

THIRTY-THIRD DAY

St. Paul, Minnesota, Wednesday, March 21, 2007

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

CALL OF THE SENATE

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

Prayer was offered by Senator Michael J. Jungbauer.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 14, 2007

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointment is hereby respectfully submitted to the Senate for confirmation as

required by law:

MINNESOTA POLLUTION CONTROL AGENCY

Barbara Battiste, 127 N.E. 5th St., G01, Minneapolis, in the county of Hennepin, effective March 19, 2007, for a term that expires on January 4, 2010.

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

Sincerely,
Tim Pawlenty, Governor

March 20, 2007

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. 1499.

Sincerely,
Tim Pawlenty, Governor

March 20, 2007

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2007 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 2007	Date Filed 2007
1499		7	2:45 p.m. March 20	March 20

Sincerely,
Mark Ritchie
Secretary of State

REPORTS OF COMMITTEES

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

prevailed.

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

S.F. No. 1925: A bill for an act relating to state government; appropriating money for agricultural, veterans, and military affairs purposes; establishing and modifying certain programs; modifying certain accounts and fees; amending Minnesota Statutes 2006, sections 17.03, subdivision 3; 17.101, subdivision 2; 17.102, subdivisions 1, 3, 4, by adding subdivisions; 17.117, subdivisions 5a, 5b; 18B.33, subdivision 1; 18B.34, subdivision 1; 18B.345; 18C.305, by adding a subdivision; 18E.03, subdivision 4; 28A.082, subdivision 1; 41B.043, subdivisions 2, 3, 4; 41B.047; 41B.055; 41B.06; 41C.05, subdivision 2; 168.1255, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 35; 41A; 192; repealing Minnesota Statutes 2006, sections 17.109; 18B.315; 18C.425, subdivision 5; 41B.043, subdivision 1a.

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

Page 1, delete lines 19 to 22 and insert:

		<u>"2008</u>		<u>2009</u>		<u>Total</u>
<u>General</u>	\$	<u>50,682,000</u>	\$	<u>47,327,000</u>	\$	<u>98,009,000</u>
<u>Remediation</u>		<u>388,000</u>		<u>388,000</u>		<u>776,000</u>
<u>Total</u>	\$	<u>51,070,000</u>	\$	<u>47,715,000</u>	\$	<u>98,785,000</u>

Page 2, line 10, delete "47,541,000" and insert "45,291,000" and delete "44,199,000" and insert "41,949,000"

Page 2, line 13, delete "47,153,000" and insert "44,903,000" and delete "43,811,000" and insert "41,561,000"

Page 2, line 18, delete "14,775,000" and insert "13,775,000" and delete "14,995,000" and insert "13,995,000"

Page 2, line 20, delete "14,387,000" and insert "13,387,000" and delete "14,607,000" and insert "13,607,000"

Page 2, after line 25, insert:

"The commissioner shall continue monitoring the levels of pesticides in groundwater and surface waters throughout the state."

Page 2, delete lines 26 to 35

Page 3, delete lines 1 to 10

Page 3, line 29, delete "9,355,000" and insert "8,105,000" and delete "6,475,000" and insert "5,225,000"

Page 5, delete lines 9 to 15

Page 10, line 15, delete "\$250" and insert "\$250,000"

Page 11, line 33, delete "transfer" and insert "a grant"

Page 19, line 26, after "any" insert "professionally"

Page 19, line 27, delete everything after "(b)" and insert "The board must conduct a lien or mortgage search with the county recorder or secretary of state. If there is a lien or mortgage"

Page 19, lines 29 and 30, delete "check" and insert "payment"

Page 20, line 3, delete everything after "agriculture" and insert a period

Page 21, line 33, after "producers" insert ", plus payments under section 41A.09 to ethanol producers,"

Page 21, line 34, delete "\$27,000,000" and insert "\$16,000,000"

Page 23, line 13, delete everything after "agriculture" and insert a period

Page 25, line 9, strike "such"

Page 32, line 3, delete "The"

Page 32, delete lines 4 and 5

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

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

S.F. No. 167: A bill for an act relating to unemployment insurance; making various policy, housekeeping, and style changes to the Minnesota Unemployment Insurance Law; incorporating certain administrative rules into Minnesota Statutes; modifying fraud penalties; amending Minnesota Statutes 2006, sections 268.001; 268.03, subdivisions 1, 2; 268.035, subdivisions 1, 4, 9, 10, 11, 12, 13, 14, 15, 17, 20, 21a, 23, 23a, 24, 26, 29, 30, by adding a subdivision; 268.042, subdivisions 1, 3, 4; 268.043; 268.0435; 268.044, subdivisions 1, 1a, 2, 3, 4; 268.045, subdivision 1; 268.046; 268.047, subdivisions 1, 2, 3, 5; 268.051, subdivisions 1, 1a, 2, 3, 4, 4a, 5, 6, 7, 8, 9; 268.052, subdivisions 1, 2, 3, 4, 5; 268.0525; 268.053, subdivisions 1, 2, 3; 268.057, subdivisions 1, 2, 3, 4, 5, 6, 7, 10; 268.058; 268.059; 268.0625, subdivisions 4, 5; 268.063; 268.064; 268.065, subdivisions 1, 3; 268.066; 268.067; 268.0675; 268.068; 268.069, subdivisions 1, 2, 3; 268.07, subdivisions 1, 2, 3a, 3b; 268.084; 268.085, subdivisions 1, 2, 3, 3a, 4, 5, 6, 7, 8, 9, 11, 12, 13, 13a, 13b, 13c, 16; 268.086, subdivisions 1, 2, 3, 5, 6, 7, 8, 9; 268.087; 268.095, subdivisions 1, 2, 3, 4, 5, 6, 6a, 7, 10, 11; 268.101; 268.103, subdivisions 1, 2; 268.105, subdivisions 1, 2, 3, 3a, 4, 5, 6, 7; 268.115; 268.125, subdivisions 3, 4, 5; 268.131, subdivision 1; 268.135; 268.145, subdivisions 1, 2, 3; 268.155; 268.18, subdivisions 1, 2, 2b, 4, 5, 6; 268.182, subdivisions 1, 2; 268.184, subdivisions 1, 1a; 268.186; 268.188; 268.19, subdivisions 1, 1a, 2; 268.192; 268.194, subdivisions 1, 2, 3, 4, 5, 6; 268.196, subdivisions 1, 3; 268.20; 268.21; 268.22; 268.23; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2006, sections 268.0435; 268.0511; 268.085, subdivision 10; 268.103, subdivision 4; Minnesota Rules, parts 3315.0210; 3315.0220; 3315.0515; 3315.0520; 3315.0525; 3315.0530, subparts 2, 3, 4, 5, 6; 3315.0540; 3315.0550; 3315.0910, subparts 1, 2, 3, 4, 5, 6, 7, 8; 3315.1005, subparts 1, 3; 3315.1315, subpart 4; 3315.2010; 3315.2810, subparts 2, 4.

