

### THIRTY-FOURTH DAY

St. Paul, Minnesota, Thursday, March 31, 2005

The Senate met at 9:00 a.m. and was called to order by the President.

### CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Sister Margaret Belanger.

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

Anderson	Gaither	Langseth	Olson	Scheid
Bachmann	Gerlach	Larson	Ortman	Senjem
Bakk	Hann	LeClair	Ourada	Skoe
Belanger	Higgins	Limmer	Pappas	Skoglund
Berglin	Hottinger	Lourey	Pariseau	Solon
Betzold	Johnson, D.E.	Marko	Pogemiller	Sparks
Chaudhary	Johnson, D.J.	Marty	Ranum	Stumpf
Cohen	Jungbauer	McGinn	Reiter	Tomassoni
Day	Kelley	Metzen	Rest	Vickerman
Dibble	Kierlin	Michel	Robling	Wergin
Dille	Kiscaden	Moua	Rosen	Wiger
Fischbach	Kleis	Murphy	Ruud	
Foley	Koering	Neuville	Sams	
Frederickson	Kubly	Nienow	Saxhaug	

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 and referred to the committee indicated.

February 10, 2005

The Honorable James P. Metzen  
President of the Senate

Dear Senator Metzen:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

#### MINNESOTA POLLUTION CONTROL AGENCY

Melanie Allen, 4617 Stonecliffe Dr., Eagan, in the county of Dakota, effective February 17, 2005, for a term that expires on January 1, 2007.

Brian Bensen, 5823 - 47th St. S.E., St. Cloud, in the county of Sherburne, effective February 17, 2005, for a term that expires on January 5, 2009.

Daniel D. Foley, M.D., 1581 Tamberwood Tr., Woodbury, in the county of Washington, effective February 17, 2005, for a term that expires on January 5, 2009.

(Referred to the Committee on Environment and Natural Resources.)

Sincerely,  
Tim Pawlenty, Governor

March 24, 2005

The Honorable James P. Metzen  
President of the Senate

Dear President Metzen:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 1210.

Sincerely,  
Tim Pawlenty, Governor

March 25, 2005

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2005 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 2005	Date Filed 2005
1210		14	10:45 a.m. March 24	March 25

Sincerely,  
Mary Kiffmeyer  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 974.

Albin A. Mathiowetz, Chief Clerk, House of Representatives  
Transmitted March 29, 2005

**FIRST READING OF HOUSE BILLS**

The following bill was read the first time and referred as indicated.

**H.F. No. 974:** A bill for an act relating to public safety; providing that a peace officer may operate any vehicle or combination of vehicles; making clarifying changes; amending Minnesota Statutes 2004, section 171.02, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1125, now on General Orders.

**REPORTS OF COMMITTEES**

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

**S.F. No. 1186:** A bill for an act relating to higher education; Minnesota State Colleges and Universities; providing for centers of excellence; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136F.

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

Delete everything after the enacting clause and insert:

"Section 1. [136F.31] [CENTERS OF EXCELLENCE.]

Subdivision 1. [BOARD DESIGNATION.] The board must designate at least three and up to eight different program centers of excellence. The board must determine the form and required information contained in applications from member institutions.

Subd. 2. [CENTER SELECTION CRITERIA.] The board must select programs based on institutional proposals demonstrating:

(1) the capacity to build multistate regional or national recognition of the program within five years;

(2) a commitment to expanding the influence of the center to improve results in related programs in participating institutions;

(3) the capacity to improve employment placement and income expectations of graduates from the program;

(4) a strong partnership between a four-year and at least one two-year institution that maximizes the leverage of academic and training capacities in each institution;

(5) a comprehensive academic plan that includes a seamless continuum of academic offerings in the program area that supports career development at multiple levels in related employment fields;

(6) a specific development plan that includes a description of how the institution will pursue continuous improvement and accountability;

(7) identified commitments from employers that include measurable financial and programmatic commitment to the center of excellence on the part of employers who will benefit from the development of the center. A center for teacher education must demonstrate support from local school districts;

(8) a commitment from the institution that the new designated funding will not supplant current budgets from related programs;

(9) a strong existing program upon which the proposed center will build; and

(10) a separate fund for donations dedicated for the program within current institutional foundations.

The board may adopt additional criteria that promote general goals of the centers. The board shall give priority to programs that integrate the academic and training outcomes of the center with business clusters that have a significant multiplier effect on the state's economy based on projections of job, income, or general economic growth. The board shall consult with the Department of Employment and Economic Development to identify these clusters and the potential economic impact of developing a center for excellence.

Subd. 3. [ADVISORY COMMITTEE AND REPORTS REQUIRED.] A center of excellence must create an advisory committee representing local, statewide, and national leaders in the field. By January 15 of each odd-numbered year, each designated center must provide a report to the governor and the chairs of committees of the legislature with jurisdiction over higher education finance, that includes annual and integrated data on program enrollment, student demographics, student admission data, endowment growth, graduation rates, graduation outcomes, employer involvement, indicators of student or graduate employment success, and other outcomes as determined by the board. After a center has been in existence for three years, the report must include measures of the program's impact on the local economy. A report under this subdivision must also include the use of any funds made available by a legislative appropriation for incentive payments to faculty or staff.

Sec. 2. [APPROPRIATION.]

\$...... in fiscal year 2006 and \$...... in fiscal year 2007 are appropriated from the general fund to the Board of Trustees of the Minnesota State Colleges and Universities for the purposes of section 1."

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

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

**S.F. No. 1052:** A bill for an act relating to education; providing for an elementary and middle school years international baccalaureate pilot program; appropriating money.

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

Page 2, line 5, delete "Special School District No. 6, South St. Paul, has" and insert "School districts have"

Page 2, line 7, delete "is" and insert "are"

Page 2, line 11, delete "a district with" and insert "Special School District No. 6, South St. Paul, Independent School District No. 283, St. Louis Park, and a third district to be selected by the commissioner of education. The districts must have"

Page 3, lines 19 and 21, delete "\$750,000" and insert "\$......"

Page 3, lines 20 and 24, delete "\$400,000" and insert "\$......"

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

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

**S.F. No. 1720:** A bill for an act relating to human services; making agency technical

amendments; changing provisions related to children and family services, health care, and continuing care programs; amending Minnesota Statutes 2004, sections 13.319, subdivision 3; 13.461, by adding a subdivision; 119B.02, subdivision 5; 119B.035, subdivision 1; 119B.074; 119B.08, subdivision 1; 119B.09, subdivision 1; 119B.26; 245.463, subdivision 2; 245.464, subdivision 1; 245.465, subdivision 1; 245.466, subdivisions 1, 5; 245.4661, subdivision 7; 245.483, subdivisions 1, 3; 245.4872, subdivision 2; 245.4873, subdivision 5; 245.4874; 245.4875, subdivisions 1, 5; 245A.16, subdivision 6; 252.24, subdivision 5; 252.282, subdivision 2; 252.46, subdivision 10; 256.045, subdivisions 3, 6, 7; 256B.04, subdivision 14; 256B.056, subdivision 1c; 256B.0625, subdivisions 5, 27; 256B.0911, subdivision 6; 256B.0913, subdivision 13; 256B.092, subdivision 1f; 256B.094, subdivision 8; 256B.0943, subdivisions 6, 12, 13; 256B.503; 256B.75; 256D.03, subdivision 3; 256G.01, subdivision 3; 256J.13, subdivision 2; 256J.21, subdivision 2; 256J.24, subdivision 5; 256J.561, subdivision 3; 256J.74, subdivision 1; 256J.751, subdivision 2; 256J.95, subdivisions 2, 6, 11, 18, 19; 256L.01, subdivision 3a; 256L.04, by adding a subdivision; 256M.30, subdivision 2; 260C.212, subdivision 12; 275.62, subdivision 4; 518.6111, subdivision 7; 626.557, subdivision 12b; 626.5571, subdivision 2; Laws 1997, chapter 245, article 2, section 11, as amended; repealing Minnesota Statutes 2004, sections 119A.01, subdivision 3; 119A.20; 119A.21; 119A.22; 119A.35; 119B.21, subdivision 11; 245.713, subdivisions 2, 4; 245.716; 256.014, subdivision 3; 256.045, subdivision 3c; 256B.0629, subdivisions 1, 2, 4; 256J.95, subdivision 20; 256K.35; 626.5551, subdivision 4; Laws 1998, chapter 407, article 4, section 63.

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

Page 13, delete section 14

Page 17, lines 10 to 12, delete the new language

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 24, delete "256J.561, subdivision 3;"

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

**Senator Lourey from the Committee on Health and Family Security, to which was re-referred**

**S.F. No. 899:** A bill for an act relating to child safety; prohibiting the sale and commercial use of certain cribs; providing enforcement; proposing coding for new law in Minnesota Statutes, chapters 245A; 325F.

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

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

**S.F. No. 1579:** A bill for an act relating to health; modifying the Health Care Administrative Simplification Act of 1994; modifying requirements of federal Drug Enforcement Administration registration numbers; modifying provisions for wells, borings, and underground uses; modifying requirements for filing and issuing death records; modifying provisions for disposition of dead bodies; eliminating authority to designate certain morticians; amending Minnesota Statutes 2004, sections 62J.51, subdivisions 17, 18; 62J.52, subdivisions 1, 2, 5; 62J.54, subdivisions 1, 2; 62J.581, subdivision 5; 103I.005, subdivisions 4a, 6, 7, 10, 12, by adding subdivisions; 103I.101, subdivisions 2, 5; 103I.105; 103I.111, subdivisions 1, 3; 103I.115; 103I.205, subdivisions 4, 9; 103I.208, subdivisions 1, 2; 103I.231; 103I.325, subdivision 2; 103I.345, subdivision 2; 103I.401; 103I.501; 103I.505; 103I.525, subdivisions 1, 2, 4, 5, 8, by adding a subdivision; 103I.531, subdivisions 1, 2, 4, 5, 8, by adding a subdivision; 103I.535, subdivisions 1, 2, 4, 5, 7, 8, 9, by adding a subdivision; 103I.541; 103I.545, subdivision 2; 103I.601, subdivisions 4, 9; 144.221, subdivision 1; 144.225, subdivision 7; 149A.93, subdivisions 1, 2, 3, 4, 5; 149A.94, subdivision 3;

149A.96, subdivisions 1, 4, 7; Laws 1998, chapter 316, section 4; repealing Minnesota Statutes 2004, sections 103I.005, subdivision 13; 103I.222; 144.214, subdivision 4.

