

FORTY-SIXTH DAY

St. Paul, Minnesota, Monday, May 2, 2011

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

CALL OF THE SENATE

Senator Koch 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. Dr. Jules Erickson.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America, led by military service veteran, Mr. Bruce Branigan.

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

Bakk	Gazelka	Koch	Nelson	Saxhaug
Benson	Gerlach	Kruse	Newman	Senjem
Berglin	Gimse	Kubly	Nienow	Sheran
Bonoff	Goodwin	Langseth	Olson	Sieben
Brown	Hall	Latz	Ortman	Skoe
Carlson	Hann	Lillie	Pappas	Sparks
Chamberlain	Harrington	Limmer	Parry	Stumpf
Cohen	Higgins	Magnus	Pederson	Thompson
Dahms	Hoffman	Marty	Pogemiller	Tomassoni
Daley	Howe	McGuire	Reinert	Torres Ray
DeKruif	Ingebrigtsen	Metzen	Rest	Vanderveer
Dibble	Jungbauer	Michel	Robling	Wiger
Fischbach	Kelash	Miller	Rosen	Wolf

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.

March 24, 2011

The Honorable Michelle L. Fischbach
President of the Senate

Dear President Fischbach:

Pursuant to Rule 10.5 of the Rules of the Senate, we hereby make the following changes in committee structure:

Committee on Capital Investment - delete Higgins and add Pogemiller.

Thank you for your attention to this matter.

Sincerely,
Amy Koch, Chair
Committee on Rules and Administration
Senate District 19

Thomas Bakk
DFL Caucus Leader
Senate District 6

April 27, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2011 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 2011	Date Filed 2011
	613	17	4:00 p.m. April 27	April 27

Sincerely,
Mark Ritchie
Secretary of State

April 29, 2011

The Honorable Kurt Zellers
Speaker of the House of Representatives

The Honorable Michelle L. Fischbach
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2011 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the

46TH DAY]

MONDAY, MAY 2, 2011

1543

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 2011	Date Filed 2011
	978	18	3:10 p.m. April 29	April 29

Sincerely,
Mark Ritchie
Secretary of State

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 8, 1092 and 1547.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 28, 2011

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 8: A bill for an act relating to human services; establishing the healthy Minnesota contribution program; requiring plan to redesign service delivery for lower-income MinnesotaCare enrollees; requiring the Minnesota Comprehensive Health Association to offer a high-deductible, basic plan; requiring the commissioner of human services to seek federal waivers; amending Minnesota Statutes 2010, sections 62E.08, subdivision 1; 62E.14, by adding a subdivision; 256B.04, subdivision 18; 256L.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 62E; 256L.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 32, now on General Orders.

H.F. No. 1092: A bill for an act relating to education; allowing teachers taking early retirement to continue coaching; modifying the application deadline for certain charter school authorizers; amending Minnesota Statutes 2010, sections 122A.48, subdivision 3; 124D.10, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1062, now on General Orders.

H.F. No. 1547: A bill for an act relating to redistricting; establishing districting principles for legislative and congressional plans; proposing coding for new law in Minnesota Statutes, chapter 2.

Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Senator Koch moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

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

S.F. No. 348: A bill for an act relating to human services; modifying personal care assistance services; amending Minnesota Statutes 2010, sections 256B.0625, subdivision 19a; 256B.0652, subdivision 6.

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

Page 3, line 15, after the period, insert "Recipients with this home care rating are not subject to the methodology in paragraph (c), and are not eligible for more than two units per day."

Page 3, after line 19, insert:

"Sec. 3. Laws 2009, chapter 79, article 13, section 3, subdivision 8, as amended by Laws 2009, chapter 173, article 2, section 1, subdivision 8, and Laws 2010, First Special Session chapter 1, article 15, section 5, and Laws 2010, First Special Session chapter 1, article 25, section 16, is amended to read:

Subd. 8. Continuing Care Grants

The amounts that may be spent from the appropriation for each purpose are as follows:

(a) Aging and Adult Services Grants	13,499,000	15,805,000
--	------------	------------

Base Adjustment. The general fund base is increased by \$5,751,000 in fiscal year 2012 and \$6,705,000 in fiscal year 2013.

Information and Assistance Reimbursement. Federal administrative reimbursement obtained from information and assistance services provided by the Senior LinkAge or Disability Linkage lines to people who are identified as eligible for medical assistance shall be appropriated to the commissioner for this activity.

Community Service Development Grant Reduction. Funding for community service development grants must be reduced by \$260,000 for fiscal year 2010; \$284,000 in fiscal year 2011; \$43,000 in fiscal year 2012; and \$43,000 in fiscal year 2013. Base level funding shall be restored in fiscal year 2014.

Community Service Development Grant Community Initiative. Funding for community service development grants shall be used to offset the cost of aging support grants. Base level funding shall be restored in fiscal year 2014.

Senior Nutrition Use of Federal Funds. For fiscal year 2010, general fund grants for home-delivered meals and congregate dining shall be reduced by \$500,000. The commissioner must replace these general fund reductions with equal amounts from federal funding for senior nutrition from the American Recovery and Reinvestment Act of 2009.

(b) Alternative Care Grants	50,234,000	48,576,000
------------------------------------	------------	------------

Base Adjustment. The general fund base is decreased by \$3,598,000 in fiscal year 2012 and \$3,470,000 in fiscal year 2013.

Alternative Care Transfer. Any money allocated to the alternative care program that is not spent for the purposes indicated does not cancel but must be transferred to the medical assistance account.

(c) Medical Assistance Grants; Long-Term Care Facilities.	367,444,000	419,749,000
--	-------------	-------------

(d) Medical Assistance Long-Term Care Waivers and Home Care Grants	853,567,000	1,039,517,000
---	-------------	---------------

Manage Growth in TBI and CADI Waivers. During the fiscal years beginning on July 1, 2009, and July 1, 2010, the commissioner shall allocate money for home and community-based waiver programs under Minnesota Statutes, section 256B.49, to ensure a reduction in state spending that is equivalent to limiting the caseload growth of the TBI waiver to 12.5 allocations per month each year of the biennium and the CADI waiver to 95 allocations per month each year of the biennium. Limits do not apply: (1) when there is an approved plan for

nursing facility bed closures for individuals under age 65 who require relocation due to the bed closure; (2) to fiscal year 2009 waiver allocations delayed due to unallotment; or (3) to transfers authorized by the commissioner from the personal care assistance program of individuals having a home care rating of "CS," "MT," or "HL." Priorities for the allocation of funds must be for individuals anticipated to be discharged from institutional settings or who are at imminent risk of a placement in an institutional setting.

Manage Growth in DD Waiver. The commissioner shall manage the growth in the DD waiver by limiting the allocations included in the February 2009 forecast to 15 additional diversion allocations each month for the calendar years that begin on January 1, 2010, and January 1, 2011. Additional allocations must be made available for transfers authorized by the commissioner from the personal care program of individuals having a home care rating of "CS," "MT," or "HL."

Adjustment to Lead Agency Waiver Allocations. Prior to the availability of the alternative license defined in Minnesota Statutes, section 245A.11, subdivision 8, the commissioner shall reduce lead agency waiver allocations for the purposes of implementing a moratorium on corporate foster care.

~~**Alternatives to Personal Care Assistance Services.** Base level funding of \$3,237,000 in fiscal year 2012 and \$4,856,000 in fiscal year 2013 is to implement alternative services to personal care assistance services for persons with mental health and other behavioral challenges who can benefit from other services that more appropriately meet their needs and assist them in living independently in the community. These services may include, but not be limited to, a 1915(i) state plan option.~~

(e) Mental Health Grants

Appropriations by Fund		
General	77,739,000	77,739,000
Health Care Access	750,000	750,000
Lottery Prize	1,508,000	1,508,000

Funding Usage. Up to 75 percent of a fiscal year's appropriation for adult mental health grants may be used to fund allocations in that portion of the fiscal year ending December 31.

(f) Deaf and Hard-of-Hearing Grants 1,930,000 1,917,000

(g) Chemical Dependency Entitlement Grants 111,303,000 122,822,000

Payments for Substance Abuse Treatment.

For placements beginning during fiscal years 2010 and 2011, county-negotiated rates and provider claims to the consolidated chemical dependency fund must not exceed the lesser of:

(1) rates charged for these services on January 1, 2009; or

(2) 160 percent of the average rate on January 1, 2009, for each group of vendors with similar attributes.

Rates for fiscal years 2010 and 2011 must not exceed 160 percent of the average rate on January 1, 2009, for each group of vendors with similar attributes.

Effective July 1, 2010, rates that were above the average rate on January 1, 2009, are reduced by five percent from the rates in effect on June 1, 2010. Rates below the average rate on January 1, 2009, are reduced by 1.8 percent from the rates in effect on June 1, 2010. Services provided under this section by state-operated services are exempt from the rate reduction. For services provided in fiscal years 2012 and 2013, the statewide aggregate payment under the new rate methodology to be developed under

Minnesota Statutes, section 254B.12, must not exceed the projected aggregate payment under the rates in effect for fiscal year 2011 excluding the rate reduction for rates that were below the average on January 1, 2009, plus a state share increase of \$3,787,000 for fiscal year 2012 and \$5,023,000 for fiscal year 2013. Notwithstanding any provision to the contrary in this article, this provision expires on June 30, 2013.

Chemical Dependency Special Revenue Account. For fiscal year 2010, \$750,000 must be transferred from the consolidated chemical dependency treatment fund administrative account and deposited into the general fund.

County CD Share of MA Costs for ARRA Compliance. Notwithstanding the provisions of Minnesota Statutes, chapter 254B, for chemical dependency services provided during the period October 1, 2008, to December 31, 2010, and reimbursed by medical assistance at the enhanced federal matching rate provided under the American Recovery and Reinvestment Act of 2009, the county share is 30 percent of the nonfederal share. This provision is effective the day following final enactment.

(h) Chemical Dependency Nonentitlement Grants	1,729,000	1,729,000
(i) Other Continuing Care Grants	19,201,000	17,528,000

Base Adjustment. The general fund base is increased by \$2,639,000 in fiscal year 2012 and increased by \$3,854,000 in fiscal year 2013.

Technology Grants. \$650,000 in fiscal year 2010 and \$1,000,000 in fiscal year 2011 are for technology grants, case consultation, evaluation, and consumer information grants related to developing and supporting alternatives to shift-staff foster care residential service models.

Other Continuing Care Grants; HIV Grants. Money appropriated for the HIV

drug and insurance grant program in fiscal year 2010 may be used in either year of the biennium.

Quality Assurance Commission. Effective July 1, 2009, state funding for the quality assurance commission under Minnesota Statutes, section 256B.0951, is canceled."

Amend the title numbers accordingly

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

Senator Vandever from the Committee on Local Government and Elections, to which was referred

S.F. No. 953: A bill for an act relating to economic development; providing for transition activities and termination of a neighborhood revitalization program in a city of the first class; amending Minnesota Statutes 2010, section 469.1831, 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 2010, section 469.1831, is amended by adding a subdivision to read:

Subd. 9. **Transition and termination requirements.** (a) Notwithstanding any law, charter, or ordinance to the contrary, termination of a neighborhood revitalization program created by a city of the first class is subject to the requirements of this subdivision.

(b) Funds dedicated for neighborhood revitalization program activities under this section and received by the neighborhood revitalization program prior to January 1, 2011, any interest derived from those funds in the future, and program income derived from the expenditure of any funds allocated to a neighborhood under an approved action plan, that is retained by the neighborhood, the program, or the city may only be expended for a purpose listed in subdivision 3, 4, or 5, and in accordance with the process required in subdivision 6.

(c) When the agreement creating the policy board required under this section terminates on or after December 31, 2011, the respective existing governing body members of the policy board identified in the agreement shall continue to operate the program under the terms of the agreement for the purpose of providing the functions and oversight of the program required by subdivisions 4 to 7, subject to the requirements of this subdivision. This continuation shall be in effect until all the contracts have been transferred as described in paragraph (d).

(d) The policy board shall oversee and manage the development and implementation of all contracts necessary and convenient for the implementation of neighborhood action plans, and all administrative contracts necessary to conduct the required activities of the policy board, until contracts have been entered into that obligate all remaining funds. After the contracts have been executed, the board may transfer the duties and obligations of the contract to another entity. After all contracts have been transferred, the city that created the program may terminate the program.

Prior to termination, the city and the policy board shall provide for an orderly transition of program staff and duties.

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

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

Senator Vandever from the Committee on Local Government and Elections, to which was referred

S.F. No. 270: A bill for an act relating to local government; providing for interim planning ordinances; providing for municipal development contracts; amending Minnesota Statutes 2010, sections 394.34; 462.355, subdivision 4; 462.358, subdivision 2a.

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

Page 1, line 14, strike the second comma and insert a period

Page 1, line 15, strike "which" and before "is" insert "the ordinance or map"

Page 1, line 16, strike "Such" and insert "The" and strike "resolution" and before "is" insert "ordinance or map"

Page 1, after line 17, insert:

"(b) Before adopting an interim zoning ordinance or map, the county board must hold a public hearing. Notice of the public hearing must be published in the county's official newspaper at least ten days before the hearing."

Page 1, line 18, delete "(b)" and insert "(c)" and delete "resolution" and insert "ordinance or map"

Page 1, line 23, after the period, insert "This paragraph does not apply to adult-use businesses or sexually oriented businesses, as defined by ordinance. This paragraph does not prevent a county from denying an application if the proposed use is deemed to be a nuisance as defined in section 561.01."

Page 2, line 7, delete "after notice and public hearing and"

Page 2, line 11, strike "or a portion thereof" and before the period, insert "except as otherwise provided by this subdivision"

Page 2, line 17, after the period, insert "This paragraph does not apply to adult-use businesses or sexually oriented businesses, as defined by ordinance. This paragraph does not prevent a municipality from denying an application if the proposed use is deemed to be a nuisance as defined in section 561.01."

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

Senator Vandever from the Committee on Local Government and Elections, to which was referred

S.F. No. 1157: A bill for an act relating to metropolitan government; modifying provisions governing metropolitan transportation planning; creating a metropolitan transportation board; designating the board as the metropolitan planning organization for purposes of federal transportation law; amending Minnesota Statutes 2010, section 473.146, subdivision 4.

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

Page 1, line 14, reinstate "transportation" and delete "transit"

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

Senator Vandever from the Committee on Local Government and Elections, to which was referred

S.F. No. 1225: A bill for an act relating to campaign finance; changing certain procedures and requirements of the Campaign Finance and Public Disclosure Board; amending Minnesota Statutes 2010, sections 10A.01, by adding subdivisions; 10A.02, subdivisions 9, 10, 11, 12, 13, by adding a subdivision; 10A.105, subdivision 1; 10A.12, subdivisions 1, 1a, 2; 10A.121, subdivision 1; 10A.14, subdivision 1, by adding a subdivision; 10A.20, subdivisions 1, 2, 3, 4, 5, 6, 12, by adding a subdivision; 10A.24, by adding a subdivision; 10A.27, subdivisions 14, 15; 10A.31, subdivision 7; 10A.315; repealing Minnesota Rules, parts 4501.0500, subpart 2, item A; 4503.0200, subpart 6; 4503.0500, subpart 8; 4503.1700; 4512.0100, subparts 2, 4.

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

Senator Vandever from the Committee on Local Government and Elections, to which was referred

S.F. No. 1217: A bill for an act relating to counties; providing a process for making certain county offices appointive in Marshall County.

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

Senator Vandever from the Committee on Local Government and Elections, to which was re-referred

S.F. No. 247: A bill for an act relating to insurance; requiring local government employees to approve participation in or withdrawal from the public employees insurance program; amending Minnesota Statutes 2010, sections 43A.316, subdivision 5; 471.611, subdivision 2.

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

Senator Vandever from the Committee on Local Government and Elections, to which was referred

S.F. No. 896: A bill for an act relating to local government; permitting counties to perform private audit meeting standards of state auditor; amending Minnesota Statutes 2010, section 6.48.

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

Page 2, line 12, delete "private" and after "accountant" insert "firm meeting the requirements of section 326A.05"

Page 2, line 14, delete "private"

Page 2, line 15, after "accountant" insert "firm"

Page 2, line 17, delete "auditing" and after "industry" insert "auditing" and delete "private" and insert "certified" and after "accountant" insert "firm"

Page 2, after line 18, insert:

"Sec. 2. Minnesota Statutes 2010, section 471.697, subdivision 2, is amended to read:

Subd. 2. **First class city audits.** The state auditor shall continue to audit cities of the first class pursuant to Notwithstanding section 6.49, a city of the first class may provide for an audit to be performed by a certified public accountant firm meeting the requirements of section 326A.05. The audit performed by a certified public accountant must meet the standards and be in the form required by the state auditor. The state auditor may require additional information from the certified public accountant firm as the state auditor deems in the public interest, but the state auditor must accept the audit unless the state auditor determines that it does not meet recognized industry auditing standards. A city of the first class audited by a certified public accountant firm must not be required to pay to the state general fund any costs for state auditor services."

Delete the title and insert:

"A bill for an act relating to local government; permitting counties and cities of the first class to perform private audit meeting standards of state auditor; amending Minnesota Statutes 2010, section 6.48; section 471.697, subdivision 2."