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

Page 98, line 14, before the period, insert "or that all members are restricted to obtaining employment among signatory contractors in the construction industry"

Page 119, after line 5, insert:

"ARTICLE 7

LUMBER COMPANY EMPLOYEES

Section 1. LUMBER COMPANY EXTRA BENEFITS.

Subdivision 1. **Extra benefits; availability.** Extra unemployment benefits are available to an applicant if the applicant was laid off due to lack of work after April 1, 2006, from the Ainsworth Lumber Company plants in Bemidji, Cook, and Grand Rapids, and established a benefit account under Minnesota Statutes, section 268.07, prior to March 1, 2007.

Subd. 2. **Payment from fund; effect on employer.** Extra unemployment benefits are payable from the unemployment insurance trust fund. Extra unemployment benefits paid under this section will not be used in computing the experience rating of Ainsworth Lumber Company under Minnesota Statutes, section 268.047.

Subd. 3. **Eligibility conditions.** An applicant is eligible to receive extra unemployment benefits under this section for any week through December 31, 2007, following the effective date of the applicant's benefit account of regular unemployment benefits, as a result of a layoff described under subdivision 1, if:

(1) a majority of the applicant's wage credits were with Ainsworth Lumber Company or Ainsworth Engineered;

(2) the applicant meets the eligibility requirements of Minnesota Statutes, section 268.085;

(3) the applicant is not subject to a disqualification under Minnesota Statutes, section 268.095;

(4) the applicant is not entitled to regular unemployment benefits and the applicant is not entitled to receive unemployment benefits under any other state or federal law for that week; and

(5) the applicant is enrolled in, or has within the last two weeks successfully completed, a program that qualifies as reemployment assistance training under Minnesota Statutes, section 268.035, subdivision 21a, except that an applicant whose training is scheduled to begin in more than 30 days may be considered to be in training if: (i) the applicant's chosen training program does not offer an available start date within 30 days; (ii) the applicant is scheduled to begin training on the earliest available start date for the chosen training program; and (iii) the applicant is scheduled to begin training in no more than 60 days.

Subd. 4. **Weekly amount of extra benefits.** The weekly extra unemployment benefits amount available to an applicant is the same as the applicant's weekly regular unemployment benefit amount on the benefit account established as a result of a layoff under subdivision 1.

Subd. 5. **Maximum amount of extra unemployment benefits.** (a) The maximum amount of extra unemployment benefits available is equal to 13 weeks at the applicant's weekly extra

unemployment benefits amount.

(b) If an applicant qualifies for a new regular benefit account under Minnesota Statutes, section 268.07, at any time after exhausting regular unemployment benefits as a result of the layoff under subdivision 1, the applicant must apply for and exhaust entitlement to those new regular unemployment benefits. The maximum amount of extra unemployment benefits available is reduced by any new regular unemployment benefits available if the majority of wage credits on that new regular benefit account were with Ainsworth Lumber Company or Ainsworth Engineered.

(c) The maximum amount of extra unemployment benefits available is reduced by any severance pay, pay in lieu of notice, or any similar pay paid by Ainsworth Lumber Company or Ainsworth Engineered to the applicant after May 1, 2006. The reduction is done as follows:

(1) the number of weeks of severance pay, pay in lieu of notice, or any similar pay is computed under Minnesota Statutes, section 268.085, subdivision 3, paragraph (b); and

(2) each week of severance pay, pay in lieu of notice, or similar pay, reduces a week of extra unemployment benefits available.

This paragraph does not apply to payments required under the federal Worker Adjustment and Retraining Notification Act, 29 United States Code, Section 2101, et seq.

Subd. 6. **Program expiration.** This extra unemployment benefit program expires on December 31, 2007. No extra unemployment benefits may be paid for any week after the expiration of this program.

Subd. 7. **Findings.** The legislature finds that providing extra unemployment benefits to assist laid-off workers of Ainsworth Lumber Company, while in training, is appropriate because:

(1) the unemployment rate in the applicant's county of employment is higher than the statewide average rate of unemployment;

(2) the average weekly wages paid in the applicant's county of employment is below the statewide average weekly wage;

(3) the applicant's weekly wage is higher than the statewide average weekly wage; and

(4) the dislocated worker program has determined that the applicant does not currently possess skills making reemployment in a comparable position likely.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the first Sunday following final enactment."

Amend the title as follows:

Page 1, line 4, after the second semicolon, insert "extending certain unemployment benefits;"

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

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

S.F. No. 1475: A bill for an act relating to health; providing for an exception to the bed moratorium; amending Minnesota Statutes 2006, section 144A.071, subdivision 4c.

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 Health, Housing and Family Security, to which was referred

S.F. No. 1528: A bill for an act relating to Hennepin County; clarifying the authority of the county housing and redevelopment authority; amending Minnesota Statutes 2006, section 383B.77, subdivisions 1, 2.

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

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

S.F. No. 462: A resolution urging support for and reauthorization of the State Children's Health Insurance Program.

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

Page 2, line 3, before the period, insert "in a flexible manner that best meets the needs of the state"

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

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

S.F. No. 1332: A bill for an act relating to local government; permitting Meeker County EDA to increase its membership to nine members; amending Laws 1998, chapter 389, article 11, section 25, subdivision 1.

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

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

S.F. No. 1215: A bill for an act relating to health; making technical changes; eliminating radioactive material license renewal fee; establishing fees for ionizing radiation-producing equipment; modifying requirements for operating x-ray equipment; changing provisions in the lead abatement program; extending the expiration date for a task force; amending Minnesota Statutes 2006, sections 144.1205, subdivision 1; 144.121, subdivisions 1a, 5; 144.9512, subdivisions 1, 2, 3, 10; 145.881, subdivision 1; repealing Minnesota Statutes 2006, sections 144.121, subdivisions 1c, 4; 144.146, subdivision 1; 144.9512, subdivisions 4, 6, 7, 8.

