Statutes, chapter 5.

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

Delete everything after the enacting clause and insert:

"Section 1. **[5.33] RETURNING MILITARY VETERANS; WAIVER OF REINSTATEMENT FEE.**

The secretary of state may waive a reinstatement fee required by law when a Minnesota business or nonprofit corporation, limited liability company, cooperative, limited partnership, or limited liability partnership has been administratively or statutorily dissolved, revoked, or terminated for failure to file an annual or periodic report with the secretary of state during a calendar year when

an individual with substantial responsibility for the operation of that entity was:

- (1) in the armed forces of the United States, including the reserves or National Guard; or
- (2) engaged in employment outside of the United States, which is designated by the United States Department of Defense as essential to the prosecution of a war or to the national defense.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective retroactively from January 1, 2007."

Amend the title as follows:

Page 1, line 3, delete "combat" and insert "military"

Amend the title numbers accordingly

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

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

**S.F. No. 2651:** A bill for an act relating to state lands; providing for expedited exchanges of public land; amending Minnesota Statutes 2006, section 97A.145, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 94.

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

Delete everything after the enacting clause and insert:

"Section 1. **[84.66] MINNESOTA FORESTS FOR THE FUTURE PROGRAM.**

Subdivision 1. **Purpose.** The Minnesota forests for the future program identifies and protects private, working forest lands for their timber, scenic, recreational, fish and wildlife habitat, threatened and endangered species, and other cultural and environmental values.

Subd. 2. **Definitions.** For the purpose of this section, the following terms have the meanings given:

- (1) "forest land" has the meaning given under section 89.001, subdivision 4;
- (2) "forest resources" has the meaning given under section 89.001, subdivision 8;
- (3) "guidelines" has the meaning given under section 89A.01, subdivision 8;
- (4) "riparian land" has the meaning given under section 103F.511, subdivision 8a; and
- (5) "working forest land" means land that provides a broad range of goods and services, including forest products, recreation, fish and wildlife habitat, clean air and water, and carbon sequestration.

Subd. 3. **Establishment.** The commissioner of natural resources shall establish and administer a Minnesota forests for the future program. Land selected for inclusion in the program shall be evaluated on the land's potential for:

- (1) producing timber and other forest products;
- (2) maintaining forest landscapes;
- (3) providing public recreation; and
- (4) providing ecological, fish and wildlife habitat, other cultural and environmental values, and values consistent with working forest lands.

Subd. 4. **Land eligibility.** Land may be placed in the Minnesota forests for the future program if it:

- (1) is:
  - (i) forest land;
  - (ii) desirable land adjacent to forest land, as determined by the commissioner; or
  - (iii) beneficial to forest resource protection;
- (2) is at least five acres in size, except for a riparian area or an area providing access to state forest land; and
- (3) is not set aside, enrolled, or diverted under another federal or state program, unless enrollment in the Minnesota forests for the future program would provide additional conservation benefits or a longer enrollment term than under the current federal or state program.

Subd. 5. **Land interests.** The commissioner may acquire permanent interests in lands by fee title, easement acquisition, gift, or donation. An acquired easement shall require a forestry management plan unless the requirement is waived or modified by the commissioner. The plan will guide forest management activities consistent with the purposes and terms of the easement and shall incorporate guidelines and other forest management practices as determined by the commissioner to provide perpetuation of the forest. The plan shall be developed in accordance with the guidelines.

Subd. 6. **Application.** The commissioner shall accept applications from owners of eligible lands at the time, in the form, and containing the information as the commissioner may prescribe. If the number of applications exceeds the ability to fund them all, priority shall be given to those applications covering lands providing the greatest public benefits for timber productivity, public access, and ecological and wildlife values.

Subd. 7. **Landowner responsibilities.** The commissioner may enroll eligible land in the program by signing an easement in recordable form with a landowner in which the landowner agrees to:

- (1) convey to the state a permanent easement that is not subject to any prior title, lien, or encumbrance; and
- (2) manage the land in a manner consistent with the purposes for which the land was selected for the program and not convert the land to other uses.

Subd. 8. **Advisory team.** In administering the program, the commissioner may establish an advisory team to provide advice on program management.

Subd. 9. **Correction of easement boundary lines.** To correct errors in legal descriptions for

easements that affect the ownership interests in the state and adjacent landowners, the commissioner may, in the name of the state, convey without consideration, interests of the state necessary to correct legal descriptions of boundaries. The conveyance must be by quitclaim deed or release in a form approved by the attorney general.

Subd. 10. **Terminating or changing an easement.** The commissioner may terminate an easement, with the consent of the property owner, if the commissioner determines termination to be in the public interest. The commissioner may modify the terms of an easement if the commissioner determines that modification will help implement the Minnesota forests for the future program or facilitate the program's administration.

Subd. 11. **Payments.** Payments to landowners under the Minnesota forests for the future program shall be made in accordance with law and Department of Natural Resources acquisition policies, procedures, and other funding requirements.

Subd. 12. **Monitoring, enforcement, and damages.** (a) The commissioner shall establish a long-term program for monitoring and enforcing Minnesota forests for the future easements.

(b) A landowner who violates the terms of an easement under this section or induces, assists, or allows another to do so is liable to the state for damages due to the loss of timber, scenic, recreational, fish and wildlife habitat, threatened and endangered species, and other cultural and environmental values.

(c) Upon request of the commissioner, the attorney general may commence an action for specific performance, injunctive relief, damages, including attorney's fees, and any other appropriate relief to enforce this section in district court in the county where all or part of the violation is alleged to have been committed or where the landowner resides or has a principal place of business.

Subd. 13. **Rulemaking exemption.** Easements agreed to under this section are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

## Sec. 2. **[84.67] FORESTS FOR THE FUTURE REVOLVING ACCOUNT.**

A forests for the future revolving account is created in the natural resources fund. Money in the account is appropriated to the commissioner of natural resources for the acquisition of forest lands that meet the eligibility criteria in section 84.66, subdivision 4. The commissioner shall sell the lands acquired under this section, subject to an easement as provided in section 84.66. Money received from the sale of forest lands acquired under this section and interest earned on the account shall be deposited into the account. The commissioner must file a report to the house Ways and Means and the senate Finance Committees and the environment and natural resources finance committees or divisions of the senate and house of representatives by October 1 of each year indicating all purchases of forest land using money from this account and sales of forest land for which revenue is deposited into this account.

## Sec. 3. **[94.3495] EXPEDITED EXCHANGES OF LAND INVOLVING THE STATE AND GOVERNMENTAL SUBDIVISIONS OF THE STATE.**

Subdivision 1. **Purpose and scope.** (a) The purpose of this section is to expedite the exchange of public land ownership. Consolidation of public land reduces management costs and aids in the reduction of forest fragmentation.

(b) This section applies to exchanges of land between the state and a governmental subdivision of the state. For land exchanges under this section, sections 94.342 to 94.347 apply only to the extent specified in this section.

Subd. 2. **Classes of land; definitions.** The classes of public land that may be involved in an expedited exchange under this section are:

(1) Class 1 land, which for the purpose of this section is Class A land as defined in section 94.342, subdivision 1, except for:

- (i) school trust land as defined in section 92.025; and
- (ii) university land granted to the state by acts of Congress;

(2) Class 2 land, which for the purpose of this section is Class B land as defined in section 94.342, subdivision 2; and

(3) Class 3 land, which for the purpose of this section is all land owned in fee by a governmental subdivision of the state.

Subd. 3. **Valuation of land.** (a) In an exchange of Class 1 land for Class 2 or 3 land, the value of all the land shall be determined by the commissioner of natural resources. In an exchange of Class 2 land for Class 3 land, the value of all the land shall be determined by the county board of the county in which the land lies. To determine the value of the land, the parties to the exchange may cause the land to be appraised, utilize the valuation process provided under section 84.0272, subdivision 3, or obtain a market analysis from a qualified real estate broker. Merchantable timber value must be determined and considered in finalizing valuation of the lands.