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

Senator Hann from the Committee on Health and Human Services, to which was referred

S.F. No. 1284: A bill for an act relating to human services; making changes to health care program provisions; making technical and policy changes; clarifying obsolete language; making federal conformity changes; clarifying eligibility requirements; modifying pharmaceutical provisions; clarifying certain covered services; eliminating the elderly waiver payment; providing a right to appeal and appeal processes; imposing provider requirements; requiring a report on nonemergency medical transportation; requiring reporting of managed care and county-based purchasing data; providing civil penalties; amending Minnesota Statutes 2010, sections 13.461, subdivision 24a; 256B.02, by adding a subdivision; 256B.03, by adding subdivisions; 256B.04, by adding a subdivision; 256B.056, subdivisions 1c, 3, 3c; 256B.057, subdivision 9; 256B.0625, subdivisions 13, 13d, 13e, 17a, 22, 30, 31, by adding subdivisions; 256B.064, subdivisions 1a, 1b, 2; 256B.0641, subdivision 1; 256B.0659, subdivision 30; 256B.199; 256B.27, subdivision 3; 256B.69, subdivisions 5, 28, by adding a subdivision; 256B.76, subdivision 4; 256L.04, subdivision 7b; 256L.05, subdivision 3; 256L.11, subdivision 6; 256L.15, subdivision 1; Laws 2010, First Special Session chapter 1, article 16, sections 8; 9; 10; repealing Minnesota Statutes 2010, sections

256.01, subdivision 18b; 256B.69, subdivision 9b.

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

Page 10, line 13, after "subdivision" insert "and subdivision 13d"

Page 15, line 13, after "monthly" insert "by the commissioner" and after "and" insert "made"

Page 15, delete article 9

Page 17, delete lines 29 to 33 and insert:

"(2) is generally not useful in the absence of an illness, injury, or disability; and

(3) is provided to correct or accommodate a physiological disorder or physical condition, or is generally used primarily for a medical purpose."

Page 19, line 6, after "and" insert "current or former"

Page 22, delete lines 20 and 21 and insert:

"(7) does not limit or restrict services because the patient is covered under a state health care program."

Page 23, line 9, after "limitations" insert a comma

Page 23, line 10, strike "or" and after "status" insert ", or because the patient is covered under a state health care program" and reinstate the stricken "and"

Page 23, lines 11 to 13, delete the new language

Page 26, delete article 16

Page 32, delete section 1 and insert:

"Section 1. NONEMERGENCY MEDICAL TRANSPORTATION ADVISORY COMMITTEE.

(a) The commissioner of human services shall establish a nonemergency medical transportation advisory committee. The nonemergency medical transportation advisory committee shall advise the commissioner regarding the creation of a single administrative structure for the coordination and management of nonemergency medical transportation services provided under this chapter.

(b) Members must include, but are not limited to, representatives from the following: Departments of Human Services and Transportation; Association of Minnesota Counties; Metropolitan Council; ARC of Minnesota; Minnesota State Council on Disabilities; transportation providers; managed care plans; skilled nursing facilities; and the National Alliance on Mental Illness. The commissioner shall submit a proposal with draft legislation to the legislature by January 15, 2012."

Pages 33 to 34, delete sections 1 to 3 and insert:

"Section 1. Minnesota Statutes 2010, section 256B.69, is amended by adding a subdivision to read:

Subd. 9c. **Managed care financial reporting.** The commissioner shall develop an annual comprehensive report, in consultation with the commissioners of health and commerce, that reports publicly available information specific to state public programs on administrative expenses, premium revenues, provider payments and reimbursement rates, contribution to reserves, enrollee quality measures, service costs and utilization, enrollee access to service, capitation rate-setting and risk adjustment and managed care procurement, and contracting processes. Nothing in this subdivision shall allow release of information on provider reimbursement or payment that could result in anticompetitive practices or the release of any information that would or would have the potential to allow for a violation of any state or federal antitrust law."

Renumber the articles in sequence

Amend the title as follows:

Page 1, line 9, delete "providing civil penalties;"

Amend the title numbers accordingly

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

Senator Hann from the Committee on Health and Human Services, to which was referred

S.F. No. 1101: A bill for an act relating to human services; establishing the My Life, My Choices Task Force.

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

Page 1, line 11, delete "partner" and insert "advocate"

Page 1, line 24, after the period, insert "Appointed nongovernmental members of the task force shall serve as staff for the task force and take on responsibilities of coordinating meetings, reporting on committee recommendations, and providing other staff support as needed to meet the responsibilities of the task force as described in subdivision 3."

Page 2, delete line 12

Page 2, line 14, after the period, insert "The task force shall be independently staffed and coordinated by nongovernmental appointees who serve on the task force, and no state dollars shall be appropriated for expenses related to the task force under this section."

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

Senator Magnus from the Committee on Agriculture and Rural Economies, to which was referred

S.F. No. 1324: A bill for an act relating to agriculture; changing certain programs, requirements, fees, and duties; appropriating money; amending Minnesota Statutes 2010, sections 18B.065, by adding a subdivision; 18B.316, subdivision 6; 18G.07, subdivision 1; 18G.10, subdivisions 5, 7, by adding a subdivision; 18H.07, subdivisions 2, 3; 18H.10; 18H.14; 18J.01; 18J.02; 18J.03; 18J.04, subdivisions 1, 2, 3, 4; 18J.05, subdivisions 1, 2, 6; 18J.06; 18J.07, subdivisions 3, 4, 5; 18J.08,

subdivision 2; 21.82, subdivisions 7, 8; 35.0661, subdivisions 2, 3; 223.17, subdivisions 6, 9; 231.36; 231.38; 231.39; 232.22, subdivisions 3, 4, 5; 232.23, subdivisions 5, 10; 232.24, subdivisions 1, 2; 236.02, subdivision 5, by adding a subdivision; repealing Minnesota Statutes 2010, sections 27.19, subdivisions 2, 3; 27.20; 223.18; 231.035; 231.28; 232.24, subdivision 3; 232.25; 236.09; Minnesota Rules, parts 1505.0780; 1505.0810; 1562.0100, subparts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25; 1562.0200; 1562.0700, subparts 1b, 3; 1562.0900; 1562.1300.

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 2010, section 18B.316, subdivision 6, is amended to read:

Subd. 6. Agricultural pesticide sales invoices. (a) Sales invoices for agricultural pesticides sold in or into this state by a licensed agricultural pesticide dealer or a pesticide dealer under this section must show the percent of gross sales fee rate assessed and the gross sales fee paid under section 18B.26, subdivision 3, paragraph (c).

(b) A licensed agricultural pesticide dealer or a pesticide dealer may request an exemption from paragraph (a). The request for exemption must be in writing to the commissioner and must include verifiable information to justify that compliance with paragraph (a) is an extreme business hardship for the licensed agricultural pesticide dealer or pesticide dealer. The commissioner may approve or reject a request for exemption based upon review of the submitted information. An approved exemption under this paragraph is valid for one calendar year. The commissioner must maintain a list of those licensed agricultural pesticide dealers or pesticide dealers that have been granted an exemption on the department's Web site.

(c) A licensed agricultural pesticide dealer or a pesticide dealer issued an exemption under paragraph (b) must include the following statement on each sales invoice for any sale of an agricultural pesticide: "Minnesota Department of Agriculture Annual Gross Sales Fees of 0.55% have been Assessed and Paid on the Sale of an Agricultural Pesticide."

(d) Only the person who actually will pay the gross sales fee may show the rate or the amount of the fee as a line item on the sales invoice.

Sec. 2. Minnesota Statutes 2010, section 18G.07, subdivision 1, is amended to read:

Subdivision 1. **Creation of registry.** (a) The commissioner shall maintain a list of all persons, businesses, and companies that employ persons who provide tree care or tree trimming services in Minnesota. All commercial tree care providers, tree trimmers, and ~~persons who~~ employers that direct employees to remove trees, limbs, branches, brush, or shrubs for hire must be registered by with the commissioner.

(b) Persons or companies who are required to be registered under paragraph (a) must register annually by providing the following to the commissioner:

- (1) accurate and up-to-date business name, address, and telephone number;
- (2) a complete list of all Minnesota counties in which they work; and
- (3) a nonrefundable fee of \$25 for initial application or renewing the registration.

(c) All persons and companies required to be registered under paragraph (a) must register before conducting the activities specified in paragraph (a). Annual registration expires December 31, must be renewed annually, and the renewal fee remitted by January 7¹ of the year for which it is issued. In addition, a penalty of ten percent of the renewal fee due must be charged for each month, or portion of a month, that the fee is delinquent up to a maximum of 30 percent for any application for renewal postmarked after December 31.

Sec. 3. Minnesota Statutes 2010, section 18G.10, subdivision 5, is amended to read:

Subd. 5. **Certificate fees.** (a) The commissioner shall assess the fees in paragraphs (b) to (f) for the inspection, service, and work performed in carrying out the issuance of a phytosanitary certificate or export certificate. The inspection fee must be based on mileage and inspection time.

(b) Mileage charge: current United States Internal Revenue Service mileage rate.

(c) Inspection time: \$50 per hour minimum or fee necessary to cover department costs. Inspection time includes the driving time to and from the location in addition to the time spent conducting the inspection.

(d) If laboratory analysis or other technical analysis is required to issue a certificate, the commissioner must set and collect the fee to recover this additional cost.

(e) Certificate fee for product value greater than \$250: the greater of \$75 or the amount necessary to cover department costs, including research and processing costs, for each phytosanitary or export certificate issued for any single shipment valued at more than \$250 in addition to any mileage or inspection time charges that are assessed.

(f) Certificate fee for product value less than \$250: the greater of \$25 or the amount necessary to cover department costs, including research and processing costs, for each phytosanitary or export certificate issued for any single shipment valued at less than \$250 in addition to any mileage or inspection time charges that are assessed.

(g) For services provided for in subdivision 7 that are goods and services provided for the direct and primary use of a private individual, business, or other entity, the commissioner must set and collect the fees to cover the cost of the services provided.

Sec. 4. Minnesota Statutes 2010, section 18G.10, subdivision 7, is amended to read:

Subd. 7. **Supplemental, additional, or other certificates and permits.** (a) The commissioner may provide inspection, sampling, or certification services to ensure that Minnesota plant treatment processes, plant products, or commodities meet import requirements of other states or countries.

(b) The state plant regulatory official may issue permits and certificates verifying that various Minnesota agricultural plant treatment processes, products, or commodities meet specified plant health requirements, treatment requirements, or pest absence assurances based on determinations by the commissioner.

Sec. 5. Minnesota Statutes 2010, section 18G.10, is amended by adding a subdivision to read:

Subd. 8. **Misuse of a certificate or permit.** Certificates, permits, and official letters issued to support certification or permit processes are not transferable to another location or another person.

Sec. 6. Minnesota Statutes 2010, section 18H.07, subdivision 2, is amended to read:

Subd. 2. **Nursery stock grower certificate.** (a) A nursery stock grower must pay an annual fee based on the area of all acreage on which nursery stock is grown for certification as follows:

- (1) less than one-half acre, \$150;
- (2) from one-half acre to two acres, \$200;
- (3) over two acres up to five acres, \$300;
- (4) over five acres up to ten acres, \$350;
- (5) over ten acres up to 20 acres, \$500;
- (6) over 20 acres up to 40 acres, \$650;
- (7) over 40 acres up to 50 acres, \$800;
- (8) over 50 acres up to 200 acres, \$1,100;
- (9) over 200 acres up to 500 acres, \$1,500; and
- (10) over 500 acres, \$1,500 plus \$2 for each additional acre.

(b) In addition to the fees in paragraph (a), a penalty of ten percent of the fee due must be charged for each month, or portion thereof, that the fee is delinquent up to a maximum of 30 percent for any application for renewal not postmarked by December 31 of the current year.

(c) In addition to the fees in paragraphs (a) and (b), a firm found operating without a nursery stock growers certificate after April 1 must pay a penalty equal to the required nursery stock growers certificate fee.

Sec. 7. Minnesota Statutes 2010, section 18H.07, subdivision 3, is amended to read:

Subd. 3. **Nursery stock dealer certificate.** (a) A nursery stock dealer must pay an annual fee based on the dealer's gross sales of certified nursery stock per location during the most recent certificate year. A certificate applicant operating for the first time must pay the minimum fee. The fees per sales location are:

- (1) gross sales up to \$5,000, \$150;
- (2) gross sales over \$5,000 up to \$20,000, \$175;
- (3) gross sales over \$20,000 up to \$50,000, \$300;
- (4) gross sales over \$50,000 up to \$75,000, \$425;
- (5) gross sales over \$75,000 up to \$100,000, \$550;
- (6) gross sales over \$100,000 up to \$200,000, \$675; and
- (7) gross sales over \$200,000, \$800.

(b) In addition to the fees in paragraph (a), a penalty of ten percent of the fee due must be charged

for each month, or portion thereof, that the fee is delinquent up to a maximum of 30 percent for any application for renewal not postmarked by December 31 of the current year.

(c) In addition to the fees in paragraphs (a) and (b), a firm found operating without a nursery stock dealer certificate after April 1 must pay a penalty equal to the required nursery stock dealer certificate fee.

Sec. 8. Minnesota Statutes 2010, section 18H.10, is amended to read:

18H.10 STORAGE OF NURSERY STOCK.

(a) All nursery stock must be kept and displayed under conditions of temperature, light, and moisture sufficient to maintain the viability and vigor of the nursery stock.

(b) Packaged dormant nursery stock must be stored under conditions that retard growth, prevent etiolated growth, and protect its viability.

(c) Balled and burlapped nursery stock being held for sale to the public must be kept in a moisture-holding material approved by the commissioner and not toxic to plants. The moisture-holding material must adequately cover and protect the ball of earth and must be kept moist at all times.

Sec. 9. Minnesota Statutes 2010, section 18H.14, is amended to read:

18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.

(a) Plants, plant materials, or nursery stock must not be labeled or advertised with false or misleading information including, but not limited to, scientific name, variety, place of origin, hardiness zone as defined by the United States Department of Agriculture, and growth habit.

(b) A person may not offer for distribution plants, plant materials, or nursery stock, represented by some specific or special form of notation, including, but not limited to, "free from" or "grown free of," unless the plants are produced under a specific program approved by the commissioner to address the specific plant properties addressed in the special notation claim.

(c) Nursery stock collected from the wild state must be inspected and certified prior to sale and at the time of sale must be labeled "Collected from the Wild." The label must remain on each plant or clump of plants while it is offered for sale and during the distribution process. The collected stock may be grown in nursery rows at least two years, after which the plants may be sold without the labeling required by this paragraph.

Sec. 10. Minnesota Statutes 2010, section 21.82, subdivision 7, is amended to read:

Subd. 7. **Vegetable seeds.** For vegetable seeds prepared for use in home gardens or household plantings the requirements in paragraphs (a) to (p) apply. Vegetable seeds packed for sale in commercial quantities to farmers, conservation groups, and other similar entities are considered agricultural seeds and must be labeled accordingly.

(a) The label must contain the name of the kind or kind and variety for each seed component in excess of five percent of the whole and the percentage by weight of each in order of its predominance. If the variety of those kinds generally labeled as to variety is not stated and it is not required to be stated, the label must show the name of the kind and the words "variety not stated."

(b) The percentage that is hybrid must be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds of varieties are present in excess of five percent and are named on the label, each that is hybrid must be designated as hybrid on the label. Any one kind or kind and variety that has pure seed that is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross must be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed may be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word "hybrid" must be shown on the label in conjunction with the kind.

(c) Blends must be listed on the label using the term "blend" in conjunction with the kind.

(d) Mixtures shall be listed on the label using the term "mixture," "mix," or "mixed."

(e) The label must show a lot number or other lot identification.

(f) The origin may be omitted from the label.

(g) The label must show the year for which the seed was packed for sale listed as "packed for (year)" for seed with a percentage of germination that exceeds the standard last established by the commissioner, the percentage of germination and the calendar month and year that the percentages were determined by test, or the calendar month and year the germination test was completed and the statement "sell by (month and year listed here)," which may be no more than 12 months from the date of test, exclusive of the month of test.

(h) For vegetable seeds which germinate less than the standard last established by the commissioner, the label must show:

(1) a percentage of germination, exclusive of hard or dormant seed or both;

(2) a percentage of hard or dormant seed or both, if present; and

(3) the words "below standard" in not less than eight point type and the month and year the percentages were determined by test.

(i) The net weight of the contents or a statement indicating the number of seeds in the container or both, must appear on either the container or the label, except that for containers with contents of 200 seeds or less a statement indicating the number of seeds in the container may be listed along with or in lieu of the net weight of contents.

(j) The heading for and percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.

(k) The heading for and percentage by weight of weed seed may be omitted from a label if they are not present in the seed.

(l) The heading "noxious weed seeds" may be omitted from a label if they are not present in the seed.

(m) The heading for and percentage by weight of other crop seed may be omitted from a label if it is less than five percent.

(n) The heading for and percentage by weight of inert matter may be omitted from a label if it is less than ten percent.

(o) The label must contain the name and address of the person who labeled the seed or who sells the seed in this state or a code number that has been registered with the commissioner.

(p) The labeling requirements for vegetable seeds prepared for use in home gardens or household plantings when sold outside their original containers are met if the seed is weighed from a properly labeled container in the presence of the purchaser.