Reports the same back with the recommendation that the bill do pass and be re-referred to the

Committee on Finance. Report adopted.

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

S.F. No. 1540: A bill for an act relating to public safety; adding legislators as nonvoting members of the Gang and Drug Oversight Council and the Financial Crimes Oversight Council; requiring annual reports from the Financial Crimes Oversight Council; amending Minnesota Statutes 2006, sections 299A.641, subdivision 2; 299A.681, subdivision 2, by adding a subdivision.

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

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

S.F. No. 1133: A bill for an act relating to St. Louis County; modifying civil service director provisions; amending Minnesota Statutes 2006, section 383C.032.

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

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

S.F. No. 420: A bill for an act relating to natural resources; providing for pest control measures; requiring approved firewood on land administered by the commissioner of natural resources; amending Minnesota Statutes 2006, section 89.55; proposing coding for new law in Minnesota Statutes, chapter 89.

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

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

S.F. No. 1366: A bill for an act relating to elections; changing special primary and special election requirements and provisions; amending Minnesota Statutes 2006, sections 204D.19, subdivision 2, by adding a subdivision; 204D.21, by adding a subdivision; 204D.22, subdivision 3; 204D.24, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 206.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 204B.41, is amended to read:

204B.41 VACANCY IN NOMINATION; CHANGING BALLOTS.

When a vacancy in nomination occurs through the death or catastrophic illness of a candidate

after the 16th day before ~~the~~ a general or special election, the officer in charge of preparing the ballots shall prepare and distribute a sufficient number of separate paper ballots which shall be headed with the words "OFFICIAL SUPPLEMENTAL BALLOT." This ballot shall contain the title of the office for which the vacancy in nomination has been filled and the names of all the candidates nominated for that office. The ballot shall conform to the provisions governing the printing of other official ballots as far as practicable. The title of the office and the names of the candidates for that office shall be blotted out or stricken from the regular ballots by the election judges. The official supplemental ballot shall be given to each voter when the voter is given the regular ballot or is directed to the voting machine. Regular ballots shall not be changed nor shall official supplemental ballots be prepared as provided in this section during the six calendar days before an election. Absentee ballots that have been mailed prior to the preparation of official supplemental ballots shall be counted in the same manner as if the vacancy had not occurred. Both an official supplemental ballot and a replacement regular ballot from which the title of the office and names of the candidates for that office have been blotted out or stricken as provided in this section must be provided to each absentee voter or voter residing in a precinct voting by mail who requests either of them under section 203B.06, subdivision 3. The election judges conducting absentee voting in health care facilities as provided in section 203B.11, subdivision 1, must deliver official supplemental ballots and replacement regular ballots to those facilities no later than 5:00 p.m. on the day before the election.

Sec. 2. Minnesota Statutes 2006, section 204B.44, is amended to read:

204B.44 ERRORS AND OMISSIONS; REMEDY.

Any individual may file a petition in the manner provided in this section for the correction of any of the following errors, omissions, or wrongful acts which have occurred or are about to occur:

- (a) an error or omission in the placement or printing of the name or description of any candidate or any question on any official ballot;
- (b) any other error in preparing or printing any official ballot;
- (c) failure of the chair or secretary of the proper committee of a major political party to execute or file a certificate of nomination;
- (d) any wrongful act, omission, or error of any election judge, municipal clerk, county auditor, canvassing board or any of its members, the secretary of state, or any other individual charged with any duty concerning an election.

The petition shall describe the error, omission, or wrongful act and the correction sought by the petitioner. The petition shall be filed with any judge of the Supreme Court in the case of an election for state or federal office or any judge of the district court in that county in the case of an election for county, municipal, or school district office. A petition relating to the placement of a candidate on the special primary or special election ballot or the manner in which the ballot is prepared must be filed no later than three days after the last day to file affidavits of candidacy. The petitioner shall serve a copy of the petition on the officer, board or individual charged with the error, omission, or wrongful act, and on any other party as required by the court. Upon receipt of the petition the court shall immediately set a time for a hearing on the matter and order the officer, board or individual charged with the error, omission or wrongful act to correct the error or wrongful act or perform the duty or show cause for not doing so. The court shall issue its findings and a final order for appropriate relief as soon as possible after the hearing. No change to the ballot may be made during the seven days

before a special primary or special election. Failure to obey the order is contempt of court.

Sec. 3. Minnesota Statutes 2006, section 204D.19, subdivision 2, is amended to read:

Subd. 2. **Special election when the Congress or legislature will be in session.** Except for vacancies in the legislature which occur at any time between the last day of session in an odd-numbered year and the 33rd day prior to the opening day of session in the succeeding even-numbered year, when a vacancy occurs and the Congress or legislature will be in session so that the individual elected as provided by this section could take office and exercise the duties of the office immediately upon election, the governor shall issue within five days after the vacancy occurs a writ calling for a special election. The special election shall be held as soon as possible, consistent with the notice requirements of section 204D.22, subdivision 3, but in no event more than ~~28~~ 42 days after the issuance of the writ.

Sec. 4. Minnesota Statutes 2006, section 204D.19, is amended by adding a subdivision to read:

Subd. 5. **Timing of special election.** A special primary or special election may not be held on a holiday as defined in section 645.44, subdivision 5, or within five days before or after a holiday, unless the special primary or special election is being held on the same day as a regularly scheduled primary or general election.

Sec. 5. Minnesota Statutes 2006, section 204D.21, is amended by adding a subdivision to read:

Subd. 4. **Date of special primary.** A special primary may not be held less than 21 days after the last day to file affidavits of candidacy.

Sec. 6. Minnesota Statutes 2006, section 204D.24, is amended by adding a subdivision to read:

Subd. 3. **Replacement absentee ballots.** If a supplemental ballot is required as provided in section 204B.41, a replacement ballot must be provided to each absentee ballot applicant who requests it.

Sec. 7. Minnesota Statutes 2006, section 206.83, is amended to read:

206.83 TESTING OF VOTING SYSTEMS.

Within 14 days before election day, the official in charge of elections shall have the voting system tested to ascertain that the system will correctly mark ballots using all methods supported by the system, including through assistive technology, and count the votes cast for all candidates and on all questions. Public notice of the time and place of the test must be given at least two days in advance by publication once in official newspapers, except that before a special primary or special election the notice may be posted at least two days before the test rather than published. The test must be observed by at least two election judges, who are not of the same major political party, and must be open to representatives of the political parties, candidates, the press, and the public. The test must be conducted by (1) processing a preaudited group of ballots punched or marked to record a predetermined number of valid votes for each candidate and on each question, and must include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the voting system tabulator and electronic ballot marker to reject those votes; and (2) processing an additional test deck of ballots marked using the electronic ballot marker for the precinct, including ballots marked using the electronic ballot display, audio ballot reader, and any assistive voting technology used with the electronic ballot marker. If any error is

detected, the cause must be ascertained and corrected and an errorless count must be made before the voting system may be used in the election. After the completion of the test, the programs used and ballot cards must be sealed, retained, and disposed of as provided for paper ballots."

