

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIFTH LEGISLATURE

FIFTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, April 25, 2007

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

CALL OF THE SENATE

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

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

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 1949: A bill for an act relating to the Minnesota Sesquicentennial Commission; changing certain duties and procedures; amending Laws 2005, First Special Session chapter 1, article 4, section 121.

Senate File No. 1949 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 24, 2007

CONCURRENCE AND REPASSAGE

Senator Rest moved that the Senate concur in the amendments by the House to S.F. No. 1949 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1949: A bill for an act relating to the Minnesota Sesquicentennial Commission; changing certain duties, powers, and procedures; amending Laws 2005, First Special Session chapter 1, article 4, section 121.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 854.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 24, 2007

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 854: A bill for an act relating to environment; providing for collection, transportation,

and recycling of video display devices; providing civil penalties; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 235, now on General Orders.

REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Reports at the Desk be now adopted, with the exception of the report pertaining to the appointment. The motion prevailed.

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

S.F. No. 438: A bill for an act relating to natural resources; regulating gross vehicle weights and axle weights of vehicles and combinations of vehicles; amending allowable weight limits on certain routes; modifying restrictions on vehicles hauling unfinished forest products; modifying timber sales on tax-forfeited lands; modifying apportionment of net income; amending permit fees and requirements; authorizing permits for certain vehicles and combinations of vehicles; making technical changes; defining wood products industry; modifying certain tax exemptions; amending Minnesota Statutes 2006, sections 169.824, subdivisions 1, 2; 169.826, subdivisions 1a, 1b; 169.8261; 169.828, subdivision 2; 169.86, subdivisions 1a, 5; 282.04, subdivision 1; 290.191, subdivision 2; 297A.68, subdivision 5; 297A.69, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 169.8261, is amended to read:

169.8261 GROSS WEIGHT LIMITATIONS; FOREST PRODUCTS.

(a) A vehicle or combination of vehicles hauling raw or unfinished forest products, including wood chips, paper, pulp, oriented strandboard, laminated strand lumber, hardboard, treated lumber, untreated lumber, or barrel staves, by the most direct route to the nearest highway that has been designated under section 169.832, subdivision 11, may be operated on any highway with gross weights permitted under sections 169.822 to 169.829 without regard to load restrictions imposed on that highway, except that the vehicles must:

(1) comply with seasonal load restrictions in effect between the dates set by the commissioner under section 169.87, subdivision 2;

(2) comply with bridge load limits posted under section 169.84;

(3) be equipped and operated with six axles and brakes on all wheels;

(4) not exceed 90,000 pounds gross weight, or ~~98,000~~ 99,000 pounds gross weight during the time when seasonal increases are authorized under section 169.826;

(5) not be operated on interstate and defense highways;

- (6) obtain an annual permit from the commissioner of transportation;
- (7) obey all road postings; and
- (8) not exceed 20,000 pounds gross weight on any single axle.

(b) A vehicle operated under this section may exceed the legal axle weight limits listed in section 169.824 by not more than 12.5 percent; except that, the weight limits may be exceeded by not more than 22.5 percent during the time when seasonal increases are authorized under section 169.826, subdivision 1.

Sec. 2. [169.865] EXTENDED WEIGHT LIMIT PERMITS; RAW AND UNPROCESSED AGRICULTURAL PRODUCTS.

Subdivision 1. **Six-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles to haul raw or unprocessed agricultural products with a total of six axles to be operated with a gross vehicle weight of up to:

- (1) 90,000 pounds; and
- (2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Notwithstanding subdivision 4, paragraph (a), clause (3), a vehicle or combination of vehicles operated under this subdivision and transporting only sealed intermodal containers may be operated on an interstate highway if allowed by the United States Department of Transportation.

(c) The fee for a permit issued under this subdivision is \$300.

Subd. 2. **Seven-axle vehicles.** (a) A road authority may issue an annual permit authorizing a vehicle or combination of vehicles to haul raw or unprocessed agricultural products with a total of seven axles to be operated with a gross vehicle weight of up to:

- (1) 97,000 pounds; and
- (2) 99,000 pounds during the period set by the commissioner under section 169.826, subdivision 1.

(b) Drivers of vehicles operating under this subdivision must comply with driver qualification requirements adopted under section 221.0314, subdivisions 2 to 5, and the Code of Federal Regulations, title 49, parts 40 and 382.

(c) The fee for a permit issued under this subdivision is \$500.

Subd. 3. **Single-unit vehicles.** (a) A road authority may issue an annual permit authorizing a single-unit vehicle to haul raw or unprocessed agricultural products with a total of seven axles up to 45 feet in length to be operated with a gross vehicle weight of up to:

- (1) 80,000 pounds; and
- (2) 88,000 pounds during the period set by the commissioner under section 169.826, subdivisions 1 and 1a.

(b) Drivers of vehicles operating under this subdivision must comply with driver qualification

requirements adopted under section 221.0314, subdivisions 2 to 5.

(c) The fee for a permit issued under this subdivision is \$300.

Subd. 4. **Requirements; restrictions.** (a) A vehicle or combination of vehicles operating under this section:

(1) is subject to axle weight limitations under section 169.824, subdivision 1;

(2) is subject to seasonal load restrictions under section 169.87;

(3) is subject to bridge load limits posted under section 169.84;

(4) may only be operated on trunk highways other than interstate highways, and on local roads designated under section 169.832, subdivision 11;

(5) may not be operated with loads that exceed the manufacturer's gross vehicle weight rating as affixed to the vehicle, or other certification of gross vehicle weight rating complying with Code of Federal Regulations, title 49, parts 567.4 to 567.7;

(6) must be issued a permit from each road authority having jurisdiction over a road on which the vehicle is operated, if required;

(7) must comply with the requirements of section 169.851, subdivision 4; and

(8) must have brakes on all wheels.

(b) The percentage allowances for exceeding gross weights if transporting unfinished forest products under section 168.013, subdivision 3, paragraph (b), or for the first haul of unprocessed or raw farm products or unfinished forest products under section 168.013, subdivision 3, paragraph (d), clause (3), do not apply to a vehicle or combination of vehicles operated under this section.

Subd. 5. **Deposit of revenues; appropriation.** (a) Revenue from the permits issued under this section must be deposited:

(1) in fiscal years 2007 through 2010, in the bridge inspection and signing account in the special revenue fund; and

(2) in fiscal year 2011 and subsequent years, in the trunk highway fund.

(b) The revenue in the bridge inspection and signing account under this section is annually appropriated to the commissioner for:

(1) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and

(2) erection of weight posting signs on local bridges.