Sec. 11. Minnesota Statutes 2010, section 21.82, subdivision 8, is amended to read:

Subd. 8. Flower seeds. For flower and wildflower seeds prepared for use in home gardens or household plantings, the requirements in paragraphs (a) to (l) apply. Flower and wildflower seeds packed for sale in commercial quantities to farmers, conservation groups, and other similar entities are considered agricultural seeds and must be labeled accordingly.

(a) The label must contain the name of the kind and variety or a statement of type and performance characteristics as prescribed by rule.

(b) The percentage that is hybrid must be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds of varieties are present in excess of five percent and are named on the label, each that is hybrid must be designated as hybrid on the label. Any one kind or kind and variety that has pure seed that is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross must be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed may be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word "hybrid" must be shown on the label in conjunction with the kind.

(c) Blends must be listed on the label using the term "blend" in conjunction with the kind.

(d) Mixtures must be listed on the label using the term "mixture," "mix," or "mixed."

(e) The label must contain the lot number or other lot identification.

(f) The origin may be omitted from the label.

(g) The label must contain the year for which the seed was packed for sale listed as "packed for (year)" for seed with a percentage of germination that exceeds the standard last established by the commissioner, the percentage of germination and the calendar month and year that the percentages were determined by test, or the calendar month and year the germination test was completed and the statement "sell by (month and year listed here)," which may be no more than 12 months from the date of test, exclusive of the month of test.

(h) For flower seeds which germinate less than the standard last established by the commissioner, the label must show:

(1) percentage of germination exclusive of hard or dormant seed or both;

(2) percentage of hard or dormant seed or both, if present; and

(3) the words "below standard" in not less than eight point type and the month and year this percentage was determined by test.

(i) The label must show the net weight of contents or a statement indicating the number of seeds in the container, or both, on either the container or the label,~~except that for containers with contents of 200 seeds or less a statement indicating the number of seeds in the container may be listed along with or in lieu of the net weight of contents.~~

(j) The heading for and percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.

(k) The heading for and percentage by weight of weed seed may be omitted from a label if they are not present in the seed.

(l) The heading "noxious weed seeds" may be omitted from a label if they are not present in the seed.

(m) The heading for and percentage by weight of other crop seed may be omitted from a label if it is less than five percent.

(n) The heading for and percentage by weight of inert matter may be omitted from a label if it is less than ten percent.

(o) The label must show the name and address of the person who labeled the seed or who sells the seed within this state, or a code number which has been registered with the commissioner.

Sec. 12. Minnesota Statutes 2010, section 41A.105, is amended by adding a subdivision to read:

Subd. 1a. **Definitions.** For the purpose of this section:

(1) "biobutanol facility" means a facility at which biobutanol is produced; and

(2) "biobutanol" means fermentation isobutyl alcohol that is derived from agricultural products, including potatoes, cereal grains, cheese whey, and sugar beets; forest products; or other renewable resources, including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable resources.

Sec. 13. Minnesota Statutes 2010, section 232.22, subdivision 3, is amended to read:

Subd. 3. Fees; grain buyers and storage account. There is created in the agricultural fund an account known as the grain buyers and storage account. The commissioner shall set the fees for ~~inspections~~ examinations, certifications, and licenses under sections 232.20 to 232.25 at levels necessary to pay the costs of administering and enforcing sections 232.20 to 232.25. All money collected pursuant to sections 232.20 to 232.25 and chapters 233 and 236 shall be paid by the commissioner into the state treasury and credited to the grain buyers and storage account and is appropriated to the commissioner for the administration and enforcement of sections 232.20 to 232.25 and chapters 233 and 236. All money collected pursuant to chapter 231 shall be paid by the commissioner into the grain buyers and storage account and is appropriated to the commissioner for the administration and enforcement of chapter 231.

The fees for a license to store grain are as follows:

(a) For a license to store grain, \$110 for each home rule charter or statutory city or town in which a public grain warehouse is operated.

(b) A person with a license to store grain in a public grain warehouse is subject to an examination fee for each licensed location, based on the following schedule for one examination:

Bushel Capacity	Examination Fee
Less than 150,001	\$ 300
150,001 to 250,000	\$ 425
250,001 to 500,000	\$ 545
500,001 to 750,000	\$ 700
750,001 to 1,000,000	\$ 865
1,000,001 to 1,200,000	\$ 1,040
1,200,001 to 1,500,000	\$ 1,205
1,500,001 to 2,000,000	\$ 1,380
More than 2,000,000	\$ 1,555

(c) The fee for the second examination is \$55 per hour per examiner for warehouse operators who choose to have it performed by the commissioner.

(d) A penalty amount not to exceed ten percent of the fees due may be imposed by the commissioner for each month for which the fees are delinquent.

Sec. 14. Minnesota Statutes 2010, section 232.22, subdivision 4, is amended to read:

Subd. 4. **Bonding.** (a) Before a license is issued, the applicant for a public grain warehouse operator's license shall file with the commissioner a bond in a penal sum prescribed by the commissioner. ~~The penal sum on a condition one bond shall be established by rule by the commissioner pursuant to the requirements of chapter 14 for all grain outstanding on grain warehouse receipts. The penal sum on a condition two bond shall not be less than \$10,000 for each location up to a maximum of five locations, based on the annual average liability as stated on the statement of grain in storage report and applying the following amounts:~~

(1) \$10,000 for storages with annual average storage liability is more than \$0 but not more than \$25,000;

(2) \$20,000 for storages with annual average storage liability is more than \$25,001 but not more than \$50,000;

(3) \$30,000 for storages with annual average storage liability is more than \$50,001 but not more than \$75,000;

(4) \$50,000 for storages with annual average storage liability is more than \$75,001 but not more than \$100,000;

(5) \$75,000 for storages with annual average storage liability is more than \$100,001 but not more than \$200,000;

(6) \$125,000 for storages with annual average storage liability is more than \$200,001 but not more than \$300,000;

(7) \$175,000 for storages with annual average storage liability is more than \$300,001 but not more than \$400,000;

(8) \$225,000 for storages with annual average storage liability is more than \$400,001 but not more than \$500,000;

(9) \$275,000 for storages with annual average storage liability is more than \$500,001 but not more than \$600,000;

(10) \$325,000 for storages with annual average storage liability is more than \$600,001 but not more than \$700,000;

(11) \$425,000 for storages with annual average storage liability is more than \$800,001 but not more than \$900,000;

(12) \$475,000 for storages with annual average storage liability is more than \$900,001 but not more than \$1,000,000; and

(13) \$500,000 for storages with annual average storage liability is more than \$1,000,000.

(b) Bonds must be continuous until canceled. To cancel a bond, a surety must provide 90 days' written notice of the bond's termination date to the licensee and the commissioner.

Sec. 15. Minnesota Statutes 2010, section 232.23, subdivision 10, is amended to read:

Subd. 10. Delivery of grain. ~~(a)~~ On the redemption of a grain warehouse receipt and payment of all lawful charges, the grain represented by the receipt is immediately deliverable to the depositor or the depositor's order, and is not subject to any further charge for storage after demand for delivery has been made and proper facilities for receiving and shipping the grain have been provided. If delivery has not commenced within 48 hours after demand has been made and proper facilities have been provided, the public grain warehouse operator issuing the grain warehouse receipt is liable to the owner in damages not exceeding two cents per bushel for each day's delay, unless the public grain warehouse operator makes delivery to different owners in the order demanded as rapidly as it can be done through ordinary diligence, or unless insolvency has occurred.

~~(b) If a disagreement arises between the person receiving and the person delivering the grain at a public grain warehouse in this state as to the proper grade or dockage of any grain, an average sample of at least three quarts of the grain in dispute may be taken by either or both of the persons interested. The sample shall be certified by both the owner and the public grain warehouse operator as being true samples of the grain in dispute on the delivery day. The samples shall be forwarded in a suitable airtight container by parcel post or express, prepaid, with the name and address of both parties, to the head of the grain inspection program of the Department of Agriculture, who shall, upon request, examine the grain, and determine what grade or dockage the samples of grain are entitled to under the inspection rules. Before the results of the inspection are released to the person requesting the inspection, the person shall pay the required fee. The fee shall be the same as that required for similar services rendered by the grain inspection program.~~

Sec. 16. Minnesota Statutes 2010, section 232.24, subdivision 1, is amended to read:

Subdivision 1. **Schedule of inspection examination.** A licensee under sections 232.20 to 232.25 is subject to two audit examinations annually conducted by the commissioner or the agricultural marketing service of the United States Department of Agriculture. The commissioner may, by rule, authorize one audit examination to be conducted by a qualified nongovernmental unit.

Sec. 17. Minnesota Statutes 2010, section 232.24, subdivision 2, is amended to read:

Subd. 2. **Financial reports.** A licensee under sections 232.20 to 232.25 upon request must provide to the commissioner a copy of the financial reports of an audit conducted by a qualified nongovernmental unit containing information the commissioner requires.

Sec. 18. Minnesota Statutes 2010, section 236.02, is amended by adding a subdivision to read:

Subd. 4a. **Statement of grain in storage; reports.** (a) Annually by February 15 each grain bank operator must file with the commissioner on a form approved by the commissioner a report showing the highest monthly net liability of all grain outstanding on grain bank receipts that occurred during the preceding calendar year. This report must be used for the purpose of establishing the sum of the bond.

(b) Grain bank operators that are at maximum bond and want to continue at maximum bond do not need to file this report.

(c) It is a violation of this chapter for a public grain bank operator to fail to file the report required in clause (a).

Sec. 19. Minnesota Statutes 2010, section 236.02, subdivision 5, is amended to read:

Subd. 5. **Bond Bonding.** ~~A license may not be issued for the operation of a grain bank until the applicant has filed with the department a bond in a sum set by the department. The bond may not be less than \$1,500 for each license and must at all times be large enough to protect the holders of outstanding grain bank receipts. Bonds must be filed annually and cover the period of the grain bank license.~~ (a) Before a license is issued, the applicant for a grain bank operator's license shall file with the commissioner a bond in a penal sum prescribed by the commissioner based on the annual average liability as stated on the statement of grain in storage report and applying the following amounts:

(1) \$1,500 for storages with average annual storage liability is more than \$0 but not more than \$5,000;

(2) \$3,000 for storages with average annual storage liability is more than \$5,001 but not more than \$10,000;

(3) \$8,000 for storages with average annual storage liability is more than \$10,001 but not more than \$25,000;

(4) \$15,000 for storages with average annual storage liability is more than \$25,001 but not more than \$50,000;

(5) \$35,000 for storages with average annual storage liability is more than \$50,001 but not more than \$100,000;

(6) \$75,000 for storages with average annual storage liability is more than \$100,001 but not

more than \$200,000;

(7) \$125,000 for storages with average annual storage liability is more than \$200,001 but not more than \$300,000; and

(8) \$150,000 for storages with average annual storage liability is more than \$300,001.

(b) Bonds must be continuous until canceled. To cancel a bond, a surety must provide 90 days' written notice of the bond's termination date to the licensee and the commissioner.

Bonds must run to the state of Minnesota and be for the benefit of all persons storing grain in a grain bank. They must be conditioned upon the faithful performance by the grain bank operator of the law relating to the operation of grain banks by the grain bank operator and related rules of the department. ~~The department may require increases in the amounts of bonds as it considers necessary for the protection of grain bank receipt holders.~~ The surety of grain bank bonds must be a corporate surety company authorized to transact business in Minnesota.

Sec. 20. Minnesota Statutes 2010, section 239.092, is amended to read:

239.092 SALE FROM BULK.

(a) Bulk sales of commodities, when the buyer and seller are not both present to witness the measurement, must be accompanied by a delivery ticket containing the following information:

(1) the name and address of the person who weighed or measured the commodity;

(2) the date delivered;

(3) the quantity delivered;

(4) the count of individually wrapped packages delivered, if more than one is included in the quantity delivered;

(5) the quantity on which the price is based, if different than the quantity delivered; and

(6) the identity of the commodity in the most descriptive terms commercially practicable, including representations of quality made in connection with the sale.

(b) This section is not intended to conflict with the bulk sale requirements of the Department of Agriculture. If a conflict occurs, the law and rules of the Department of Agriculture govern.

(c) Firewood sold or distributed ~~across state boundaries or more than 100 miles from its origin~~ must include delivery ticket information regarding the harvest locations of the wood by county or counties and state.

(d) Paragraph (c) may be enforced using the authority granted in this chapter or section 18J.05 or 84D.13.

Sec. 21. Minnesota Statutes 2010, section 239.093, is amended to read:

239.093 INFORMATION REQUIRED WITH PACKAGE.

(a) A package offered, exposed, or held for sale must bear a clear and conspicuous declaration of:

(1) the identity of the commodity in the package, unless the commodity can be easily identified through the wrapper or container;

(2) the net quantity in terms of weight, measure, or count;

(3) the name and address of the manufacturer, packer, or distributor, if the packages were not produced on the premises where they are offered, exposed, or held for sale; and

(4) the unit price, if the packages are part of a lot containing random weight packages of the same commodity.

(b) This section is not intended to conflict with the packaging requirements of the Department of Agriculture. If a conflict occurs, the laws and rules of the Department of Agriculture govern.

(c) Firewood sold or distributed ~~across state boundaries or more than 100 miles from its origin~~ must include information regarding the harvest locations of the wood by county or counties and state on each label or wrapper.

(d) Paragraph (c) may be enforced using the authority granted in this chapter or section 18J.05 or 84D.13.

Sec. 22. **REPEALER.**

(a) Minnesota Statutes 2010, sections 17B.01; 17B.02; 17B.03; 17B.04; 17B.041; 17B.0451; 17B.048; 17B.05; 17B.06; 17B.07; 17B.10; 17B.11; 17B.12; 17B.13; 17B.14; 17B.15, subdivisions 1 and 3; 17B.16; 17B.17; 17B.18; 17B.20; 17B.22, subdivisions 1 and 2; 17B.28; 17B.29; and 232.24, subdivision 3, are repealed.

(b) Minnesota Rules, parts 1505.0780; 1505.0810; 1562.0100, subparts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25; 1562.0200; 1562.0700, subparts 1b and 3; 1562.0900; and 1562.1300, are repealed."

Amend the title accordingly

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

Senator Magnus from the Committee on Agriculture and Rural Economies, to which was referred

S.F. No. 705: A bill for an act relating to animals; changing certain requirements for disposition of certain animals; imposing a penalty; amending Minnesota Statutes 2010, sections 35.71, subdivisions 1, 3, 7, by adding subdivisions; 347.54, subdivisions 2, 3; repealing Minnesota Statutes 2010, section 35.71, subdivisions 2, 4, 5, 6.

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

Delete everything after the enacting clause and insert:

"Section 1. **[346.47] SEIZED ANIMALS.**

Subdivision 1. **Definitions.** As used in this section:

(1) "establishment" means any public or private agency, person, society, or corporation having

custody of animals that are seized under the authority of the state or any political subdivision of the state; and

(2) "regular business day" means a day during which the establishment having custody of an animal is open to the public not less than four consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.

Subd. 2. **Impoundment; record keeping.** All animals seized by public authority must be held in an establishment for redemption by the owner for at least five regular business days of the establishment or for a longer time specified by municipal ordinance. Establishments must maintain the following records of the animals in custody, and preserve the records for at least six months:

(1) the description of the animal by species, breed, sex, approximate age, and other distinguishing traits;

(2) the location at which the animal was seized;

(3) the date of seizure;

(4) the name and address of the person from whom any animal three months of age or over was received; and

(5) the name and address of the person to whom any animal three months of age or over was transferred.

The records must be maintained in a form permitting easy perusal by the public. A person may view the records and animals in custody at any time during which the establishment is open to the public.

Subd. 3. **Release of animals.** A person must not release an animal seized and held under this section for research or product testing, either directly or through an animal dealer. This subdivision does not apply to the temporary transfer of an animal to a college of veterinary medicine or veterinary technology school accredited by the American Veterinary Medicine Association for the purpose of sterilization or needed veterinary care.

Sec. 2. Minnesota Statutes 2010, section 347.54, subdivision 2, is amended to read:

Subd. 2. **Reclaimed.** A dangerous dog seized under subdivision 1 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control authority that the requirements of sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of ~~as provided under section 35.71, subdivision 3~~ in a manner permitted by law, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

Sec. 3. Minnesota Statutes 2010, section 347.54, subdivision 3, is amended to read:

Subd. 3. **Subsequent offenses; seizure.** If a person has been convicted of a misdemeanor for violating a provision of section 347.51, 347.515, or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not

reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as ~~provided under section 35.71, subdivision 3~~ in a manner permitted by law.

Sec. 4. **REPEALER.**

Minnesota Statutes 2010, section 35.71, subdivisions 1, 2, 3, 4, 5, 6, and 7, are repealed."

Delete the title and insert:

"A bill for an act relating to animals; changing requirements for the disposition of certain animals; amending Minnesota Statutes 2010, section 347.54, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapter 346; repealing Minnesota Statutes 2010, section 35.71, subdivisions 1, 2, 3, 4, 5, 6, 7."

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

Senator Limmer from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 373: A bill for an act relating to civil actions; reducing the limitation period for bringing certain actions; amending Minnesota Statutes 2010, sections 325D.64; 541.05, subdivision 1.