Delete the title and insert:

"A bill for an act relating to elections; changing special primary and special election requirements and provisions; amending Minnesota Statutes 2006, sections 204B.41; 204B.44; 204D.19, subdivision 2, by adding a subdivision; 204D.21, by adding a subdivision; 204D.24, by adding a subdivision; 206.83."

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

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

S.F. No. 759: A bill for an act relating to human services; expanding a quality assurance system to include additional service recipients; removing sunset dates; establishing a statewide quality management, assurance, and improvement system; appropriating money; amending Minnesota Statutes 2006, sections 256B.095; 256B.0951, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

Page 1, line 18, reinstate the stricken language and strike "2009" and insert "2014"

Page 2, line 24, reinstate the stricken language

Page 2, line 25, reinstate the stricken language and strike "2009" and insert "2014"

Page 4, line 7, delete "APPROPRIATIONS" and insert "APPROPRIATION"

Page 4, delete lines 8 and 9

Page 4, line 10, delete "(b)"

Page 4, line 11, delete "Federal"

Page 4, delete lines 12 and 13

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

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

S.F. No. 1396: A bill for an act relating to municipal planning and zoning; clarifying the determination of fair market value in certain dedication proceedings; amending Minnesota Statutes 2006, section 462.358, subdivision 2b.

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

Page 1, delete lines 20 to 24 and insert:

"(c) The municipality may choose to accept a cash fee as set by ordinance from the applicant for some or all of the new lots created in the subdivision, based on the average fair market value of the unplatted land for which park fees have not already been paid that is, no later than at the time of final approval or under the city's adopted comprehensive plan, to be served by municipal sanitary sewer and water service or community septic and private well as authorized by state law. For purposes of redevelopment on developed land, the municipality may choose to accept a cash fee based on fair market value of the land no later than the time of final approval."

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

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

S.F. No. 1508: A bill for an act relating to human services; establishing a child safety system and child safety fund; requiring reports; appropriating money; amending Minnesota Statutes 2006, section 256M.30, subdivisions 1, 2; proposing coding for new law as Minnesota Statutes, chapter 256N.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Finance without recommendation. Report adopted.

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

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

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

Page 2, delete subdivision 4a

Page 2, line 24, delete "Subd. 4b." and insert "Subd. 4a."

Amend the title that follows:

Page 1, line 2, delete the comma

Page 1, line 3, delete "powers,"

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

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

S.F. No. 1755: A bill for an act relating to local government; authorizing certain charitable organizations to participate in joint powers agreements; amending Minnesota Statutes 2006, section 471.59, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 16C.03, subdivision 10, is amended to read:

Subd. 10. **Cooperative purchasing.** The commissioner is authorized to enter into a cooperative purchasing agreement for the provision of goods, services, and utilities with one or more other states or governmental units, as described in section 471.59, subdivision 1, entities defined in section 16C.23, subdivision 1, a registered combined charitable organization and its affiliated agencies as defined by section 309.501, or a charitable organization defined in section 309.50, subdivision 4, that is also a recipient of a state grant or contract. The commissioner is authorized to enter into cooperative purchasing agreements for the purchase of goods, services, and utilities with health care facilities that are required to provide indigent care or any entity recognized by another state's statutes as authorized to use that state's commodity or service contracts.

Sec. 2. Minnesota Statutes 2006, section 16C.11, is amended to read:

16C.11 COOPERATIVE PURCHASING VENTURE; PURCHASING REVOLVING FUND.

The commissioner may enter into joint or cooperative purchasing agreements with any entity that is authorized under section ~~471.59 to do so~~ 16C.03, subdivision 10. The cooperative purchasing venture revolving fund is a separate account in the state treasury. The commissioner may charge a fee to cover the commissioner's administrative expenses to ~~governmental units~~ entities that have joint or cooperative purchasing agreements with the state under section ~~471.59~~ 16C.03, subdivision 10. The fees collected must be deposited in the revolving fund established by this section. Money in the fund is appropriated to the commissioner to administer the programs and services covered by this chapter."

Delete the title and insert:

"A bill for an act relating to local government; authorizing certain charitable organizations to participate in joint powers agreements; amending Minnesota Statutes 2006, sections 16C.03, subdivision 10; 16C.11."

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

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

S.F. No. 1807: A bill for an act relating to Hennepin County; regulating conflicts of interest for certain Hennepin Healthcare System personnel; amending Minnesota Statutes 2006, section 383B.905, by adding a subdivision.

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

Page 1, line 11, after the period, insert "This subdivision does not apply to Hennepin County Commissioners who also serve on the board of Hennepin Healthcare System, Inc."

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

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

S.F. No. 485: A bill for an act relating to health care; creating a study group to make recommendations on the creation and operation of a voluntary, statewide health plan purchasing pool.

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

Page 1, delete section 2 and insert:

"Sec. 2. **HEALTH PLAN PURCHASING POOL STUDY GROUP.**

Subdivision 1. **Creation; membership.** (a) A health plan purchasing pool study group is created to study and make recommendations regarding the creation of a voluntary, statewide health plan purchasing pool that would contract directly with providers to provide affordable health coverage to eligible Minnesota residents. The study group is composed of:

(1) three members of the senate, two from the majority party appointed by the majority leader of the senate and one from the minority party appointed by the minority leader of the senate;

(2) three members of the house of representatives, two from the majority party appointed by the speaker of the house, and one from the minority party appointed by the minority leader of the house of representatives;

(3) the attorney general or the attorney general's designated representative;

(4) three representatives of health care providers appointed as follows:

(i) one member appointed by the governor;

(ii) one member appointed by the speaker of the house; and

(iii) one member appointed by the Subcommittee on Committees of the senate Committee on Rules and Administration;

(5) one member selected by the American Federation of State, County, and Municipal employees;

(6) one member selected by the Minnesota Association of Professional Employees;

(7) one member selected by Education Minnesota;

(8) one member selected by the Minnesota Business Partnership; and

(9) one member selected by the Metropolitan Interdependent Business Organization.