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

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

**S.F. No. 1424:** A bill for an act relating to environment; authorizing annual adjustment of dry cleaner environmental fees; amending Minnesota Statutes 2004, section 115B.49, by adding a subdivision; repealing Minnesota Statutes 2004, section 115B.49, subdivision 4a.

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

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

**S.F. No. 1351:** A bill for an act relating to the environment; amending Minnesota Statutes 2004, section 103E.701, by adding a subdivision.

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

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

**S.F. No. 149:** A bill for an act relating to firearms; authorizing the use of silencers to muffle discharges of firearms for natural resource wildlife control; amending Minnesota Statutes 2004, section 609.66, subdivisions 1h, 2.

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 2004, section 97B.031, subdivision 4, is amended to read:

Subd. 4. [SILENCERS PROHIBITED.] Except as provided in section 609.66, subdivision 1h, a person may not own or possess a silencer for a firearm or a firearm equipped to have a silencer attached.

Sec. 2. Minnesota Statutes 2004, section 609.66, subdivision 1h, is amended to read:

Subd. 1h. [SILENCERS; AUTHORIZED FOR LAW ENFORCEMENT AND WILDLIFE CONTROL PURPOSES.] (a) Notwithstanding subdivision 1a, paragraph (a), clause (1), licensed peace officers may use devices designed to silence or muffle the discharge of a firearm for tactical emergency response operations. Tactical emergency response operations include execution of high risk search and arrest warrants, incidents of terrorism, hostage rescue, and any other tactical deployments involving high risk circumstances. The chief law enforcement officer of a law enforcement agency that has the need to use silencing devices must establish and enforce a written policy governing the use of the devices.

(b) Notwithstanding subdivision 1a, paragraph (a), clause (1), an enforcement officer, as defined in section 97A.015, subdivision 18, who is a licensed peace officer, at specific times and locations that are authorized by the commissioner of natural resources may use devices designed to silence or muffle the discharge of a firearm for wildlife control operations that require stealth. If the commissioner determines that the use of silencing devices is necessary under this paragraph, the commissioner must:

(1) establish and enforce a written policy governing the use, possession, and transportation of the devices;

(2) limit the number of the silencing devices maintained by the Department of Natural Resources to ten; and

(3) keep direct custody and control of the devices when the devices are not specifically authorized for use."

Amend the title as follows:

Page 1, delete line 5 and insert "sections 97B.031, subdivision 4; 609.66, subdivision 1h."

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

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

**S.F. No. 1037:** A bill for an act relating to transportation; modifying provisions relating to aeronautics; making clarifying changes; amending Minnesota Statutes 2004, sections 360.305, subdivision 4; 360.55, subdivisions 2, 3, 4, 4a; 360.58; 360.59, subdivisions 2, 5, 7, 8; 360.63, subdivision 2; 360.67, subdivision 4; 394.22, subdivision 12; 394.361, subdivisions 1, 3; 462.352, subdivision 10; 462.355, subdivision 4; 462.359, subdivisions 1, 3; repealing Minnesota Statutes 2004, section 360.59, subdivisions 4, 9.

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

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

**S.F. No. 1095:** A bill for an act relating to drivers' licenses; authorizing commissioner of public safety to waive road test for licensed military personnel; amending Minnesota Statutes 2004, section 171.13, subdivision 1a.

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

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

**S.F. No. 1672:** A bill for an act relating to transportation; modifying provisions relating to property transactions of Department of Transportation; changing and removing highway routes; making clarifying changes; amending Minnesota Statutes 2004, sections 13.44, subdivision 3; 117.036; 161.115, subdivision 74; 161.44, by adding a subdivision; 161.442; 515B.1-107; 515B.3-102; 515B.3-112; repealing Minnesota Statutes 2004, section 161.115, subdivisions 155, 199.

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

Page 3, after line 24, insert:

"(c) When an appraisal under this section is made by an appraiser employed by the Department of Transportation, any appraisal review that is done on behalf of the department must be performed by a qualified review appraiser who is not an employee of the department."

Page 4, delete section 3 and insert:

"Subd. 5. [INFORMATION TO BE PREPARED.] The commissioner of transportation shall prepare, in consultation with the attorney general and one or more professional associations of real estate appraisers, a publication of not more than two pages that describes the eminent domain process for transportation projects, including the reasons for condemnation, the procedures followed by condemnors, how property owners and citizens may influence the condemnation process, and the rights of property owners and citizens affected by condemnation. The commissioner shall make this publication available to all persons on whose property the commissioner has made an appraisal or to whom the commissioner has made an offer to purchase.

The commissioner may make the publication available to other acquiring authorities and may charge a price to recover the commissioner's costs."

Page 4, line 30, after the semicolon, insert "and"

Page 4, line 32, delete everything after "161.23" and insert a period

Page 4, delete lines 33 to 36

Page 5, delete lines 1 to 4

Pages 9 to 12, delete sections 8 and 9

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete everything after the semicolon

Page 1, line 6, delete everything after the second semicolon

Page 1, line 7, delete "subdivision 74;"

Page 1, line 8, delete everything after "515B.3-102"

Page 1, delete line 9

Page 1, line 10, delete everything before the period

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

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

**S.F. No. 1504:** A bill for an act relating to public safety; modifying provisions regulating motor vehicle and driver applications and records; modifying vehicle accident reports and procedures, including provision for vehicle accident "long arm" statute; making technical and clarifying changes; amending Minnesota Statutes 2004, sections 168.346; 168A.04, by adding a subdivision; 169.09, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, by adding subdivisions; 171.07, subdivisions 1, 3; 171.12, subdivision 7; repealing Minnesota Statutes 2004, sections 169.09, subdivision 10; 170.55.

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

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

**S.F. No. 1425:** A bill for an act relating to government data practices; classifying certain data of the Department of Transportation; amending Minnesota Statutes 2004, sections 13.591, by adding a subdivision; 13.72, by adding subdivisions.

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

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

**S.F. No. 957:** A bill for an act relating to Dakota County Regional Railroad Authority; permitting development of bus rapid transit in Cedar Avenue transitway corridor.

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



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

**S.F. No. 1731:** A bill for an act relating to drivers' licenses; regulating data obtained by scanning drivers' licenses, permits, and identification cards; amending Minnesota Statutes 2004, section 171.12, subdivision 7.

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

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

**S.F. No. 1440:** A bill for an act relating to identification documents; providing for uniform standards for drivers' licenses and other documents; prohibiting certain acts; providing for an audit; providing penalties; appropriating money; amending Minnesota Statutes 2004, sections 144.05, by adding a subdivision; 144.227, subdivision 2; 171.07, subdivision 9, by adding a subdivision.

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

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

**S.F. No. 1641:** A bill for an act relating to health; modifying best practices guidelines; establishing a quality improvement investment program; appropriating money; amending Minnesota Statutes 2004, section 62J.43.

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 2004, section 62J.43, is amended to read:

62J.43 [BEST PRACTICES EVIDENCE-BASED HEALTH CARE GUIDELINES AND QUALITY IMPROVEMENT.]

(a) Subdivision 1. [ADOPTION OF EVIDENCE-BASED GUIDELINES.] To improve quality and reduce health care costs, state agencies shall encourage the adoption use of best practice evidence-based health care guidelines and participation in best practices quality of care measurement activities by physicians medical groups, hospitals, other health care providers, and health plan companies. The commissioner of health shall facilitate access to best practice evidence-based health care guidelines and quality of care measurement information to providers, purchasers, and consumers by:

(1) identifying and promoting local community-based, physician-designed best practices care evidence-based health care guidelines across the Minnesota health care system using local community-based, physician-designed guidelines whenever they are available and meet the criteria set forth in subdivision 2;

(2) disseminating information available to the commissioner on adherence to best practices care by physicians the performance of Minnesota medical groups, hospitals, and other health care providers in Minnesota in providing care in accordance with evidence-based health care guidelines;

(3) educating consumers and purchasers on how to effectively use this information effectively in choosing their providers and in making purchasing decisions; and

(4) making best practices evidence-based health care guidelines and quality of care measurement information available to enrollees and program participants through the Department of Health's Web site. The commissioner may convene an advisory committee to ensure that the Web site is designed to provide user friendly and easy accessibility.

~~(b) The commissioner of health shall collaborate with a nonprofit Minnesota quality improvement organization specializing in best practices and quality of care measurements to provide best practices criteria and assist in the collection of the data.~~

~~(e) Subd. 2. [CRITERIA FOR EVIDENCE-BASED GUIDELINES.] Guidelines identified under this section must meet the following criteria:~~

- ~~(1) the scope and intended use of the guideline application are clearly stated;~~
- ~~(2) the authors are listed and any conflicts of interest are disclosed;~~
- ~~(3) the authors represent all pertinent clinical fields or other means of input have been used for pertinent clinical fields not represented among the authors;~~
- ~~(4) the development process is explicitly stated;~~
- ~~(5) the guideline is grounded in evidence;~~
- ~~(6) the evidence is cited and graded with respect to its strength;~~
- ~~(7) the document itself is clear and practical;~~
- ~~(8) the document is flexible in use, with exceptions noted or provided for with general statements;~~
- ~~(9) measures are included for use in systems improvement pursued to improve the likelihood that health care will be provided in accordance with the guideline; and~~
- ~~(10) the document provides for scheduled reviews and updating.~~

~~Subd. 3. [IDENTIFICATION OF EVIDENCE-BASED HEALTH CARE GUIDELINES.] In order to identify evidence-based guidelines for promotion under this section, the commissioner of health shall collaborate with a nonprofit Minnesota quality improvement organization that specializes in producing guidelines and using them to improve health care. The guidelines identified may be ones produced by that organization or ones produced by other nonprofit Minnesota or national organizations, provided that the guidelines fulfill the criteria set forth in subdivision 2.~~

~~Subd. 4. [INITIAL EVIDENCE-BASED HEALTH CARE GUIDELINES.] The initial best practices and quality of care measurement criteria developed topics of the evidence-based health care guidelines initially identified and promoted shall include asthma, diabetes, and at least two other preventive health measures. Hypertension and coronary artery diseases shall be included within one year following availability hypertension, coronary artery disease, depression, preventive services, acute myocardial infarction, heart failure, pneumonia, and surgical infections. The guidelines on these topics shall be identified and promotion begun by December 15, 2005.~~

~~Subd. 5. [MEASUREMENT AND REPORTING OF PERFORMANCE.] In order to disseminate information on the performance of medical groups, hospitals, and other health care providers in providing care in accordance with evidence-based guidelines, the commissioner shall collaborate with one or more nonprofit Minnesota organizations that specialize in the development of health care quality measures derived from evidence-based guidelines, in the measurement of performance by health care providers, and in the reporting of performance using publicly accessible means, including Web sites. The Department of Health shall not measure performance directly but shall determine whether performance is being measured competently and accurately by one or more nonprofit organizations and shall provide on its Web site links to the Web site or sites of the measuring organization or organizations chosen by the commissioner. The commissioner shall encourage the development over time of a single nonprofit Minnesota measurement and reporting organization that reports on the performance of medical groups, hospitals, and other health care providers.~~

~~(d) Subd. 6. [USE IN STATE CONTRACTS WITH HEALTH PLANS.] The commissioners~~

of human services and employee relations may use the data publicly reported performance measurements described in subdivision 5 to make decisions about contracts they enter into with health plan companies and to establish programs of performance payment designed to reward either high-quality care or improvements in quality achieved by medical groups, hospitals, and other health care providers.