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

Senator Limmer from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 1183: A bill for an act relating to civil law; restoring state and local government tort liability limits to pre-2008 levels; prohibiting state and local government contracts that require contractors to provide liability insurance or other security in excess of those limits; amending Minnesota Statutes 2010, sections 3.736, subdivision 4; 466.04, subdivision 1.

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 2010, section 3.736, subdivision 4, is amended to read:

Subd. 4. **Limits.** The total liability of the state and its employees acting within the scope of their employment on any tort claim shall not exceed:

(a) \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case, for claims arising before August 1, 2007;

(b) \$400,000 when the claim is one for death by wrongful act or omission and \$400,000 to any claimant in any other case, for claims arising on or after August 1, 2007, and before July 1, 2009;

(c) \$500,000 when the claim is one for death by wrongful act or omission and \$500,000 to any claimant in any other case, for claims arising on or after July 1, 2009;

(d) \$750,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 1998, and before January 1, 2000;

(e) \$1,000,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2000, and before January 1, 2008;

(f) \$1,200,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2008, and before July 1, 2009; ~~or~~

(g) \$1,500,000 for any number of claims arising out of a single occurrence, for claims arising on or after July 1, 2009; or

(h) \$1,000,000 for any number of claims arising out of a single occurrence, if the claim involves a nonprofit organization engaged in or administering outdoor recreational activities funded in whole or in part by the state or operating under the authorization of a permit issued by an agency or department of the state.

If the amount awarded to or settled upon multiple claimants exceeds the applicable limit under clause (d), (e), (f), ~~(g)~~, or (h), any party may apply to the district court to apportion to each claimant a proper share of the amount available under the applicable limit under clause (d), (e), (f), or (g). The share apportioned to each claimant shall be in the proportion that the ratio of the award or settlement bears to the aggregate awards and settlements for all claims arising out of the occurrence.

The limitation imposed by this subdivision on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.

EFFECTIVE DATE. This section is effective the day following final enactment, and applies to claims arising from acts or omissions that occur on or after that date.

Sec. 2. Minnesota Statutes 2010, section 466.04, subdivision 1, is amended to read:

Subdivision 1. **Limits; punitive damages.** (a) Liability of any municipality on any claim within the scope of sections 466.01 to 466.15 shall not exceed:

(1) \$300,000 when the claim is one for death by wrongful act or omission and \$300,000 to any claimant in any other case, for claims arising before January 1, 2008;

(2) \$400,000 when the claim is one for death by wrongful act or omission and \$400,000 to any claimant in any other case, for claims arising on or after January 1, 2008, and before July 1, 2009;

(3) \$500,000 when the claim is one for death by wrongful act or omission and \$500,000 to any claimant in any other case, for claims arising on or after July 1, 2009;

(4) \$750,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 1998, and before January 1, 2000;

(5) \$1,000,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2000, and before January 1, 2008;

(6) \$1,200,000 for any number of claims arising out of a single occurrence, for claims arising on or after January 1, 2008, and before July 1, 2009;

(7) \$1,500,000 for any number of claims arising out of a single occurrence, for claims arising

on or after July 1, 2009; ~~or~~

(8) twice the limits provided in clauses (1) to (7) when the claim arises out of the release or threatened release of a hazardous substance, whether the claim is brought under sections 115B.01 to 115B.15 or under any other law; or

(9) \$1,000,000 for any number of claims arising out of a single occurrence, if the claim involves a nonprofit organization engaged in or administering outdoor recreational activities funded in whole or in part by a municipality or operating under the authorization of a permit issued by a municipality.

(b) No award for damages on any such claim shall include punitive damages.

EFFECTIVE DATE. This section is effective the day following final enactment, and applies to claims arising from acts or omissions that occur on or after that date.

Sec. 3. Minnesota Statutes 2010, section 466.04, subdivision 3, is amended to read:

Subd. 3. **Disposition of multiple claims.** Where the amount awarded to or settled upon multiple claimants exceeds the applicable limit under subdivision 1, paragraph (a), clauses ~~(2) to (4)~~ to (9), any party may apply to any district court to apportion to each claimant a proper share of the total amount limited by subdivision 1. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to each bears to the aggregate awards and settlements for all claims arising out of the occurrence.

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

Amend the title accordingly

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

Senator Limmer from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 149: A bill for an act relating to civil actions; modifying remedies related to certain unlawful or deceptive trade practice actions; permitting appeals of certain court orders related to class actions; amending Minnesota Statutes 2010, section 8.31, subdivision 3a, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 540.

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

Page 2, line 1, delete "natural"

Page 2, line 2, delete the second "or" and after "household" insert ", or business"

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

Senator Limmer from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 530: A bill for an act relating to civil actions; regulating interest on verdicts, awards, and judgments; amending Minnesota Statutes 2010, section 549.09, subdivision 1.

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

Page 3, after line 26, insert:

"Sec. 2. Minnesota Statutes 2010, section 549.09, subdivision 2, is amended to read:

Subd. 2. **Accrual of interest.** (a) During each calendar year, interest shall accrue on the unpaid balance of the judgment or award from the time that it is entered or made until it is paid, at the annual rate provided in subdivision 1 or paragraph (b). The court administrator shall compute and add the accrued interest to the total amount to be collected when the execution is issued and compute the amount of daily interest accruing during the calendar year. The person authorized by statute to make the levy shall compute and add interest from the date that the writ of execution was issued to the date of service of the writ of execution and shall direct the daily interest to be computed and added from the date of service until any money is collected as a result of the levy.

(b) For a judgment or award over \$50,000, other than a judgment or award for or against the state or a political subdivision of the state, the interest rate is ten percent per year. This paragraph does not apply to a section that references section 549.09 by citation for the purpose of computing an interest rate on any amount owed to or by the state or a political subdivision of the state, regardless of the amount.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to judgments and awards entered on or after that date."

Amend the title numbers accordingly

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

Senator Limmer from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 429: A bill for an act relating to civil actions; providing a factor for determining the amount of attorney fees awarded in certain actions; proposing coding for new law in Minnesota Statutes, chapter 549.

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

Page 1, line 11, before the period, insert "and the relation between the amount of damages sought and the amount of damages awarded"

Page 1, line 17, after "disclose the" insert "amount of"

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

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

S.F. No. 743: A bill for an act relating to state government; modifying provisions relating to state agency responses to natural disasters; amending Minnesota Statutes 2010, sections 12A.05; 12A.06, subdivision 1; 12A.07, subdivisions 1, 2; 12A.09, subdivision 4; 12A.10, by adding a subdivision; 12A.12, subdivisions 2, 3, by adding a subdivision; 12A.15, by adding a subdivision; 12A.16.

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

Delete everything after the enacting clause and insert:

"Section 1. [115.84] DEFINITIONS.

Subdivision 1. **Approved laboratory.** "Approved laboratory" means a laboratory certified by the commissioner of health to perform the microbiological analyses in nonpotable water required under sections 115.84 to 115.89.

Subd. 2. **Coagulated wastewater.** "Coagulated wastewater" means oxidized wastewater in which colloidal and finely divided suspended matter have been destabilized and agglomerated upstream from a filter by the addition of suitable floc-forming chemicals.

Subd. 3. **Conventional treatment.** "Conventional treatment" means a treatment chain that uses a sedimentation unit process between the coagulation and filtration processes and produces an effluent that meets the definition for disinfected tertiary recycled water.

Subd. 4. **Disinfected secondary-2.2 recycled water.** "Disinfected secondary-2.2 recycled water" means recycled water that has been oxidized and disinfected so that the median concentration of total coliform bacteria in the disinfected effluent does not exceed a most probable number (MPN) of 2.2 per 100 milliliters using the bacteriological results of the last seven days for which analyses have been completed, and the number of total coliform bacteria does not exceed an MPN of 23 per 100 milliliters in more than one sample in any 30-day period.

Subd. 5. **Disinfected secondary-23 recycled water.** "Disinfected secondary-23 recycled water" means recycled water that has been oxidized and disinfected so that the median concentration of total coliform bacteria in the disinfected effluent does not exceed a most probable number (MPN) of 23 per 100 milliliters using the bacteriological results of the last seven days for which analyses have been completed, and the number of total coliform bacteria does not exceed an MPN of 240 per 100 milliliters in more than one sample in any 30-day period.

Subd. 6. **Disinfected tertiary recycled water.** "Disinfected tertiary recycled water" means a filtered and subsequently disinfected wastewater that meets the following criteria:

(1) the filtered wastewater has been disinfected by:

(i) a chlorine disinfection process following filtration that provides a CT value (the product of total chlorine residual and modal contact time measured at the same point) of not less than 450 milligram-minutes per liter at all times with a modal contact time of at least 90 minutes, based on peak dry weather design flow; or

(ii) a disinfection process that, when combined with the filtration process, has been demonstrated to inactivate or remove 99.999 percent of the plaque-forming units of F-specific bacteriophage MS-2 or polio virus in the wastewater. A virus that is at least as resistant to disinfection as polio virus may be used for purposes of the demonstration; and

(2) the median concentration of total coliform bacteria measured in the disinfected effluent does not exceed a most probable number (MPN) of 2.2 per 100 milliliters using the bacteriological results of the last seven days for which analyses have been completed and the number of total coliform bacteria does not exceed an MPN of 23 per 100 milliliters in more than one sample in any 30-day

period. No sample shall exceed an MPN of 240 total coliform bacteria per 100 milliliters.

Subd. 7. **Drift.** "Drift" means the water that escapes to the atmosphere as water droplets from a cooling system.

Subd. 8. **Drift eliminator.** "Drift eliminator" means a feature of a cooling system that reduces to a minimum the generation of drift from the system.

Subd. 9. **F-specific bacteriophage MS-2.** "F-specific bacteriophage MS-2" means a strain of a specific type of virus that infects coliform bacteria that is traceable to the American Type Culture Collection (ATCC 15597B1) and is grown on lawns of E. coli (ATCC 15597).

Subd. 10. **Facility.** "Facility" means any type of building or structure or a defined area of specific use that receives water for domestic use from a public water supply as defined in section 144.382.

Subd. 11. **Filtered wastewater.** (a) "Filtered wastewater" means an oxidized wastewater that:

(1) has been coagulated and passed through natural undisturbed soils or a bed of filter media:

(i) at a rate that does not exceed five gallons per minute per square foot of surface area in mono, dual, or mixed media gravity, upflow, or pressure filtration systems or does not exceed two gallons per minute per square foot of surface area in traveling bridge automatic backwash filters; and

(ii) so that the turbidity of the filtered wastewater does not exceed an average of two NTU within a 24-hour period; five NTU more than five percent of the time within a 24-hour period; and 10 NTU at any time; or

(2) has been passed through a microfiltration, ultrafiltration, nanofiltration, or reverse osmosis membrane so that the turbidity of the filtered wastewater does not exceed 0.2 NTU more than five percent of the time within a 24-hour period and does not exceed 0.5 NTU at any time.

(b) Design treatment processes shall be based on meeting the requirements of paragraph (a) or filtration without coagulation may be used if pilot test results submitted to the agency demonstrate that the requirements of paragraph (a), clause (1), can be met for a minimum pilot test period of 90 days.

The agency may modify the sampling frequency under paragraph (a) based on the wastewater treatment facility classification under Minnesota Rules, part 9400.0500, and the facility permitted design flow.

Subd. 12. **Food crops.** "Food crops" means any crops intended for human consumption.

Subd. 13. **Hose bibb.** "Hose bibb" means a faucet or similar device to which a common garden hose can be readily attached.

Subd. 14. **Landscape impoundment.** "Landscape impoundment" means an impoundment in which recycled water is stored or used for aesthetic enjoyment or landscape irrigation or that otherwise serves a similar function and is not intended to include public contact.

Subd. 15. **Modal contact time.** "Modal contact time" means the amount of time elapsed between the time that a tracer, such as salt or dye, is injected into the influent at the entrance to a chamber and the time that the highest concentration of the tracer is observed in the effluent from the chamber.

Subd. 16. **Nonrestricted recreational impoundment.** "Nonrestricted recreational impoundment" means an impoundment of recycled water for which no limitations are imposed on body-contact water recreational activities.

Subd. 17. **NTU.** "NTU" means nephelometric turbidity unit, which is a measurement of turbidity as determined by the ratio of the intensity of light scattered by the sample to the intensity of incident light as measured by method 2130 B in Standard Methods for the Examination of Water and Wastewater, Eaton, A. D., Clesceri, L. S., Rice, E. W., and Greenberg, A. E., eds., (Washington, DC: American Public Health Association, 2005).

Subd. 18. **Oxidized wastewater.** "Oxidized wastewater" means wastewater in which the organic matter has been stabilized, is nonputrescible, and contains dissolved oxygen.

Subd. 19. **Peak dry weather design flow.** "Peak dry weather design flow" means the arithmetic mean of the maximum peak flow rates sustained over a specific period of time during the maximum 24-hour dry weather period. "Dry weather period" means periods of little or no rainfall.

Subd. 20. **Recycling plant.** "Recycling plant" means an arrangement of devices, structures, equipment, processes, and controls that produce recycled water.

Subd. 21. **Restricted access golf course.** "Restricted access golf course" means a golf course where public access is controlled so that areas irrigated with recycled water cannot be used as if they were part of a park, playground, or school yard and where irrigation is conducted only in areas and during periods when the golf course is not being used by golfers.

Subd. 22. **Restricted recreational impoundment.** "Restricted recreational impoundment" means an impoundment of recycled water for which recreation is limited to fishing, boating, and other non-body-contact water recreational activities.

Subd. 23. **Spray irrigation.** "Spray irrigation" means the application of recycled water to crops to maintain vegetation or support growth of vegetation by applying it from sprinklers.

Subd. 24. **Undisinfected secondary recycled water.** "Undisinfected secondary recycled water" means oxidized wastewater.

Subd. 25. **Use area.** "Use area" means an area of recycled water use with defined boundaries. A use area may contain one or more facilities.

Sec. 2. [115.85] USES OF RECYCLED WATER.

Subdivision 1. **Scope.** (a) This section applies only to recycled water from sources that contain domestic waste, in whole or in part.

(b) This section does not apply to the use of recycled water on-site at a water recycling plant or wastewater treatment plant if access by the public to the area of on-site recycled water use is restricted.

Subd. 2. **Irrigation.** (a) Recycled water used for surface irrigation of the areas specified in this paragraph must be disinfected tertiary recycled water, except that for filtration according to section 115.84, subdivision 11, clause (1), coagulation need not be used as part of the treatment process if the filter effluent turbidity does not exceed two NTU, the turbidity of the influent to the filters is continuously measured, the influent turbidity does not exceed five NTU for more than 15 minutes

and never exceeds ten NTU, and there is the capability to automatically activate chemical addition or divert the wastewater should the filter influent turbidity exceed five NTU for more than 15 minutes:

- (1) parks and playgrounds;
- (2) school yards;
- (3) residential landscaping;
- (4) unrestricted access golf courses; and
- (5) any other irrigation use not specified in this section and not prohibited by other law.

(b) Filtration without coagulation for recycled water used according to paragraph (a) may be used if pilot test results submitted to the agency demonstrate that the turbidity requirements in paragraph (a) can be met for a minimum pilot test period of 90 days. The agency may modify the sampling frequency under paragraph (a) based on the wastewater treatment facility classification under Minnesota Rules, part 9400.0500, and the facility permitted design flow.

(c) Recycled water used for surface irrigation of the following must be at least disinfected secondary-23 recycled water:

- (1) cemeteries;
- (2) freeway landscaping;
- (3) restricted access golf courses;
- (4) ornamental nursery stock and sod farms where access by the general public is not restricted;
- (5) pasture for animals producing milk for human consumption; and
- (6) any nonedible vegetation when access is controlled so that the irrigated area cannot be used as if it were part of a park, playground, or school yard.

(d) Recycled wastewater used for surface irrigation of the following must be at least undisinfected secondary recycled water:

- (1) orchards where the recycled water does not come into contact with the edible portion of the crop;
- (2) vineyards where the recycled water does not come into contact with the edible portion of the crop;
- (3) non-food-bearing trees. Christmas tree farms are included in this category if no irrigation with recycled water occurs for a period of 14 days before harvesting or allowing access by the general public;
- (4) fodder and fiber crops and pasture for animals not producing milk for human consumption;
- (5) seed crops not eaten by humans;
- (6) food crops that must undergo commercial pathogen-destroying processing before being consumed by humans; and

(7) ornamental nursery stock and sod farms if no irrigation with recycled water occurs for a period of 14 days before harvesting, retail sale, or allowing access by the general public.

(e) No recycled water used for irrigation, or soil that has been irrigated with recycled water, shall come into contact with the edible portion of food crops eaten raw by humans.

Subd. 3. Impoundments. (a) Except as provided in paragraph (b), recycled water used as a source of water supply for nonrestricted recreational impoundments must be disinfected tertiary recycled water that has been subjected to conventional treatment.

(b) Disinfected tertiary recycled water that has not received conventional treatment may be used for nonrestricted recreational impoundments if the recycled water is monitored for the presence of pathogenic organisms as follows:

(1) during the first 12 months of operation and use, the recycled water must be sampled and analyzed monthly for Giardia, enteric viruses, and Cryptosporidium. Following the first 12 months of use, the recycled water must be sampled and analyzed quarterly for Giardia, enteric viruses, and Cryptosporidium. The ongoing monitoring may be discontinued after the first two years of operation with the approval of the commissioner of health; and

(2) the samples must be taken at a point after disinfection and before the point where the recycled water enters the use impoundment. The samples must be analyzed by an approved laboratory and the results submitted quarterly to the commissioner of health.