(b) All lands exchanged under this section shall be exchanged only for lands of at least substantially equal value. For the purposes of this subdivision, "substantially equal value" has the meaning given under section 94.343, subdivision 3, paragraph (b). No payment is due either party if the lands are of substantially equal value but are not of the same value.

Subd. 4. **Title.** Title to the land must be examined to the extent necessary for the parties to determine that the title is good, with any encumbrances identified. The parties to the exchange may utilize title insurance to aid in the determination.

Subd. 5. **Approval by Land Exchange Board.** All expedited land exchanges under this section, and the terms and conditions of the exchanges, require the unanimous approval of the Land Exchange Board.

Subd. 6. **Conveyance.** (a) Conveyance of Class 1 land given in exchange shall be made by deed executed by the commissioner of natural resources in the name of the state. Conveyance of Class 2 land given in exchange shall be by a deed executed by the commissioner of revenue in the name of the state. Conveyance of Class 3 land shall be by a deed executed by the governing body in the name of the governing authority.

(b) If Class 1 land is given in exchange for Class 2 or 3 land, the deed to the Class 2 or 3 land shall first be delivered to the commissioner of natural resources. Following the recording of the deed, the commissioner of natural resources shall deliver the deed conveying the Class 1 land.

(c) If Class 2 land is given in exchange for Class 3 land, the deed to the Class 3 land shall first be

delivered to the county auditor. Following the recording of the deed, the commissioner of revenue shall deliver the deed conveying the Class 2 land.

(d) All deeds shall be recorded or registered in the county in which the lands lie.

Subd. 7. **Reversionary interest; mineral and water power rights and other reservations.** (a) All deeds conveying land given in an expedited land exchange under this section shall include a reverter that provides that title to the land automatically reverts to the conveying governmental unit if:

(1) the receiving governmental unit sells, exchanges, or otherwise transfers title of the land within 40 years of the date of the deed conveying ownership; and

(2) there is no prior written approval for the transfer from the conveying governmental unit. The authority for granting approval is the commissioner of natural resources for former Class 1 land, the county board for former Class 2 land, and the governing body for former Class 3 land.

(b) Class 1 land given in exchange is subject to the reservation provisions of section 94.343, subdivision 4. Class 2 land given in exchange is subject to the reservation provisions of section 94.344, subdivision 4. County fee land given in exchange is subject to the reservation provisions of section 373.01, subdivision 1, paragraph (g).

Subd. 8. **Land status.** Land received in exchange for Class 1 land is subject to the same trust, if any, and otherwise has the same status as the land given in exchange. Land received in exchange for Class 2 land is subject to a trust in favor of the governmental subdivision wherein it lies and all laws relating to tax-forfeited land. Land received in exchange for Class 3 land has the same status as the land given in exchange.

Sec. 4. **TRANSFER; FORESTS FOR THE FUTURE REVOLVING ACCOUNT.**

\$...... from the general fund is transferred to the forests for the future revolving account created in Minnesota Statutes, section 84.67.

Sec. 5. **APPROPRIATION; FOREST FRAGMENTATION STUDY.**

\$50,000 is appropriated in fiscal year 2009 from the general fund to the Forest Resources Council to conduct a study of options and make recommendations to the legislature for addressing the fragmentation and parcelization of large blocks of private forest land in the state. This is a onetime appropriation."

Delete the title and insert:

"A bill for an act relating to natural resources; creating a Minnesota forests for the future program; establishing a revolving account; providing for expedited exchanges of public land; modifying the sustainable forest incentive program; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 84; 94."

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. 3574:** A bill for an act relating to education; increasing the age of compulsory attendance from 16 to 18; amending Minnesota Statutes 2006, section 120A.22, subdivision 5; repealing Minnesota Statutes 2006, section 120A.22, subdivision 8.

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

Page 1, line 8, after "between" insert "the age of" and after "age" insert "or enrolled in first grade"

Page 1, after line 18, insert:

"Sec. 2. Minnesota Statutes 2006, section 260C.007, subdivision 19, is amended to read:

Subd. 19. **Habitual truant.** "Habitual truant" means a child under the age of 16 18 years who is absent from attendance at school without lawful excuse for seven school days per school year if the child is in elementary school or for one or more class periods on seven school days per school year if the child is in middle school, junior high school, or high school, ~~or a child who is 16 or 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school under section 120A.22, subdivision 8.~~

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to the 2008-2009 school year and later."

Re-number the sections in sequence

Amend the title numbers accordingly

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

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

**S.F. No. 3005:** A bill for an act relating to public health; requiring information on meningococcal disease and human papillomavirus disease to be provided through the schools; amending Minnesota Statutes 2006, section 121A.15, by adding a subdivision.

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

#### **Senator Bakk from the Committee on Taxes, to which was re-referred**

**S.F. No. 3099:** A bill for an act relating to health care; establishing a statewide health improvement program; monitoring child obesity; establishing a health improvement fund; establishing a public health improvement assessment; establishing health care homes; increasing continuity of care; modifying outreach efforts; establishing primary care education initiatives; increasing affordability and continuity of care with public health care programs; creating a health insurance exchange; establishing Section 125 Plans; creating a Health Care Transformation Commission; restructuring the health care payment system; creating a savings reinvestment fund; establishing a savings recapture assessment; establishing cost containment goals; specifying an affordability standard; providing subsidies for employer-subsidized coverage; requiring providers to list prices; establishing an electronic prescription drug program; requiring mandated reports;

authorizing rulemaking; appropriating money; amending Minnesota Statutes 2006, sections 13.3806, by adding a subdivision; 62A.65, subdivision 3; 62E.141; 62L.12, subdivisions 2, 4; 62Q.735, subdivision 1; 256.01, by adding subdivisions; 256B.061; 256B.69, by adding a subdivision; 256D.03, by adding a subdivision; 256L.05, by adding a subdivision; 256L.06, subdivision 3; 256L.07, subdivision 3; 256L.15, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 13.46, subdivision 2; 62J.496, by adding a subdivision; 62J.81, subdivision 1; 62J.82, subdivision 1; 256.962, subdivisions 5, 6; 256B.056, subdivision 10; 256L.03, subdivisions 3, 5; 256L.04, subdivisions 1, 7; 256L.05, subdivision 3a; 256L.07, subdivision 1; 256L.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16A; 62J; 145; 256B; proposing coding for new law as Minnesota Statutes, chapter 62U; repealing Minnesota Statutes 2006, sections 62A.63; 62A.64; 62Q.49; 62Q.65; 62Q.736; 256L.15, subdivision 3.

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

Page 4, lines 15 and 21, after "Medicare" insert "and Medicaid" and delete the second "revenue" and insert "revenues"

Page 5, line 24, after "Program" insert "and revenues received from the Department of Human Services for state health care programs" and after the semicolon, insert "and"

Page 5, line 26, delete "; and" and insert a period

Page 5, delete lines 27 to 33

Page 49, line 4, after "current" insert "full-time equivalent"

Page 49, line 7, delete everything after the period

Page 49, delete line 8 and insert:

"The following employers are exempt from the Section 125 Plan requirement:

(1) employers that offer a group health insurance plan as defined in section 62A.10;

(2) employers that are self-insured as defined in section 62E.02; or

(3) employers with no employees who are eligible to participate in a Section 125 Plan."

Page 52, line 34, after "convene" insert "the first meeting of"

Page 62, line 20, delete "may not" and insert "shall be based on a percentage"

Page 62, line 21, delete "exceed four percent"

Page 62, line 23, delete "may" and insert "shall be a fee placed on the third-party administrator for each insured resident of the state in which the third-party administrator paid claims for health care."

Page 62, delete line 24

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

**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 Readings of Senate Bills.

**REPORTS OF COMMITTEES**

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

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

**S.F. No. 1527:** A bill for an act relating to elections; establishing a nonbinding presidential primary; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 207A.