(e) ~~Subd. 7. [LIMITATIONS.] This section does not apply if the best practices evidence-based health care guidelines authorize or recommend denial of treatment, food, or fluids necessary to sustain life on the basis of the patient's age or expected length of life or the patient's present or predicted disability, degree of medical dependency, or quality of life.~~

(f) ~~The commissioner of health, human services, and employee relations shall report to the legislature by January 15, 2005, on the status of best practices and quality of care initiatives, and shall present recommendations to the legislature on any statutory changes needed to increase the effectiveness of these initiatives.~~

(g) ~~This section expires June 30, 2006.~~

#### Sec. 2. [QUALITY IMPROVEMENT INVESTMENT PROGRAM.]

The commissioner of health, in consultation with the commissioners of finance and administration, shall submit recommendations to the legislature by December 15, 2005, to establish a quality improvement investment program to provide technical assistance, grants, and low-interest loans to health care organizations and health professional associations to support establishing or updating electronic information systems in all health care settings to support the efficient and effective delivery of safe, evidence-based health care services and to reduce administrative costs.

#### Sec. 3. [APPROPRIATION.]

\$...... is appropriated from the general fund to the commissioner of health for the fiscal year ending June 30, 2006, for the report required under section 2.

#### Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective July 1, 2005."

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

**Senator Lourey from the Committee on Health and Family Security, to which was re-referred**

**S.F. No. 1459:** A bill for an act relating to insurance; creating a statewide health insurance pool for school district employees; appropriating money; amending Minnesota Statutes 2004, sections 62E.02, subdivision 23; 62E.10, subdivision 1; 62E.11, subdivision 5; 297I.05, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 62A.

Reports the same back with the recommendation that the bill be re-referred to the Committee on State and Local Government Operations without recommendation. Report adopted.

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

**S.F. No. 1638:** A bill for an act relating to health; providing for a statewide plan for improving health; requiring health plans to issue coverage to all applicants and charge community rates; developing a secure benefit set for all health plans; creating an income tax deduction for health coverage premiums; requiring all persons to maintain health coverage; amending laws promoting high-quality health care; providing for public information on health care cost and quality; requiring reports; appropriating money; amending Minnesota Statutes 2004, sections 145A.12, by

adding subdivisions; 290.01, subdivision 19b; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Page 1, line 21, delete "the" and insert "a"

Page 3, line 3, after "quality" insert "for both ambulatory and inpatient care" and after the period, insert "This organization shall provide statewide comparative information in an easily understood format that promotes comparisons by integrated health care systems, individual medical groups, single physician practices, specialty groups, and hospitals."

Page 4, lines 6 and 7, delete "age or to"

Page 4, delete lines 14 to 18

Page 7, line 20, after the second "of" insert "health care providers and"

Page 7, line 26, after the period, insert "The commissioners shall submit the defined secure benefit set to the legislature by January 15, 2006."

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 1720, 899, 1579, 1037, 1095 and 1731 were read the second time.

## MOTIONS AND RESOLUTIONS

Senator Lourey moved that her name be stricken as chief author, shown as a co-author, and the name of Senator Kiscaden be added as chief author to S.F. No. 1204. The motion prevailed.

Senator Tomassoni moved that the name of Senator Fischbach be added as a co-author to S.F. No. 1735. The motion prevailed.

Senator Nienow moved that the name of Senator Lourey be added as a co-author to S.F. No. 1868. The motion prevailed.

Senator Moua moved that the name of Senator Kelley be added as a co-author to S.F. No. 1970. The motion prevailed.

Senator Murphy moved that the name of Senator Ourada be added as a co-author to S.F. No. 1980. The motion prevailed.

Senator Marty moved that S.F. No. 606 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Pappas moved that S.F. No. 886 be withdrawn from the Committee on Crime Prevention and Public Safety and re-referred to the Committee on Finance. The motion prevailed.

Senator Berglin moved that S.F. No. 1817 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Finance. The motion prevailed.

Senator Johnson, D.E. moved that S.F. No. 1954 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Finance. The motion prevailed.

Senator Moua moved that S.F. No. 1970 be withdrawn from the Committee on Commerce and re-referred to the Committee on Agriculture, Veterans and Gaming. The motion prevailed.

**Senators Frederickson and Vickerman introduced--**

**Senate Resolution No. 67:** A Senate resolution congratulating the Tracy/Milroy/Balaton High School Girls volleyball team on winning the 2004 State High School Class AA Girls Volleyball Tournament.

Referred to the Committee on Rules and Administration.

**Senators Solon and Pappas introduced--**

**Senate Resolution No. 68:** A Senate resolution recognizing that the ancient Macedonians were Hellenes, and that the inhabitants of Macedonia today are Hellenic descendants and part of the northern province of Greece, Macedonia.

Referred to the Committee on Rules and Administration.

**Senators Pogemiller, Pappas, Michel, Solon and Ruud introduced--**

**Senate Resolution No. 69:** A Senate resolution honoring the University of Minnesota Women's Hockey team on winning its second consecutive NCAA hockey title and celebrating the fact that, during the five years the NCAA has hosted a women's college hockey tournament, only Minnesota teams have won the title.

Referred to the Committee on Rules and Administration.

**Senator Pogemiller, for the Committee on Taxes, introduced--**

**Senate Resolution No. 70:** A Senate resolution relating to the budget; setting the maximum limit on revenues and appropriations for the biennium.

Referred to the Committee on Finance.

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 and referred to the committees indicated.

**Senator Anderson introduced--**

**S.F. No. 1981:** A bill for an act relating to corrections; creating discipline procedures for correctional officers; proposing coding for new law in Minnesota Statutes, chapter 241.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Anderson introduced--**

**S.F. No. 1982:** A bill for an act relating to taxation; property; providing a housing opportunity area tax abatement program; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Taxes.

**Senator Anderson introduced--**

**S.F. No. 1983:** A bill for an act relating to taxation; providing for a gross receipts tax on retail sales of consumer goods in excess of \$20,000,000 at an individual location; establishing

thresholds for compensation and percentage of full-time employees that cause the establishment to be subject to the gross receipts tax; amending Minnesota Statutes 2004, section 289A.01; proposing coding for new law in Minnesota Statutes, chapter 295.

Referred to the Committee on Taxes.

**Senator Anderson introduced--**

**S.F. No. 1984:** A bill for an act relating to employment; increasing the penalty for failure to pay a discharged employee within 24 hours; modifying the penalty for failure to pay benefits or wage supplements; increasing the penalty for violation of migrant worker payment requirements; amending Minnesota Statutes 2004, sections 181.11; 181.74, subdivision 1; 181.89, subdivision 2.

Referred to the Committee on Jobs, Energy and Community Development.

**Senator Anderson introduced--**

**S.F. No. 1985:** A bill for an act relating to appropriations; appropriating money for youth programs.

Referred to the Committee on Finance.

**Senator Bachmann introduced--**

**S.F. No. 1986:** A bill for an act relating to local government; requiring a super majority vote by the county to transfer certain local assessment responsibilities; amending Minnesota Statutes 2004, section 273.055.

Referred to the Committee on State and Local Government Operations.

**Senator Bachmann introduced--**

**S.F. No. 1987:** A bill for an act relating to education; establishing notice requirements for student surveys and similar instruments; proposing coding for new law in Minnesota Statutes, chapter 121A.

Referred to the Committee on Education.

**Senator Bachmann introduced--**

**S.F. No. 1988:** A bill for an act relating to higher education; enacting the Free Speech for Faculty and Students Bill of Rights; proposing coding for new law in Minnesota Statutes, chapter 135A.

Referred to the Committee on Education.

**Senator Jungbauer introduced--**

**S.F. No. 1989:** A bill for an act relating to motor vehicles; authorizing commissioner of public safety to remove from department records certain old liens on passenger automobiles; amending Minnesota Statutes 2004, section 168A.20, by adding a subdivision.

Referred to the Committee on Transportation.

**Senators Murphy, Sams and Higgins introduced--**

**S.F. No. 1990:** A bill for an act relating to traffic regulations; redefining recreational vehicle combination to include certain combinations hauling horse trailers and related vehicles; increasing

maximum gross weight for certain vehicles and combinations hauling livestock on noninterstate highways; requiring a permit; amending Minnesota Statutes 2004, sections 169.01, subdivision 78; 169.81, subdivision 3c; 169.824, subdivision 2; 169.86, subdivision 5.

Referred to the Committee on Transportation.

**Senator Murphy introduced--**

**S.F. No. 1991:** A bill for an act relating to the military; clarifying the pay differential law for state employees who are ordered to active military service; amending Minnesota Statutes 2004, sections 43A.183; 192.261, subdivision 1.

Referred to the Committee on Agriculture, Veterans and Gaming.

**Senator Pappas introduced--**

**S.F. No. 1992:** A bill for an act relating to fund-raising for repair and restoration of Minnesota's State Capitol.

Referred to the Committee on Finance.

**Senator Lourey introduced--**

**S.F. No. 1993:** A bill for an act relating to health; modifying provisions relating to physical therapists; providing penalties; amending Minnesota Statutes 2004, sections 148.65, by adding subdivisions; 148.706; 148.75; 148.7806; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Rules, part 5601.0100, subparts 3, 4.

Referred to the Committee on Health and Family Security.

**Senator Wergin introduced--**

**S.F. No. 1994:** A bill for an act relating to education; funding advanced placement and international baccalaureate exam fees; appropriating money.

Referred to the Committee on Finance.

**Senator LeClair introduced--**

**S.F. No. 1995:** A bill for an act relating to retirement; general employees retirement plan of the Public Employees Retirement Association; authorizing the purchase of service credit for a period of prior employment as a public defender.

Referred to the Committee on State and Local Government Operations.