(c) The total coliform bacteria concentrations in recycled water used for nonrestricted recreational impoundments, measured at a point between the disinfection process and the point of entry to the use impoundment, must comply with the criteria specified in section 115.84, subdivision 6, clause (2), for disinfected tertiary recycled water.

(d) Recycled water used as a source of supply for restricted recreational impoundments and for any publicly accessible impoundments at fish hatcheries must be at least disinfected secondary-2.2 recycled water.

(e) Recycled water used as a source of supply for landscape impoundments that do not use decorative fountains must be at least disinfected secondary-23 recycled water.

Subd. 4. Cooling. (a) Recycled water used for industrial or commercial cooling or air conditioning that involves the use of a cooling tower, evaporative condenser, spraying, or any mechanism that creates a mist must be disinfected tertiary recycled water.

(b) Use of recycled water for industrial or commercial cooling or air conditioning that does not involve the use of a cooling tower, evaporative condenser, spraying, or any mechanism that creates a mist must be at least disinfected secondary-23 recycled water.

(c) Whenever a cooling system, using recycled water in conjunction with an air conditioning facility, uses a cooling tower or otherwise creates a mist that could come into contact with employees or members of the public, the cooling system must comply with the following:

(1) a drift eliminator must be used whenever the cooling system is in operation; and

(2) a chlorine or other biocide must be used to treat the cooling system recirculating water to minimize the growth of Legionella and other microorganisms.

Subd. 5. **Other purposes.** (a) Recycled water used for the purposes specified in this paragraph must be disinfected tertiary recycled water, except that for filtration being provided according to section 115.84, subdivision 11, paragraph (a), clause (1), coagulation need not be used as part of the treatment process if the filter effluent turbidity does not exceed two NTU, the turbidity of the influent to the filters is continuously measured, the influent turbidity does not exceed five NTU for more than 15 minutes and never exceeds ten NTU, and there is the capability to automatically activate chemical addition or divert the wastewater should the filter influent turbidity exceed five NTU for more than 15 minutes:

- (1) flushing toilets and urinals;
- (2) priming drain traps;
- (3) industrial process water that may come into contact with workers;
- (4) structural fire fighting;
- (5) decorative fountains;
- (6) commercial laundries;
- (7) consolidation of backfill around potable water pipelines;
- (8) artificial snowmaking for commercial outdoor use; and
- (9) commercial car washes, including hand washes if the recycled water is not heated, where the general public is excluded from the washing process.

(b) Recycled water used for the following uses must be at least disinfected secondary-23 recycled water:

- (1) industrial boiler feed;
- (2) nonstructural fire fighting;
- (3) backfill consolidation around nonpotable piping;
- (4) soil compaction;
- (5) mixing concrete;
- (6) dust control on roads and streets;
- (7) cleaning roads, sidewalks, and outdoor work areas; and
- (8) industrial process water that will not come into contact with workers.

(c) Recycled water used for flushing sanitary sewers must be at least undisinfected secondary recycled water.

Sec. 3. [115.86] RECYCLED WATER REQUIREMENTS.

Subdivision 1. **Isolation distances.** (a) No irrigation with disinfected tertiary recycled water shall take place within 50 feet of any water supply well unless:

(1) a geological investigation demonstrates that an aquitard exists at the well between the uppermost aquifer being drawn from and the ground surface;

(2) the well contains an annular seal that extends from the surface into the aquitard;

(3) the well is housed to prevent any recycled water spray from coming into contact with the wellhead facilities;

(4) the ground surface immediately around the wellhead is contoured to allow surface water to drain away from the well; and

(5) the owner of the well approves of the elimination of the isolation distance requirement.

(b) Except as provided under paragraph (a), no irrigation with, or impoundment of, disinfected tertiary, disinfected secondary-2.2, or disinfected secondary-23 recycled water shall take place within 150 feet of any water supply well.

(c) No irrigation with, or impoundment of, undisinfected secondary recycled water shall take place within 300 feet of any water supply well.

(d) The isolation distances specified under paragraphs (a) to (c) are doubled when the water supply well is a sensitive water supply well under rules adopted by the commissioner of health.

Subd. 2. Use area requirements. (a) Any use of recycled water shall comply with the following:

(1) any irrigation runoff shall be confined to the recycled water use area, unless the runoff does not pose a public health threat and is authorized by the commissioner of health;

(2) spray, mist, or runoff shall not enter dwellings, designated outdoor eating areas, or food handling facilities; and

(3) drinking water fountains shall be protected against contact with recycled water spray, mist, or runoff.

(b) No spray irrigation of any recycled water, other than disinfected tertiary recycled water, shall take place within 150 feet of a residence or a place where public exposure could be similar to that of a park, playground, or school yard.

(c) All use areas that are accessible to the public shall be posted with signs that are visible to the public, in a size no less than four inches high by eight inches wide, that include the following wording: "RECYCLED WATER - DO NOT DRINK." The agency may accept alternative signage and wording, or an educational program, provided the applicant demonstrates to the agency that the alternative approach will ensure an equivalent degree of public notification.

(d) No physical connection shall be made or allowed to exist between any recycled water system and any separate system conveying potable water.

(e) The portions of the recycled water piping system that are in areas subject to access by the general public shall not include hose bibbs. Only quick couplers that differ from those used on the potable water system shall be used on the portions of the recycled water piping system in areas subject to public access.

Subd. 3. Chemical monitoring. A recycling plant must monitor recycled water for known

potential chemical contaminants in excess of limits established by the commissioner of health.

Sec. 4. [115.87] RECYCLED WATER USE PERMITS.

Subdivision 1. **Permit required.** The agency may issue, continue in effect, or deny permits for producing and using recycled water under such conditions as it may prescribe to prevent water pollution and protect the public health. If the proposed use of recycled water also requires a permit issued by the Department of Agriculture or Health, the application for any secondary permit must be processed simultaneously with the original permit application to the agency.

Subd. 2. **Fees.** The agency may collect permit fees in amounts not greater than those necessary to cover the reasonable costs of developing, reviewing, and acting upon applications for recycled water permits and implementing and enforcing the conditions of the permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The fee schedule must reflect reasonable and routine direct and indirect costs associated with permitting, implementation, and enforcement. The agency may impose an additional enforcement fee to be collected for a period of up to two years to cover the reasonable costs of implementing and enforcing the conditions of a permit under the rules of the agency. Money collected under this subdivision shall be deposited in the environmental fund and is appropriated to the agency for the purposes specified in this subdivision. The fees under this subdivision are exempt from section 16A.1285.

Sec. 5. [115.88] RULEMAKING.

The agency may adopt rules to implement sections 115.84 to 115.87.

Sec. 6. [115.89] NATURAL SWIMMING PONDS.

Section 115.85, subdivision 3, paragraph (b), applies to natural swimming ponds, as defined under section 144.1222, subdivision 5, using recycled water.

Sec. 7. Minnesota Statutes 2010, section 144.1222, subdivision 1, is amended to read:

Subdivision 1. **Public pools.** The commissioner of health shall be responsible for the adoption of rules and enforcement of applicable laws and rules relating to the operation, maintenance, design, installation, and construction of public pools and public natural swimming ponds and facilities related to them. The commissioner shall adopt rules governing the collection of fees under section 144.122 to cover the cost of pool construction plan review, monitoring, and inspections.

Sec. 8. Minnesota Statutes 2010, section 144.1222, subdivision 5, is amended to read:

~~Subd. 5. **Natural swimming pond exemption ponds.** (a) A public swimming pond in existence before January 1, 2008, is not a public pool for purposes of this section and section 157.16, and is exempt from the requirements for public swimming pools under Minnesota Rules, chapter 4717.~~

~~(b) Notwithstanding paragraph (a),~~ (a) A public natural swimming pond must meet the requirements for public pools described in subdivisions 1c and 1d. Section 157.16 applies to public natural swimming ponds. Except as provided in this section and rules adopted by the commissioner under paragraph (c), a public natural swimming pond must comply with rules pertaining to public pools when applicable.

~~(c) (b) For purposes of this subdivision section, a "public natural swimming pond" means an artificial body of water contained within a lined, sand-bottom basin, intended for public swimming.~~

~~relaxation, or recreational use that includes a water circulation system for maintaining water quality and does not include any portion of a naturally occurring lake or stream~~ a system consisting of a constructed body of water where the water is contained by an isolating membrane in which no chemicals or devices that disinfect or sterilize water are used and all clarifying and cleaning of the water is achieved solely with the motion of the water, naturally or by mechanically assisted means, through biological filters and plants rooted hydroponically in the system. Natural swimming ponds are also known as natural swimming pools.

~~(d) This subdivision expires June 30, 2011.~~

(c) The commissioner shall adopt rules specific to public natural swimming ponds that address design, water clarity, cleanability, and other issues unique to public natural swimming ponds when rules for public pools are inapplicable or inappropriate."

Delete the title and insert:

"A bill for an act relating to environment; providing standards for use of recycled water; providing for natural swimming ponds; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2010, section 144.1222, subdivisions 1, 5; proposing coding for new law in Minnesota Statutes, chapter 115."

And when so amended the bill be re-referred to the Committee on Health and Human Services without recommendation. Amendments adopted. Report adopted.

Senator Ingebrigtsen from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 1044: A bill for an act relating to waters; providing standards for use of recycled water; providing for natural pools; proposing coding for new law in Minnesota Statutes, chapter 103G.

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

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

S.F. No. 939: A bill for an act relating to pupil transportation; modifying pupil transportation provisions; clarifying Department of Education's role in maintaining training programs; including use of certain lift buses in the category of revenue authorized for reimbursement; including actual contracted transportation costs as a method for allocating pupil transportation costs; amending Minnesota Statutes 2010, sections 123B.88, subdivision 13; 123B.90, subdivision 3; 123B.92, subdivision 1.

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

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

S.F. No. 1073: A bill for an act relating to education; proposing a transitions plan for high school students to successfully pursue postsecondary education and employment; appropriating money; amending Minnesota Statutes 2010, section 120B.125.

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

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

S.F. No. 408: A bill for an act relating to education; requiring financial report from teacher's union; proposing coding for new law in Minnesota Statutes, chapter 179A.

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

Page 1, line 6, after the first comma, insert "the state organization of"

Page 1, line 7, delete "teachers" and insert "employees" and delete "shall" and insert "must"

Page 1, line 8, after "itemized" insert "annual"

Page 1, line 9, after "expenditures" insert "of the state organization"

Page 1, line 11, after "employees" insert "of the state organization"

Page 1, line 12, after the second "costs" insert "of the state organization"

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

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

S.F. No. 946: A bill for an act relating to education; establishing a pilot project to examine how school districts might operate jointly to provide innovative delivery of programs and activities and share resources.

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

Page 1, line 13, after the period, insert "The member districts of a joint partnership selected by the commissioner may elect to admit another district at any time during the pilot project."

Page 1, line 20, delete "four-year" and after "plan" insert "for a minimum of two years and a maximum of four years"

Page 2, after line 3, insert:

"(d) The member districts of the joint partnership must comply with Minnesota Statutes, section 124D.10, subdivision 8, as though they were a charter school and are otherwise exempt from all statutes and rules applicable to a school, school board, or school district unless a statute or rule is made specifically applicable to a charter school.

(e) Notwithstanding paragraph (d), a school district that participates in the pilot project under this section shall continue to receive revenue and maintain its taxation authority as if it were a school district and not participating in the pilot project.

(f) Notwithstanding paragraph (d), a school district that participates in the pilot project under this section shall continue to be organized and governed by an elected school board with the general powers under Minnesota Statutes, section 123B.02, as if it were a school district and not participating in the pilot project."

Page 2, line 4, after the second "commissioner" insert ", using available department resources and staff,"

Page 2, delete lines 8 to 10

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

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

S.F. No. 612: A bill for an act relating to health; establishing policies for youth athletes with concussions resulting from participation in youth athletic activities; proposing coding for new law in Minnesota Statutes, chapter 123B.

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

Delete everything after the enacting clause and insert:

"Section 1. [121A.045] YOUTH SPORTS PROGRAMS.

(a) Consistent with section 121A.323, any municipality, business, or nonprofit organization that organizes a youth athletic activity for which an activity fee is charged shall:

(1) make information accessible to all participating coaches, officials, and youth athletes and their parents or guardians about the nature and risks of concussions, including the effects and risks of continuing to play after receiving a concussion, and the protocols and content, consistent with current medical knowledge from the Centers for Disease Control and Prevention, related to:

(i) the nature and risks of concussions associated with athletic activity;

(ii) the signs, symptoms, and behaviors consistent with a concussion;

(iii) the need to alert appropriate medical professionals for urgent diagnosis and treatment when a youth athlete is suspected or observed to have received a concussion; and

(iv) the need for a youth athlete who sustains a concussion to follow proper medical direction and protocols for treatment and returning to play;

(2) require all participating coaches and officials to receive initial online training and online training at least once every three calendar years thereafter, consistent with clause (1) and the Concussion in Youth Sports online training program available on the Centers for Disease Control and Prevention Web site; and

(3) before a youth athlete participates in a youth athletic activity, require the youth athlete and the youth athlete's parent or guardian to sign and submit to a coach or other official a concussion information form indicating that the youth athlete received information about concussions.

(b) A coach or official shall remove a youth athlete from participating in any youth athletic activity when the youth athlete:

(1) exhibits signs, symptoms, or behaviors consistent with a concussion; or

(2) is suspected of sustaining a concussion.

(c) When a coach or official removes a youth athlete from participating in a youth athletic activity because of a concussion, the youth athlete may not again participate in the activity until the youth athlete:

- (1) no longer exhibits signs, symptoms, or behaviors consistent with a concussion; and
- (2) is evaluated by a provider trained and experienced in evaluating and managing concussions and the provider gives the youth athlete written permission to again participate in the activity.
- (d) Failing to remove a youth athlete from an activity under this section does not violate section 604A.11, subdivision 2, clause (6), consistent with paragraph (e).
- (e) This section does not create any additional liability for, or create any new cause of legal action against, a municipality, business, or nonprofit organization or any officer or employee of a municipality, business, or nonprofit organization.
- (f) For the purposes of this section, a municipality includes a home rule charter city, a statutory city or a town.

EFFECTIVE DATE. This section is effective beginning September 1, 2011.

Sec. 2. [121A.323] CONCUSSION PROCEDURES.

Subdivision 1. Definitions. (a) For purposes of this section and section 121A.045, the following terms have the meanings given them.

(b) "Concussion" means a complex pathophysiological process affecting the brain, induced by traumatic biokinetic forces caused by a direct blow to either the head, face, or neck, or elsewhere on the body with an impulsive force transmitted to the head that may involve the rapid onset of short-lived impairment of neurological function and clinical symptoms, loss of consciousness, or prolonged postconcussive symptoms.

(c) "Provider" means a health care provider who is:

- (1) registered, licensed, certified, or otherwise statutorily authorized by the state to provide medical treatment;
- (2) trained and experienced in evaluating and managing pediatric concussions; and
- (3) practicing within the person's medical training and scope of practice.

(d) "Youth athlete" means a young person through age 18 who actively participates in an athletic activity, including a sport.

(e) "Youth athletic activity" means any athletic activity related to competition, practice, or training exercises. For purposes of school-sponsored sports under this section, youth athletic activities are extracurricular athletic activities.

Subd. 2. School-sponsored sports. (a) The appropriate sports governing body, including the high school league under chapter 128C, among other sports governing bodies, shall work with public and nonpublic school coaches, officials, and youth athletes and their parents or guardians to make information available about the nature and risks of concussions, including the effects of continuing to play after receiving a concussion. The information shall include protocols and content, consistent with current medical knowledge from the Centers for Disease Control and Prevention, related to:

- (1) the nature and risks of concussions associated with athletic activity;

(2) the signs, symptoms, and behaviors consistent with a concussion;

(3) the need to alert appropriate medical professionals for urgent diagnosis and treatment when a youth athlete is suspected or observed to have received a concussion; and

(4) the need for a youth athlete who sustains a concussion to follow proper medical direction and protocols for treatment and returning to play.

A sports governing body that posts or provides appropriate links to the information indicated in this paragraph has complied with the requirements of this paragraph.

(b) Consistent with paragraph (a), the appropriate sports governing body shall provide access to the Concussion in Youth Sports online training program available on the Centers for Disease Control and Prevention Web site. Each school coach and official involved in youth athletic activities must receive initial online training and online training at least once every three school years thereafter.

(c) At the start of each school year, school officials shall make information available about the nature and risks of concussions to youth athletes and their parents or guardians. If a parent of a youth athlete must sign a consent form to allow the youth athlete to participate in a school-sponsored athletic activity, the form must include information about the nature and risk of concussions.

(d) A coach or official shall remove a youth athlete from participating in any youth athletic activity when the youth athlete:

(1) exhibits signs, symptoms, or behaviors consistent with a concussion; or

(2) is suspected of sustaining a concussion.

(e) When a coach or official removes a youth athlete from participating in a youth athletic activity because of a concussion, the youth athlete may not return to the activity until the youth athlete:

(1) no longer exhibits signs, symptoms, or behaviors consistent with a concussion; and

(2) is evaluated by a provider trained and experienced in evaluating and managing concussions and the provider gives the youth athlete written permission to again participate in the activity.