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 202A.14, subdivision 1, is amended to read:

Subdivision 1. **Time and manner of holding; postponement.** (a) At 7:00 p.m. on the first Tuesday in March in every state general election year that is not a presidential election year there shall be held for every election precinct a party caucus in the manner provided in sections 202A.14 to 202A.19, except that in the event of severe weather a major political party may request the secretary of state to postpone caucuses. If a major political party makes a request, or upon the secretary of state's own initiative, after consultation with all major political parties and on the advice of the federal Weather Bureau and the Department of Transportation, the secretary of state may declare precinct caucuses to be postponed for a week in counties where weather makes travel especially dangerous. The secretary of state shall submit a notice of the postponement to news media covering the affected counties by 6:00 p.m. on the scheduled day of the caucus. A postponed caucus may also be postponed pursuant to this subdivision.

(b) In every presidential election year, the party caucus shall be held on the date of the presidential primary, except that the caucus may be postponed as provided in paragraph (a).

Sec. 2. Minnesota Statutes 2006, section 202A.18, subdivision 2a, is amended to read:

Subd. 2a. **Preference ballot.** Prior to the opening of nominations for the election of permanent offices and delegates, a ballot must be distributed to permit caucus participants to indicate their preference for the ~~offices of president of the United States or~~ office of governor. The results of

preference voting must be reported to the secretary of state immediately upon conclusion of the voting, in the manner provided by the secretary of state. The secretary of state shall provide the appropriate forms to the party for reporting the results.

Sec. 3. Minnesota Statutes 2006, section 202A.19, is amended by adding a subdivision to read:

Subd. 7. **Section not to apply; when.** This section does not apply to a major party caucus held on a day other than the day prescribed by section 202A.14, subdivision 1.

Sec. 4. Minnesota Statutes 2006, section 202A.192, is amended to read:

**202A.192 USE OF PUBLIC FACILITIES.**

Every statutory city, home rule charter city, county, town, school district, and other public agency, including the University of Minnesota and other public colleges and universities, shall make their facilities available for the holding of precinct caucuses held on the day prescribed by section 202A.14, subdivision 1, and for legislative district or county conventions required by this chapter. A charge for the use of the facilities may be imposed in an amount that does not exceed the lowest amount charged to any public or private group.

Sec. 5. **[202A.81] PRESIDENTIAL PRIMARY.**

Subdivision 1. **Presidential years.** In each year in which a president and vice president of the United States are to be nominated and elected, a presidential primary must be held as provided in sections 202A.81 to 202A.88. The voters of this state may express their preference among the candidates of the major political party of their choice for that party's nomination to be president of the United States or may indicate a preference for uncommitted delegates to the national party convention.

Subd. 2. **Date.** The date of the presidential primary must be set by the secretary of state in consultation with the major political parties in accordance with the following limitations, with the goal of creating a Midwest regional primary:

(a) The date must be no earlier than the date of the first presidential primary or caucus held in more than one state in the Midwest, defined as the states lying entirely west of Pennsylvania, north of Arkansas, and east of Wyoming, and no later than five weeks after that date.

(b) The secretary of state must announce the date of the presidential primary no later than:

(1) one day after the date has been finally established for the first presidential primary or caucus in the Midwest; and

(2) eleven weeks before the date set for the presidential primary.

Sec. 6. **[202A.82] CANDIDATES ON BALLOT.**

Subdivision 1. **Required listing.** (a) Any individual who files with the secretary of state an affidavit of candidacy as prescribed by this subdivision, along with a filing fee of \$500, must be listed as a candidate on the presidential primary ballot.

(b) A candidate who seeks the nomination of a major political party for president of the United States shall state on the affidavit of candidacy that the candidate is a natural born citizen of the

United States and will have been 14 years a resident within the United States and attained the age of 35 years on the next January 20.

(c) The candidates must be listed on the presidential primary ballot in the order that the affidavits of candidacy for the candidates were filed with the secretary of state.

(d) In addition, the presidential primary ballot must contain a place for a voter to indicate a preference for having delegates to the party's national convention remain uncommitted, and a blank line printed below the other choices on the ballot so that a voter may write in the name of a person who is not listed on the ballot.

Subd. 2. **Time for filing.** The period for filing with the secretary of state an affidavit of candidacy for the presidential primary must begin ten weeks before the primary and end eight weeks before the primary.

Subd. 3. **Announcement.** The determination of which candidates must be listed on the presidential primary ballot must be made by the secretary of state not later than seven weeks before the presidential primary. The secretary of state shall certify to the county auditor of each county the names of all candidates in the presidential primary at least six weeks before the primary.

Sec. 7. **[202A.83] PRESIDENTIAL PRIMARY; HOW CONDUCTED.**

Except as otherwise provided in sections 202A.81 to 202A.88, the presidential primary must be conducted and the results canvassed and returned in the manner provided by law for the state primary.

Sec. 8. **[202A.84] AUDITOR FURNISHED INFORMATION BY SECRETARY OF STATE; BALLOT PREPARATION.**

Subdivision 1. **Notice of filing period.** Within one day after setting the date of the presidential primary under section 202A.81, the secretary of state shall provide notice of the date to the county auditor of each county. Within ten days after notification by the secretary of state, each county auditor shall provide notice of the date to each municipal clerk in the county.

Subd. 2. **Notice of primary.** At least two weeks before the date of the presidential primary, each municipal clerk shall post a public notice stating the date of the presidential primary, the location of each polling place in the municipality, and the hours during which the polling places in the municipality will be open. The county auditor shall post a similar notice in the auditor's office with information for any polling places in unorganized territory in the county. The governing body of a municipality or county may publish the notice in addition to posting it. Failure to give notice does not invalidate the election.

Subd. 3. **Ballot preparation.** At least six weeks before the presidential primary, the secretary of state shall supply each county auditor with examples of ballots, absentee ballot envelopes, ballot return envelopes, election return envelopes, and summary statements for use in the presidential primary. Ballots must follow the form required for state primary elections, as described in sections 204D.04 to 204D.08.

Sec. 9. **[202A.85] SELECTION OF DELEGATES; NATIONAL CONVENTION BALLOTING.**

The delegates to the national convention of each major political party whose candidates appear on the presidential primary ballot must be chosen through the caucus and convention procedures as described in this chapter. By July 1 of each year in which a presidential primary is held, the secretary of each party's state convention or congressional district convention shall notify the secretary of state of the names of the delegates to the national convention chosen and the names of the candidates to which the delegates have been apportioned. Except for candidates who have notified the political party that they are no longer a candidate, a political party whose apportionment of delegates does not provide to each candidate at least as great a proportion of delegates to the national convention as the proportion of votes the candidate received in the presidential primary ceases to be eligible for the ten-percent political party checkoff in section 10A.31, subdivision 5, paragraph (b), clause (6), and ceases to be eligible to issue political contribution refund receipt forms under section 290.06, subdivision 23, during the remainder of that year.

**Sec. 10. [202A.86] USE OF VOTING MACHINES.**

The county auditor of each county shall provide all ballots, ballot labels, ballot cards, and other necessary printed forms and supplies needed for electronic voting systems. The total cost of printing and providing the forms must be paid by the state.

**Sec. 11. [202A.87] RULEMAKING AUTHORITY.**

The secretary of state shall adopt rules to determine the manner of paying or reimbursing the costs to the counties of conducting the presidential primary.

**Sec. 12. [202A.88] REIMBURSEMENT OF ELECTION EXPENSES.**

Subdivision 1. **Duties of secretary of state.** The secretary of state shall reimburse the counties and municipalities for expenses incurred in the administration of the presidential primary from money appropriated by the legislature for this purpose, as provided in this section. Up to \$7,500 of the appropriation for reimbursement of election expenses may be retained by the secretary of state to administer the reimbursement program.