All appointments to be made under this subdivision must be made within 30 days of the effective date of this act.

(b) The attorney general or the attorney general's designee shall convene the first meeting of the study group. The study group shall select its chair at the first meeting.

Subd. 2. **Study; report.** The study group shall study and make recommendations on the following issues related to the creation, maintenance, and funding of a voluntary, statewide health plan purchasing pool to provide comprehensive, cost-effective, and medically appropriate health coverage to all public and private employees in Minnesota and all Minnesota residents:

- (1) the creation of an independent public entity to administer the pool;
- (2) eligibility and participation requirements for existing public and private health care purchasing pools, public and private employers, and residents of this state;
- (3) how to contract directly with providers to provide comprehensive coverage for preventive, mental health, dental and other medical services, and comprehensive drug benefits to enrollees and maximize the cost savings and other efficiencies that a large purchasing pool would be expected to generate without the need for a public subsidy;
- (4) provisions that allow the pool to contract directly with health care providers to provide coverage to enrollees;
- (5) incentives designed to attract and retain the maximum number of enrollees;
- (6) recommendations for the administration of the pool and the plans that will be available to enrollees including, but not limited to, recommendations to keep the pool solvent and profitable so that public subsidies are not necessary; and
- (7) other elements the study group concludes are necessary or desirable for the pool to possess.

The study group shall submit its report and the draft legislation necessary to implement its recommendations to the chairs of the legislative committees and divisions with jurisdiction over health care policy and finance and the governor by February 1, 2008.

Subd. 3. **Staffing.** State agencies shall assist the study group with any requests for information the study group considers necessary to complete the study and report under subdivision 2.

Subd. 4. **Removal; vacancies; expenses.** Removal of members, vacancies, and expenses for members shall be as provided in Minnesota Statutes, section 15.059.

Subd. 5. **Expiration.** This section expires after the submission of the report as required in subdivision 2.

Sec. 3. APPROPRIATION.

\$...... is appropriated from the general fund to the Legislative Coordinating Commission for the biennium ending June 30, 2009, for staff support and expenses for the health plan purchasing pool study group."

Page 3, delete section 3 and insert:

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

This act is effective the day following final enactment."

Amend the title accordingly

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

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

S.F. No. 792: A bill for an act relating to trust companies; limited purpose companies; making nonsubstantive term changes; amending Minnesota Statutes 2006, section 48A.03, subdivision 5.

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

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

S.F. No. 795: A bill for an act relating to guardians and conservators; changing certain requirements and procedures; amending Minnesota Statutes 2006, sections 245.91, by adding subdivisions; 245.94, subdivisions 1, 3, 4; 524.5-316; 524.5-502.

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

Delete everything after the enacting clause and insert:

"Section 1. **STUDY.**

The state court administrator shall convene a study group to make recommendations to the legislature regarding the following areas of conservatorship and guardianship, which may include the rights of wards and protected persons; powers and duties of conservators and guardians; certification and registration; pre-screening and diversion from guardianship or conservatorship; complaint processes; training; financial auditing; and reimbursement of attorneys, guardians, and conservators. Membership in the study group must include, but is not limited to, representatives from probate divisions of the district courts in both the metropolitan area and greater Minnesota; county adult protection services; the Minnesota State Bar Association; the Department of Veterans Affairs; the Minnesota Association for Guardianship and Conservatorship; the National Guardianship Association; agencies providing guardianship and conservatorship services; organizations providing training for guardians and conservators; the offices of the ombudsman for mental health and developmental disabilities and the long term care ombudsman; and advocates for seniors and for people with a range of disabilities, including developmental disabilities, mental illness, and traumatic brain injuries.

The study group shall report to the house and senate committees having jurisdiction over the state courts by January 15, 2008."

Delete the title and insert:

"A bill for an act relating to guardians and conservators; providing for a study and report on guardianship and conservatorship issues."

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

Senator Moua from the Committee on Judiciary, to which was re-referred

S.F. No. 998: A bill for an act relating to construction codes; recodifying and modifying construction codes and licensing provisions; modifying the State Building Code; providing penalties for enforcement; instructing the revisor to renumber statutory provisions; amending Minnesota Statutes 2006, sections 16B.04, subdivision 2; 16B.60, subdivisions 4, 7, 8, 11; 16B.61;