Sec. 3. Minnesota Statutes 2006, section 282.04, subdivision 1, is amended to read:

Subdivision 1. **Timber sales; land leases and uses.** (a) The county auditor may sell timber upon any tract that may be approved by the natural resources commissioner. The sale of timber shall be made for cash at not less than the appraised value determined by the county board to the highest bidder after not less than one week's published notice in an official paper within the county. Any

timber offered at the public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof, until the time as the county board may withdraw the timber from sale. The appraised value of the timber and the forestry practices to be followed in the cutting of said timber shall be approved by the commissioner of natural resources.

(b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales, the down payment shall be no less than 15 percent of the appraised value, and the balance shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a single sale with predetermined cutting blocks, the down payment shall be no less than 15 percent of the appraised price of the entire timber sale which may be held until the satisfactory completion of the sale or applied in whole or in part to the final cutting block. The value of each separate block must be paid in full before any cutting may begin in that block. With the permission of the county contract administrator the purchaser may enter unpaid blocks and cut necessary timber incidental to developing logging roads as may be needed to log other blocks provided that no timber may be removed from an unpaid block until separately scaled and paid for. If payment is provided as specified in this paragraph as security under paragraph (a) and no cutting has taken place on the contract, the county auditor may credit the security provided, less any down payment required for an auction sale under this paragraph, to any other contract issued to the contract holder by the county under this chapter to which the contract holder requests in writing that it be credited, provided the request and transfer is made within the same calendar year as the security was received.

(c) The county board may require final settlement on the basis of a scale of cut products sell any timber, including biomass, as appraised or scaled, at its discretion. Any parcels of land from which timber is to be sold by scale of cut products shall be so designated in the published notice of sale under paragraph (a), in which case the notice shall contain a description of the parcels, a statement of the estimated quantity of each species of timber, and the appraised price of each species of timber for 1,000 feet, per cord or per piece, as the case may be. In those cases any bids offered over and above the appraised prices shall be by percentage, the percent bid to be added to the appraised price of each of the different species of timber advertised on the land. The purchaser of timber from the parcels shall pay in cash at the time of sale at the rate bid for all of the timber shown in the notice of sale as estimated to be standing on the land, and in addition shall pay at the same rate for any additional amounts which the final scale shows to have been cut or was available for cutting on the land at the time of sale under the terms of the sale. Where the final scale of cut products shows that less timber was cut or was available for cutting under terms of the sale than was originally paid for, the excess payment shall be refunded from the forfeited tax sale fund upon the claim of the purchaser, to be audited and allowed by the county board as in case of other claims against the county. No timber, except hardwood pulpwood, may be removed from the parcels of land or other designated landings until scaled by a person or persons designated by the county board and approved by the commissioner of natural resources. Landings other than the parcel of land from which timber is cut may be designated for scaling by the county board by written agreement with the purchaser of the timber. The county board may, by written agreement with the purchaser and with a consumer designated by the purchaser when the timber is sold by the county auditor, and with the approval of the commissioner of natural resources, accept the consumer's scale of cut products delivered at the consumer's landing. No timber shall be removed until fully paid for in cash. Small amounts of timber not exceeding \$3,000 in appraised valuation may be sold for not less than the full appraised value at private sale to individual persons without first publishing notice of sale or calling for bids, provided that in case of a sale involving a total appraised value of more than \$200 the sale shall be

made subject to final settlement on the basis of a scale of cut products in the manner above provided and not more than two of the sales, directly or indirectly to any individual shall be in effect at one time.

(d) As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations or organized subdivisions of the state at public or private sale, and at the prices and under the terms as the county board may prescribe, for use as cottage and camp sites and for agricultural purposes and for the purpose of taking and removing of hay, stumpage, sand, gravel, clay, rock, marl, and black dirt from the land, and for garden sites and other temporary uses provided that no leases shall be for a period to exceed ten years; provided, further that any leases involving a consideration of more than \$12,000 per year, except to an organized subdivision of the state shall first be offered at public sale in the manner provided herein for sale of timber. Upon the sale of any leased land, it shall remain subject to the lease for not to exceed one year from the beginning of the term of the lease. Any rent paid by the lessee for the portion of the term cut off by the cancellation shall be refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and allowed by the county board as in case of other claims against the county.

(e) As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations, or organized subdivisions of the state at public or private sale, at the prices and under the terms as the county board may prescribe, for the purpose of taking and removing for use for road construction and other purposes tax-forfeited stockpiled iron-bearing material. The county auditor must determine that the material is needed and suitable for use in the construction or maintenance of a road, tailings basin, settling basin, dike, dam, bank fill, or other works on public or private property, and that the use would be in the best interests of the public. No lease shall exceed ten years. The use of a stockpile for these purposes must first be approved by the commissioner of natural resources. The request shall be deemed approved unless the requesting county is notified to the contrary by the commissioner of natural resources within six months after receipt of a request for approval for use of a stockpile. Once use of a stockpile has been approved, the county may continue to lease it for these purposes until approval is withdrawn by the commissioner of natural resources.

(f) The county auditor, with the approval of the county board is authorized to grant permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores, tailings, or waste products from mines or ore milling plants, upon the conditions and for the consideration and for the period of time, not exceeding 15 years, as the county board may determine. The permits, licenses, or leases are subject to approval by the commissioner of natural resources.

(g) Any person who removes any timber from tax-forfeited land before said timber has been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor.

(h) The county auditor may, with the approval of the county board, and without first offering at public sale, grant leases, for a term not exceeding 25 years, for the removal of peat and for the production or removal of farm-grown closed-loop biomass as defined in section 216B.2424, subdivision 1, or short-rotation woody crops from tax-forfeited lands upon the terms and conditions as the county board may prescribe. Any lease for the removal of peat, farm-grown closed-loop biomass, or short-rotation woody crops from tax-forfeited lands must first be reviewed and approved by the commissioner of natural resources if the lease covers 320 or more acres. No lease for the removal of peat, farm-grown closed-loop biomass, or short-rotation woody crops shall be made by the county auditor pursuant to this section without first holding a public hearing on the auditor's

intention to lease. One printed notice in a legal newspaper in the county at least ten days before the hearing, and posted notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

(i) Notwithstanding any provision of paragraph (c) to the contrary, the St. Louis County auditor may, at the discretion of the county board, sell timber to the party who bids the highest price for all the several kinds of timber, as provided for sales by the commissioner of natural resources under section 90.14. Bids offered over and above the appraised price need not be applied proportionately to the appraised price of each of the different species of timber.

(j) In lieu of any payment or deposit required in paragraph (b), as directed by the county board and under terms set by the county board, the county auditor may accept an irrevocable bank letter of credit in the amount equal to the amount otherwise determined in paragraph (b). If an irrevocable bank letter of credit is provided under this paragraph, at the written request of the purchaser, the county may periodically allow the bank letter of credit to be reduced by an amount proportionate to the value of timber that has been harvested and for which the county has received payment. The remaining amount of the bank letter of credit after a reduction under this paragraph must not be less than 20 percent of the value of the timber purchased. If an irrevocable bank letter of credit or cash deposit is provided for the down payment required in paragraph (b), and no cutting of timber has taken place on the contract for which a letter of credit has been provided, the county may allow the transfer of the letter of credit to any other contract issued to the contract holder by the county under this chapter to which the contract holder requests in writing that it be credited."