Subd. 2. **Reimbursable expenses.** The following expenses are eligible for reimbursement: salaries of election judges; postage for absentee ballots; preparation of polling places, in an amount not to exceed \$25 per polling place; preparation of electronic voting systems, in an amount not to exceed \$50 per precinct; compensation of county canvassing board members; publication of the sample ballot; and compensation for temporary staff or overtime payments.

Subd. 3. **Certification of costs.** The county auditor shall certify to the secretary of state the costs incurred by the county for the presidential primary. The municipal clerk shall certify to the secretary of state the costs incurred by the municipality for the presidential primary. If the total amount certified by all units for temporary staff and overtime payments exceeds \$480,000, the secretary of state shall reduce those amounts so that they do not exceed \$480,000. The secretary of state shall provide each county and municipality with the appropriate forms for this certification. The secretary of state may require that the county auditor or municipal clerk provide documentation of actual expenditures made for the presidential primary. The certification of costs must be submitted to the secretary of state no later than 60 days after the presidential primary. No reimbursement of expenses must be made unless the certification of costs has been submitted as provided in this subdivision.

Subd. 4. **Apportionment of reimbursements.** If the total amount of requests for reimbursement of expenses exceeds the total amount appropriated to the secretary of state for this purpose, the secretary of state shall proportionately reduce the reimbursements so that they do not exceed the amount appropriated.

Sec. 13. Minnesota Statutes 2006, section 204C.10, is amended to read:

**204C.10 PERMANENT REGISTRATION; VERIFICATION OF REGISTRATION.**

(a) An individual seeking to vote shall sign a polling place roster which states that the individual is at least 18 years of age, a citizen of the United States, has resided in Minnesota for 20 days immediately preceding the election, maintains residence at the address shown, is not under a guardianship in which the court order revokes the individual's right to vote, has not been found by a court of law to be legally incompetent to vote or has the right to vote because, if the individual was convicted of a felony, the felony sentence has expired or been completed or the individual has been discharged from the sentence, is registered and has not already voted in the election. The roster must also state: "I understand that deliberately providing false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

At the presidential primary, the polling place roster must also state: "I am in agreement with the principles of the party for whose candidate I intend to vote, and I either voted or affiliated with the party at the last state general election or intend to vote or affiliate with the party at the next state general election."

(b) A judge may, before the applicant signs the roster, confirm the applicant's name, address, and date of birth.

(c) After the applicant signs the roster, the judge shall give the applicant a voter's receipt. The voter shall deliver the voter's receipt to the judge in charge of ballots as proof of the voter's right to vote, and thereupon the judge shall hand to the voter the ballot. The voters' receipts must be maintained during the time for notice of filing an election contest."

Delete the title and insert:

"A bill for an act relating to elections; establishing a presidential primary; amending Minnesota Statutes 2006, sections 202A.14, subdivision 1; 202A.18, subdivision 2a; 202A.19, by adding a subdivision; 202A.192; 204C.10; proposing coding for new law in Minnesota Statutes, chapter 202A."

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

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

**S.F. No. 2574:** A bill for an act relating to elections; changing certain special election and primary provisions; amending Minnesota Statutes 2006, sections 204D.19, subdivision 2; 204D.23, subdivision 2; 204D.27, 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 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, other than lobbying activities, related to qualifying the question for placement on the ballot.

**EFFECTIVE DATE.** This section is effective retroactively from January 1, 2008.

Sec. 2. Minnesota Statutes 2006, section 10A.14, subdivision 1, is amended to read:

Subdivision 1. **First registration.** The treasurer of a political committee, political fund, principal campaign committee, or party unit must register with the board by filing a statement of organization no later than 14 days after the committee, fund, or party unit has made a contribution, received contributions, or made expenditures in excess of \$100, or within 24 hours after it has received a loan or contribution that must be reported under section 10A.20, subdivision 5, whichever is earlier.

**EFFECTIVE DATE.** This section is effective July 1, 2008, and applies to contributions made on or after that date.

Sec. 3. Minnesota Statutes 2006, section 10A.20, subdivision 5, is amended to read:

Subd. 5. **Preelection reports.** Any loan, contribution, or contributions to a political committee or political fund from any one source totaling \$1,000 or more, or in a statewide election for judicial office, any loan, contribution, or contributions from any one source totaling \$2,000 or more, or in any judicial district or legislative election totaling more than \$400 or more, and any loan, contribution, or contributions to a candidate for constitutional office or for the legislature from any one source totaling 80 percent or more of the contribution limit for the office, received between the last day covered in the last report before an election and the election must be reported to the board in one of the following ways:

- (1) in person within ~~48~~ 24 hours after its receipt; or
- (2) ~~by telegram or mailgram within 48 hours after its receipt;~~
- (3) ~~by certified mail sent within 48 hours after its receipt; or~~
- (4) by electronic means sent within ~~48~~ 24 hours after its receipt.

These loans and contributions must also be reported in the next required report.

The ~~48-hour~~ 24-hour notice requirement does not apply with respect to a primary in which the statewide or legislative candidate is unopposed.

The board must post the report on its Web site within 24 hours after it is received.

Sec. 4. Minnesota Statutes 2006, section 10A.323, is amended to read:

#### **10A.323 AFFIDAVIT OF CONTRIBUTIONS.**

In addition to the requirements of section 10A.322, to be eligible to receive a public subsidy under section 10A.31 a candidate or the candidate's treasurer must file an affidavit with the board



stating that during that calendar year the candidate has accumulated contributions from persons eligible to vote in this state in at least the amount indicated for the office sought, counting only the first \$50 received from each contributor:

- (1) candidates for governor and lieutenant governor running together, \$35,000;
- (2) candidates for attorney general, \$15,000;
- (3) candidates for secretary of state and state auditor, separately, \$6,000;
- (4) candidates for the senate, \$3,000; and
- (5) candidates for the house of representatives, \$1,500.

The affidavit must state the total amount of contributions that have been received from persons eligible to vote in this state, disregarding the portion of any contribution in excess of \$50.

The candidate or the candidate's treasurer must submit the affidavit required by this section to the board in writing by September 1 of the general election year the deadline for reporting of receipts and expenditures before a primary under section 10A.20, subdivision 4.

A candidate for a vacancy to be filled at a special election for which the filing period does not coincide with the filing period for the general election must submit the affidavit required by this section to the board within five days after filing the affidavit of candidacy.

Sec. 5. Minnesota Statutes 2006, section 203B.06, subdivision 3, is amended to read:

**Subd. 3. Delivery of ballots.** (a) If an application for absentee ballots is accepted at a time when absentee ballots are not yet available for distribution, the county auditor, or municipal clerk accepting the application shall file it and as soon as absentee ballots are available for distribution shall mail them to the address specified in the application. If an application for absentee ballots is accepted when absentee ballots are available for distribution, the county auditor or municipal clerk accepting the application shall promptly:

(1) mail the ballots to the voter whose signature appears on the application if the application is submitted by mail and does not request commercial shipping under clause (2);

(2) ship the ballots to the voter using a commercial shipper requested by the voter at the voter's expense;

(3) deliver the absentee ballots directly to the voter if the application is submitted in person; or

(4) deliver the absentee ballots in a sealed transmittal envelope to an agent who has been designated to bring the ballots, as provided in section 203B.11, subdivision 4, to a voter who would have difficulty getting to the polls because of incapacitating health reasons, or who is disabled, or who is a patient in a health care facility, as provided in section 203B.11, subdivision 4, a resident of a facility providing assisted living services governed by chapter 144G, a participant in a residential program for adults licensed under section 245A.02, subdivision 14, or a resident of a shelter for battered women as defined in section 611A.37, subdivision 4.

(b) If an application does not indicate the election for which absentee ballots are sought, the county auditor or municipal clerk shall mail or deliver only the ballots for the next election occurring

after receipt of the application. Only one set of ballots may be mailed, shipped, or delivered to an applicant for any election, except as provided in section 203B.13, subdivision 2, or when a replacement ballot has been requested by the voter for a ballot that has been spoiled or lost in transit.