16B.615, subdivision 4; 16B.617; 16B.6175; 16B.63; 16B.65; 16B.70; 16B.72; 16B.73; 16B.735; 16B.74, subdivisions 1, 2, by adding subdivisions; 16B.741; 16B.744; 16B.745, subdivisions 1, 4; 16B.747; 16B.748; 16B.76; 31.175; 103I.621, subdivision 3; 144.122; 144.99, subdivision 1; 175.16, subdivision 1; 183.38; 183.39, subdivision 1; 183.411, subdivision 2; 183.42; 183.45; 183.46; 183.465; 183.466; 183.48; 183.501; 183.505; 183.51; 183.54, subdivisions 1, 3; 183.545, subdivisions 2, 4, 8, by adding a subdivision; 183.56; 183.57, subdivisions 1, 2, 5, 6; 183.59; 183.60; 183.61, subdivisions 2, 4; 214.01, subdivision 3; 214.04, subdivisions 1, 3; 299F.011, subdivision 1; 325E.58; 326.01, subdivisions 2, 3, 4, 5, 6, 6a, 6b, 6c, 6e, 6f, 6g, 6j, 6k, 6l, 7, 8, 9; 326.241; 326.242; 326.243; 326.244, subdivisions 1, 1a, 2, 3, 4, 5, by adding a subdivision; 326.2441; 326.245; 326.247; 326.248; 326.37; 326.38; 326.39; 326.40; 326.401; 326.405; 326.42; 326.46; 326.461, by adding subdivisions; 326.47; 326.48; 326.50; 326.57, subdivision 1; 326.58; 326.59; 326.60; 326.601; 326.61, subdivisions 1, 2, 3, 4; 326.62; 326.65; 326.83, subdivisions 6, 7, 11, 18, 19, 20; 326.84; 326.841; 326.842; 326.86; 326.87; 326.88; 326.89; 326.90, subdivision 1; 326.91, subdivision 1; 326.92; 326.921; 326.93; 326.94; 326.95, subdivision 2; 326.96; 326.97; 326.975, subdivision 1; 326.992; 327.20, subdivision 1; 327.205; 327.31, subdivisions 2, 3, 4, 7, 15, by adding a subdivision; 327.32, subdivision 8; 327.33, subdivisions 2, 6, 7; 327.34, subdivision 3; 327.35, subdivisions 1, 2; 327A.01, subdivision 2; 327B.01, subdivisions 4, 5, 7, 17, by adding subdivisions; 327B.04, subdivisions 1, 4, 6, 7, 8, by adding a subdivision; 327B.05, subdivision 1; 327B.10; 363A.40, subdivision 1; 462.357, subdivision 6a; 462A.07, subdivision 8; 471.465; 471.466; 471.467; 471.471; proposing coding for new law in Minnesota Statutes, chapter 327B; proposing coding for new law as Minnesota Statutes, chapter 326B; repealing Minnesota Statutes 2006, sections 16B.665; 16B.747, subdivision 4; 183.001; 183.02; 183.375, subdivisions 1, 2, 3, 4, 5, 6; 183.41, subdivisions 1, 2, 3, 4; 183.44, subdivisions 1, 2, 3; 183.52; 183.54, subdivision 2; 183.545, subdivision 9; 183.61, subdivisions 1, 3, 5, 6; 326.01, subdivisions 6h, 10, 11, 12, 13; 326.242, subdivisions 9, 9a, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 9k, 10; 326.244, subdivision 6; 326.246; 326.2461; 326.40, subdivision 4; 326.41; 326.44; 326.45; 326.47, subdivision 5; 326.51; 326.52; 326.521; 326.64; 326.83, subdivisions 3, 4, 12, 13; 326.85; 326.875; 326.91, subdivisions 2, 3, 4; 326.945; 326.975; 326.98; 327B.05, subdivisions 2, 3, 4, 5, 6; Minnesota Rules, parts 2809.0230; 2891.0010; 2891.0030; 3800.2650; 3800.3580; 3800.3590; 3800.3602, subpart 2, item C; 3800.3630; 3800.3750; 3800.3835; 4715.5600; 4715.5900; 4717.7000, subpart 1, item I; 5225.0880; 5225.8600, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9; 5230.0010; 5230.0020; 5230.0040; 5230.0060, subpart 2; 5230.0100, subparts 1, 3, 4.

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

Page 5, delete section 8

Page 15, delete subdivision 16

Page 15, line 20, delete "Subd. 17." and insert "Subd. 16."

Page 136, delete subdivision 10

Page 136, line 18, delete "Subd. 11." and insert "Subd. 10."

Page 136, line 26, delete "Subd. 12." and insert "Subd. 11."

Page 136, line 31, delete "Subd. 13." and insert "Subd. 12."

Page 137, line 1, delete "Subd. 14." and insert "Subd. 13."

Page 137, line 4, delete "Subd. 15." and insert "Subd. 14."

Page 137, line 23, delete "Subd. 16." and insert "Subd. 15."

Page 137, line 25, delete "Subd. 17." and insert "Subd. 16."

Amend the title numbers accordingly

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

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

H.F. No. 1200: A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2006, sections 3.97, subdivision 2; 5.25, subdivisions 1, 3, 5; 5.29; 13.461, subdivision 1; 13.632, subdivision 1; 13.7931, subdivision 1; 13.871, by adding a subdivision; 17.81, subdivision 4; 37.21, subdivision 1; 47.61, subdivision 3; 85.054, subdivision 5; 115.55, subdivision 7; 115A.193; 115A.28, subdivision 2; 115A.9157, subdivision 5; 115A.97, subdivision 6; 115A.99, subdivision 2; 116L.03, subdivision 1; 116L.665, subdivision 1; 119A.03, subdivision 2; 119A.04, subdivision 1; 147.02, subdivision 1; 256.741, subdivision 1; 256J.68, subdivision 1; 273.032; 289A.42, subdivision 1; 296A.26; 297A.62, subdivision 1; 297A.70, subdivision 3; 297F.23; 323A.0901; 323A.0902; 336.9-334; 336B.01, subdivision 2; 340A.412, subdivision 4; 340A.414, subdivision 2; 347.06; 469.321, subdivision 1; 469.333, subdivision 2; 469.335; 469.336; 477A.014, subdivision 1; 504B.321, subdivision 1; 518A.40, subdivision 3; 523.24, subdivision 9; 611.27, subdivisions 13, 15; 611A.55, subdivisions 1, 2; 626.89, subdivision 1; 626.90, subdivision 7; Laws 2003, chapter 118, sections 28, as amended; 29, as amended; Laws 2005, First Special Session chapter 3, article 5, section 44, subdivision 1, as amended; Laws 2006, chapter 259, article 13, sections 7; 8; repealing Minnesota Statutes 2006, sections 1.33; 1.34; 1.35; 1.36; 1.37; 1.38; 1.39; 1.40; 13.319, subdivision 2; 60A.13, subdivision 4a; 92.67, subdivision 1a; 115A.055, subdivision 2; 115A.545; 115A.9157, subdivision 4; 116O.091, subdivision 7; 135A.153, subdivision 5; 148B.55; 273.1398, subdivisions 4a, 4c; 383E.40; 383E.41; 383E.42; 383E.43; 383E.44; 383E.45; 383E.46; 383E.47; 383E.48; 383E.49; 477A.011, subdivision 28; 611A.201, subdivision 3; Laws 2004, chapter 206, section 8; Laws 2005, chapter 136, article 3, section 22; Laws 2005, First Special Session chapter 8, article 1, section 23; article 10, section 6; Laws 2006, chapter 236, article 1, section 2; Laws 2006, chapter 253, section 5; Laws 2006, chapter 258, section 37; Laws 2006, chapter 260, article 5, section 43; Laws 2006, chapter 263, article 3, section 13; Laws 2006, chapter 271, article 8, section 3.

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

Page 13, after line 5, insert:

"Sec. 19. Minnesota Statutes 2006, section 626.8451, subdivision 1a, is amended to read:

Subd. 1a. **Training course; crimes of violence.** In consultation with ~~the Crime Victim and Witness Advisory Council~~ and the school of law enforcement, the board shall prepare a training course to assist peace officers in responding to crimes of violence and to enhance peace officer sensitivity in interacting with and assisting crime victims. For purposes of this course, harassment

and stalking crimes are "crimes of violence." The course must include information about:

- (1) the needs of victims of these crimes and the most effective and sensitive way to meet those needs or arrange for them to be met;
- (2) the extent and causes of crimes of violence, including physical and sexual abuse, physical violence, harassment and stalking, and neglect;
- (3) the identification of crimes of violence and patterns of violent behavior; and
- (4) culturally responsive approaches to dealing with victims and perpetrators of violence."