Delete the title and insert:

"A bill for an act relating to natural resources; regulating the transportation of raw and unprocessed agricultural products; modifying restrictions on vehicles hauling unfinished forest products; modifying timber sales on tax-forfeited land; amending Minnesota Statutes 2006, sections 169.8261; 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 169."

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

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

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

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

Page 1, line 9, strike "inclusive"

Page 1, line 10, strike "only,"

Page 1, line 16, delete "nation" and insert "tribe"

Page 2, line 4, delete "a"

Page 2, line 5, delete "minimum of" and insert "at least"

Page 2, line 6, delete "a minimum of" and insert "at least" and delete "there are"

Page 2, line 7, delete "that"

Page 2, line 9, delete the period and insert ", provided that the length of the"

Page 2, line 16, after "to" insert "payment for"

Page 2, line 17, after the comma, insert "incurred"

Page 2, line 26, delete "from time to time to serve" and insert "by adding"

Page 2, line 34, after "and" insert "adoption of"

Page 3, line 2, after "government" insert "in proportion to their relative shares of the most recent levy under section 360.0427"

Page 3, line 6, after "all" insert "taxable"

Page 3, line 7, delete "mill" and insert "tax"

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

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

S.F. No. 443: A bill for an act relating to public safety; regulating scrap metal dealers by requiring that they pay for scrap metal only by checks, collect specified information about transactions, and participate in the criminal alert network; enhancing penalties for theft that creates a risk to the public; expanding the receiving stolen property crime for precious metal dealers to include scrap metal dealers, and adjusting the maximum penalty and monetary threshold for certain of these offenses; requiring educational materials for scrap metal dealers; providing criminal penalties; amending Minnesota Statutes 2006, sections 13.82, subdivision 27; 325E.21; 609.52, by adding a subdivision; 609.526; proposing coding for new law in Minnesota Statutes, chapter 299C.

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

Page 1, line 25, delete "than" and insert "from"

Page 2, delete lines 12 and 13

Page 2, line 14, delete "(c)" and insert "(b)"

Page 2, line 16, delete "(d)" and insert "(c)"

Page 2, line 18, delete "(e)" and insert "(d)"

Page 2, line 24, delete "(f)" and insert "(e)"

Page 3, line 7, after "check" insert "or electronic transfer"

Page 3, line 24, after "person" insert a comma

Page 5, delete section 4

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "checks" insert "or electronic transfers"

Amend the title numbers accordingly

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

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

S.F. No. 1186: A bill for an act relating to public facilities; modifying provisions of the Minnesota Public Facilities Authority Act; making technical and housekeeping changes; modifying Pollution Control Agency project priority rule; amending Minnesota Statutes 2006, sections 116.182, subdivision 5; 446A.02; 446A.03; 446A.04; 446A.051; 446A.07; 446A.072; 446A.073; 446A.074; 446A.075; 446A.081; 446A.085; 446A.09; 446A.11, subdivision 13; 446A.17, subdivision 1; repealing Minnesota Statutes 2006, sections 446A.05; 446A.06; 446A.15, subdivision 6.

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

Page 4, line 18, delete the first "or" and insert ". The authority"

Page 4, line 20, delete "carry out and effectuate" and insert "administer"

Page 4, line 21, delete "any such" and insert "the"

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

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

S.F. No. 1312: A bill for an act relating to environment and natural resources policy; creating a state recreation area advisory council; modifying water supply plan requirements; modifying state park permit provisions; requiring the initiation of rulemaking for aquatic plant management permits and shoreland standards; modifying restrictions related to off-highway vehicle use; providing for state forest traditional areas; restricting the licensing of certain public water for minnows; modifying the definition of a game bird; adding legislative members to the Game and Fish Oversight Committee; designating a state wildlife management area; modifying provisions for taking animals causing damage; changing the license year for fishing, fish house, and dark house licenses; modifying certain wild animal possession and taking restrictions; providing for an apprentice hunter validation; exempting persons with military training from the range and shooting exercise portion of the required course for a firearm safety certificate; allowing the use of scopes on muzzleloaders during the muzzleloader season; removing ban on smokeless gunpowder in muzzleloaders; providing for the minimum draw weight for bows used to take big game; allowing remote-controlled animal noise callers to take unprotected wild animals; authorizing the commissioner of natural resources to issue special permits for taking bear for certain purposes; modifying certain angling seasons; modifying Lake Superior commercial fishing provisions; providing criminal and civil penalties; providing for a walk-in public access plan for certain outdoor recreation; modifying land acquisition requirements; modifying land owners' bill of rights; requiring approved firewood on land administered by the commissioner of natural resources; modifying recordation requirements for mineral interests; increasing payments in lieu