**EFFECTIVE DATE.** This section is effective for elections held on or after June 1, 2008.

Sec. 6. Minnesota Statutes 2006, section 203B.11, subdivision 4, is amended to read:

Subd. 4. **Agent delivery of ballots.** During the ~~four~~ seven days preceding an election and until 2:00 p.m. on election day, an eligible voter who would have difficulty getting to the polls because of incapacitating health reasons, or who is disabled, or who is a patient of a health care facility, a resident of a facility providing assisted living services governed by chapter 144G, a participant in a residential program for adults licensed under section 245A.02, subdivision 14, or a resident of a shelter for battered women as defined in section 611A.37, subdivision 4, may designate an agent to deliver the ballots to the voter from the county auditor or municipal clerk. An agent must have a preexisting relationship with the voter. A candidate at the election may not be designated as an agent. The voted ballots must be returned to the county auditor or municipal clerk no later than 3:00 p.m. on election day. The voter must complete an affidavit requesting the auditor or clerk to provide the agent with the ballots in a sealed transmittal envelope. The affidavit must include a statement from the voter stating that the ballots were delivered to the voter by the agent in the sealed transmittal envelope. An agent may deliver ballots to no more than three persons in any election. The secretary of state shall provide samples of the affidavit and transmission envelope for use by the county auditors.

**EFFECTIVE DATE.** This section is effective for elections held on or after June 1, 2008.

Sec. 7. Minnesota Statutes 2006, section 204B.21, subdivision 1, is amended to read:

Subdivision 1. **Appointment lists; duties of political parties and county auditor.** On ~~July~~ June 1 in a year in which there is an election for a partisan political office, the county or legislative district chairs of each major political party, whichever is designated by the state party, shall prepare a list of eligible voters to act as election judges in each election precinct in the county or legislative district. The chairs shall furnish the lists to the county auditor of the county in which the precinct is located.

By ~~July~~ June 15, the county auditor shall furnish to the appointing authorities a list of the appropriate names for each election precinct in the jurisdiction of the appointing authority. Separate lists shall be submitted by the county auditor for each major political party.

Sec. 8. Minnesota Statutes 2006, section 204B.21, subdivision 2, is amended to read:

Subd. 2. **Appointing authority; powers and duties.** Election judges for precincts in a municipality shall be appointed by the governing body of the municipality. Election judges for precincts in unorganized territory and for performing election-related duties assigned by the county auditor shall be appointed by the county board. Election judges for a precinct composed of two or more municipalities must be appointed by the governing body of the municipality or municipalities responsible for appointing election judges as provided in the agreement to combine for election purposes. Except as otherwise provided in this section, appointments shall be made from lists furnished pursuant to subdivision 1 subject to the eligibility requirements and other qualifications established or authorized under section 204B.19. At least two election judges in each precinct must be affiliated with different major political parties. If no lists have been furnished or if additional

election judges are required after all listed names have been exhausted, the appointing authority may appoint ~~any other individual to serve as an election judge subject to the same requirements and qualifications~~ individuals who meet the qualifications to serve as an election judge, including persons who are not affiliated with a major political party. The appointments shall be made at least 25 days before the election at which the election judges will serve.

Sec. 9. Minnesota Statutes 2006, section 204B.46, is amended to read:

**204B.46 MAIL ELECTIONS; QUESTIONS.**

A county, municipality, or school district submitting questions to the voters at a special election may ~~apply to the county auditor for approval of~~ conduct an election by mail with no polling place other than the office of the auditor or clerk. No more than two questions may be submitted at a mail election and no offices may be voted on. Notice of the election and must be given to the county auditor at least 53 days prior to the election. This notice shall also fulfill the requirements of Minnesota Rules, part 8210.3000. The special mail ~~procedure~~ ballot procedures must be given posted at least six weeks prior to the election. No earlier than 20 or later than 14 days prior to the election, the auditor or clerk shall mail ballots by nonforwardable mail to all voters registered in the county, municipality, or school district. Eligible voters not registered at the time the ballots are mailed may apply for ballots pursuant to chapter 203B.

Sec. 10. Minnesota Statutes 2006, section 204D.19, subdivision 2, is amended to read:

Subd. 2. **Special election when the Congress or legislature will be in session.** Except for vacancies in the legislature which occur at any time between the last day of session in an odd-numbered year and the ~~33rd~~ 40th day prior to the opening day of session in the succeeding even-numbered year, when a vacancy occurs and the Congress or legislature will be in session so that the individual elected as provided by this section could take office and exercise the duties of the office immediately upon election, the governor shall issue within five days after the vacancy occurs a writ calling for a special election. The special election shall be held as soon as possible, consistent with the notice requirements of section 204D.22, subdivision 3, but in no event more than ~~28~~ 35 days after the issuance of the writ.

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

Sec. 11. Minnesota Statutes 2006, section 204D.23, subdivision 2, is amended to read:

Subd. 2. **Time of filing.** Except as provided in subdivision 3, the affidavits and petitions shall be filed no later than ~~the seventh day~~ 14 days before the special primary.

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

Sec. 12. Minnesota Statutes 2006, section 204D.27, is amended by adding a subdivision to read:

Subd. 12. **Recounts.** In a special primary or special election, the provisions of section 204C.35 apply, except that the secretary of state may immediately proceed to recount the votes upon review of the certified reports of the county canvassing boards if it is apparent from the review that a recount is required.

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

Sec. 13. Minnesota Statutes 2006, section 205.075, is amended by adding a subdivision to read:

Subd. 4. **Election judges; party balance.** The provisions of sections 204B.19, subdivision 5; 204B.21, subdivision 2; 204C.15; 204C.19; 206.83; and 206.86, subdivision 2, relating to party balance in the appointment of judges and to duties to be performed by judges of different major political parties do not apply to a town election not held in conjunction with a statewide election.

Sec. 14. Minnesota Statutes 2006, section 205A.03, subdivision 1, is amended to read:

Subdivision 1. **Required Resolution requiring primary in certain circumstances.** ~~In~~ The school board of a school district election, may, by resolution adopted by June 1 of any year, decide to choose nominees for school board by a primary as provided in this section. The resolution, when adopted, is effective for all ensuing elections of board members in that school district until it is revoked. If the board decides to choose nominees by primary and if there are more than two candidates for a specified school board position or more than twice as many school board candidates as there are at-large school board positions available, a the school district must hold a primary.

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

Sec. 15. Minnesota Statutes 2006, section 205A.06, subdivision 1a, is amended to read:

Subd. 1a. **Filing period.** In school districts that have adopted a resolution to choose nominees for school board by a primary election, affidavits of candidacy must be filed with the school district clerk no earlier than the 70th day and no later than the 56th day before the first Tuesday after the second Monday in September in the year when the school district general election is held. In all other school districts, affidavits of candidacy must be filed no earlier than the 70th day and no later than the 56th day before the school district general election.

Sec. 16. Minnesota Statutes 2006, section 205A.10, subdivision 2, is amended to read:

Subd. 2. **Election, conduct.** A school district election must be by secret ballot and must be held and the returns made in the manner provided for the state general election, as far as practicable. The vote totals from an absentee ballot board established pursuant to section 203B.13 may be tabulated and reported by the school district as a whole rather than by precinct. For school district elections not held in conjunction with a statewide election, the school board shall appoint election judges as provided in section 204B.21, subdivision 2. The provisions of sections 204B.19, subdivision 5; 204B.21, subdivision 2; 204C.15; 204C.19; ~~206.64, subdivision 2;~~ 206.83; and 206.86, subdivision 2, relating to party balance in appointment of judges and to duties to be performed by judges of different major political parties do not apply to school district elections not held in conjunction with a statewide election.

Sec. 17. Minnesota Statutes 2006, section 205A.12, is amended by adding a subdivision to read:

Subd. 5a. **School districts.** The school board of a school district may provide for the use by the district of an electronic voting system in one or more polling places or combined polling places in the school district for an election not held in conjunction with a statewide election. No system may be adopted or used unless it has been approved by the secretary of state pursuant to section 206.57. The school district shall notify the secretary of state of its decision in compliance with section 206.58, subdivision 4.