Renumber the sections in sequence

Amend the title numbers accordingly

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

H.F. No. 736 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
736	636				

and that the above Senate File be indefinitely postponed.

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

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

S.F. No. 1058: A bill for an act relating to occupations; establishing the Plumbing Council; proposing coding for new law in Minnesota Statutes, chapter 326.

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

Page 1, line 5, delete "COUNCIL" and insert "BOARD"

Page 1, line 6, delete "Council" and insert "Board" and delete "11" and insert "12"

Page 1, line 9, delete "nonvoting" and insert "voting"

Page 1, line 16, after "inspectors" insert ", one from the seven-county metro area and one from greater Minnesota"

Page 2, lines 10, 14, 21, 27, 28, 29, 31, 32, and 33, delete "council" and insert "board"

Page 2, line 34, delete "sections" and insert "section" and delete "and 326.47" and delete "council" and insert "board"

Page 2, line 35, delete "council" and insert "board"

Amend the title as follows:

Page 1, line 2, delete "Council" and insert "Board"

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

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

S.F. No. 1057: A bill for an act relating to occupations; establishing the Council of High Pressure Piping Systems; requiring the council to establish fees; amending Minnesota Statutes 2006, section 326.47, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 326.

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

Page 1, lines 9 and 12, delete "council" and insert "board"

Page 1, line 14, delete "COUNCIL" and insert "BOARD"

Page 1, line 15, delete "Council" and insert "Board"

Page 1, line 18, delete "nonvoting" and insert "voting"

Page 2, line 2, before the semicolon, insert "who shall be a nonvoting member"

Page 2, lines 16, 20, 26, 31, 33, 34, and 36, delete "council" and insert "board"

Page 3, line 2, delete "council. The council" and insert "board. The board"

Page 3, line 5, delete everything after the first "the" and insert "board quarterly to meet ongoing budgetary needs of the board."

Amend the title as follows:

Page 1, line 2, delete "Council" and insert "Board"

Page 1, line 3, delete "council" and insert "board"

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

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

S.F. No. 975: A bill for an act relating to economic development; making technical and housekeeping changes in the Department of Employment and Economic Development; modifying contamination cleanup grant provisions; amending Minnesota Statutes 2006, sections 116J.551, subdivision 1; 116J.554, subdivision 2; 116J.555, subdivision 1; 116J.575, subdivisions 1, 1a; 116J.966, subdivision 1; 268A.01, subdivision 13, by adding a subdivision; 268A.085, subdivision

1; 268A.15, by adding a subdivision; repealing Minnesota Statutes 2006, section 16C.18, subdivision 2.

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

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

S.F. No. 1128: A bill for an act relating to employment; modifying use of personal sick leave benefits; amending Minnesota Statutes 2006, section 181.9413.

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

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

S.F. No. 879: A bill for an act relating to labor relations; establishing certain rights for workers in the meatpacking industry; providing civil and criminal penalties; establishing the position of meatpacking industry workers rights ombudsman in the Department of Labor and Industry; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 179.

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

Page 1, delete subdivision 2

Page 1, line 16, delete "Subd. 3." and insert "Subd. 2."

Page 1, line 17, delete everything after "equipment" and insert "to safely perform their jobs under OSHA standards."

Page 1, line 18, delete "Subd. 4." and insert "Subd. 3."

Page 2, line 6, after "collectively" insert "and refrain from organizing and bargaining collectively"

Page 2, delete subdivisions 5 and 6 and insert:

"Subd. 4. **Commissioner duties.** The commissioner of labor and industry must develop and implement a strategy to provide adequate notice and education to employees of their rights under this section and education on how to assimilate into their local community. The commissioner must consult with the commissioner of human rights in the development of the strategy. The commissioner shall assign the duty to implement the strategy to a specific identified position in the department. The position, along with contact information, must be included on printed materials the department prepares and distributes to carry out the commissioner's duties under this section."

Page 2, delete section 2

Amend the title as follows:

Page 1, line 3, delete everything after the first semicolon

Page 1, delete line 4

Page 1, line 5, delete everything before "requiring" and insert "imposing duties on the

commissioner of labor and industry;"

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

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

S.F. No. 1618: A bill for an act relating to education; providing for children's early literacy; appropriating money; amending Minnesota Statutes 2006, section 119A.50, by adding a subdivision.

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

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

S.F. No. 1976: A bill for an act relating to education; establishing a grant program to help communities promote, practice, and cultivate positive child and youth development; appropriating money.

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

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

S.F. No. 1759: A bill for an act relating to education; increasing pupil unit count for certain growing school districts.

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

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

S.F. No. 1729: A bill for an act relating to education; providing special instruction for prekindergarten children with disabilities; proposing coding for new law in Minnesota Statutes, chapter 125A.

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

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

S.F. No. 1814: A bill for an act relating to education; authorizing a school district to create essential services and priority purposes account in the district general fund; amending Minnesota Statutes 2006, section 179A.07, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 123B.

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

Page 2, line 1, delete "facility repair" and insert ", betterment of school sites and facilities"

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

Amendments adopted. Report adopted.

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

S.F. No. 1832: A bill for an act relating to education; clarifying staff development goals and expenditures; amending Minnesota Statutes 2006, sections 122A.60, subdivision 3; 122A.61, subdivision 1.

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

Page 1, line 15, reinstate everything after the stricken "(2)"

Page 1, lines 16 to 17, reinstate the stricken language

Page 1, line 18, before "improve" insert "(2)"

Page 1, line 19, delete "(2)" and insert "(3)" and delete "impacts" and insert "affects"

Page 1, line 21, delete "(3)" and insert "(4)"

Page 1, line 23, delete "(4)" and insert "(5)"

Page 2, line 1, delete "(5)" and insert "(6)"

Page 2, line 3, delete "(6)" and insert "(7)"

Page 2, line 6, delete "(7)" and insert "(8)"

Page 2, line 8, delete "(8)" and insert "(9)"

Page 2, line 9, delete "(9)" and insert "(10)"

Page 2, line 11, delete "(10)" and insert "(11)"

Page 2, line 14, delete "(11)" and insert "(12)"

Page 2, line 16, delete "(12)" and insert "(13)"

Page 2, line 19, delete "(13)" and insert "(14)"

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

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

S.F. No. 1492: A bill for an act relating to education; directing local school boards to adopt and implement a parent and family involvement policy; proposing coding for new law in Minnesota Statutes, chapter 124D.