of taxes for certain lands; adding to and deleting from state parks and state recreation areas; authorizing public and private sales and conveyances of certain state lands; authorizing a 20-year lease of certain tax-forfeited land; exempting certain exchanged land from the tax-forfeited land assurance fee; providing for temporary suspension of apportionment of certain net proceeds in Lake County; modifying agency service requirements; modifying provisions for wetland conservation; requiring rulemaking; restricting outdoor light pollution; modifying exemptions to noise standards; restricting the use of phosphorus in household dishwasher detergent; modifying licensing requirements for design, installation, maintenance, inspection, or operation of individual sewage treatment systems; extending the prohibition on new open air swine basins; prohibiting the sale of certain mercury-containing products; modifying restrictions on the sale, use, and disposal of certain mercury-containing products; requiring certain consumer information; modifying lamp recycling facility operation requirements; delaying phosphorus reduction requirements on wastewater treatment facilities; requiring reports; providing for community forest management; providing for control of forest and shade tree pests; modifying requirements for ditch buffers; requiring annual drainage authority reports; modifying drainage repair and inspection requirements; amending Minnesota Statutes 2006, sections 15.99, subdivision 3; 17.4984, subdivision 1; 18G.03, by adding a subdivision; 18G.11; 84.0272, subdivision 3; 84.0274, subdivision 5; 84.777; 84.9256, subdivision 2, by adding a subdivision; 84.9257; 84.926, by adding a subdivision; 84.928, subdivision 1; 84D.14; 85.013, by adding a subdivision; 85.053, subdivision 8; 85.054, by adding a subdivision; 88.01, by adding a subdivision; 88.79, subdivisions 1, 2; 88.82; 89.001, subdivision 8, by adding subdivisions; 89.01, subdivisions 1, 2, 4; 89.51, subdivisions 1, 6, 9; 89.52; 89.53; 89.54; 89.55; 89.56, subdivisions 1, 3; 89.57; 89.58; 89.59; 89.60; 89.61; 93.55, subdivision 1; 97A.015, subdivision 24, by adding a subdivision; 97A.055, subdivision 4b; 97A.133, by adding a subdivision; 97A.145, subdivision 2; 97A.205; 97A.401, subdivision 5; 97A.405, subdivisions 2, 4; 97A.411, subdivision 1; 97A.421, by adding a subdivision; 97A.451, subdivision 3; 97A.475, subdivision 2; 97A.505, subdivision 4; 97A.511; 97B.015, by adding a subdivision; 97B.020; 97B.031, subdivision 5; 97B.035, by adding a subdivision; 97B.075; 97B.085, subdivision 3; 97B.301, subdivision 7; 97B.311; 97B.405; 97B.928, subdivision 1; 97C.325; 97C.355, subdivision 8; 97C.395, subdivision 1; 97C.835, subdivisions 1, 3, 8; 103E.021, subdivisions 1, 2, 3, by adding a subdivision; 103E.315, subdivision 8; 103E.321, subdivision 1; 103E.701, by adding a subdivision; 103E.705, subdivisions 1, 2, 3; 103E.728, subdivision 2; 103F.205, subdivision 1; 103G.222, subdivision 3; 103G.2241, subdivisions 3, 4, 6, 11; 103G.2242, subdivisions 2, 2a, 9, 12, 15; 103G.2243, subdivision 2; 103G.291, subdivision 3; 103G.311, subdivision 2; 115.56, subdivision 2; 115A.932, subdivision 1; 116.07, subdivision 2a; 116.0714; 116.23; 116.92, subdivisions 3, 7a, by adding subdivisions; 116.93, subdivision 2; 169A.35, subdivision 1; 219.99; 473.1565, subdivision 1; 473.859, subdivision 3; 477A.12, subdivision 1; 477A.14, subdivision 1; Laws 2003, chapter 128, article 1, section 167, subdivision 1, as amended; Laws 2006, chapter 236, article 1, section 21; Laws 2006, chapter 251, section 16; proposing coding for new law in Minnesota Statutes, chapters 16B; 84; 85; 89; 97B; 97C; 103E; 103F; 116; 121A; repealing Minnesota Statutes 2006, sections 18G.16; 84.928, subdivision 8; 85.012, subdivision 24b; 89.51, subdivision 8; 97A.475, subdivision 38; 97C.365; 103G.2241, subdivision 8; 115.03, subdivision 10; Laws 2006, chapter 236, article 1, section 2.

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

Page 3, after line 29, insert:

"Sec. 2. Minnesota Statutes 2006, section 85.015, subdivision 22, is amended to read:

Subd. 22. **Minnesota River Trail.** The trail shall originate at the entrance to Big Stone Lake State Park and extend along the Minnesota River Valley to connect to the Minnesota Valley Trail at the city of Le Sueur. The trail shall include a loop between Fort Ridgely State Park and the cities of Redwood Falls and Sleepy Eye. A segment shall be established connecting the cities of Granite Falls and Montevideo.

Sec. 3. Minnesota Statutes 2006, section 85.053, subdivision 2, is amended to read:

Subd. 2. **Requirement.** Except as provided in section 85.054, a motor vehicle may not enter a state park, state recreation area, or state wayside over 50 acres in area, without a state park permit issued under this section. Except for vehicles permitted under subdivisions 7, paragraph (a), clause (2), and 8, the state park permit must be affixed to the lower right corner windshield of the motor vehicle and must be completely affixed by its own adhesive to the windshield, or the commissioner may, by written order, provide an alternative means to display and validate ~~annual~~ state park permits."

Page 9, line 27, delete everything before "the" and delete "shall" and insert "may"

Page 17, delete section 4

Page 35, delete section 8

Page 36, delete section 9

Page 57, line 7, delete "42" and insert "40"

Page 68, delete section 11 and insert:

"Sec. 11. Minnesota Statutes 2006, section 103G.2242, subdivision 15, is amended to read:

Subd. 15. **Fees paid to board.** (a) All fees established in subdivision 14 must be paid to the Board of Water and Soil Resources and credited to the general fund to be used for the purpose of administration of the wetland bank.

(b) All fees established in subdivision 9 must be paid to the Board of Water and Soil Resources and credited to the special revenue fund. Money received from fees paid under this paragraph is annually appropriated to the board to process appeals under subdivision 9."

Page 81, line 7, after the period, insert "The agency shall not contract for outside facilitation services in preparation of this report."

Page 81, line 26, delete "shall" and insert "may"

Page 81, line 27, delete "must" and insert "may"

Page 82, line 6, delete "shall" and insert "may"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "requiring" insert "and authorizing"

Page 1, line 8, delete everything after the semicolon

Page 1, line 9, delete "Oversight Committee;"

Page 1, line 25, after "parks" insert ", state trails,"

Page 2, line 4, after the semicolon, insert "appropriating money;"

Amend the title numbers accordingly

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

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

H.F. No. 455: A bill for an act relating to public defense; updating and clarifying public defense provisions of law; modifying right to representation by the public defender; requiring the state public defender to supervise the statewide public defender system; authorizing appointment of a chief appellate public defender; providing for representation by the chief appellate public defender; amending Minnesota Statutes 2006, sections 270A.03, subdivision 5; 590.05; 611.14; 611.20, subdivision 6; 611.215, subdivisions 1, 1a; 611.23; 611.24; 611.25, subdivision 1; 611.26, subdivisions 2, 7; 611.27, subdivisions 3, 13, 15; 611.35; repealing Minnesota Statutes 2006, section 611.20, subdivision 5.

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

Page 3, after line 15, insert:

"Sec. 4. Minnesota Statutes 2006, section 611.17, subdivision 1, is amended to read:

Subdivision 1. **Standards for district public defense eligibility.** (a) Each judicial district must screen requests for representation by the district public defender. A defendant is financially unable to obtain counsel if:

(1) the defendant, or any dependent of the defendant who resides in the same household as the defendant, receives means-tested governmental benefits; or

(2) the defendant, through any combination of liquid assets and current income, would be unable to pay the reasonable costs charged by private counsel in that judicial district for a defense of the same matter.