Sec. 18. Minnesota Statutes 2006, section 206.89, subdivision 5, is amended to read:

Subd. 5. **Additional review.** (a) If the postelection review reveals a difference greater than

one-half of one percent, the postelection review official must, within two days, conduct an additional review of at least three precincts in the same jurisdiction where the discrepancy was discovered. If all precincts in that jurisdiction have been reviewed, the county auditor must immediately publicly select by lot at least three additional precincts for review. The postelection review official must complete the additional review within two days after the precincts are selected and report the results immediately to the county auditor. If the second review also indicates a difference in the vote totals compiled by the voting system that is greater than one-half of one percent from the result indicated by the postelection review, the county auditor must conduct a review of the ballots from all the remaining precincts in the county. This review must be completed ~~no later than six weeks after the state general election~~ and the results must be reported to the secretary of state within one week after the second review was completed.

(b) If the results from the countywide reviews from one or more counties comprising in the aggregate more than ten percent of the total number of persons voting in the election clearly indicate that an error in vote counting has occurred, the secretary of state must notify the postelection review official of each county in the district that they must conduct a manual ~~recount~~ recounts of all the ballots in the district for the affected office using the procedure outlined in section 204C.35. The recount must be completed and the results reported to the appropriate canvassing board ~~no later than ten weeks after the state general election~~ within two weeks after the postelection review official received notice from the secretary of state.

Sec. 19. Minnesota Statutes 2006, section 211B.12, is amended to read:

**211B.12 LEGAL EXPENDITURES.**

Use of money collected for political purposes is prohibited unless the use is reasonably related to the conduct of election campaigns, or is a noncampaign disbursement as defined in section 10A.01, subdivision 26. The following are permitted expenditures when made for political purposes:

- (1) salaries, wages, and fees;
- (2) communications, mailing, transportation, and travel;
- (3) campaign advertising;
- (4) printing;
- (5) office and other space and necessary equipment, furnishings, and incidental supplies;
- (6) charitable contributions of not more than ~~\$50~~ \$100 to any charity organized under section 501(c)(3) of the Internal Revenue Code annually, except that the amount contributed by a principal campaign committee that dissolves within one year after the contribution is made is not limited by this clause; and
- (7) other expenses, not included in clauses (1) to (6), that are reasonably related to the conduct of election campaigns. In addition, expenditures made for the purpose of providing information to constituents, whether or not related to the conduct of an election, are permitted expenses. Money collected for political purposes and assets of a political committee or political fund may not be converted to personal use.

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

**Sec. 20. VOTER REGISTRATION APPLICATIONS ON HAND MAY BE USED.**

Voter registration applications in existence on July 31, 2007, may be distributed, completed, submitted, and processed until consumed, without alteration.

**EFFECTIVE DATE.** This section is effective retroactively from August 1, 2007.

**Sec. 21. EFFECTIVE DATE.**

Except as otherwise provided, this act is effective June 1, 2008."

Delete the title and insert:

"A bill for an act relating to elections; exempting lobbying activities related to a ballot question from campaign finance reporting requirements; requiring preelection reports of certain political committees and political funds; changing preelection reporting requirements for contributions to candidates; advancing deadline to file affidavit of contributions; providing for delivery of absentee ballots to an agent of certain persons and return of ballots by the agent; permitting appointment of election judges not affiliated with a major political party; eliminating an approval requirement for mail elections; increasing the maximum time to conduct certain special elections; modifying recount of special primary or special election; changing certain school district election provisions; authorizing certain school board primary elections; shortening time to complete postelection review of electronic voting system results; changing a prohibition on certain expenditures; authorizing use of certain voter registration application forms; amending Minnesota Statutes 2006, sections 10A.01, subdivision 7; 10A.14, subdivision 1; 10A.20, subdivision 5; 10A.323; 203B.06, subdivision 3; 203B.11, subdivision 4; 204B.21, subdivisions 1, 2; 204B.46; 204D.19, subdivision 2; 204D.23, subdivision 2; 204D.27, by adding a subdivision; 205.075, by adding a subdivision; 205A.03, subdivision 1; 205A.06, subdivision 1a; 205A.10, subdivision 2; 205A.12, by adding a subdivision; 206.89, subdivision 5; 211B.12."

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

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

**S.F. No. 3140:** A bill for an act relating to boiler operations; making changes to licensing procedures; authorizing rulemaking; amending Minnesota Statutes 2006, sections 183.411, subdivision 3; 183.545, subdivision 4; Minnesota Statutes 2007 Supplement, sections 183.501; 183.51.

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

Page 6, line 13, delete everything after the third period

Page 6, line 14, delete everything before "commissioner" and insert "The"

Page 6, line 16, after "experience" insert "requirements in subdivisions 4 to 14"

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

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

**S.F. No. 2820:** A bill for an act relating to park districts; providing that a park district may acquire property within a city in accordance with the adopted comprehensive plan of the city; amending Minnesota Statutes 2006, section 398.09.

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

Page 2, line 10, strike "an incorporated" and insert "a" and strike everything after "statutory" and insert "or home rule charter city unless the governing body of the"

Page 2, line 11, strike "statutory city or"

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. 3370:** A bill for an act relating to elections; providing for assessment and payment of certain costs; amending Minnesota Statutes 2006, section 211B.37.

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

Page 1, line 14, delete "contest"

Page 1, line 18, delete everything after the period

Page 1, delete lines 19 and 20

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

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

**S.F. No. 3137:** A bill for an act relating to commuter rail; clarifying the commissioner of transportation's authority; providing for the operation and maintenance of commuter rail lines located in whole or in part within the metropolitan area; proposing coding for new law in Minnesota Statutes, chapters 174; 473.

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

Page 3, after line 7, insert:

"Subd. 9. **Rights of employees.** A contract entered into under subdivisions 1 to 8 does not affect the rights of employees under the Federal Employers Liability Act or the Railway Labor Act."

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

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

**S.F. No. 3058:** A bill for an act relating to transportation; authorizing urban partnership agreements to provide for user fees for use of high-occupancy vehicle lanes and dynamic shoulder lanes; exempting commissioner of transportation from rulemaking regarding urban partnership agreements, toll facilities, and final layouts for highways; imposing penalties; appropriating money; amending Minnesota Statutes 2006, sections 160.02, by adding a subdivision; 169.01, subdivision 31, by adding a subdivision; 169.306; proposing coding for new law in Minnesota Statutes, chapter 160.

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

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

**S.F. No. 2747:** A bill for an act relating to insurance; creating statewide health insurance pool for school district employees; appropriating money; amending Minnesota Statutes 2006, sections 3.971, subdivision 6; 13.203; 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Page 9, line 4, after the period, insert "The board must elect a chair or cochaurs from its membership at its first meeting."

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

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

**S.F. No. 3423:** A bill for an act relating to health; requiring the commissioner of health to establish a registry of health care interpreter services; appropriating money; amending Minnesota Statutes 2006, section 295.52, subdivisions 1, 1a, 2; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Page 1, line 7, delete "[144.058]"

Page 1, line 12, delete "2008" and insert "2009"

Page 2, line 5, delete "an adequate" and insert "a"

Pages 2 and 3, delete sections 2 to 4

Page 3, line 16, delete "health care access" and insert "state government special revenue"

Renumber the sections in sequence

Amend the title numbers accordingly

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



Government Operations and Oversight. Amendments adopted. Report adopted.

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

**S.F. No. 3256:** A bill for an act relating to human services; modifying license requirements for day training and habilitation programs; amending Minnesota Statutes 2006, section 245B.07, subdivision 12.