**Senators Betzold and Reiter introduced--**

**S.F. No. 1996:** A bill for an act relating to highways; authorizing issuance of state bonds for improvements to County Road J and Airport Road, including lane addition and noise barrier; appropriating money.

Referred to the Committee on Finance.

**Senators Betzold and Reiter introduced--**

**S.F. No. 1997:** A bill for an act relating to highways; authorizing issuance of trunk highway bonds for reconstructing interchange with Interstate Highway 35W and County Road J and Lake Avenue, with improvements; appropriating money.

Referred to the Committee on Finance.

**Senator LeClair introduced--**

**S.F. No. 1998:** A bill for an act relating to health; assessing health maintenance organizations for purposes of the insurance fraud prevention account; regulating certain rates, claims, filing, and reporting practices; eliminating expanded provider network requirements; amending Minnesota Statutes 2004, sections 45.0135, subdivision 7; 62E.05, subdivision 2; 62L.08, subdivision 8; 62Q.75, subdivision 2, by adding a subdivision; 72A.201, subdivision 4; 256B.692, subdivision 2; 295.582; repealing Minnesota Statutes 2004, sections 62E.035; 62Q.095; 62Q.64.

Referred to the Committee on Commerce.

**Senators Solon, Kelley and Sparks introduced--**

**S.F. No. 1999:** A bill for an act relating to health; requiring a certificate of authority for pharmacy benefits managers; granting powers and duties to state agencies and officers; allowing access to certain information; requiring disclosures to certain entities; setting standards and responsibilities of pharmacy benefits managers; proposing coding for new law as Minnesota Statutes, chapter 60I.

Referred to the Committee on Health and Family Security.

**Senator Foley introduced--**

**S.F. No. 2000:** A bill for an act relating to public safety; modifying the membership of the Criminal Justice and Juvenile Information Policy Group; requiring an annual report; providing grant requirements; amending Minnesota Statutes 2004, section 299C.65, subdivisions 1, 2, 5, by adding a subdivision; repealing Minnesota Statutes 2004, section 299C.65, subdivisions 3, 4, 6, 7, 8, 8a, 9.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Day introduced--**

**S.F. No. 2001:** A bill for an act relating to taxation; imposing a tax on the transfer of certain major league sports franchises; proposing coding for new law as Minnesota Statutes, chapter 290D.

Referred to the Committee on Taxes.

**Senators Sparks, Koering, Metzen, Ruud and Chaudhary introduced--**

**S.F. No. 2002:** A bill for an act relating to consumer protection; authorizing a consumer to place a security freeze on the consumer's credit report; providing notice of this right; providing protections against identity theft; providing Social Security number protections; providing credit monitoring; providing for the adequate destruction of personal records; providing civil and criminal penalties; proposing coding for new law in Minnesota Statutes, chapters 13C; 325E.

Referred to the Committee on Commerce.

**Senators Berglin, Higgins and Rosen introduced--**

**S.F. No. 2003:** A bill for an act relating to human services; providing a rate increase for nursing facilities, intermediate care facilities, and community services; establishing a nursing facility bed closure incentive; limiting expansion of certain waiver programs; appropriating money; amending Minnesota Statutes 2004, sections 256B.431, by adding subdivisions; 256B.434, subdivision 4; 256B.48, subdivision 1; 256B.5012, by adding a subdivision.



Referred to the Committee on Finance.

**Senator Kiscaden introduced--**

**S.F. No. 2004:** A bill for an act relating to youth homelessness; appropriating money for at risk youth out-of-wedlock pregnancy prevention program.

Referred to the Committee on Finance.

**Senators Dille, Lourey, Koering, Murphy and Vickerman introduced--**

**S.F. No. 2005:** A bill for an act relating to natural resources; allowing grazing under certain conditions on land subject to state easement; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Environment and Natural Resources.

**Senators Dibble and Higgins introduced--**

**S.F. No. 2006:** A bill for an act relating to elections; prohibiting certain public officials from serving as officers of principal campaign committees or candidate committees; amending Minnesota Statutes 2004, section 10A.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 211A.

Referred to the Committee on Elections.

**Senator Neuville introduced--**

**S.F. No. 2007:** A bill for an act relating to public utilities; authorizing district court to hear appeals of lesser utility fines; amending Minnesota Statutes 2004, section 216D.08, subdivision 1.

Referred to the Committee on Jobs, Energy and Community Development.

**Senator Fischbach introduced--**

**S.F. No. 2008:** A bill for an act relating to health; creating a presumption directing nutrition and hydration sufficient to sustain life; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Family Security.

**Senator Foley introduced--**

**S.F. No. 2009:** A bill for an act relating to crimes; deleting requirement that 48 hours of jail time be consecutive for DWI-related offense; amending Minnesota Statutes 2004, section 169A.275, subdivision 1.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Bakk introduced--**

**S.F. No. 2010:** A bill for an act relating to weights and measures; updating standards and making other technical changes to weights and measures provisions; delaying repeal of petroleum tank release cleanup provisions; authorizing Petroleum Tank Release Compensation Board to adopt rules for consultant services; amending Minnesota Statutes 2004, sections 41A.09, subdivision 2a; 115C.07, subdivision 3; 115C.13; 239.011, subdivision 2; 239.05, subdivision 10b, by adding a subdivision; 239.09; 239.75, subdivisions 1, 5; 239.761; 239.77, by adding a subdivision; 239.79, subdivision 4; 239.791, subdivisions 1, 7, 8, 15; 239.792; 296A.01,

subdivisions 2, 7, 8, 14, 19, 20, 22, 23, 24, 25, 26, 28; repealing Minnesota Statutes 2004, section 239.05, subdivisions 6a, 6b.

Referred to the Committee on Commerce.

**Senators Rest; Johnson, D.E.; Day; Cohen and Neuville introduced--**

**S.F. No. 2011:** A bill for an act relating to the Minnesota sesquicentennial; establishing a Sesquicentennial Commission; appropriating money.

Referred to the Committee on Finance.

**Senators Pappas, Saxhaug, Gaither, Scheid and Kleis introduced--**

**S.F. No. 2012:** A bill for an act relating to gambling; providing for the operation of lottery gaming machines and the conduct of lottery and nonlottery games at a gaming facility; licensing the gaming facility and imposing a license fee; imposing a gaming transaction fee on gaming at the gaming facility; amending Minnesota Statutes 2004, sections 297A.94; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.04; 349A.10, subdivisions 3, 6; 349A.13; 541.20; 541.21; 609.75, subdivision 3; 609.761, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 297A; 299L; 349A.

Referred to the Committee on Agriculture, Veterans and Gaming.

**Senators Kelley; Johnson, D.E.; Day; Scheid and Senjem introduced--**

**S.F. No. 2013:** A bill for an act relating to state and local government operations; providing a process for developing a new baseball stadium; establishing a metropolitan stadium authority; providing for the membership and powers of the authority; authorizing the Metropolitan Council to issue bonds; providing powers of the host communities; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 2004, sections 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06; 473I.07; 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; 473I.13.

Referred to the Committee on State and Local Government Operations.

**Senator Ruud introduced--**

**S.F. No. 2014:** A bill for an act relating to public safety; modifying provisions relating to flammable liquids, explosives, and fireworks; setting requirements for smoke detectors; removing provisions that are obsolete or governed by State Fire Code; making technical and clarifying changes; amending Minnesota Statutes 2004, sections 84.362; 282.04, subdivision 2; 299F.011, subdivision 7; 299F.19, subdivisions 1, 2; 299F.362, subdivisions 3, 4; repealing Minnesota Statutes 2004, sections 69.011, subdivision 5; 299F.011, subdivision 4c; 299F.015; 299F.10; 299F.11; 299F.12; 299F.13; 299F.14; 299F.15; 299F.16; 299F.17; 299F.361; 299F.451; 299F.452.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Ruud introduced--**

**S.F. No. 2015:** A bill for an act relating to crimes; clarifying a provision of the gambling fraud crime; amending Minnesota Statutes 2004, section 609.763, subdivision 3.

Referred to the Committee on Crime Prevention and Public Safety.

**Senators Ourada, Koering, Nienow and Jungbauer introduced--**

**S.F. No. 2016:** A bill for an act relating to public safety; requiring commissioner of public safety to adopt rules to protect victims of identity theft from invalid criminal suspicion; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Johnson, D.E. introduced--**

**S.F. No. 2017:** A bill for an act relating to education finance; allowing Independent School District No. 345, New London-Spicer, to transfer future balances in its debt redemption fund to its general fund.

Referred to the Committee on Finance.

**Senators Johnson, D.J.; Foley and Jungbauer introduced--**

**S.F. No. 2018:** A bill for an act relating to education; requiring a secondary school law enforcement teacher to be licensed as a peace officer; proposing coding for new law in Minnesota Statutes, chapter 122A.

Referred to the Committee on Education.

**Senators Dibble; Belanger; Hottinger; Johnson, D.E. and Lourey introduced--**

**S.F. No. 2019:** A bill for an act relating to child labor; regulating the employment of minors in establishments where smoking is permitted; providing civil penalties; amending Minnesota Statutes 2004, section 181A.12, subdivision 1; proposing coding for new law in Minnesota Statutes 2004, chapter 181A.

Referred to the Committee on Jobs, Energy and Community Development.

**Senator Cohen introduced--**

**S.F. No. 2020:** A bill for an act relating to state investments; authorizing investment of state funds in films to be produced in Minnesota; amending Minnesota Statutes 2004, section 11A.24, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

**Senator Cohen introduced--**

**S.F. No. 2021:** A bill for an act relating to energy; providing funding for certain biomass-fueled community energy systems; appropriating money.

Referred to the Committee on Jobs, Energy and Community Development.

**Senators Koering and Ruud introduced--**

**S.F. No. 2022:** A bill for an act relating to economic development; allowing exemption for certain energy conservation investment expenses made by qualifying business; amending Minnesota Statutes 2004, section 216B.241, subdivisions 1, 1a.

Referred to the Committee on Jobs, Energy and Community Development.

**Senator Stumpf introduced--**

**S.F. No. 2023:** A bill for an act relating to education finance; authorizing a fund transfer for Independent School District No. 2609, Win-E-Mac.

Referred to the Committee on Finance.

**Senators Pariseau, LeClair, Bakk, Ruud and Johnson, D.J. introduced--**

**S.F. No. 2024:** A bill for an act relating to natural resources; establishing the Shooting Range Protection Act; requiring expedited rulemaking; proposing coding for new law as Minnesota Statutes, chapter 87A.