(b) Upon a request for the appointment of counsel, the court shall make appropriate inquiry into the financial circumstances of the applicant, who shall submit a financial statement under oath or affirmation setting forth the applicant's assets and liabilities, including the value of any real property owned by the applicant, whether homestead or otherwise, less the amount of any encumbrances on the real property, the source or sources of income, and any other information required by the court. The applicant shall be under a continuing duty while represented by a public defender to disclose any changes in the applicant's financial circumstances that might be relevant to the applicant's eligibility for a public defender. The state public defender shall furnish appropriate forms for the financial statements. The forms must contain conspicuous notice of the applicant's continuing duty to disclose to the court changes in the applicant's financial circumstances. The forms must also contain conspicuous notice of the applicant's obligation to make a co-payment for the services of the district public defender, as specified under paragraph (c). The information contained in the statement shall be confidential and for the exclusive use of the court and the public

defender appointed by the court to represent the applicant except for any prosecution under section 609.48. A refusal to execute the financial statement or produce financial records constitutes a waiver of the right to the appointment of a public defender. The court shall not appoint a district public defender to a defendant who is financially able to retain private counsel but refuses to do so.

An inquiry to determine financial eligibility of a defendant for the appointment of the district public defender shall be made whenever possible prior to the court appearance and by such persons as the court may direct. This inquiry may be combined with the prerelease investigation provided for in Minnesota Rule of Criminal Procedure 6.02, subdivision 3. In no case shall the district public defender be required to perform this inquiry or investigate the defendant's assets or eligibility. The court has the sole duty to conduct a financial inquiry. The inquiry must include the following:

- (1) the liquidity of real estate assets, including the defendant's homestead;
- (2) any assets that can be readily converted to cash or used to secure a debt;
- (3) the determination of whether the transfer of an asset is voidable as a fraudulent conveyance; and
- (4) the value of all property transfers occurring on or after the date of the alleged offense. The burden is on the accused to show that he or she is financially unable to afford counsel. Defendants who fail to provide information necessary to determine eligibility shall be deemed ineligible. The court must not appoint the district public defender as advisory counsel.

~~(c) Upon appointment of the public defender, an individual who receives public defender services shall be obligated to pay to the court a co-payment for representation provided by a public defender. The co-payment shall be according to the following schedule:~~

- ~~(1) if the person was charged with a felony, \$200;~~
- ~~(2) if the person was charged with a gross misdemeanor, \$100; or~~
- ~~(3) if the person was charged with a misdemeanor, \$50.~~

~~If the person is a child and was appointed counsel under the provisions of section 260B.163, subdivision 4, the parents of the child shall pay to the court a co-payment of \$100. If the person is a parent of a child and the parent was appointed counsel under the provisions of section 260C.163, subdivision 3, the parent shall pay to the court a co-payment of \$200.~~

~~If a term of probation is imposed as a part of an offender's sentence, the co-payment required by this section must not be made a condition of probation. The co-payment required by this section is a civil obligation and must not be made a condition of a criminal sentence. Collection of the co-payment may be made through the provisions of chapter 270A, the Revenue Recapture Act.~~

~~(d) All public defender co-pay revenue collected under paragraph (c) and revenues less statutory fees collected under chapter 270A shall be deposited in the public defender co-pay account in the special revenue fund.~~

~~The first \$2,740,000 deposited in the public defender co-pay account must be transferred to the general fund. This is not an annual transfer. Receipts in excess of the first \$2,740,000 are appropriated to the Board of Public Defense for public defender services.~~

(c) Upon disposition of the case, an individual who has received public defender services shall pay to the court a \$28 co-payment for representation provided by a public defender, unless the co-payment is, or has been, waived by the court.

The co-payment must be credited to the general fund. If a term of probation is imposed as a part of an offender's sentence, the co-payment required by this section must not be made a condition of probation. The co-payment required by this section is a civil obligation and must not be made a condition of a criminal sentence."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, before "amending" insert "striking statutory language relating to public defender co-pays;"

Amend the title numbers accordingly

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

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

S.F. No. 1971: A bill for an act relating to transportation; modifying provisions relating to department activities, data classification, eminent domain, school transportation, highways, commercial vehicles, highway construction contracting, transportation research, bridge inspection, special mobile equipment, motor vehicles, traffic regulations, towing, transport of hazardous materials, recreational vehicle combinations, parking violations, drivers' licenses and identification cards, vehicle length and weight, pavement analysis, special transportation services, and motor carriers; creating position of state rail inspector; establishing rail walkways standards; creating task forces; requiring reports; providing penalties; amending Minnesota Statutes 2006, sections 3.8841, subdivision 8; 13.72, by adding subdivisions; 117.041, by adding a subdivision; 117.51; 117.52, subdivision 1a; 123B.88, subdivision 12; 123B.90, subdivision 2; 123B.92, subdivision 5; 160.02, subdivision 19, by adding a subdivision; 161.115, subdivision 76; 161.14, subdivision 18, by adding subdivisions; 161.32, subdivisions 1, 1b, 4; 161.53; 165.01; 165.03; 168.011, subdivision 22; 168A.151, subdivision 1; 168A.153; 168B.04, subdivision 2; 169.01, subdivisions 6, 19, 20, 78, by adding subdivisions; 169.041, subdivisions 1, 2; 169.06, subdivision 5; 169.34; 169.443, by adding a subdivision; 169.447, subdivision 2; 169.4501, subdivisions 1, 2; 169.4502, subdivision 5; 169.4503, subdivisions 13, 20; 169.471, subdivision 2; 169.685, subdivisions 5, 6; 169.686, subdivision 1; 169.781; 169.782, subdivision 1; 169.783, subdivision 1; 169.81, subdivision 2; 169.823, subdivision 1; 169.824, subdivision 2; 169.829, subdivision 2; 169.86, by adding a subdivision; 169.864, subdivisions 1, 2; 171.01, by adding a subdivision; 171.02, subdivisions 1, 2, 2a; 171.05, subdivision 2b; 171.055, subdivision 2; 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.321, subdivision 4; 174.03, by adding subdivisions; 174.30, subdivisions 4, 9; 218.041, subdivision 6; 221.011, subdivision 49; 221.031, subdivision 6; 221.0314, subdivision 9, by adding a subdivision; 221.033, subdivision 2d; 221.037, subdivision 1; 221.231; 221.60, subdivision 1, by adding a subdivision; 222.50, subdivision 7; 222.63, subdivision 4, by adding a subdivision; 473.1466; Laws 2005, First Special Session chapter 1, article 4, section 39; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 174; 219; repealing Minnesota Statutes 2006, sections 161.115, subdivision 193; 169.4502, subdivision 15; 169.4503, subdivisions 17, 18, 26;

169.796, subdivision 3; 221.60, subdivisions 2, 3, 3a; 221.601; 221.602; Laws 2005, First Special Session chapter 6, article 3, section 91.

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

Page 6, delete section 10

Page 27, delete section 47 and insert:

"Sec. 46. Minnesota Statutes 2006, section 169.471, is amended to read:

169.471 TELEVISION; HEADPHONES.

Subdivision 1. **Television screen in vehicle.** No television screen shall be installed or used in any motor vehicle where it is visible to the driver while operating the motor vehicle except:

- (1) video screens installed in law enforcement vehicles;
- (2) closed-circuit video systems used exclusively to aid the driver's visibility to the front, rear, or sides of the vehicle; and
- (3) video screens installed as part of a vehicle control system or used in intelligent vehicle highway applications.