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

Page 1, line 21, delete ", that" and insert "and"

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 2006, section 245A.10, subdivision 4, is amended to read:

Subd. 4. **License or certification fee for certain programs.** (a) Child care centers and programs with a licensed capacity shall pay an annual nonrefundable license or certification fee based on the following schedule:

Licensed Capacity	Child Care Center License Fee	Other Program License Fee
1 to 24 persons	\$225	\$400
25 to 49 persons	\$340	\$600
50 to 74 persons	\$450	\$800
75 to 99 persons	\$565	\$1,000
100 to 124 persons	\$675	\$1,200
125 to 149 persons	\$900	\$1,400
150 to 174 persons	\$1,050	\$1,600
175 to 199 persons	\$1,200	\$1,800
200 to 224 persons	\$1,350	\$2,000
225 or more persons	\$1,500	\$2,500

(b) A day training and habilitation program serving persons with developmental disabilities or related conditions shall be assessed a license fee based on the schedule in paragraph (a) unless the license holder serves more than 50 percent of the same persons at two or more locations in the community. Except as provided in paragraph (c), when a day training and habilitation program serves more than 50 percent of the same persons in two or more locations in a community, the day training and habilitation program shall pay a license fee based on the licensed capacity of the largest facility and the other facility or facilities shall be charged a license fee based on a licensed capacity of a residential program serving one to 24 persons.

(c) When a day training and habilitation program serving persons with developmental disabilities or related conditions seeks a single license allowed under section 245B.07, subdivision 12, clause

(2) or (3), the licensing fee must be based on the combined licensed capacity for each location."

Amend the title numbers accordingly

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

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

**S.F. No. 3320:** A bill for an act relating to human services; modifying the shelter needy provisions for Minnesota supplemental aid to include persons moving out of corporate foster settings; amending Minnesota Statutes 2006, section 256D.44, subdivision 5.

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

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

**S.F. No. 3145:** A bill for an act relating to human services; extending foster care benefits to age 21; proposing coding for new law in Minnesota Statutes, chapter 260C.

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

Page 1, line 6, delete "local" and insert "social services" and delete "advise" and insert "notify"

Page 1, line 11, delete "local" and insert "social services"

Page 1, line 14, delete everything after "benefits" and insert "or services are provided as appropriate based on the person's needs in the individualized plan."

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

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

**S.F. No. 2847:** A bill for an act relating to child care; establishing a Child Care Advisory Task Force; requiring a report.

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

Page 2, line 5, delete "2009" and insert "2010"

Page 2, line 12, delete "2009" and insert "2010"

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

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

**S.F. No. 2850:** A bill for an act relating to child care; modifying the effective date of child care

absent day requirements; amending Laws 2007, chapter 147, article 2, section 64.

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

Page 1, line 10, delete "is" and insert "and Minnesota Statutes, section 119B.13, subdivision 7, are"

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

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

**S.F. No. 3000:** A bill for an act relating to health professions; modifying complementary and alternative health care practices; amending Minnesota Statutes 2007 Supplement, section 146A.08, subdivision 1.

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

Page 2, line 8, strike "For"

Page 2, strike lines 9 to 11

Page 3, strike lines 8 to 10

Page 3, line 11, strike "(r)" and insert "(q)"

Page 3, line 13, strike "(s)" and insert "(r)"

Page 3, line 14, strike "(t)" and insert "(s)"

Page 3, line 16, strike "(u)" and insert "(t)"

Page 3, line 18, strike "(v)" and insert "(u)"

Page 3, line 24, strike "(w)" and insert "(v)"

Page 3, line 27, strike "(x)" and insert "(w)"

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

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

**S.F. No. 3146:** A bill for an act relating to human services; certifying foster children's eligibility for medical assistance until age 21; amending Minnesota Statutes 2006, section 256B.055, by adding a subdivision.

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

Page 1, line 8, delete "Department" and insert "commissioner"

Page 1, line 9, delete "of Human Services"

Page 1, line 10, delete "without" and insert "upon the completion of an"

Page 1, line 11, delete "Department of Human Services" and insert "commissioner"

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

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

**S.F. No. 3225:** A bill for an act relating to human services; authorizing the ombudsman and Medical Review Subcommittee to gather data about deceased clients; amending Minnesota Statutes 2006, sections 245.91, subdivision 3, by adding a subdivision; 245.92; 245.94, subdivisions 1, 2a; 245.97, subdivision 5.

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

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

**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.

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

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

**S.F. No. 2024:** A bill for an act relating to human services; requiring notice for a redetermination of eligibility for services to disabled children; amending Minnesota Statutes 2006, section 252.27, by adding a subdivision.

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

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

**S.F. No. 3581:** A bill for an act relating to health; modifying provisions for pharmacy practice; amending Minnesota Statutes 2006, section 151.01, subdivision 27.

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

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

**S.F. No. 3109:** A bill for an act relating to economic development; implementing certain strategic entrepreneurial economic development initiatives; appropriating money; amending

Minnesota Statutes 2006, sections 116J.03, by adding a subdivision; 116J.656; 116J.66; 116J.68; 116L.02; proposing coding for new law in Minnesota Statutes, chapters 116J; 116L.

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

Page 3, line 16, delete everything after the first "the" and insert "chairs and ranking minority members of the legislative committees with jurisdiction over economic development policy and finance."

Page 3, delete line 17

Page 9, line 34, delete "legislative chairs of the" and insert "chairs and ranking minority members of the legislative committees with jurisdiction over"

Page 10, line 1, delete "committees"

Page 10, line 2, after "recommendations" insert ", including any draft legislation,"

Page 12, line 2, delete "legislature by March 1" and insert "chairs and ranking minority members of the legislative committees with jurisdiction over economic development policy and finance"

Page 12, line 3, delete "of"

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

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

**S.F. No. 3055:** A bill for an act relating to veterans; establishing a loan program; adding certain veterans to those eligible for a program; changing an unemployment compensation provision; appropriating money; amending Minnesota Statutes 2007 Supplement, sections 116L.17, subdivision 1; 268.047, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Page 3, line 9, delete everything after the comma

Page 3, line 10, delete "September 11, 2001," and insert "and"

Page 3, line 11, after "conditions" insert "within the last 36 months" and after "and" insert "(i) is unemployed or (ii)"

Page 3, line 12, delete ", given additional marketable skills obtained during deployment"

Page 5, line 12, after the period, insert "This appropriation is available until spent."

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

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

**S.F. No. 3099:** A bill for an act relating to health care; establishing a statewide health improvement program; monitoring child obesity; establishing a health improvement fund; establishing a public health improvement assessment; establishing health care homes; increasing continuity of care; modifying outreach efforts; establishing primary care education initiatives; increasing affordability and continuity of care with public health care programs; creating a health insurance exchange; establishing Section 125 Plans; creating a Health Care Transformation Commission; restructuring the health care payment system; creating a savings reinvestment fund; establishing a savings recapture assessment; establishing cost containment goals; specifying an affordability standard; providing subsidies for employer-subsidized coverage; requiring providers to list prices; establishing an electronic prescription drug program; requiring mandated reports; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2006, sections 13.3806, by adding a subdivision; 62A.65, subdivision 3; 62E.141; 62L.12, subdivisions 2, 4; 62Q.735, subdivision 1; 256.01, by adding subdivisions; 256B.061; 256B.69, by adding a subdivision; 256D.03, by adding a subdivision; 256L.05, by adding a subdivision; 256L.06, subdivision 3; 256L.07, subdivision 3; 256L.15, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 13.46, subdivision 2; 62J.496, by adding a subdivision; 62J.81, subdivision 1; 62J.82, subdivision 1; 256.962, subdivisions 5, 6; 256B.056, subdivision 10; 256L.03, subdivisions 3, 5; 256L.04, subdivisions 1, 7; 256L.05, subdivision 3a; 256L.07, subdivision 1; 256L.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16A; 62J; 145; 256B; proposing coding for new law as Minnesota Statutes, chapter 62U; repealing Minnesota Statutes 2006, sections 62A.63; 62A.64; 62Q.49; 62Q.65; 62Q.736; 256L.15, subdivision 3.