Referred to the Committee on Environment and Natural Resources.

**Senator Kleis introduced--**

**S.F. No. 2025:** A bill for an act relating to elections; clarifying certain terminology; modifying certain restrictions on corporate spending in political campaigns; amending Minnesota Statutes 2004, sections 10A.01, subdivisions 9, 11; 211B.15, subdivisions 1, 17.

Referred to the Committee on Elections.

**Senators Kubly and Koering introduced--**

**S.F. No. 2026:** A bill for an act relating to human services; modifying child care provider rates; amending Laws 2003, First Special Session chapter 14, article 9, section 34.

Referred to the Committee on Finance.

**Senators Kubly and Koering introduced--**

**S.F. No. 2027:** A bill for an act relating to human services; creating a child care assistance provider reimbursement rate grant program; appropriating money.

Referred to the Committee on Finance.

**Senator Kubly introduced--**

**S.F. No. 2028:** A bill for an act relating to energy; appropriating money for soy-diesel fueled generators as backup for wind energy conversion systems.

Referred to the Committee on Jobs, Energy and Community Development.

**Senator Kubly introduced--**

**S.F. No. 2029:** A bill for an act relating to water; requiring the Department of Natural Resources to obtain permits for construction activities in watershed districts; amending Minnesota Statutes 2004, section 103D.345, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

**Senators Nienow and Solon introduced--**

**S.F. No. 2030:** A bill for an act relating to legislative procedure; increasing the time a conference committee report must be on members' desks before it is voted on; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Rules and Administration.

**Senators Nienow and Solon introduced--**

**S.F. No. 2031:** A bill for an act relating to legislative procedure; prohibiting final passage of a bill or conference report on the day it is received by a body, with certain exceptions; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Rules and Administration.

**Senators Kiscaden, Michel and Day introduced--**

**S.F. No. 2032:** A bill for an act relating to state government; creating an Office of Enterprise Technology; appropriating money; amending Minnesota Statutes 2004, sections 16B.04, subdivision 2; 16B.48, subdivisions 4, 5; 16E.01, subdivisions 1, 3; 16E.02; 16E.03, subdivisions 1, 2, 3, 7; 16E.04; 16E.0465, subdivision 2; 16E.055; 16E.07, subdivision 8; 299C.65, subdivisions 1, 2; 403.36, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16E; repealing Minnesota Statutes 2004, sections 16B.48, subdivision 3; 16E.0465, subdivision 3.

Referred to the Committee on State and Local Government Operations.

**Senator Dille introduced--**

**S.F. No. 2033:** A bill for an act relating to water quality; providing for additional monitoring for agricultural pesticides in groundwater and surface water; appropriating money.

Referred to the Committee on Finance.

**Senator Marko introduced--**

**S.F. No. 2034:** A bill for an act relating to education finance; repealing the requirement that certain school districts reserve revenue for cooperative programs; repealing Minnesota Statutes 2004, section 123A.27.

Referred to the Committee on Finance.

**Senators Dibble, Vickerman, Pariseau, LeClair and Chaudhary introduced--**

**S.F. No. 2035:** A bill for an act relating to compulsive gambling; appropriating money for prevention and treatment services; proposing coding for new law in Minnesota Statutes, chapter 245.

Referred to the Committee on Agriculture, Veterans and Gaming.

**RECESS**

Senator Johnson, D.E. moved that the Senate do now recess until 10:15 a.m. The motion prevailed.

The hour of 10:15 a.m. having arrived, the President called the Senate to order.

**CALL OF THE SENATE**

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

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

**CONSENT CALENDAR**

**H.F. No. 933:** A bill for an act relating to motor vehicles; recodifying the Motor Vehicle Retail Installment Sales Act.

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:

Bachmann	Gerlach	Larson	Ortman	Skoe
Bakk	Hann	LeClair	Pappas	Skoglund
Belanger	Higgins	Lourey	Pariseau	Solon
Berglin	Hottinger	Marko	Pogemiller	Sparks
Betzold	Johnson, D.E.	Marty	Ranum	Stumpf
Chaudhary	Johnson, D.J.	McGinn	Reiter	Tomassoni
Day	Jungbauer	Metzen	Rest	Vickerman
Dibble	Kelley	Michel	Robling	Wergin
Dille	Kierlin	Moua	Rosen	Wiger
Fischbach	Kiscaden	Murphy	Ruud	
Foley	Kleis	Neuville	Saxhaug	
Frederickson	Koering	Nienow	Scheid	
Gaither	Langseth	Olson	Senjem	

So the bill passed and its title was agreed to.

**S.F. No. 1625:** A bill for an act relating to the military; providing for pay and allowances for certain retired national guard personnel who are ordered to active duty; amending Minnesota Statutes 2004, section 192.19.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Ortman	Senjem
Bachmann	Gerlach	Larson	Ourada	Skoe
Bakk	Hann	LeClair	Pappas	Skoglund
Belanger	Higgins	Lourey	Pariseau	Solon
Berglin	Hottinger	Marko	Pogemiller	Sparks
Betzold	Johnson, D.E.	Marty	Ranum	Stumpf
Chaudhary	Johnson, D.J.	McGinn	Reiter	Tomassoni
Cohen	Jungbauer	Metzen	Rest	Vickerman
Day	Kelley	Michel	Robling	Wergin
Dibble	Kierlin	Moua	Rosen	Wiger
Dille	Kiscaden	Murphy	Ruud	
Fischbach	Kleis	Neuville	Sams	
Foley	Koering	Nienow	Saxhaug	
Frederickson	Kubly	Olson	Scheid	

So the bill passed and its title was agreed to.

**H.F. No. 997:** A bill for an act relating to financial institutions; authorizing a detached facility in Burns Township under certain conditions.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Ortman	Senjem
Bachmann	Gerlach	Larson	Ourada	Skoe
Bakk	Hann	LeClair	Pappas	Skoglund
Belanger	Higgins	Lourey	Pariseau	Solon
Berglin	Hottinger	Marko	Pogemiller	Sparks
Betzold	Johnson, D.E.	Marty	Ranum	Stumpf
Chaudhary	Johnson, D.J.	McGinn	Reiter	Tomassoni
Cohen	Jungbauer	Metzen	Rest	Vickerman
Day	Kelley	Michel	Robling	Wergin
Dibble	Kierlin	Moua	Rosen	Wiger
Dille	Kiscaden	Murphy	Ruud	
Fischbach	Kleis	Neuville	Sams	
Foley	Koering	Nienow	Saxhaug	
Frederickson	Kubly	Olson	Scheid	

So the bill passed and its title was agreed to.

**S.F. No. 1452:** A bill for an act relating to corrections; authorizing the commissioner of corrections to appoint individuals to the Advisory Council on Interstate Adult Offender Supervision; repealing the law requiring collection of data on interstate offenders; amending Minnesota Statutes 2004, section 243.1606, subdivision 1; repealing Minnesota Statutes 2004, section 243.162.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Ortman	Senjem
Bachmann	Gerlach	Larson	Ourada	Skoe
Bakk	Hann	LeClair	Pappas	Skoglund
Belanger	Higgins	Lourey	Pariseau	Solon
Berglin	Hottinger	Marko	Pogemiller	Sparks
Betzold	Johnson, D.E.	Marty	Ranum	Stumpf
Chaudhary	Johnson, D.J.	McGinn	Reiter	Tomassoni
Cohen	Jungbauer	Metzen	Rest	Vickerman
Day	Kelley	Michel	Robling	Wergin
Dibble	Kierlin	Moua	Rosen	Wiger
Dille	Kiscaden	Murphy	Ruud	
Fischbach	Kleis	Neuville	Sams	
Foley	Koering	Nienow	Saxhaug	
Frederickson	Kubly	Olson	Scheid	

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated S.F. No. 255 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 255:** A bill for an act relating to MinnesotaCare; modifying covered health services; repealing the limited benefits for certain single adults and households without children; amending Minnesota Statutes 2004, sections 256L.03, subdivision 1; 256L.12, subdivision 6; repealing Minnesota Statutes 2004, section 256L.035.

Senator Wergin moved that S.F. No. 255 be laid on the table.

**CALL OF THE SENATE**

Senator Berglin imposed a call of the Senate for the balance of the proceedings on S.F. No. 255. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Wergin motion.

The roll was called, and there were yeas 21 and nays 46, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, D.J.	Michel	Pariseau	Wergin
Fischbach	Jungbauer	Neuville	Reiter	
Gaither	LeClair	Nienow	Robling	
Gerlach	Limmer	Olson	Ruud	
Hann	McGinn	Ortman	Senjem	

Those who voted in the negative were:

Anderson	Foley	Kubly	Pappas	Solon
Bakk	Frederickson	Langseth	Pogemiller	Sparks
Belanger	Higgins	Larson	Ranum	Stumpf
Berglin	Hottinger	Lourey	Rest	Tomassoni
Betzold	Johnson, D.E.	Marko	Rosen	Vickerman
Chaudhary	Kelley	Marty	Sams	Wiger
Cohen	Kierlin	Metzen	Saxhaug	
Day	Kiscaden	Moua	Scheid	
Dibble	Kleis	Murphy	Skoe	
Dille	Koering	Ourada	Skoglund	

The motion did not prevail.

S.F. No. 255 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 49 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Kubly	Pariseau	Skoe
Bakk	Frederickson	Langseth	Pogemiller	Skoglund
Belanger	Higgins	Lourey	Ranum	Solon
Berglin	Hottinger	Marko	Rest	Sparks
Betzold	Johnson, D.E.	Marty	Robling	Stumpf
Chaudhary	Kelley	Metzen	Rosen	Tomassoni
Cohen	Kierlin	Moua	Ruud	Vickerman
Dibble	Kiscaden	Murphy	Sams	Wergin
Dille	Kleis	Nienow	Saxhaug	Wiger
Fischbach	Koering	Pappas	Scheid	

Those who voted in the negative were:

Bachmann	Hann	LeClair	Neuville	Senjem
Day	Johnson, D.J.	Limmer	Olson	
Gaither	Jungbauer	McGinn	Ortman	
Gerlach	Larson	Michel	Reiter	

So the bill passed and its title was agreed to.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated S.F. No. 1683 a Special Order to be heard immediately.