Subd. 2. **Use of headphones in vehicle.** (a) No person, while operating a motor vehicle, shall wear headphones or earphones that are used in both ears simultaneously for purposes of receiving or listening to broadcasts or reproductions from radios, tape decks, or other sound-producing or transmitting devices.

(b) Paragraph (a) does not prohibit:

- (1) the use of a hearing aid device by a person who needs the device; or
- (2) the use of a communication headset by a firefighter while operating a fire department emergency vehicle in response to an emergency; or
- (3) the use of a communication headset by an emergency medical services person while operating an ambulance subject to section 144E.101.

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

Page 54, line 20, before "detached" insert "and"

Page 54, line 21, delete ", and vegetation"

Page 54, delete lines 22 to 34

Page 55, delete lines 1 to 12

Page 55, line 13, delete "(g)" and insert "(b)"

Page 55, line 15, delete "(h)" and insert "(c)"

Page 55, line 16, after "person" insert "or the person's representative"

Page 55, line 17, delete everything after "of" and insert "a reasonable safety standard"

Page 55, line 18, delete everything before "for" and after the period, insert ""Reasonable" and "reasonably" are defined according to the standards set forth in the American Railway Engineering and Maintenance of Way Association (AREMA), for the purposes of walkway decisions before the commissioner."

Page 55, line 20, delete "reasonable" and insert "reasonably"

Page 55, after line 20, insert:

"Sec. 79. [219.374] WALKWAY EXEMPTIONS.

(a) Except as otherwise provided in paragraph (b), a small business that owns or operates any track in this state is exempt from section 219.373.

(b) On determining after notice and hearing that exempting a small business that owns or operates any track in this state pursuant to paragraph (a) poses an unreasonable threat of substantial harm to the public safety, the commissioner of transportation shall order that business to eliminate any unsafe walkway condition.

(c) As used in this section, "small business" has the meaning given it in section 645.445."

Page 58, line 14, after the period, insert "Until the Unified Carrier Registration Agreement becomes effective, the commissioner shall implement a temporary program for registering interstate motor carriers, including the Single State Registration System, if the program is authorized by federal legislation."

Page 60, after line 34, insert:

"Sec. 92. Minnesota Statutes 2006, section 357.021, subdivision 6, is amended to read:

Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this paragraph, the court shall impose and the court administrator shall collect a \$72 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking, for which there shall be a \$4 surcharge or a violation of section 169.686, for which there shall be a \$73 surcharge. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the commissioner of finance.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the commissioner of finance."

Page 66, line 23, before "interchange" insert "55th Street NW"

Page 67, line 2, delete "102" and insert "103"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "standards" and insert "requirements; changing statutory surcharge"

Page 1, line 10, before "amending" insert "appropriating money;"

Amend the title numbers accordingly

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

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

S.F. No. 1061: A bill for an act relating to state government; requiring certificates of pay equity compliance as a condition for certain state contracts; classifying data; appropriating money; amending Minnesota Statutes 2006, sections 13.552, by adding a subdivision; 363A.36, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 363A.

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

Page 1, line 11, delete everything after "sections" and insert "43A.50 and 363A.36"

Page 1, line 12, delete "363A.375"

Page 1, after line 12, insert:

"Sec. 2. **[43A.50] CERTIFICATE OF PAY EQUITY COMPLIANCE.**

Subdivision 1. **Scope of application.** For a contract for goods or services in excess of \$500,000, a state department or agency may not accept a bid or proposal from a business having more than 40 full-time employees within the state on a single working day during the previous 12 months unless the commissioner has approved the business' plan to establish equitable compensation relationships for its employees and has issued the business a certificate of compliance. A certificate of compliance is valid for two years.

Subd. 2. **Compliance; good faith effort.** (a) The commissioner must approve a plan and issue a certificate of compliance under this section to a business if the business demonstrates that it is in compliance with equitable compensation relationship standards or is making a good faith effort

to achieve compliance with those standards. The standards for determining equitable compensation relationships for a business under this section are the same as the standards in sections 471.991 to 471.997 and rules adopted under those sections.

(b) A business that is not in compliance with equitable compensation relationship standards is making a good faith effort to achieve compliance if the commissioner has approved:

(1) a plan for achieving compliance, including the business' proposed actions and response to the commissioner's recommendations; and

(2) a proposed date for achieving compliance and for submitting a revised report for the commissioner's review.

Subd. 3. **Filing fee; account; appropriation.** The commissioner shall collect a \$75 fee for each certificate of compliance issued by the commissioner under this section. The proceeds of the fee must be deposited in the state treasury and credited to a pay equity fee special revenue account. Money in the account is appropriated to the commissioner to fund the cost of administering this section.

Subd. 4. **Revocation of certificate.** A certificate of compliance may be suspended or revoked by the commissioner if a holder of a certificate is not effectively implementing or making a good faith effort to implement its approved plan to establish equitable compensation relationships. If a contractor does not effectively implement its approved plan, or fails to make a good faith effort to do so, the commissioner of employee relations may refuse to approve subsequent plans submitted by that business.

Subd. 5. **Revocation of contract.** A contract awarded by a department or agency of the state may be terminated or abridged by the contracting department or agency because of suspension or revocation of a certificate. If a contract is awarded to a business that does not have a contract compliance certificate as required, the commissioner of administration may void the contract on behalf of the state.

Subd. 6. **Technical assistance.** If the commissioner has suspended a contractor's certificate of compliance, the commissioner shall provide technical assistance that may enable the contractor to be recertified within 90 days after the contractor's certificate has been suspended.

Subd. 7. **Access to data.** Data submitted to the commissioner by a contractor or potential contractor for purposes of obtaining a certificate of compliance under this section are private data on individuals or nonpublic data with respect to persons other than department employees. The commissioner's decision to grant, not grant, revoke, or suspend a certificate of compliance is public data.

EFFECTIVE DATE. This section is effective July 1, 2007, and applies to contracts for which a state department or agency issues solicitations on or after that date."

Page 1, delete section 3 and insert:

"Sec. 4. **CERTIFICATE OF COMPLIANCE; TEMPORARY PROVISION.**

Until July 1, 2008, a business that is not in compliance with equitable compensation relationship standards is making a good faith effort to achieve compliance if the commissioner of employee

relations has approved:

(1) a statement of the business' intention to prepare a pay equity report and an estimated date no later than July 1, 2008, when the report and plan will be submitted; and

(2) information on the business' current status, including a statement on the existence of a companywide job evaluation system, the total number of male and female employees of the business, and the business' interest in receiving training on how to establish equitable compensation relationships.

Sec. 5. REPORT.