(f) Failing to remove a youth athlete from an activity as required under this section does not violate section 604A.11, subdivision 2, clause (6), consistent with paragraph (g).

(g) This section does not create any additional liability for, or create any new cause of legal action against, a school or school district or any officer or employee of a school or school district.

EFFECTIVE DATE. This section is effective for the 2011-2012 school year and later.

Sec. 3. Minnesota Statutes 2010, section 124D.10, subdivision 8, is amended to read:

Subd. 8. **Federal, state, and local requirements.** (a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts.

(b) A school must comply with statewide accountability requirements governing standards and assessments in chapter 120B.

(c) A school authorized by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution.

(d) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. An authorizer may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution. A charter school student must be released for religious instruction, consistent with section 120A.22, subdivision 12, clause (3).

(e) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.

(f) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(g) A charter school may not charge tuition.

(h) A charter school is subject to and must comply with chapter 363A and section 121A.04.

(i) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(j) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district. Audits must be conducted in compliance with generally accepted governmental auditing standards, the federal Single Audit Act, if applicable, and section 6.65. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 471.38; 471.391; 471.392; and 471.425. The audit must comply with the requirements of sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the program at the school. Deviations must be approved by the commissioner and authorizer. The Department of Education, state auditor, legislative auditor, or authorizer may conduct financial, program, or compliance audits. A charter school determined to be in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(k) A charter school is a district for the purposes of tort liability under chapter 466.

(l) A charter school must comply with chapters 13 and 13D; and sections 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

(m) A charter school is subject to the Pledge of Allegiance requirement under section 121A.11, subdivision 3.

(n) A charter school offering online courses or programs must comply with section 124D.095.

(o) A charter school and charter school board of directors are subject to chapter 181.

(p) A charter school must comply with section 120A.22, subdivision 7, governing the transfer of students' educational records and sections 138.163 and 138.17 governing the management of local records.

(q) A charter school that provides early childhood health and developmental screening must comply with sections 121A.16 to 121A.19.

(r) A charter school that provides school-sponsored youth athletic activities must comply with

section 121A.323.

Sec. 4. Minnesota Statutes 2010, section 128C.02, is amended by adding a subdivision to read:

Subd. 3b. **Concussion awareness, safety, and protection.** The league may adopt a concussion awareness, safety, and protection policy that exceeds the requirements of section 121A.323.

EFFECTIVE DATE. This section is effective for the 2011-2012 school year and later."

Amend the title numbers accordingly

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

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

H.F. No. 186 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.
186	395				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 186 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 186, the second engrossment; and insert the language after the enacting clause of S.F. No. 395, the first engrossment; further, delete the title of H.F. No. 186, the second engrossment; and insert the title of S.F. No. 395, the first engrossment.

And when so amended H.F. No. 186 will be identical to S.F. No. 395, and further recommends that H.F. No. 186 be given its second reading and substituted for S.F. No. 395, 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.

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

H.F. No. 695 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.
695	735				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 695 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 695, the second engrossment; and insert the language after the enacting clause of S.F. No. 735, the first engrossment; further, delete the title of H.F. No. 695, the second engrossment; and insert the title of S.F. No. 735, the first engrossment.

And when so amended H.F. No. 695 will be identical to S.F. No. 735, and further recommends that H.F. No. 695 be given its second reading and substituted for S.F. No. 735, 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.

Senator Magnus from the Committee on Agriculture and Rural Economies, to which were referred the following appointments:

BOARD OF ANIMAL HEALTH

Steven Brake
Dean Compart
Paul Hanowski

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

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

Senator Magnus from the Committee on Agriculture and Rural Economies, to which was referred the following appointment:

COMMISSIONER OF AGRICULTURE

David J. Frederickson

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

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

Senator Magnus from the Committee on Agriculture and Rural Economies, to which were referred the following appointments:

MINNESOTA RURAL FINANCE AUTHORITY

Theodore F. Brenny
Sarah Kern

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

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

Senator Rosen from the Committee on Energy, Utilities and Telecommunications, to which was referred

S.F. No. 1292: A resolution memorializing the President and Congress to enact legislation encouraging domestic oil drilling.

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

Page 1, delete lines 4 to 21 and insert:

"WHEREAS, the United States had 22,300,000,000 barrels of economically producible oil reserves as of December 31, 2009, according to the United States Energy Information Administration; and

WHEREAS, the Canadian Oil Sand reserves are second only to those of Saudi Arabia; and

WHEREAS, dependence on foreign oil imports from unfriendly countries exposes the United States economy to fluctuations caused by instability in other regions of the world, while contributing to the foreign trade deficit; and

WHEREAS, increasing North American oil production and imports would reduce American dependence on Middle East sources of oil and reduce the foreign trade deficit; and

WHEREAS, increasing domestic oil production would boost the national economy by creating jobs and increasing revenues from leases, production, profits, and consumption; NOW, THEREFORE,

BE IT RESOLVED by the Legislature of the State of Minnesota that it urges the President, his administration, and the Congress of the United States to speedily enact legislation that promotes and removes restrictions to domestic oil drilling and access to Canadian Oil Sand reserves.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the United States Secretary of State, the chair of the Senate Committee on Energy and Natural Resources, the chair of the House Committee on Energy and Commerce, and Minnesota's Senators and Representatives in Congress."

Page 2, delete lines 1 and 2

Delete the title and insert:

"A resolution memorializing the President and Congress to enact legislation encouraging domestic oil drilling and encouraging more importation of North American crude oil."

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

Senator Rosen from the Committee on Energy, Utilities and Telecommunications, to which was referred

S.F. No. 1205: A bill for an act relating to energy; eliminating certain allocations and temporarily prohibiting approval of certain expenditures from renewable development account; amending Minnesota Statutes 2010, section 116C.779, subdivisions 1, 3.

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

Page 3, line 20, delete "payments for" and after "expenditures" insert "for projects"

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

Senator Rosen from the Committee on Energy, Utilities and Telecommunications, to which was referred

S.F. No. 1197: A bill for an act relating to energy; making technical changes and modifying provisions related to utility report filings, weatherization programs, and public utility commission assessments; removing obsolete and redundant language; providing for certain reporting requirements; amending Minnesota Statutes 2010, sections 16E.15, subdivision 2; 216B.241, subdivision 2; 216C.264; 216E.18, subdivision 3.

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 2010, section 16E.15, subdivision 2, is amended to read:

Subd. 2. **Software sale fund.** (a) Except as provided in ~~paragraphs~~ paragraph (b) ~~and (e)~~, proceeds of the sale or licensing of software products or services by the chief information officer must be credited to the enterprise technology revolving fund. If a state agency other than the Office of Enterprise Technology has contributed to the development of software sold or licensed under this section, the chief information officer may reimburse the agency by discounting computer services provided to that agency.

(b) Proceeds of the sale or licensing of software products or services developed by the Pollution Control Agency, or custom developed by a vendor for the agency, must be credited to the environmental fund.

~~(c) Proceeds of the sale or licensing of software products or services developed by the Department of Education, or custom developed by a vendor for the agency, to support the achieved savings assessment program, must be appropriated to the commissioner of education and credited to the weatherization program to support weatherization activities.~~

Sec. 2. Minnesota Statutes 2010, section 216B.03, is amended to read:

216B.03 REASONABLE RATE.

Every rate made, demanded, or received by any public utility, or by any two or more public utilities jointly, shall be just and reasonable. Rates shall not be unreasonably preferential, unreasonably prejudicial, or discriminatory, but shall be sufficient, equitable, and consistent in application to a class of consumers and among classes of consumers. To the maximum reasonable extent, the commission shall set rates to encourage energy conservation and renewable energy use and to further the goals of sections 216B.164, 216B.241, and 216C.05. Any doubt as to reasonableness should be resolved in favor of the consumer. For rate-making purposes a public utility may treat two or more municipalities served by it as a single class wherever the populations are comparable in size or the conditions of service are similar.

Sec. 3. Minnesota Statutes 2010, section 216B.07, is amended to read:

216B.07 RATE PREFERENCE PROHIBITED.

No public utility shall, as to rates or service, make or grant any unreasonable preference or advantage to any person or class of consumers or subject any person or class of consumers to any unreasonable prejudice or disadvantage.

Sec. 4. Minnesota Statutes 2010, section 216B.16, is amended by adding a subdivision to read:

Subd. 6e. **Revenue allocation among consumer classes.** Cost of service shall be the primary consideration in the commission's determination of revenue allocation among consumer classes. Factors other than cost of service, including impact on business development and job growth, may also be considered and evaluated by the commission in determining revenue allocations. Factors used in determining revenue allocation must be supported by record evidence.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to filings for rate changes filed on and after that date.

Sec. 5. Minnesota Statutes 2010, section 216B.16, subdivision 7, is amended to read:

Subd. 7. **Energy and emission control products cost adjustment.** Notwithstanding any other provision of this chapter, the commission may permit a public utility to file rate schedules containing provisions for the automatic adjustment of charges for public utility service in direct relation to changes in:

- (1) federally regulated wholesale rates for energy delivered through interstate facilities;
- (2) direct costs for natural gas delivered; ~~or~~
- (3) costs for fuel used in generation of electricity or the manufacture of gas; or

(4) prudent costs incurred by a public utility for sorbents, reagents, or chemicals used to control emissions from an electric generation facility, provided that these costs are not recovered elsewhere in rates. The utility must track and report annually the volumes and costs of sorbents, reagents, or chemicals using separate accounts by generating plant.

Sec. 6. Minnesota Statutes 2010, section 216B.16, subdivision 9, is amended to read:

Subd. 9. **Charitable contribution.** The commission shall allow as operating expenses only those charitable contributions which that the commission deems prudent and which that qualify under section 290.21, ~~subdivision 3, clause (b)~~ 300.66, subdivision 3. Only 50 percent of the qualified contributions ~~shall be~~ are allowed as operating expenses.

Sec. 7. Minnesota Statutes 2010, section 216B.16, subdivision 15, is amended to read:

Subd. 15. **Low-income affordability programs.** (a) The commission must consider ability to pay as a factor in setting utility rates and may establish affordability programs for low-income residential ratepayers in order to ensure affordable, reliable, and continuous service to low-income utility customers. ~~Affordability programs may include inverted block rates in which lower energy prices are made available to lower usage customers. By September 1, 2007, A public utility serving low-income residential ratepayers who use natural gas for heating must file an affordability program~~

with the commission. For purposes of this subdivision, "low-income residential ratepayers" means ratepayers who receive energy assistance from the low-income home energy assistance program (LIHEAP).

(b) Any affordability program the commission orders a utility to implement must:

- (1) lower the percentage of income that participating low-income households devote to energy bills;
- (2) increase participating customer payments over time by increasing the frequency of payments;
- (3) decrease or eliminate participating customer arrears;
- (4) lower the utility costs associated with customer account collection activities; and
- (5) coordinate the program with other available low-income bill payment assistance and conservation resources.

(c) In ordering affordability programs, the commission may require public utilities to file program evaluations that measure the effect of the affordability program on:

- (1) the percentage of income that participating households devote to energy bills;
- (2) service disconnections; and
- (3) frequency of customer payments, utility collection costs, arrearages, and bad debt.

(d) The commission must issue orders necessary to implement, administer, and evaluate affordability programs, and to allow a utility to recover program costs, including administrative costs, on a timely basis. The commission may not allow a utility to recover administrative costs, excluding start-up costs, in excess of five percent of total program costs, or program evaluation costs in excess of two percent of total program costs. The commission must permit deferred accounting, with carrying costs, for recovery of program costs incurred during the period between general rate cases.

(e) Public utilities may use information collected or created for the purpose of administering energy assistance to administer affordability programs.

Sec. 8. Minnesota Statutes 2010, section 216B.16, is amended by adding a subdivision to read:

Subd. 19. **Multiyear rate plan.** (a) A public utility may propose, and the commission may approve, approve as modified, or reject a multiyear rate plan as provided in this subdivision. The term "multiyear rate plan" refers to a plan establishing the rates the utility may charge for each year of the specified period of years to be covered by the plan. The commission may approve a multiyear rate plan only if it finds that the plan establishes just and reasonable rates for the utility, applying the factors described in subdivision 6.

(b) Rates charged under a multiyear rate plan must be based only upon the utility's reasonable and prudent costs of service over the term of the plan, as determined by the commission, provided that the costs are not being recovered elsewhere in rates. Rate adjustments authorized under subdivisions 6b and 7 may continue outside of a plan authorized under this subdivision.

(c) The commission may, by order, establish terms, conditions, and procedures necessary to

implement this subdivision, including a mechanism to periodically examine a multiyear rate plan to ensure rates charged under the plan remain just and reasonable. In reviewing a multiyear rate plan proposed in a general rate case under this section, the commission may extend the time requirements for issuance of a final determination prescribed in this section by an additional 90 days beyond its existing authority under subdivision 2, paragraph (f).

Sec. 9. Minnesota Statutes 2010, section 216B.1691, is amended by adding a subdivision to read:

Subd. 2e. **Rate impact of standard compliance; report.** Each electric utility must submit to the commission and the legislative committees with primary jurisdiction over energy policy a report containing an estimation of the rate impact of activities of the electric utility necessary to comply with section 216B.1691. The rate impact estimate must be for wholesale rates and, if the electric utility makes retail sales, the estimate shall also be for the impact on the electric utility's retail rates. Those activities include, without limitation, energy purchases, generation facility acquisition and construction, and transmission improvements. An initial report must be submitted within 150 days of the effective date of this section. After the initial report, a report must be updated and submitted as part of each integrated resource plan or plan modification filed by the electric utility under section 216B.2422. The reporting obligation of an electric utility under this subdivision expires December 31, 2025, for an electric utility subject to subdivision 2a, paragraph (a), and December 31, 2020, for an electric utility subject to subdivision 2a, paragraph (b).

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

Sec. 10. Minnesota Statutes 2010, section 216B.2401, is amended to read:

216B.2401 ENERGY CONSERVATION POLICY GOAL.

It is the energy policy of the state of Minnesota to achieve annual energy savings equal to 1.5 percent of annual retail energy sales of electricity and natural gas directly through energy conservation improvement programs and rate design, ~~such as inverted block rates in which lower energy prices are made available to lower usage residential customers,~~ and indirectly through energy codes and appliance standards, programs designed to transform the market or change consumer behavior, energy savings resulting from efficiency improvements to the utility infrastructure and system, and other efforts to promote energy efficiency and energy conservation.

Sec. 11. Minnesota Statutes 2010, section 216B.241, subdivision 1c, is amended to read:

Subd. 1c. **Energy-saving goals.** (a) The commissioner shall establish energy-saving goals for energy conservation improvement expenditures and shall evaluate an energy conservation improvement program on how well it meets the goals set.

(b) Each individual utility and association shall have an annual energy-savings goal equivalent to 1.5 percent of gross annual retail energy sales unless modified by the commissioner under paragraph (d). The savings goals must be calculated based on the most recent three-year weather normalized average. A utility or association may elect to carry forward energy savings in excess of 1.5 percent for a year to the succeeding three calendar years, except that savings from electric utility infrastructure projects allowed under paragraph (d) may be carried forward for five years. A particular energy savings can be used only for one year's goal.

(c) The commissioner must adopt a filing schedule that is designed to have all utilities and associations operating under an energy-savings plan by calendar year 2010.

(d) In its energy conservation improvement plan filing, a utility or association may request the commissioner to adjust its annual energy-savings percentage goal based on its historical conservation investment experience, customer class makeup, load growth, a conservation potential study, or other factors the commissioner determines warrants an adjustment. The commissioner may not approve a plan of a public utility that provides for an annual energy-savings goal of less than one percent of gross annual retail energy sales from energy conservation improvements.

A utility or association may include in its energy conservation plan energy savings from electric utility infrastructure projects approved by the commission under section 216B.1636 or waste heat recovery converted into electricity projects that may count as energy savings in addition to the a minimum energy-savings goal of at least one percent for energy conservation improvements. Electric utility infrastructure projects must result in increased energy efficiency greater than that which would have occurred through normal maintenance activity.

(e) An energy-savings goal is not satisfied by attaining the revenue expenditure requirements of subdivisions 1a and 1b, but can only be satisfied by meeting the energy-savings goal established in this subdivision.

(f) An association or utility is not required to make energy conservation investments to attain the energy-savings goals of this subdivision that are not cost-effective even if the investment is necessary to attain the energy-savings goals. For the purpose of this paragraph, in determining cost-effectiveness, the commissioner shall consider the costs and benefits to ratepayers, the utility, participants, and society. In addition, the commissioner shall consider the rate at which an association or municipal utility is increasing its energy savings and its expenditures on energy conservation.

(g) On an annual basis, the commissioner shall produce and make publicly available a report on the annual energy savings and estimated carbon dioxide reductions achieved by the energy conservation improvement programs for the two most recent years for which data is available. The commissioner shall report on program performance both in the aggregate and for each entity filing an energy conservation improvement plan for approval or review by the commissioner.

(h) By January 15, 2010, the commissioner shall report to the legislature whether the spending requirements under subdivisions 1a and 1b are necessary to achieve the energy-savings goals established in this subdivision.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to energy savings plans for calendar year 2012 and thereafter.