**SPECIAL ORDER**

**S.F. No. 1683:** A bill for an act relating to financing and operation of state and local government; making policy, technical, administrative, enforcement, collection, refund, and other changes to income, franchise, property, sales and use, health care provider, cigarette and tobacco products, insurance premiums, aggregate removal, occupation, net proceeds, and production taxes, and other taxes and tax-related provisions; establishing a regional investment credit; establishing credits for carsharing and historic preservation; providing an income tax checkoff; providing a refund for transit passes; authorizing sales tax exemptions; authorizing local government sales taxes; authorizing distributions of tax proceeds; changing provisions relating to fiscal disparities, education financing, state debt collection procedures, sustainable forest incentives programs, and business subsidy provisions; conforming provisions to certain changes in federal law; changing powers and duties of certain local governments and authorities and state departments or agencies; providing for payments of certain aids to local units of government; providing for certain school levies; providing for issuance of obligations by local governments, and use of the proceeds of the debt; requiring transfer of a parking facility; changing tax increment financing and abatement provisions, and providing authorities to certain districts; changing provisions relating to certificates of title of motor vehicles and manufactured homes; changing electronic filing provisions; prohibiting misrepresentation of employment; imposing requirements related to JOBZ; providing for studies and reports; providing penalties; creating an education reserve account; providing for allocation and transfers of funds; appropriating money; amending Minnesota Statutes 2004, sections 4A.02; 15.06, subdivision 6; 16D.10; 103C.331, subdivision 16; 116J.993, subdivision 3, by adding a subdivision; 116J.994, subdivisions 4, 5, 9, by adding a subdivision; 118A.05, subdivision 5; 123B.53, subdivision 4, by adding a subdivision; 123B.55; 123B.71, subdivision 9; 126C.17, subdivisions 6, 7, 9, by adding subdivisions; 161.1231, by adding a subdivision; 168A.05, subdivisions 1a, 1b; 270.11, subdivision 2; 270.16, subdivision 2; 270.65; 270.67, subdivision 4; 270.69, subdivision 4; 270A.03, subdivision 5; 272.01, subdivision 2; 272.02, subdivisions 1a, 7, 22, 47, 56, by adding subdivisions; 272.0212, subdivisions 1, 2; 272.029, subdivisions 4, 6; 273.11, subdivisions 1a, 8, by adding subdivisions; 273.112, subdivision 3; 273.123, by adding a subdivision; 273.124, subdivisions 1, 3, 6, 8, 13, 14, 21; 273.13, subdivisions 22, 23, 25; 273.1315; 273.1384, subdivision 3; 273.19, subdivision 1a; 273.372; 274.014, subdivisions 2, 3; 274.14; 275.065, subdivisions 1a, 3, by adding subdivisions; 275.066; 275.07, subdivisions 1, 4; 275.70, subdivision 5; 276.04, subdivision 2; 276.112; 276A.01, subdivision 7; 278.03, subdivision 1; 279.01, subdivision 1, by adding a subdivision; 282.016; 282.08; 282.15; 282.21; 282.224; 282.301; 287.04; 289A.02, subdivision 7; 289A.08, subdivisions 3, 7, 16; 289A.11, subdivision 1; 289A.18, subdivisions 1, 4, by adding a subdivision; 289A.19, subdivision 4; 289A.20, subdivisions 2, 4; 289A.31, subdivision 2; 289A.37, subdivision 5; 289A.38, subdivisions 6, 7, by adding a subdivision; 289A.39, subdivision 1; 289A.40, subdivision 2, by adding subdivisions; 289A.50, subdivision 1a; 289A.60, subdivisions 2a, 6, 11, 12, 13; 290.01, subdivisions 7, 19, 19a, 19b, 19c, 19d, 31; 290.032, subdivisions 1, 2; 290.05, subdivision 1; 290.06, subdivisions 2c, 22, 28, by adding subdivisions; 290.067, subdivisions 1, 2a; 290.0671, subdivision 1; 290.0674, subdivisions 1, 2; 290.0675, subdivision 1; 290.091, subdivisions 2, 3; 290.0922, subdivision 2; 290.10; 290.17, subdivision 4; 290.191, subdivision 1; 290.92, subdivisions 1, 4b; 290A.03, subdivisions 3, 15; 290A.07, by adding a subdivision; 290A.19; 290B.05, subdivision 3; 290C.05; 290C.10; 291.005, subdivision 1; 291.03, subdivision 1; 295.50, subdivision 3, by adding a subdivision; 295.53, subdivision 1; 295.60, subdivision 3; 296A.09, by adding a subdivision; 296A.22, by adding a subdivision; 297A.61, subdivisions 3, 4, by adding a subdivision; 297A.64, subdivision 4; 297A.668, subdivisions 1, 5; 297A.67, subdivision 2, by adding subdivisions; 297A.68, subdivisions 2, 4, 5, 19, 35, 39, by adding subdivisions; 297A.70, subdivision 8, by adding a subdivision; 297A.71, by adding subdivisions; 297A.75, subdivisions 1, 2, 3; 297A.83, subdivision 1; 297A.87, subdivisions 2, 3; 297A.99, subdivisions 4, 7; 297B.03; 297E.01, subdivisions 5, 7, by adding subdivisions; 297E.02, subdivision 4; 297E.06, subdivision 2; 297E.07; 297F.01, by adding a subdivision; 297F.08, subdivision 12, by adding a subdivision; 297F.09, subdivisions 1, 2, by adding a subdivision; 297F.14, subdivision 4; 297G.09, by adding a subdivision; 297I.01, by adding a subdivision; 297I.05, subdivisions 4, 5, by adding a subdivision; 298.001, by adding subdivisions; 298.01, subdivisions 3, 3a, 4; 298.015, subdivisions 1, 2; 298.016, subdivision 4; 298.018; 298.223, subdivision 1; 298.24, subdivision 1; 298.28, subdivisions 9b, 10; 298.2961, by adding a

subdivision; 298.75, subdivisions 1, 2; 325D.33, subdivision 6; 343.11; 366.011; 366.012; 373.01, subdivision 3; 373.40, subdivision 1; 373.45, subdivision 7; 400.04, by adding a subdivision; 410.32; 412.301; 428A.101; 428A.21; 429.031, by adding a subdivision; 429.051; 469.034, subdivision 2; 469.158; 469.169, by adding a subdivision; 469.1735, subdivision 3; 469.174, by adding a subdivision; 469.175, subdivisions 1, 4, 6; 469.176, subdivision 1c, by adding subdivisions; 469.1761, by adding a subdivision; 469.1763, subdivision 2; 469.1792; 469.310, subdivision 11; 473.39, by adding a subdivision; 473.843, subdivisions 3, 5; 473F.02, subdivision 7; 473F.08, by adding subdivisions; 474A.061, subdivision 2c; 474A.131, subdivision 1; 475.51, subdivision 4; 475.52, subdivisions 1, 3, 4; 475.521, subdivisions 1, 2, 3, 4; 475.58, subdivision 3b; 477A.011, subdivisions 3, 36, 38; 477A.0124, subdivision 2; 477A.016; 477A.11, subdivision 4, by adding a subdivision; 477A.12, subdivisions 1, 2; 477A.14, subdivision 1; Laws 1991, chapter 291, article 8, section 27, subdivision 4; Laws 1994, chapter 587, article 9, section 20, subdivision 1; Laws 1994, chapter 587, article 9, section 20, subdivision 2; Laws 1996, chapter 471, article 2, section 29; Laws 1998, chapter 389, article 3, section 41; Laws 1998, chapter 389, article 3, section 42, subdivision 2, as amended; Laws 1998, chapter 389, article 8, section 43, subdivision 3; Laws 1998, chapter 389, article 8, section 43, subdivision 4; Laws 1998, chapter 389, article 11, section 19, subdivision 3; Laws 1999, chapter 243, article 4, section 18, subdivision 1; Laws 1999, chapter 243, article 4, section 18, subdivision 3; Laws 1999, chapter 243, article 4, section 18, subdivision 4; Laws 2001, First Special Session chapter 5, article 3, section 8; Laws 2001, First Special Session chapter 5, article 12, section 67; Laws 2001, First Special Session chapter 5, article 12, section 82, as amended; Laws 2001, First Special Session chapter 5, article 12, section 95, as amended; Laws 2002, chapter 377, article 3, section 4; Laws 2002, chapter 377, article 12, section 16, subdivision 1; Laws 2003, chapter 127, article 5, section 27; Laws 2003, chapter 127, article 5, section 28; Laws 2003, chapter 127, article 12, section 38; Laws 2003, First Special Session chapter 21, article 4, section 12, subdivision 11; Laws 2003, First Special Session chapter 21, article 5, section 13; Laws 2003, First Special Session chapter 21, article 6, section 9; proposing coding for new law in Minnesota Statutes, chapters 103C; 174; 270; 273; 278; 290; 290C; 297A; 297F; 298; 325D; 325F; 462A; 473; repealing Minnesota Statutes 2004, sections 273.19, subdivision 5; 274.05; 275.15; 275.61, subdivision 2; 283.07; 289A.26, subdivision 2a; 289A.60, subdivision 21; 295.55, subdivision 4; 295.60, subdivision 4; 297A.99, subdivision 13; 297E.12, subdivision 10; 297F.09, subdivision 7; 297G.09, subdivision 6; 297I.35, subdivision 2; 297I.85, subdivision 7; 298.01, subdivisions 3c, 3d, 4d, 4e; 298.017; 473.39, subdivision 1f; Laws 1975, chapter 287, section 5; Laws 1994, chapter 587, article 9, section 20, subdivision 4; Laws 2003, chapter 127, article 9, section 9, subdivision 4; repealing Minnesota Rules, parts 8093.2000; 8093.3000; 8130.0110, subpart 4; 8130.0200, subparts 5, 6; 8130.0400, subpart 9; 8130.1200, subparts 5, 6; 8130.2900; 8130.3100, subpart 1; 8130.4000, subparts 1, 2; 8130.4200, subpart 1; 8130.4400, subpart 3; 8130.5200; 8130.5600, subpart 3; 8130.5800, subpart 5; 8130.7300, subpart 5; 8130.8800, subpart 4.

Senator Pogemiller moved to amend S.F. No. 1683 as follows:

Page 18, line 20, after the period, insert "The taxpayer must claim the credit the same tax year in which the investment to the fund is made. The credit is allowed only for investments made to a fund that are made after the fund has been certified by the commissioner of employment and economic development under paragraph (c)."

Page 18, line 27, after "230.501(a)" insert ", or consists of members that are not accredited investors that make equity investments or investments in notes that pay interest or other fixed amounts or any combination of both" and delete "and"

Page 18, line 34, delete the period and insert "; and

(3) has no fewer than five individual investors who are not affiliates with no single investor and affiliates of that investor together owning a total of more than 25 percent ownership interests outstanding in the fund. For purposes of this subdivision, "affiliate" means a spouse, child, or sibling of an investor or a corporation, partnership, or trust in which an investor has a controlling equity interest or in which an investor exercises management control."