The commissioner of employee relations shall report to the legislature by January 31, 2008, on implementation of sections 3 and 4. The report must include findings and recommendations on any changes needed to ensure that state contractors achieve equitable compensation relationships."

Page 3, line 9, delete "3" and insert "4"

Renumber the sections in sequence

Amend the title numbers accordingly

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

Senator Bakk from the Committee on Taxes, to which was referred the following appointment:

TAX COURT
JUDGE
Kathleen Hvass Sanberg

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

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

SECOND READING OF SENATE BILLS

S.F. Nos. 438, 2057, 443, 1186, 1312 and 1061 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 455 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Erickson Ropes moved that the name of Senator Torres Ray be added as a co-author to S.F. No. 1397. The motion prevailed.

Senator Erickson Ropes moved that the name of Senator Ingebrigtsen be added as a co-author to S.F. No. 1959. The motion prevailed.

Senator Erickson Ropes moved that the name of Senator Koering be added as a co-author to S.F. No. 2068. The motion prevailed.

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

CALENDAR

S.F. No. 1144: A bill for an act relating to crimes; providing testimonial confidentiality for certain sexual assault counselors; eliminating the "mistake of age" defense for certain criminal sexual assault offenders; enhancing penalties for certain nonconsensual sexual contact offenses committed by professionals engaged in massage or bodywork; amending Minnesota Statutes 2006, sections 595.02, subdivision 1; 609.341, subdivision 11; 609.344, subdivision 1; 609.345, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1857: A bill for an act relating to energy; regulating service disconnections by public utilities during winter; proposing coding for new law in Minnesota Statutes, chapter 216B; repealing Minnesota Statutes 2006, section 216B.095; Minnesota Rules, parts 7820.1500; 7820.1600; 7820.1700; 7820.1750; 7820.1800; 7820.1900; 7820.2000; 7820.2100; 7820.2150; 7820.2200; 7820.2300.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1557: A bill for an act relating to state government; deleting a record retention provision; amending Minnesota Statutes 2006, section 15.17, subdivision 1; repealing Minnesota Statutes 2006, section 138.17, subdivisions 9, 10.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 475: A bill for an act relating to health; removing the expiration date for radiation therapy facility construction limitations and providing a two-year moratorium on construction in certain counties; amending Minnesota Statutes 2006, section 144.5509.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Clark	Foley	Kubly	Metzen
Bakk	Day	Frederickson	Langseth	Michel
Berglin	Dibble	Gerlach	Larson	Moua
Betzold	Dille	Higgins	Latz	Murphy
Bonoff	Doll	Johnson	Lourey	Neuville
Carlson	Erickson Ropes	Jungbauer	Lynch	Olseen
Chaudhary	Fischbach	Koering	Marty	Olson, G.

Olson, M.	Prettner Solon	Saxhaug	Sparks	Wiger
Ortman	Robling	Senjem	Tomassoni	
Pappas	Rosen	Sheran	Torres Ray	
Pariseau	Rummel	Sieben	Vickerman	
Pogemiller	Saltzman	Skogen	Wergin	

Those who voted in the negative were:

Hann	Koch	Rest	Vandevveer
Ingebrigtsen	Limmer	Scheid	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Marty and Olseen introduced—

S.F. No. 2263: A bill for an act relating to land use; establishing statewide moratorium on new billboards; declaring existing billboards nonconforming uses; proposing coding for new law in Minnesota Statutes, chapter 173.

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

Senators Marty, Doll and Torres Ray introduced—

S.F. No. 2264: A bill for an act relating to health; preserving the effectiveness of antibiotics; prohibiting the disposal of prescription drugs containing antibiotics; prohibiting the nontherapeutic use of animal feed containing certain antibiotics; establishing a surcharge on all commercial feeds sold that contain antibiotics; requiring a label on prescription drugs containing antibiotics; amending Minnesota Statutes 2006, sections 25.33, by adding a subdivision; 25.341, by adding a subdivision; 151.212, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 25; 115.

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

Senators Marty; Higgins; Olson, M. and Prettner Solon introduced—

S.F. No. 2265: A bill for an act relating to insurance; prohibiting nonrenewal of homeowner's insurance based upon a claim that the insurer denied or did not make a payment on; prohibiting premium increases based on certain factors; amending Minnesota Statutes 2006, section 65A.29, subdivision 11, by adding a subdivision.

Referred to the Committee on Commerce and Consumer Protection.

MOTIONS AND RESOLUTIONS - CONTINUED

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

GENERAL ORDERS

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

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

S.F. Nos. 2059 and 1178, which the committee recommends to pass.

S.F. No. 140, which the committee recommends to pass with the following amendment offered by Senator Wergin:

Page 1, line 11, after the first comma, insert "or" and delete everything after "syndrome" and insert a period

Page 1, delete line 12

Page 1, line 22, before the semicolon, insert ", provided that the existence of the condition or device is documented in writing by the customer's physician or a nonprofit organization whose purpose includes serving individuals who suffer from the condition"

Page 2, line 11, delete "negligent" and insert "willful or reckless"

Page 2, line 17, before "A" insert "For a first violation of this section, the city or county attorney shall issue a warning letter to the retail establishment or employee informing the establishment or employee of the requirements of this section."

Page 2, line 18, after "section" insert "after receiving a warning letter"

Senator Prettner Solon requested division as follows:

First portion:

Page 2, line 17, before "A" insert "For a first violation of this section, the city or county attorney shall issue a warning letter to the retail establishment or employee informing the establishment or employee of the requirements of this section."

Page 2, line 18, after "section" insert "after receiving a warning letter"

The question was taken on the adoption of the first portion of the Wergin amendment. The motion prevailed. So the first portion of the amendment was adopted.

Second portion:

Page 1, line 11, after the first comma, insert "or" and delete everything after "syndrome" and insert a period

Page 1, delete line 12

Page 1, line 22, before the semicolon, insert "provided that the existence of the condition or device is documented in writing by the customer's physician or a nonprofit organization whose purpose includes serving individuals who suffer from the condition"

The question was taken on the adoption of the second portion of the Wergin amendment. The motion prevailed. So the second portion of the amendment was adopted.

Third portion:

Page 2, line 11, delete "negligent" and insert "willful or reckless"

The question was taken on the adoption of the third portion of the Wergin amendment.

The roll was called, and there were yeas 28 and nays 34, as follows:

Those who voted in the affirmative were:

Bonoff	Gerlach	Langseth	Pariseau	Sheran
Clark	Hann	Limmer	Rest	Vandever
Day	Ingebrigtsen	Michel	Robling	Vickerman
Dille	Jungbauer	Neuville	Rosen	Wergin
Fischbach	Koch	Olson, G.	Saltzman	
Frederickson	Koering	Ortman	Senjem	

Those who voted in the negative were:

Anderson	Erickson Ropes	Lourey	Olson, M.	Sieben
Bakk	Foley	Lynch	Pappas	Skogen
Berglin	Higgins	Marty	Pogemiller	Sparks
Betzold	Johnson	Metzen	Prettner Solon	Tomassoni
Carlson	Kubly	Moua	Rummel	Torres Ray
Dibble	Larson	Murphy	Saxhaug	Wiger
Doll	Latz	Olseen	Scheid	

The motion did not prevail. So the third portion of the amendment was not adopted.