Sec. 12. Minnesota Statutes 2010, section 216B.241, subdivision 2, is amended to read:

Subd. 2. **Programs.** (a) The commissioner may require public utilities to make investments and expenditures in energy conservation improvements, explicitly setting forth the interest rates, prices, and terms under which the improvements must be offered to the customers. The required programs must cover no more than a three-year period. Public utilities shall file conservation improvement plans by June 1, on a schedule determined by order of the commissioner, but at least every three years. Plans received by a public utility by June 1 must be approved or approved as modified by the commissioner by December 1 of that same year. The commissioner shall evaluate the program on the basis of cost-effectiveness and the reliability of technologies employed. The commissioner's order must provide to the extent practicable for a free choice, by consumers

participating in the program, of the device, method, material, or project constituting the energy conservation improvement and for a free choice of the seller, installer, or contractor of the energy conservation improvement, provided that the device, method, material, or project seller, installer, or contractor is duly licensed, certified, approved, or qualified, including under the residential conservation services program, where applicable.

(b) The commissioner may require a utility to make an energy conservation improvement investment or expenditure whenever the commissioner finds that the improvement will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy. The commissioner shall nevertheless ensure that every public utility operate one or more programs under periodic review by the department.

(c) Each public utility subject to subdivision 1a may spend and invest annually up to ten percent of the total amount required to be spent and invested on energy conservation improvements under this section by the utility on research and development projects that meet the definition of energy conservation improvement in subdivision 1 and that are funded directly by the public utility.

(d) A public utility may not spend for or invest in energy conservation improvements that directly benefit a large energy facility or a large electric customer facility for which the commissioner has issued an exemption pursuant to subdivision 1a, paragraph (b). The commissioner shall consider and may require a utility to undertake a program suggested by an outside source, including a political subdivision, a nonprofit corporation, or community organization.

(e) A utility, a political subdivision, or a nonprofit or community organization that has suggested a program, the attorney general acting on behalf of consumers and small business interests, or a utility customer that has suggested a program and is not represented by the attorney general under section 8.33 may petition the commission to modify or revoke a department decision under this section, and the commission may do so if it determines that the program is not cost-effective, does not adequately address the residential conservation improvement needs of low-income persons, has a long-range negative effect on one or more classes of customers, or is otherwise not in the public interest. The commission shall reject a petition that, on its face, fails to make a reasonable argument that a program is not in the public interest.

(f) The commissioner may order a public utility to include, with the filing of the utility's ~~proposed conservation improvement plan under paragraph (a)~~ annual status report, the results of an independent audit of all or a selection of the utility's conservation improvement programs and expenditures performed by the department or an auditor with experience in the provision of energy conservation and energy efficiency services approved by the commissioner and chosen by the utility. The audit must specify the energy savings or increased efficiency in the use of energy within the service territory of the utility that is the result of the spending and investments. The audit must evaluate the cost-effectiveness of the utility's conservation programs.

Sec. 13. Minnesota Statutes 2010, section 216B.2425, subdivision 2, is amended to read:

Subd. 2. **List development; transmission projects report.** (a) By November 1 of each odd-numbered year, a transmission projects report must be submitted to the commission by each utility, organization, or company that:

(1) is a public utility, a municipal utility, a cooperative electric association, the generation and transmission organization that serves each utility or association, or a transmission company; and

(2) owns or operates electric transmission lines in Minnesota, except a company or organization that owns a transmission line that serves a single customer or interconnects a single generating facility.

(b) The report may be submitted jointly or individually to the commission.

(c) The report must:

(1) list specific present and reasonably foreseeable future inadequacies in the transmission system in Minnesota;

(2) identify alternative means of addressing each inadequacy listed;

(3) identify general economic, environmental, and social issues associated with each alternative; and

(4) provide a summary of public input related to the list of inadequacies and the role of local government officials and other interested persons in assisting to develop the list and analyze alternatives.

(d) To meet the requirements of this subdivision, reporting parties may rely on available information and analysis developed by a regional transmission organization or any subgroup of a regional transmission organization and may develop and include additional information as necessary.

Sec. 14. Minnesota Statutes 2010, section 216B.49, subdivision 3, is amended to read:

Subd. 3. **Commission approval required.** ~~It shall be~~ is unlawful for any public utility organized under the laws of this state to offer or sell any security or, if organized under the laws of any other state or foreign country, to subject property in this state to an encumbrance for the purpose of securing the payment of any indebtedness unless the security issuance of the public utility ~~shall~~ is first be approved by the commission, either as an individual issuance or as one of multiple possible issuances approved in the course of a periodic proceeding reviewing the utility's proposed sources and uses of capital funds. Approval by the commission ~~shall~~ must be by formal written order.

Sec. 15. Minnesota Statutes 2010, section 216C.11, is amended to read:

216C.11 ENERGY CONSERVATION INFORMATION CENTER.

The commissioner shall establish an Energy Information Center in the department's offices in St. Paul. The information center shall maintain a toll-free telephone information service and disseminate printed materials on energy conservation topics, including but not limited to, availability of loans and other public and private financing methods for energy conservation physical improvements, the techniques and materials used to conserve energy in buildings, including retrofitting or upgrading insulation and installing weatherstripping, the projected prices and availability of different sources of energy, and alternative sources of energy.

The Energy Information Center shall serve as the official Minnesota Alcohol Fuels Information Center and shall disseminate information, printed, by the toll-free telephone information service, or otherwise on the applicability and technology of alcohol fuels.

The information center shall include information on the potential hazards of energy conservation

techniques and improvements in the printed materials disseminated. The commissioner shall not be liable for damages arising from the installation or operation of equipment or materials recommended by the information center.

The information center shall use the information collected under section 216C.02, subdivision 1, to maintain a central source of information on conservation and other energy-related programs, including both programs required by law or rule and programs developed and carried on voluntarily. ~~In particular, the information center shall compile and maintain information on policies covering disconnections or denials of fuel during cold weather adopted by public utilities and other fuel suppliers not governed by section 216B.096 or 216B.097, including the number of households disconnected or denied fuel and the duration of the disconnections or denials.~~

Sec. 16. Minnesota Statutes 2010, section 216C.264, is amended to read:

216C.264 COORDINATING RESIDENTIAL WEATHERIZATION PROGRAMS.

Subdivision 1. **Agency designation.** The department is the state agency to apply for, receive, and disburse money made available to the state by federal law for the purpose of weatherizing the residences of low-income persons. The commissioner must coordinate available federal money with state money appropriated for this purpose.

Subd. 2. **Grants.** The commissioner must make grants of federal and state money to community action agencies and other public or private nonprofit agencies for the purpose of weatherizing the residences of low-income persons. ~~Grant applications must be submitted in accordance with rules promulgated by the commissioner.~~

Subd. 3. **Benefits of weatherization.** In the case of any grant made to an owner of a rental dwelling unit for weatherization, the commissioner must require that (1) the benefits of weatherization assistance in connection with the dwelling unit accrue primarily to the low-income family that resides in the unit; (2) the rents on the dwelling unit will not be raised because of any increase in value due solely to the weatherization assistance; and (3) no undue or excessive enhancement will occur to the value of the dwelling unit.

~~Subd. 4. **Rules.** The commissioner must promulgate rules that describe procedures for the administration of grants, data to be reported by grant recipients, and compliance with relevant federal regulations. The commissioner must require that a rental unit weatherized under this section be rented to a household meeting the income limits of the program for 24 of the 36 months after weatherization is complete. In applying this restriction to multiunit buildings weatherized under this section, the commissioner must require that occupancy continue to reflect the proportion of eligible households in the building at the time of weatherization.~~

Subd. 5. **Grant allocation.** The commissioner must distribute supplementary state grants in a manner consistent with the goal of producing the maximum number of weatherized units. Supplementary state grants are provided primarily for the payment of additional labor costs for the federal weatherization program, and as an incentive for the increased production of weatherized units.

Criteria for the allocation of state grants to local agencies include existing local agency production levels, emergency needs, and the potential for maintaining or increasing acceptable levels of production in the area.

An eligible local agency may receive advance funding for 90 days' production, but thereafter must receive grants solely on the basis of program criteria.

Subd. 6. **Eligibility criteria.** To the extent allowed by federal regulations, the commissioner must ensure that the same income eligibility criteria apply to both the weatherization program and the energy assistance program.

Sec. 17. Minnesota Statutes 2010, section 216E.18, subdivision 3, is amended to read:

Subd. 3. **Funding; assessment.** The commission shall finance its baseline studies, general environmental studies, development of criteria, inventory preparation, monitoring of conditions placed on site and route permits, and all other work, other than specific site and route designation, from an assessment made quarterly, at least 30 days before the start of each quarter, by the commission against all utilities with annual retail kilowatt-hour sales greater than 4,000,000 kilowatt-hours in the previous calendar year.

Each share shall be determined as follows: (1) the ratio that the annual retail kilowatt-hour sales in the state of each utility bears to the annual total retail kilowatt-hour sales in the state of all these utilities, multiplied by 0.667, plus (2) the ratio that the annual gross revenue from retail kilowatt-hour sales in the state of each utility bears to the annual total gross revenues from retail kilowatt-hour sales in the state of all these utilities, multiplied by 0.333, as determined by the commission. The assessment shall be credited to the special revenue fund and shall be paid to the state treasury within 30 days after receipt of the bill, which shall constitute notice of said assessment and demand of payment thereof. The total amount which may be assessed to the several utilities under authority of this subdivision shall not exceed the sum of the annual budget of the commission for carrying out the purposes of this subdivision. The assessment for the ~~second~~ third quarter of each fiscal year shall be adjusted to compensate for the amount by which actual expenditures by the commission for the preceding fiscal year were more or less than the estimated expenditures previously assessed.

Sec. 18. **REPEALER.**

Minnesota Statutes 2010, section 216B.242, is repealed."

Delete the title and insert:

"A bill for an act relating to energy; modifying provisions related to utility report filings, weatherization programs, and public utility commission assessments; removing obsolete and redundant language; providing for certain reporting requirements; requiring utility rates be based primarily on cost of service between and among consumer classes; making clarifying and technical changes; authorizing the Public Utilities Commission to approve a multiyear rate plan for certain utilities; providing for cost recovery for certain pollution control products; requiring certain rate impact information related to compliance with renewable energy standard; modifying conservation improvement program; modifying provision relating to transmission projects reports; regulating charitable contributions and securities issuance by utilities; relieving Energy Conservation Information Center from certain data-gathering responsibilities; amending Minnesota Statutes 2010, sections 16E.15, subdivision 2; 216B.03; 216B.07; 216B.16, subdivisions 7, 9, 15, by adding subdivisions; 216B.1691, by adding a subdivision; 216B.2401; 216B.241, subdivisions 1c, 2; 216B.2425, subdivision 2; 216B.49, subdivision 3; 216C.11; 216C.264; 216E.18, subdivision 3; repealing Minnesota Statutes 2010, section 216B.242."

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

Senator Limmer from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 1308: A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article XIII; recognizing marriage as only a union between one man and one woman.

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

Senator Parry from the Committee on State Government Innovation and Veterans, to which was referred

S.F. No. 1319: A bill for an act relating to veterans homes; veterans homes special revenue account; amending Minnesota Statutes 2010, section 198.003, 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 2010, section 198.003, is amended by adding a subdivision to read:

Subd. 8. General fund appropriations deposited in veterans homes special revenue account. General fund appropriations made to the commissioner for the care of veterans in a veterans home must be deposited into a dedicated account in the special revenue fund. Money in the account is appropriated to the commissioner for the operation of veterans homes and programs."

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

Senator Parry from the Committee on State Government Innovation and Veterans, to which was referred

S.F. No. 1321: A bill for an act relating to veterans; authorizing commissioner of veterans affairs to accept funds for certain purposes; proposing coding for new law in Minnesota Statutes, chapter 296.

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

Page 1, line 6, delete "296.053" and insert "196.053"

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 Parry from the Committee on State Government Innovation and Veterans, to which was re-referred

S.F. No. 1244: A bill for an act relating to environment; modifying the Wetland Conservation Act; providing for state environmental permit coordination and management; modifying certain environmental review procedures; authorizing consumptive use of water; requiring rulemaking; amending Minnesota Statutes 2010, sections 103G.005, subdivision 10e, by adding a subdivision; 103G.2212; 103G.222, subdivision 3; 103G.2242, subdivisions 2a, 6, 7, 9, 12, 14, by adding subdivisions; 103G.2251; 116D.04, subdivision 2a, as amended; proposing coding for new law in Minnesota Statutes, chapters 103G; 116C.

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

Page 13, delete section 17 and insert:

"Sec. 17. RULEMAKING; ENVIRONMENTAL REVIEW AND SOLID WASTE LAND DISPOSAL FACILITY PERMITS.

Subdivision 1. **Environmental Quality Board.** The Environmental Quality Board shall amend Minnesota Rules, part 4410.0200, subpart 65, to state that if the proposed action concerns a solid waste land disposal facility:

(1) the project review shall be for the ultimate design capacity of the site based on the requirements of the category; and

(2) the responsible governmental unit shall review the project proposed, in conjunction with any existing facility impacts, and shall not modify or change the project without approval of the proposer.

Subd. 2. **Pollution Control Agency.** The Pollution Control Agency shall amend Minnesota Rules, part 7001.3500, subpart 1, to extend permit terms to ten years and take into account site capacity for a solid waste land disposal facility."

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

Senator Parry from the Committee on State Government Innovation and Veterans, to which was re-referred

S.F. No. 346: A bill for an act relating to the Mississippi River Parkway Commission; changing its expiration date; amending Minnesota Statutes 2010, section 161.1419, subdivision 8.

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

Senator Parry from the Committee on State Government Innovation and Veterans, to which was re-referred

S.F. No. 158: A bill for an act relating to natural resources; appropriating money from the outdoor heritage fund; appropriating money from the clean water fund; modifying certain outdoor heritage provisions; modifying the Clean Water Legacy Act; revising the Clean Water Council; providing appointments; amending Minnesota Statutes 2010, sections 10A.01, subdivision 35; 97A.056, subdivisions 2, 3, 5, 6, 9, 10, by adding a subdivision; 114D.10; 114D.20, subdivisions

1, 2, 3, 6, 7; 114D.35; 114D.50, subdivision 6; 116.195; Laws 2009, chapter 172, article 1, section 2, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 114D; repealing Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 114D.30; 114D.45.

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

Senator Parry from the Committee on State Government Innovation and Veterans, to which was referred

S.F. No. 1320: A bill for an act relating to veterans homes; expanding permitted uses of certain funds; amending Minnesota Statutes 2010, section 198.261.

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 2010, section 198.261, is amended to read:

198.261 CANTEEN, COFFEE SHOP, ~~AND~~ WOOD SHOP, AND OTHER WORK THERAPY PROGRAMS.

Any profits derived from the operation of canteens, coffee shops, ~~and~~ wood shops, and other work therapy programs at the Minnesota veterans homes shall be used by the commissioner only for the direct benefit of the residents of the homes."

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

Senator Vandever from the Committee on Local Government and Elections, to which was referred

S.F. No. 382: A bill for an act relating to the environment; modifying powers of the Metropolitan Council in providing sewage treatment services; amending Minnesota Statutes 2010, sections 473.515, subdivision 3; 473.517, subdivision 3.

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

Page 1, delete section 1

Page 3, line 12, delete "Sections 1 and 2" and insert "Section 1" and delete "apply" and insert "applies"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to metropolitan government; limiting ability of Metropolitan Council to impose sewer availability charges; amending Minnesota Statutes 2010, section 473.517, subdivision 3."

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

Natural Resources. Amendments adopted. Report adopted.

Senator Vandever from the Committee on Local Government and Elections, to which was referred

S.F. No. 956: A bill for an act relating to local government; terminating Hennepin County Soil And Water Conservation District and transferring certain duties; proposing coding for new law in Minnesota Statutes, chapter 383B.

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

Page 1, after line 13, insert:

"Subd. 2a. **Grants.** For purposes of grants and other monies from the Board of Water and Soil Resources, Hennepin County is deemed to be a soil and water conservation district."

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

Senator Hann from the Committee on Health and Human Services, to which was referred

S.F. No. 1212: A bill for an act relating to health records; adding adult children of a deceased patient to the definition of patient; amending Minnesota Statutes 2010, section 144.291, subdivision 2.

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

Senator Limmer from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 1306: A bill for an act relating to probate; authorizing courts to modify certain provisions; amending Minnesota Statutes 2010, section 524.2-712.

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

Senator Limmer from the Committee on Judiciary and Public Safety, to which was re-referred

S.F. No. 926: A bill for an act relating to real property; expanding and defining certain residential property rights; modifying lien provisions of the Minnesota Common Interest Ownership Act; amending Minnesota Statutes 2010, sections 500.215, subdivision 2; 515B.3-116; proposing coding for new law in Minnesota Statutes, chapter 500.

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

Page 1, delete line 15 and insert "must not restrict an owner's right to install a flagpole on real property"

Page 1, line 16, before the semicolon, insert ", subject to clauses (1) and (3)"

Page 2, line 2, delete "or tenant"

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

Senator Limmer from the Committee on Judiciary and Public Safety, to which was referred

S.F. No. 1082: A bill for an act relating to public safety; clarifying and conforming provisions regarding driver's license revocation periods for DWI convictions; amending Minnesota Statutes 2010, sections 169A.54, subdivisions 1, 6; 171.30, subdivision 1; 171.306, subdivision 4; repealing Minnesota Statutes 2010, section 169A.54, subdivision 5.