Page 19, line 5, delete "ten" and insert "20"

Page 19, line 7, delete "\$250,000" and insert "\$500,000"

Page 19, line 16, after the period, insert "The commissioner of employment and economic development must award three certificates to a pooled investment fund that invests in qualifying small businesses located in the region of the state that is the focus of the fund and allocates at least 20 percent of its investments to qualified small businesses that meet local community needs. To be a qualifying small business, a business must satisfy the following requirements:

(1) 51 percent of the ownership interests in the business, excluding any equity interest of the fund, must be held by residents of the region; and

(2) the business must pay wages and benefits, measured on a full-time equivalent basis, to 75 percent or more of its employees equal to 175 percent of the federal poverty level for a family of four. This requirement does not apply if fewer than three pooled investment funds that would otherwise qualify under this subdivision apply for a certificate."

Page 19, delete lines 17 to 20 and insert:

"(d) Each fund must provide each investor a statement indicating the investor's share of the credit amount certified to the fund under paragraph (c) based on the order in which their investment is made in the fund."

Page 71, line 19, delete "June" and insert "April"

Page 71, line 21, delete "\$5,470,000" and insert "\$4,800,000"

Pages 79 and 80, delete section 26

Page 84, line 19, after the period, insert "No election is required for the issuance of bonds under this subdivision, other than the election held by the city on June 23, 1998.

The city may enter into an agreement with Olmsted County under which the city and the county agree to jointly undertake and finance certain roadway infrastructure improvements. The agreement may provide that the city will make available to the county a portion of the sales tax revenues collected pursuant to the authority granted in this section and the bonding authority provided in this subdivision. The county may, pursuant to the agreement, issue its general obligation bonds in a principal amount not exceeding the amount authorized by its agreement with the city payable primarily from the sales tax revenues from the city under the agreement. The county's bonds must be issued in accordance with the provisions of Minnesota Statutes, chapter 475, except that no election is required for the issuance of the bonds and the bonds shall not be included in the net debt of the county."

Pages 87 and 88, delete section 36

Page 129, after line 34, insert:

"Sec. 25. Minnesota Statutes 2004, section 272.02, is amended by adding a subdivision to read:

Subd. 76. [ELECTRIC GENERATION FACILITY; PERSONAL PROPERTY.] (a) Notwithstanding subdivision 9, clause (a), attached machinery and other personal property which is part of a simple-cycle combustion-turbine electric generation facility that exceeds 290 megawatts of installed capacity and that meets the requirements of this subdivision is exempt. At the time of construction, the facility must:

(1) be designed to utilize natural gas as a primary fuel;

(2) not be owned by a public utility as defined in section 216B.02, subdivision 4;

(3) be located within 15 miles of the mainline existing interstate natural gas pipeline and within five miles of an existing electrical transmission substation;

(4) be located outside the metropolitan area as defined under section 473.121, subdivision 2; and

(5) be designed to provide peaking capacity energy and ancillary services and have satisfied all of the requirements under section 216B.243.

(b) Construction of the facility must be commenced after January 1, 2005, and before January 1, 2009. Property eligible for this exemption does not include electric transmission lines and interconnections or gas pipelines and interconnections appurtenant to the property or the facility.

**[EFFECTIVE DATE.]** This section is effective for taxes levied in 2006, payable in 2007, and thereafter."

Page 156, line 22, strike "class 1c" and insert "the" and strike "has a class rate of"

Page 156, line 26, after the stricken "lakeshore" insert "is classified as class 4c" and reinstate the stricken ". If any portion of the class"

Page 156, lines 27 to 29, reinstate the stricken language

Page 156, line 30, delete the new language and reinstate the stricken language

Page 164, lines 14 to 19, reinstate the stricken language

Page 167, line 31, after "the" insert "0.55 or"

Page 168, line 4, delete "sections 273.126 and 462A.0715" and insert "section 273.1321"

Page 168, line 12, delete "Minnesota Statutes 2000,"

Page 206, line 8, after "for" insert "E-12"

Page 206, line 9, delete "aid"

Page 287, after line 30, insert:

"Section 1. Minnesota Statutes 2004, section 270.30, subdivision 1, is amended to read:

Subdivision 1. ~~[SCOPE.] (a) This section applies to a person who offers, provides, or facilitates the provision of refund anticipation loans, as part of or in connection with the provision of tax preparation services.~~

~~(b) This section does not apply to:~~

~~(1) a tax preparer who provides tax preparation services for fewer than six clients in a calendar year;~~

~~(2) the provision by a person of tax preparation services to a spouse, parent, grandparent, child, or sibling; and~~

~~(3) the provision of services by an employee for an employer.~~

Sec. 2. Minnesota Statutes 2004, section 270.30, subdivision 5, is amended to read:

Subd. 5. **[ITEMIZED BILL REQUIRED.]** A tax preparer who provides services for a fee or other consideration must provide an itemized statement of the charges for services, at least separately stating the charges for:

(1) return preparation; and

(2) electronic filing; and

(3) providing or facilitating a refund anticipation loan.

Sec. 3. Minnesota Statutes 2004, section 270.30, subdivision 6, is amended to read:

Subd. 6. **[ENFORCEMENT; PENALTIES.]** The commissioner may impose an administrative

penalty of not more than \$1,000 per violation of subdivision 3, 4, or 5. The commissioner may terminate a tax preparer's authority to transmit returns electronically to the state, if the commissioner determines the tax preparer engaged in a pattern and practice of violating this section. Imposition of a penalty under this subdivision is subject to the contested case procedure under chapter 14. The commissioner shall collect the penalty in the same manner as the income tax. Penalties imposed under this subdivision are public data.

Sec. 4. Minnesota Statutes 2004, section 270.30, is amended by adding a subdivision to read:

Subd. 6a. [EXCHANGE OF DATA; STATE BOARD OF ACCOUNTANCY.] The State Board of Accountancy shall refer to the commissioner complaints it receives about tax preparers who are not subject to the jurisdiction of the State Board of Accountancy and who are alleged to have violated the provisions of subdivisions 3 to 5.

Sec. 5. Minnesota Statutes 2004, section 270.30, is amended by adding a subdivision to read:

Subd. 6b. [EXCHANGE OF DATA; LAWYERS BOARD OF PROFESSIONAL RESPONSIBILITY.] The Lawyers Board of Professional Responsibility may refer to the commissioner complaints it receives about tax preparers who are not subject to its jurisdiction and who are alleged to have violated the provisions of subdivisions 3 to 5.

Sec. 6. Minnesota Statutes 2004, section 270.30, is amended by adding a subdivision to read:

Subd. 6c. [EXCHANGE OF DATA; COMMISSIONER.] The commissioner shall refer complaints about tax preparers who are alleged to have violated the provisions of subdivisions 3 to 5 to:

- (1) the State Board of Accountancy, if the tax preparer is under its jurisdiction; and
- (2) the Lawyers Board of Professional Responsibility, if the tax preparer is under its jurisdiction.

Sec. 7. Minnesota Statutes 2004, section 270.30, is amended by adding a subdivision to read:

Subd. 6d. [DATA PRIVATE.] Information exchanged on individuals under subdivisions 6a to 6c are private data under section 13.02, subdivision 12, until such time as a penalty is imposed as provided in section 326A.08 or by the Lawyers Board of Professional Responsibility.

Sec. 8. Minnesota Statutes 2004, section 270.30, subdivision 8, is amended to read:

Subd. 8. [EXEMPTIONS; ENFORCEMENT PROVISIONS.] (a) The provisions of subdivisions ~~6 and 7~~ this section, except for subdivision 4, do not apply to:

- (1) an attorney admitted to practice under section 481.01;
- (2) a certified public accountant holding a certificate under section ~~326A.04~~ or a person issued a permit to practice under section ~~326A.05~~ or other person who is subject to the jurisdiction of the State Board of Accountancy; and
- (3) a person designated as a registered accounting practitioner under Minnesota Rules, part ~~1105.6600~~, or a registered accounting practitioner firm issued a permit under Minnesota Rules, part ~~1105.7100~~;
- (4) an enrolled agent who has passed the special enrollment examination administered by the Internal Revenue Service; and.

(b) The provisions of this section do not apply to:

(~~5~~) (1) any fiduciary, or the regular employees of a fiduciary, while acting on behalf of the fiduciary estate, the testator, trustor, grantor, or beneficiaries of them;

(2) a tax preparer who provides tax preparation services for fewer than six clients in a calendar year;

(3) tax preparation services to a spouse, parent, grandparent, child, or sibling of the tax preparer; and

(4) the preparation by an employee of the tax return of the employee's employer.

Sec. 9. [270.301] [PUBLICATION OF NAMES OF TAX PREPARERS SUBJECT TO PENALTIES.]

Subdivision 1. [PUBLICATION OF LIST.] Notwithstanding any other law, the commissioner must publish as provided in this section a list or lists of tax preparers subject to penalties.

Subd. 2. [REQUIRED AND EXCLUDED TAX PREPARERS.] (a) Subject to the limitations of paragraphs (b) and (c), the commissioner must publish lists of the tax preparers described in subdivision 1. The list must include:

(1) the tax preparers who have been assessed penalties under section 289A.60, subdivision 13, or who have been convicted under section 289A.63;

(2) tax preparers against whom cumulative penalties of \$1,000 or more have been assessed under section 270.30, subdivision 6; and

(3) tax preparers whose authority to transmit returns electronically has been terminated under section 270.30, subdivision 6, or under section 289A.60, subdivision 13.

The list may include tax preparers against whom cumulative penalties of less than \$1,000 have been assessed.

(b) For the purposes of this section, a penalty was not assessed if:

(1) an administrative or court action contesting the penalty has been filed or served and is unresolved at the time when notice would be given under subdivision 3; or

(2) an appeal period to contest the penalty has not expired.

(c) Penalties are not subject to publication if:

(1) the commissioner is in the process of reviewing or adjusting the penalty; or

(2) the commissioner has been notified that the tax preparer is deceased.

Subd. 3. [NOTICE TO TAX PREPARER.] (a) At least 30 days before publishing the name of a tax preparer subject to penalty, the commissioner shall mail a written notice to the tax preparer, detailing the amount and nature of each penalty and the intended publication of the information listed in subdivision 4 related to the penalty. The notice must be mailed by first class and certified mail addressed to the last known address of the tax preparer. The notice must include information regarding the exceptions listed in subdivision 2 and must state that the tax preparer's information will not be published if the tax preparer provides information establishing that subdivision 2 prohibits publication of the tax preparer's name.