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

Page 51, line 2, delete everything after "(c)"

Page 51, line 3, delete everything before "Expenses"

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

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

**S.F. No. 3160:** A bill for an act relating to energy; describing powers of qualifying owner of community-based energy development project; amending Minnesota Statutes 2006, section 216B.1612, 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 216B.1612, is amended by adding a subdivision to read:

Subd. 9. Local government and political subdivision powers. A Minnesota political subdivision or local government may plan, develop, purchase, acquire, construct, and own a C-BED project and may sell output from that project as provided for in this section. A Minnesota political subdivision or local government may operate, maintain, improve, and expand the C-BED project subject to any restrictions in this section.

**Sec. 2. [216F.09] COUNTY; WIND ENERGY CONVERSION SYSTEM.**

A county or the Metropolitan Council may own, construct, acquire, purchase, issue bonds and certificates of indebtedness for, maintain, and operate a wind energy conversion system, or a portion of a wind energy conversion system. A county or the Metropolitan Council and may purchase and sell electricity from a wind energy conversion system only at wholesale on terms and conditions as the county board or the Metropolitan Council deems is in the best interests of the public. With respect to any wind energy conversion system, or any portion of a wind energy conversion system, a county or the Metropolitan Council may exercise the powers granted to a municipal power agency and to a city under sections 453.52, subdivisions 1, 6, and 9; 453.54, subdivision 10; 453.58, subdivision 4; and 453.59, except that output from that wind energy conversion system may not be sold, transmitted, or distributed at retail, or provided for end use from an offsite facility by the county or the Metropolitan Council. A county's onsite generation authorized under this subdivision is limited to a total of ten megawatts. Nothing in this section modifies the exclusive service territories or exclusive right to serve as provided in sections 216B.37 to 216B.43.

**Sec. 3. [373.48] FINANCING ENERGY PURCHASE CONTRACTS AND PARTICIPATION IN GENERATION AND TRANSMISSION PROJECTS.**

Subdivision 1. **Definitions.** For the purpose of this section, "project" means a facility that generates electricity from renewable energy sources listed in section 216B.1691, subdivision 1, paragraph (a), clause (1).

Subd. 2. **Energy purchase contracts; generation projects.** A county may, for itself or in cooperation with other counties, enter into agreements for the purchase of electrical energy from one or more projects, and may enter into agreements with a utility for the purchase and sale of the electrical energy so purchased. Agreements may be for a term of one year to 20 years. A county may also acquire an ownership interest in a project and may enter into agreements for the purchase and sale of electrical energy produced. A county may not sell, transmit, or distribute the electrical energy at retail or provide for end use from an offsite facility by the county or counties of the electrical energy. A county's onsite generation authorized under this subdivision is limited to a total of ten megawatts. Nothing in this section modifies the exclusive service territories or exclusive right to serve as provided in sections 216B.37 to 216B.43. The energy to be purchased by a county under agreements entered into under this section and the energy produced by the county's interest in projects shall not in any year exceed the total amount of energy used by the county for its own facilities in the immediately preceding year, regardless of the source from which energy was obtained.

Subd. 3. **Joint purchase of energy and acquisition of generation projects; financing.** A county may enter into agreements under section 471.59 with other counties for joint purchase of energy or joint acquisition of interests in projects. A county may annually levy an ad valorem tax for the purpose of paying the cost of energy purchased or acquiring interests in projects in an amount not exceeding 0.015 percent of the market value of taxable property in the county. A county that enters into a multiyear agreement for purchase of energy or acquires an interest in a project may finance the estimated cost of the energy to be purchased during the term of the agreement or the cost to the county of the interest in the project by the issuance of general obligation bonds of the county, provided that the annual debt service on all bonds issued under this section, together with the amounts to be paid by the county in any year for the purchase of energy under agreements entered into under this section, shall not exceed the amount of taxes authorized by this section. An

agreement entered into under section 471.59 as provided by this section may provide that each county shall issue bonds to pay their respective shares of the cost of the projects, or that one of the counties shall issue bonds to pay the full costs of the project, and that the other participating counties shall levy the tax authorized under this subdivision and pledge the collections of the tax to the county that issues the bonds. Bonds issued under this section may be issued without an election and shall not constitute net debt of any participating county.

Sec. 4. Minnesota Statutes 2006, section 473.1293, is amended by adding a subdivision to read:

Subd. 6. **Energy purchase contracts.** In addition to the powers granted elsewhere in this section, the Metropolitan Council may exercise all of the powers granted to a county under section 373.48, provided that bonds may be issued by the Metropolitan Council for the purposes of section 373.48 only under its sewer bond authority in section 473.541. The Metropolitan Council may not sell, transmit, or distribute electrical energy at retail or provide for end use from an offsite facility by the Metropolitan Council of the electrical energy as provided by section 373.48, subdivision 2. The Metropolitan Council's onsite generation authorized by this subdivision is limited to a total of ten megawatts. Nothing in this section modifies the exclusive service territories or exclusive right to serve as provided in sections 216B.37 to 216B.43."

Delete the title and insert:

"A bill for an act relating to energy; authorizing certain governments to engage in energy-related activities, including ownership of renewable energy projects; authorizing bonds; authorizing an annual ad valorem tax; amending Minnesota Statutes 2006, sections 216B.1612, by adding a subdivision; 473.1293, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 216F; 373."

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

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

**S.F. No. 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.

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

Page 1, after line 14, insert:

- "(1) total gross electric use per year;
- (2) electric supplier;
- (3) total gross natural gas use per year;
- (4) natural gas supplier;
- (5) heating type;"

Page 1, delete lines 15 to 18



Page 1, line 19, delete "(5)" and insert "(6)"

Page 1, line 20, delete "(6)" and insert "(7)"

Page 1, line 21, delete "(7)" and insert "(8)"

Page 1, line 22, delete "(8)" and insert "(9)"

Page 1, line 23, delete "(9)" and insert "(10)"

Page 1, line 24, delete "(10)" and insert "(11)"

Page 1, after line 24, insert:

"The annual total gross use information required by clauses (1) and (3) must not require itemization by a business of each end use of electricity and natural gas."

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

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

**S.F. No. 3669:** A bill for an act relating to transportation; requiring report on mitigating effects of transportation construction projects on small businesses.

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

Page 1, line 8, delete everything after "senate" and insert "and house committees with jurisdiction over transportation policy and finance and over economic development policy and finance"

Page 1, delete lines 9 and 10

Page 1, line 11, delete everything before "that"

Page 1, line 20, after "within" insert "each of" and after "road" insert "and transit" and delete "authority" and insert "authorities"

Page 2, lines 1 and 14, after "recommendations" insert ", including possible draft legislation,"

Page 2, line 21, delete "December 1, 2008" and insert "January 15, 2009"

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

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

**S.F. No. 3540:** A bill for an act relating to economic development; creating a task force to analyze and plan for an economy that advances the environmental and energy policies of the state; appropriating money.

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

Page 1, line 19, delete the third "and"

Page 1, delete lines 20 to 22 and insert:

"(3) three members from the private sector, appointed by the governor, including one member representing the utility industry, one member representing financial institutions, and one member representing venture capital; and

(4) three members from the private sector, appointed by the cochairs, including one member representing labor, one member representing manufacturing, and one additional member."

Page 1, line 23, delete everything before "A"

Page 2, delete lines 3 and 4

Page 2, line 35, delete "employment and economic development" and insert "commerce"

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.

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

S.F. Nos. 2574, 2820, 3370, 3137, 3256, 3320, 3000, 3332, 2024 and 3581 were read the second time.

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

Senator Sparks moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Bakk be shown as chief author to S.F. No. 761. The motion prevailed.

### **MEMBERS EXCUSED**

Senators Chaudhary and Murphy were excused from the Session of today.

### **ADJOURNMENT**

Senator Pogemiller moved that the Senate do now adjourn until 11:00 a.m., Thursday, March 13, 2008. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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