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

Page 4, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 2010, section 171.30, subdivision 2, is amended to read:

Subd. 2. **60-day waiting period.** A limited license shall not be issued for a period of 60 days to an individual whose license or privilege has been revoked or suspended for commission of the following offenses:

- (1) any felony in the commission of which a motor vehicle was used; ~~or~~
- (2) failure to stop and disclose identity as required under section 169.09, in the event of a motor vehicle accident resulting in the death or personal injury of another; or
- (3) criminal vehicular operation under section 609.21, subdivision 1, clause (1), (2), item (ii) or (iii), (5), (6), (7), or (8), resulting in bodily harm or substantial bodily harm to another.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 5. Minnesota Statutes 2010, section 171.30, subdivision 2a, is amended to read:

Subd. 2a. **Other waiting periods.** Notwithstanding subdivision 2, a limited license shall not be issued for a period of:

- (1) 15 days, to a person whose license or privilege has been revoked or suspended for a first violation of section 169A.20, sections 169A.50 to 169A.53, or a statute or ordinance from another state in conformity with either of those sections; or
- (2) one year, to a person whose license or privilege has been revoked or suspended for: (i) committing manslaughter resulting from the operation of a motor vehicle; (ii) committing criminal vehicular homicide or injury under section 609.21, resulting in great bodily harm or death to another; or (iii) violating a statute or ordinance from another state in conformity with either of those offenses.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 6. Minnesota Statutes 2010, section 171.306, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this section, the terms in this subdivision have the meanings given them.

(b) "Ignition interlock device" or "device" means equipment that is designed to measure breath alcohol concentration and to prevent a motor vehicle's ignition from being started by a person whose

breath alcohol concentration measures 0.02 or higher on the equipment.

(c) "Program participant" means a person whose driver's license has been revoked, canceled, or denied under section 169A.52, ~~169A.54, or~~ 171.04, subdivision 1, clause (10); or section 171.17, subdivision 1, paragraph (a), clause (1), based on a violation of section 609.21, subdivision 1, clause (2), item (i), (3), or (4), resulting in bodily harm or substantial bodily harm to another; and who has qualified to take part in the ignition interlock program under this section.

(d) "Qualified prior impaired driving incident" has the meaning given in section 169A.03, subdivision 22.

Sec. 7. Minnesota Statutes 2010, section 171.306, subdivision 4, is amended to read:

Subd. 4. **Issuance of restricted license.** (a) The commissioner shall issue a class D driver's license, subject to the applicable limitations and restrictions of this section, to a program participant who meets the requirements of this section and the program guidelines. The commissioner shall not issue a license unless the program participant has provided satisfactory proof that:

(1) a certified ignition interlock device has been installed on the participant's motor vehicle at an installation service center designated by the device's manufacturer; and

(2) the participant has insurance coverage on the vehicle equipped with the ignition interlock device. The commissioner shall require the participant to present an insurance identification card, policy, or written statement as proof of insurance coverage, and may require the insurance identification card provided be certified by the insurance company to be noncancelable for a period not to exceed 12 months.

(b) A license issued under authority of this section must contain a restriction prohibiting the program participant from driving, operating, or being in physical control of any motor vehicle not equipped with a functioning ignition interlock device certified by the commissioner. A participant may drive an employer-owned vehicle not equipped with an interlock device while in the normal course and scope of employment duties pursuant to the program guidelines established by the commissioner and with the employer's written consent.

(c) A program participant whose driver's license has been revoked under section 169A.52, subdivision 3, paragraph (a), clause (1), (2), or (3), or subdivision 4, paragraph (a), clause (1), (2), or (3), or section 169A.54, subdivision 1, clause (1), (2), ~~or (3), or (4)~~, may apply for conditional reinstatement of the driver's license, subject to the ignition interlock restriction.

(d) A program participant whose driver's license has been revoked, canceled, or denied under section 169A.52, subdivision 3, paragraph (a), clause (4), (5), or (6), or subdivision 4, paragraph (a), clause (4), (5), or (6), ~~or~~ section 169A.54, subdivision 1, clause ~~(4), (5), or (6)~~, or (7); or section 171.17, subdivision 1, paragraph (a), clause (1), based on a violation of section 609.21, subdivision 1, clause (2), item (i), (3), or (4), resulting in bodily harm or substantial bodily harm to another, may apply for a limited license, subject to the ignition interlock restriction, if the program participant is enrolled in a licensed chemical dependency treatment or rehabilitation program as recommended in a chemical use assessment, and if the participant meets the other applicable requirements of section 171.30. After completing a licensed chemical dependency treatment or rehabilitation program and one year of limited license use without violating the ignition interlock restriction, the conditions of limited license use, or program guidelines, the participant may apply for conditional reinstatement of

the driver's license, subject to the ignition interlock restriction. If the program participant's ignition interlock device subsequently registers a positive breath alcohol concentration of 0.02 or higher, the commissioner shall cancel the driver's license, and the program participant may apply for another limited license according to this paragraph.

(e) Notwithstanding any statute or rule to the contrary, the commissioner has authority to determine when a program participant is eligible for restoration of full driving privileges, except that the commissioner shall not reinstate full driving privileges until the program participant has met all applicable prerequisites for reinstatement under section 169A.55 and until the program participant's device has registered no positive breath alcohol concentrations of 0.02 or higher during the preceding 90 days.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 8. **RULEMAKING.**

The commissioner may adopt, amend, or repeal rules as needed to administer this act using the exempt procedures of Minnesota Statutes, section 14.386, except that paragraph (b) shall not apply.

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

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "expanding the ignition interlock device program to include certain violators of the criminal vehicular operation law; reducing the hard revocation period applicable to a limited license for certain violators of the criminal vehicular operation law;"

Amend the title numbers accordingly

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

Senator Gimse from the Committee on Transportation, to which was referred

S.F. No. 1283: A bill for an act relating to the State Capitol; creating an advisory committee on Capitol Complex Security; authorizing the State Patrol to provide security and protection to certain government officials; amending Minnesota Statutes 2010, section 299D.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299E.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 348, 953, 270, 1217, 247, 1284, 1324, 373, 1183, 149, 530, 429, 1044, 939, 1073, 408, 946, 612, 1205, 1197, 346, 956, 1306 and 926 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 186 and 695 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Carlson, Higgins, Senjem, Skoe and Dahms introduced—

S.F. No. 1340: A bill for an act relating to counties; giving counties authority to provide for the general welfare; establishing an alternative service delivery pilot program for waivers; amending Minnesota Statutes 2010, section 375.18, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 402A.

Referred to the Committee on Local Government and Elections.

Senator Ingebrigtsen introduced—

S.F. No. 1341: A bill for an act relating to public safety; authorizing probation officers to conduct unannounced searches of persons on probation or pretrial release; proposing coding for new law in Minnesota Statutes, chapter 244.

Referred to the Committee on Judiciary and Public Safety.

Senator Robling introduced—

S.F. No. 1342: A bill for an act relating to data practices; authorizing access to Department of Natural Resources electronic licensing data for certain purposes; amending Minnesota Statutes 2010, section 84.0874.

Referred to the Committee on Judiciary and Public Safety.

Senators Hoffman, Lillie, Nienow, Chamberlain and Hall introduced—

S.F. No. 1343: A bill for an act relating to insurance; prohibiting the creation, operation, or existence of a health insurance exchange in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Commerce and Consumer Protection.

Senators Ortman, Marty, Michel, Rosen and Rest introduced—

S.F. No. 1344: A resolution memorializing the members of the Minnesota Congressional delegation to sponsor and support the Main Street Fairness Act.

Referred to the Committee on Taxes.

Senators Gazelka, Hoffman, Saxhaug, Carlson and Ingebrigtsen introduced—

S.F. No. 1345: A bill for an act relating to education finance; creating a seasonal recreational equalizing component to certain operating referenda; amending Minnesota Statutes 2010, section 126C.17, by adding subdivisions.

Referred to the Committee on Education.

Senators Michel and Bakk introduced—

S.F. No. 1346: A bill for an act relating to taxation; sales and use; providing an exemption for qualified data centers; amending Minnesota Statutes 2010, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Newman introduced—

S.F. No. 1347: A bill for an act relating to traffic regulations; exempting vehicle exiting roundabout from turn signal requirement; amending Minnesota Statutes 2010, section 169.19, subdivision 5.

Referred to the Committee on Transportation.

Senator Berglin introduced—

S.F. No. 1348: A bill for an act relating to human services; expanding a medication therapy management demonstration project to provide culturally specific care; establishing a medication reconciliation demonstration program; amending Minnesota Statutes 2010, section 256B.0625, subdivision 13h.

Referred to the Committee on Health and Human Services.

Senator Benson introduced—

S.F. No. 1349: A bill for an act relating to energy; permitting certain energy customers to seek exemptions from a utility's conservation investment program; making clarifying changes; amending Minnesota Statutes 2010, sections 216B.02, by adding a subdivision; 216B.16, subdivision 6b; 216B.1636, subdivision 1; 216B.241, subdivisions 1, 1a, 2.

Referred to the Committee on Energy, Utilities and Telecommunications.

Senators Pappas and Stumpf introduced—

S.F. No. 1350: A bill for an act relating to education finance; extending the term of expiring operating referenda by two years.

Referred to the Committee on Education.

Senator Brown introduced–

S.F. No. 1351: A bill for an act relating to agriculture; providing for study of a farmstay program; requiring a report.

Referred to the Committee on Agriculture and Rural Economies.

Senators Latz and Dibble introduced–

S.F. No. 1352: A bill for an act relating to employment; prohibiting abusive work environment practices and establishing remedies; proposing coding for new law in Minnesota Statutes, chapter 181.

Referred to the Committee on Jobs and Economic Growth.

Senator Lourey introduced–

S.F. No. 1353: A bill for an act relating to local government aid; modifying distribution; amending Minnesota Statutes 2010, section 477A.011, subdivision 36.

Referred to the Committee on Taxes.

Senator Gazelka introduced–

S.F. No. 1354: A bill for an act relating to environment; modifying Clean Water Partnership Law; amending Minnesota Statutes 2010, sections 17.117, subdivision 6a; 103F.705; 103F.711, subdivision 8; 103F.715; 103F.725, subdivisions 1, 1a; 103F.731, subdivision 2; 103F.735; 103F.741, subdivision 1; 103F.745; 103F.751; repealing Minnesota Statutes 2010, sections 103F.711, subdivision 7; 103F.721; 103F.731, subdivision 1; 103F.761.

Referred to the Committee on Environment and Natural Resources.

Senator Ingebrigtsen introduced–

S.F. No. 1355: A bill for an act relating to natural resources; appropriating money for Todd County pier.

Referred to the Committee on Environment and Natural Resources.

Senator Ingebrigtsen introduced–

S.F. No. 1356: A bill for an act relating to aeronautics; requiring issuance of license for public seaplane base.

Referred to the Committee on Transportation.

Senators Hoffman, Parry, Newman, Senjem and Ingebrigtsen introduced–

S.F. No. 1357: A bill for an act relating to firearms; directing the commissioner of human services to report mental health commitment information to the National Instant Criminal

Background Check System for the purpose of facilitating firearms background checks; creating a reporting requirement; extending time period for renewal of permit to purchase a pistol from a federally licensed dealer; providing for an annual background check; requiring courts to report certain data to the National Instant Criminal Background Check System for the purpose of firearms background checks; clarifying and delimiting the authority of public officials to disarm individuals at any time; clarifying law on use of force in defense of home and person; codifying and extending Minnesota's self-defense and defense of home laws; eliminating the common law duty to retreat in cases of self defense outside the home; expanding the boundaries of dwelling for purposes of self-defense; creating a presumption in the case of a person entering a dwelling or occupied vehicle by stealth or force; extending the rights available to a person in that person's dwelling to a person defending against entry of that person's occupied vehicle; providing for the recognition by Minnesota of other states' permits to carry a pistol within and under the laws of Minnesota; amending Minnesota Statutes 2010, sections 245.041; 609.065; 624.713, by adding a subdivision; 624.7131, subdivisions 2, 6, 8; 624.714, subdivision 16; proposing coding for new law in Minnesota Statutes, chapter 624.

Referred to the Committee on Judiciary and Public Safety.

Senator Scheid introduced—

S.F. No. 1358: A bill for an act relating to commerce; making changes to health plan requirements; amending Minnesota Statutes 2010, sections 43A.23, subdivision 1; 43A.317, subdivision 6; 62A.03, subdivision 1; 62A.047; 62A.17, subdivision 2; 62A.21, subdivisions 2a, 2b; 62A.25, subdivision 2; 62A.302; 62A.615; 62A.65, subdivisions 5, 6; 62C.14, subdivision 5; 62D.07, subdivision 3; 62D.105; 62E.06, subdivision 1; 62L.02, subdivisions 11, 14a, 19; 62L.03, subdivision 4; 62L.05, subdivision 9; 62Q.01, by adding subdivisions; 62Q.021; 62Q.23; 62Q.43, subdivision 2; 62Q.52; 62Q.55; 62Q.68, subdivision 1; 62Q.69, subdivision 3; 62Q.70, subdivision 1; 62Q.71; 62Q.73; 62Q.80, subdivision 2; 471.61, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapters 62Q; 72A; repealing Minnesota Statutes 2010, section 62E.02, subdivision 7.

Referred to the Committee on Commerce and Consumer Protection.

Senator Pederson introduced—

S.F. No. 1359: A bill for an act relating to state government; assigning new duties to the Legislative Commission on Planning and Fiscal Policy; transferring duties from executive agencies; appropriating money; amending Minnesota Statutes 2010, sections 3.885, subdivisions 1, 5, by adding a subdivision; 3.98; 3.987, subdivision 1.

Referred to the Committee on State Government Innovation and Veterans.

Senators Miller, Ingebrigtsen, Sparks and Langseth introduced—

S.F. No. 1360: A bill for an act relating to capital investment; appropriating money for RIM Conservation Reserve; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senators Scheid, Senjem, Magnus, Dibble and Higgins introduced—

S.F. No. 1361: A bill for an act relating to capital investment; appropriating money for the Minneapolis Transportation Interchange; authorizing the sale and issuance of state bonds.

Referred to the Committee on Capital Investment.

Senator Chamberlain introduced—

S.F. No. 1362: A bill for an act relating to taxation; repealing the job opportunity building zone program; amending Minnesota Statutes 2010, sections 270B.14, subdivision 3; 290.01, subdivisions 19b, 29; 290.091, subdivision 2; 290.0921, subdivision 3; 290.0922, subdivisions 2, 3; 297B.03; repealing Minnesota Statutes 2010, sections 272.02, subdivision 64; 272.029, subdivision 7; 289A.12, subdivision 15; 290.06, subdivision 29; 297A.68, subdivision 37; 469.310; 469.311; 469.312; 469.313; 469.314; 469.315; 469.316; 469.317; 469.318; 469.319; 469.3191; 469.3192; 469.3193; 469.3201.

Referred to the Committee on Taxes.

Senators Ingebrigtsen, Hoffman, Pederson and Saxhaug introduced—

S.F. No. 1363: A bill for an act relating to state government; appropriating money from the outdoor heritage fund; appropriating money from the clean water fund; appropriating money from the parks and trails fund; appropriating money from the arts and cultural heritage fund; modifying certain outdoor heritage provisions; modifying the Clean Water Legacy Act; revising the Clean Water Council; providing appointments; amending Minnesota Statutes 2010, sections 10A.01, subdivision 35; 85.53, subdivisions 1, 5; 85.535, subdivision 1; 97A.056, subdivisions 2, 3, 5, 6, 9, 10, by adding a subdivision; 114D.10; 114D.20, subdivisions 1, 2, 3, 6, 7; 114D.35; 114D.50, subdivision 6; 116.195; 129D.18, subdivision 4; 129D.19, subdivision 5; Laws 2009, chapter 172, article 1, section 2, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 114D; repealing Minnesota Statutes 2010, sections 84.02, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 114D.30; 114D.45.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Thompson moved that the name of Senator Latz be added as a co-author to S.F. No. 352. The motion prevailed.

Senator Parry moved that the name of Senator Fischbach be added as a co-author to S.F. No. 702. The motion prevailed.

Senator Marty moved that the name of Senator Nelson be added as a co-author to S.F. No. 705. The motion prevailed.

Senator Olson moved that the name of Senator Harrington be added as a co-author to S.F. No. 1250. The motion prevailed.

Senator Rest moved that the name of Senator Dibble be added as a co-author to S.F. No. 1297. The motion prevailed.

Senator Jungbauer moved that the name of Senator Wiger be added as a co-author to S.F. No. 1327. The motion prevailed.

Senator Olson moved that S.F. No. 1191 be withdrawn from the Committee on Energy, Utilities and Telecommunications and re-referred to the Committee on Local Government and Elections. The motion prevailed.

Senator Parry, for Senator Ingebrigtsen, moved that S.F. No. 1082 be withdrawn from the Committee on State Government Innovation and Veterans and re-referred to the Committee on Transportation. The motion prevailed.

MEMBERS EXCUSED

Senator Scheid was excused from the Session of today.

ADJOURNMENT

Senator Koch moved that the Senate do now adjourn until 12:00 noon, Tuesday, May 3, 2011. The motion prevailed.

Cal R. Ludeman, Secretary of the Senate