(b) After at least 30 days has elapsed since the notice was mailed and the tax preparer has not proved to the commissioner that subdivision 2 prohibits publication, the commissioner may publish in a list of tax preparers subject to penalty the information about the tax preparer that is listed in subdivision 4.

Subd. 4. [FORM OF LIST.] The list may be published by any medium or method. The list must contain the name, associated business name or names, address or addresses, and violation or violations for which a penalty was imposed of each tax preparer subject to administrative penalty.

Subd. 5. [REMOVAL FROM LIST.] The commissioner shall remove the name of a tax preparer from the list of tax preparers published under this section when:

(1) the commissioner determines that the name was included on the list in error;

(2) 90 days have elapsed since the preparer has fully paid all fines imposed, served any suspension, and demonstrated to the satisfaction of the commissioner that the preparer has successfully completed any remedial actions required by the commissioner, the State Board of Accountancy, or the Lawyers Board of Professional Responsibility; or

(3) the commissioner has been notified that the tax preparer is deceased.

Subd. 6. [NAMES PUBLISHED IN ERROR.] If the commissioner publishes a name under subdivision 1 in error, the tax preparer whose name was erroneously published has a right to request a retraction and apology. If the tax preparer so requests, the commissioner shall publish a retraction and apology acknowledging that the tax preparer's name was published in error. The retraction and apology must appear in the same medium and the same format as the original list that contained the name listed in error.

Subd. 7. [PAYMENT OF DAMAGES.] Actions against the commissioner of revenue or the state of Minnesota arising out of the implementation of this program must be brought under section 270.276.

[EFFECTIVE DATE.] The requirement of subdivision 2, paragraph (a), clause (2), is effective for crimes committed on or after August 1, 2005. The remainder of subdivision 2 is effective for tax preparers engaging in conduct described in subdivision 2, paragraph (a), clause (1) or (3), on or after August 1, 2005."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Jungbauer moved to amend S.F. No. 1683 as follows:

Page 240, after line 22, insert:

"Sec. 34. [CITY OF RAMSEY; HOUSING TAX INCREMENT DISTRICT.]

Subdivision 1. [AUTHORIZATION.] The governing body of the city of Ramsey may create a housing tax increment financing district as provided in this section. The city or its economic development authority may be the "authority" for the purposes of Minnesota Statutes, sections 469.174 to 469.179.

Subd. 2. [DEFINITIONS.] (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Development parcel" means the property in the city of Ramsey generally described as the easterly 4.1 acres of Outlot AA, Ramsey Town Center Addition.

(c) "Low and moderate income persons" means:

(1) persons or families of low and moderate income, as defined in Minnesota Statutes, chapter 462A, Title II of the National Housing Act of 1934, the National Housing Act of 1959, the United States Housing Act of 1937, as amended, Title V of the Housing Act of 1949, as amended, any other similar present or future federal, state, or municipal legislation, or the regulations promulgated under any of those acts;

(2) disabled persons; and

(3) persons over the age of 55 years.

Subd. 3. [SPECIAL RULES.] (a) The district established under this section is subject to the provisions of Minnesota Statutes, sections 469.174 to 469.179, except as provided in this subdivision.

(b) The district may consist of all or a portion of the development parcel.

(c) The housing district shall be as described in Minnesota Statutes, section 469.174, subdivision 11, provided that the definition in subdivision 2, paragraph (c), applies to all references to "low and moderate income persons" in that provision. All improvements constructed within the district will be considered to be made for the benefit of low and moderate income persons.

(d) Minnesota Statutes, section 469.176, subdivision 7, does not apply to the housing district authorized in this section.

(e) The income limitations in Minnesota Statutes, section 469.1761, shall not apply to persons meeting the requirements of clauses (2) and (3) of subdivision 2, paragraph (c).

[EFFECTIVE DATE.] This section is effective the day following final enactment, upon compliance with Minnesota Statutes, section 645.021."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend S.F. No. 1683 as follows:

Pages 14 to 16, delete section 7

Page 25, line 31, delete "only if section"

Page 25, line 32, delete "7 of this article is enacted"

Page 26, line 27, delete "only if section"

Page 26, line 28, delete "7 of this article is enacted"

Senator Pogemiller moved to amend the Kleis amendment to S.F. No. 1683 as follows:

Page 1, delete lines 3 to 6 and insert:

"Pages 23 to 26, delete sections 13 and 14

Renumber the sections in sequence and correct the internal references

Amend the title accordingly"

The question was taken on the adoption of the Pogemiller amendment to the Kleis amendment.

The roll was called, and there were yeas 35 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Langseth	Pappas	Skoe
Bakk	Higgins	Lourey	Pogemiller	Skoglund
Berglin	Hottinger	Marko	Ranum	Solon
Betzold	Johnson, D.E.	Marty	Rest	Stumpf
Chaudhary	Kelley	Metzen	Sams	Tomassoni
Cohen	Kiscaden	Moua	Saxhaug	Vickerman
Dibble	Kubly	Murphy	Scheid	Wiger

Those who voted in the negative were:

Bachmann	Gaither	Kleis	Michel	Pariseau
Belanger	Gerlach	Koering	Neuville	Reiter
Day	Hann	Larson	Nienow	Robling
Dille	Johnson, D.J.	LeClair	Olson	Rosen
Fischbach	Jungbauer	Limmer	Ortman	Ruud
Frederickson	Kierlin	McGinn	Ourada	Wergin



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

Senator Kleis withdrew his amendment.

Senator Kleis moved to amend S.F. No. 1683 as follows:

Pages 14 to 16, delete section 7

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 38, as follows:

Those who voted in the affirmative were:

Bachmann	Gerlach	Larson	Nienow	Robling
Belanger	Hann	LeClair	Olson	Rosen
Day	Johnson, D.J.	Limmer	Ortman	Ruud
Fischbach	Jungbauer	McGinn	Ourada	Senjem
Frederickson	Kleis	Michel	Pariseau	Wergin
Gaither	Koering	Neuville	Reiter	

Those who voted in the negative were:

Anderson	Foley	Langseth	Pogemiller	Solon
Bakk	Higgins	Lourey	Ranum	Sparks
Berglin	Hottinger	Marko	Rest	Stumpf
Betzold	Johnson, D.E.	Marty	Sams	Tomassoni
Chaudhary	Kelley	Metzen	Saxhaug	Vickerman
Cohen	Kierlin	Moua	Scheid	Wiger
Dibble	Kiscaden	Murphy	Skoe	
Dille	Kubly	Pappas	Skoglund	

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

Senator Skoe moved to amend S.F. No. 1683 as follows:

Page 108, after line 34, insert:

"Sec. 54. [LODGING TAX; HUBBARD COUNTY AUTHORITY.]

Notwithstanding Minnesota Statutes, section 469.190, subdivisions 1 and 4, Hubbard County may impose the local lodging tax authorized in that section in all towns and unorganized territories within the county, and no town located in the county may impose the local lodging tax. Any local lodging tax imposed by a town in Hubbard County prior to the effective date of this section expires the day that a county tax is imposed under this section.

If the county board exercises the authority under this section, it must determine by resolution that imposition of the tax is in the county's interest. The resolution is subject to the notice and reverse referendum requirements that would apply under Minnesota Statutes, section 469.190, subdivision 5, if the county was imposing the tax in an unorganized territory. The provisions of Minnesota Statutes, section 469.190, subdivisions 2, 3, 6, and 7, apply to a tax imposed under this section.

[EFFECTIVE DATE.] This section is effective the day after the governing body of Hubbard County and its chief clerical officer comply with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 1683 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 40 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kiscaden	Murphy	Skoe
Bakk	Foley	Kubly	Pogemiller	Skoglund
Belanger	Frederickson	Langseth	Ranum	Solon
Berglin	Higgins	Lourey	Rest	Sparks
Betzold	Hottinger	Marko	Sams	Stumpf
Chaudhary	Johnson, D.E.	Marty	Saxhaug	Tomassoni
Cohen	Kelley	Metzen	Scheid	Vickerman
Dibble	Kierlin	Moua	Senjem	Wiger

Those who voted in the negative were:

Bachmann	Johnson, D.J.	Limmer	Ortman	Rosen
Day	Jungbauer	McGinn	Ourada	Ruud
Fischbach	Kleis	Michel	Pappas	Wergin
Gaither	Koering	Neuville	Pariseau	
Gerlach	Larson	Nienow	Reiter	
Hann	LeClair	Olson	Robling	

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

Senator Pogemiller moved that S.F. No. 1683 be laid on the table. The motion prevailed.

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

Senator Chaudhary moved that S.F. No. 1731, on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

#### **MEMBERS EXCUSED**

Senator Ourada was excused from the Session of today from 11:10 to 11:25 a.m.

#### **ADJOURNMENT**

Senator Johnson, D.E. moved that the Senate do now adjourn until 11:00 a.m., Monday, April 4, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

# INDEX TO DAILY JOURNAL

Thursday, March 31, 2005

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 1285 to 1286

## CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
1210		14 .....	1286

## MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
		974 .....	1286	1287

## REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
149 .....	1290				
899 .....	1289	1296			
957 .....	1292				
1037 .....	1291	1296			
1052 .....	1288				
1095 .....	1291	1296			
1186 .....	1287				
1351 .....	1290				
1424 .....	1290				
1425 .....	1292				
1440 .....	1293				
1459 .....	1295				
1504 .....	1292				
1579 .....	1289	1296			
1638 .....	1295				
1641 .....	1293				
1672 .....	1291				
1720 .....	1288	1296			
1731 .....	1293	1296			

**MOTIONS AND RESOLUTIONS**

S.F. Nos.	Page	H.F. Nos.	Page
606	.....1296		
886	.....1296		
1204	.....1296		
1731	.....1318		
1735	.....1296		
1817	.....1296		
1868	.....1296		
1954	.....1296		
1970	.....1296		
1980	.....1296		
Sen. Res.			
No . 67	.....1297		
Sen. Res.			
No . 68	.....1297		
Sen. Res.			
No . 69	.....1297		
Sen. Res.			
No . 70	.....1297		

**CONSENT CALENDAR**

S.F. Nos.	Page	H.F. Nos.	Page
1452	.....1307	933	..... 1306
1625	.....1306	997	..... 1306

**SPECIAL ORDERS**

S.F. Nos.	Page	H.F. Nos.	Page
255	.....1307		
1683	.....1309		

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

S.F. Nos. 1981 to 2035	.....	Pages 1297 to 1305
------------------------	-------	--------------------