The question was taken on the recommendation to pass S.F. No. 140.

The roll was called, and there were yeas 52 and nays 10, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Day	Hann	Jungbauer	Limmer	Ortman
Gerlach	Ingebrigtsen	Koch	Michel	Pariseau

The motion prevailed. So S.F. No. 140 was recommended to pass.

S.F. No. 1070, which the committee recommends to pass with the following amendments offered by Senators Pappas and Anderson:

Senator Pappas moved to amend S.F. No. 1070 as follows:

Page 6, line 20, delete "37.21 or"

Page 6, line 21, delete "clause (8)" and insert "or any other law"

The motion prevailed. So the amendment was adopted.

Senator Anderson moved to amend S.F. No. 1070 as follows:

Page 6, line 10, after "AUCTION" insert "OR RAFFLE"

Page 6, line 12, after "auction" insert ", raffle,"

Page 6, line 13, after "auctions" insert "or raffles"

Page 6, line 14, delete "sale" and insert "auction or raffle"

Page 6, line 15, after "auctions" insert "or raffles"

Page 6, line 16, after "auctioned" insert "or raffled"

The motion prevailed. So the amendment was adopted.

S.F. No. 100, which the committee recommends to pass, subject to the following motions:

Senator Neuville moved to amend S.F. No. 100 as follows:

Page 1, line 7, after "on" insert "adult human"

Page 1, line 8, after the period, insert "State appropriated funds shall not be expended on research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, or stem cells created from somatic cell nuclear transplantation or any other cloning technique."

Page 1, line 11, delete everything after "of"

Page 1, line 12, delete "embryonic germ cells, and" and delete "from any source, including somatic"

Page 1, line 13, delete everything before "shall"

Page 1, line 14, delete everything after the period

Page 1, delete lines 15 to 17

Page 1, delete subdivision 2

Page 2, line 4, delete "3" and insert "2"

Page 2, line 6, delete "However,"

Page 2, delete line 7

Page 2, line 8, delete "section."

Page 2, line 9, delete everything after "advantage"

Page 2, delete line 10

Page 2, line 11, delete everything before the period

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 37, as follows:

Those who voted in the affirmative were:

Day	Hann	Koering	Ortman	Skogen
Dille	Ingebrigtsen	Kubly	Pariseau	Sparks
Fischbach	Johnson	Limmer	Robling	Vandever
Frederickson	Jungbauer	Neuville	Rosen	Vickerman
Gerlach	Koch	Olson, G.	Senjem	Wergin

Those who voted in the negative were:

Anderson	Cohen	Latz	Olson, M.	Scheid
Bakk	Dibble	Lourey	Pappas	Sheran
Berglin	Doll	Lynch	Pogemiller	Sieben
Betzold	Erickson Ropes	Marty	Prettner Solon	Torres Ray
Bonoff	Foley	Metzen	Rest	Wiger
Carlson	Higgins	Michel	Rummel	
Chaudhary	Langseth	Moua	Saltzman	
Clark	Larson	Olseen	Saxhaug	

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

Senator Senjem moved to amend S.F. No. 100 as follows:

Page 1, line 14, after the period, insert "Research permitted under this section must not include cloning."

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S.F. No. 100.

The roll was called, and there were yeas 36 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Latz	Olseen	Sieben
Bakk	Dibble	Lourey	Pappas	Tomassoni
Berglin	Doll	Lynch	Pogemiller	Torres Ray
Betzold	Erickson Ropes	Marty	Prettner Solon	Wiger
Bonoff	Foley	Metzen	Rest	
Carlson	Higgins	Michel	Rummel	
Chaudhary	Langseth	Moua	Saxhaug	
Clark	Larson	Murphy	Scheid	

Those who voted in the negative were:

Day	Ingebrigtsen	Limmer	Robling	Vickerman
Dille	Johnson	Neuville	Rosen	Wergin
Fischbach	Jungbauer	Olson, G.	Senjem	
Frederickson	Koch	Olson, M.	Skogen	
Gerlach	Koering	Ortman	Sparks	
Hann	Kubly	Pariseau	Vandever	

The motion prevailed. So S.F. No. 100 was recommended to pass.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Ortman moved that S.F. No. 1045 be taken from the table. The motion prevailed.

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

Senator Ortman moved that the Senate do not concur in the amendments by the House to S.F. No. 1045, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

S.F. No. 846 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 846

A bill for an act relating to state government; providing deficiency funding for certain state agencies; appropriating money.

April 23, 2007

The Honorable James P. Metzen
President of the Senate

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 846 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 846 be further amended as follows:

Page 3, line 29, before "This" insert "(a)"

Page 4, delete lines 1 to 3 and insert:

"(b) The appropriation in this section is subject to the condition that the Metropolitan Council cancel request for proposals number 7216. The Metropolitan Council shall issue a new solicitation for the purchase of buses."

Page 4, after line 21, insert:

"Sec. 12. **[473.915] PROCUREMENTS.**

All proposed Metropolitan Council procurements over \$125,000,000 must be reviewed by the members of the Legislative Advisory Commission under section 3.30 and the ranking minority members of the house of representatives and senate committees or divisions responsible for overseeing the items subject to the proposed procurement. The chair of the Metropolitan Council shall give notice to the Legislative Advisory Commission secretary when a procurement over \$125,000,000 is being considered. The commission shall take testimony on the procurements."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, after the second "state" insert "and regional"

Page 1, line 3, after the semicolon, insert "providing for review of certain Metropolitan Council procurements;"

Correct the title numbers accordingly

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

Senate Conferees: (Signed) Richard J. Cohen, Tarryl L. Clark, Dennis R. Frederickson

House Conferees: (Signed) Loren A. Solberg, Larry Haws, Dan Severson

Senator Cohen moved that the foregoing recommendations and Conference Committee Report on S.F. No. 846 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 846 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Anderson

Bakk

Berglin

Betzold

Bonoff

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

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

RECESS

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

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

APPOINTMENTS

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

S.F. No. 1045: Senators Ortman, Robling and Johnson.

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

MEMBERS EXCUSED

Senators Gimse, Skoe and Stumpf were excused from the Session of today. Senator Scheid was excused from the Session of today from 11:00 to 11:20 a.m. Senator Bakk was excused from the Session of today from 11:00 to 11:25 a.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 10:00 a.m., Thursday, April 26, 2007. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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