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

Page 1, line 8, delete "ensures" and insert "promotes and supports"

Page 1, line 9, after "school" insert "that"

Page 1, line 10, delete "are promoted and supported"

Page 1, line 11, after "caregivers" insert "who"

Page 1, line 13, delete "parents are welcome" and insert "welcoming parents" and after the first "and" insert "seeking" and delete "are sought"

Page 1, line 14, delete "parents are full partners" and insert "partnerships with parents"

Page 1, line 16, before "community" insert "providing" and delete "are used"

Page 1, line 21, after the period, insert "The advisory committee must represent the diversity of the district."

Page 2, line 1, delete "use" and insert "consider"

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

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

S.F. No. 1667: A bill for an act relating to education; modifying certain provisions of charter school law; amending Minnesota Statutes 2006, section 124D.10, subdivisions 3, 4, 4a, 6, 8, 9, 14, 16, 17, 20, 21, 23; repealing Minnesota Statutes 2006, section 124D.10, subdivision 2a.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 124D.10, subdivision 3, is amended to read:

Subd. 3. **Sponsor.** (a) A school board; intermediate school district school board; education district organized under sections 123A.15 to 123A.19; charitable organization under section 501(c)(3) of the Internal Revenue Code of 1986, except a church or house of worship, that is a member of the Minnesota Council of Nonprofits or the Minnesota Council on Foundations, registered with the attorney general's office, and reports an end-of-year fund balance of at least \$2,000,000; Minnesota private college that grants two- or four-year degrees and is registered with the Minnesota Office of Higher Education under chapter 136A; community college, state university, or technical college, governed by the Board of Trustees of the Minnesota State Colleges and Universities; or the University of Minnesota may sponsor one or more charter schools.

(b) A nonprofit corporation subject to chapter 317A, described in section 317A.905, and exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code of 1986, may sponsor one or more charter schools if the charter school has operated for at least three years under a different sponsor and if the nonprofit corporation has existed for at least 25 years.

Sec. 2. Minnesota Statutes 2006, section 124D.10, subdivision 4, is amended to read:

Subd. 4. **Formation of school.** (a) A sponsor may authorize one or more licensed teachers under section 122A.18, subdivision 1, to operate a charter school subject to approval by the commissioner. ~~A board must vote on charter school application for sponsorship no later than 90 days after receiving the application. After 90 days, the applicant may apply to the commissioner. If a board elects not~~

~~to sponsor a charter school, the applicant may appeal the board's decision to the commissioner who may elect to assist the applicant in finding an eligible sponsor.~~ The school must be organized and operated as a cooperative under chapter 308A or nonprofit corporation under chapter 317A and the provisions under the applicable chapter shall apply to the school except as provided in this section. A nonprofit corporation or cooperative that has operated a charter school successfully for a minimum of six years may apply to operate up to two additional charter schools that replicate the original school under the same nonprofit corporation or cooperative. Notwithstanding sections 465.717 and 465.719, a school district may create a corporation for the purpose of creating a charter school.

(b) Before the operators may form and operate a school, the sponsor must file an affidavit with the commissioner stating its intent to authorize a charter school. The affidavit must state the terms and conditions under which the sponsor would authorize a charter school and how the sponsor intends to oversee the fiscal and student performance of the charter school and to comply with the terms of the written contract between the sponsor and the charter school board of directors under subdivision 6. The commissioner must approve or disapprove the sponsor's proposed authorization within ~~90~~ 60 days of receipt of the affidavit. Failure to obtain commissioner approval precludes a sponsor from authorizing the charter school that was the subject of the affidavit.

(c) The operators authorized to organize and operate a school, before entering into a contract or other agreement for professional or other services, goods, or facilities, must incorporate as a cooperative under chapter 308A or as a nonprofit corporation under chapter 317A and must establish ~~a~~ the first board of directors composed of at least five nonrelated members until a timely election for members of the charter school board of directors is held according to the school's articles and bylaws.

~~(d) A~~ The permanent charter school board of directors must be composed of at least five nonrelated members. A board member must be a resident of Minnesota or a bordering state. Any staff members who are employed at the school, including teachers providing instruction under a contract with a cooperative, and all parents of children enrolled in the school may be eligible to participate in the election for members of the school's board of directors. Licensed teachers employed at the school, including teachers providing instruction under a contract with a cooperative, must be a majority of the members of the board of directors before the school completes its third year of operation, unless the commissioner waives the requirement for a majority of licensed teachers on the board. The board shall establish and publish election procedures for members of the school's board of directors in compliance with chapter 13D. The permanent board must be in place before the school completes its second year of operation. The permanent board of directors shall be composed of either a teacher majority board or a board composed of an equal number of teachers, parents, and community members. Licensed teachers employed by the school, or those providing instruction under a contract with a cooperative are eligible to be members of the board of directors. The chief financial officer and chief administrator may not be voting members of a charter school board. The commissioner may grant a waiver for another innovative governance model. The bylaws of the nonprofit corporation or cooperative shall outline the internal process and procedures for changing the model of governance. The model of governance may only be changed in conjunction with the renewal of a chart contract and a majority vote of the licensed teachers employed at the school. Board of director meetings must comply with chapter 13D.

~~(d)~~ (e) The granting or renewal of a charter by a sponsoring entity must not be conditioned upon the bargaining unit status of the employees of the school.

~~(e)~~ (f) A sponsor may authorize the operators of a charter school to expand the operation of the charter school to additional sites or to add additional grades at the school beyond those described in the sponsor's application original affidavit as approved by the commissioner only after submitting the sponsor submits a supplemental application affidavit to the commissioner in a form and manner prescribed by the commissioner. The supplemental application affidavit must provide evidence that:

- (1) the expansion of the charter school is supported by need and projected enrollment;
- (2) the charter school is fiscally sound;
- (3) the sponsor supports the expansion; and
- (4) the building of the additional site meets all health and safety requirements to be eligible for lease aid.

~~(f)~~ (g) The commissioner annually must provide timely financial management training for financial management, financial record keeping, and public record keeping to newly elected members of a charter school board of directors and ongoing training to other members of a charter school board of directors. Training must address ways to:

- (1) proactively assess opportunities for a charter school to maximize all available revenue sources;
- (2) establish and maintain complete, auditable records for of the charter school cooperative or nonprofit corporation;
- (3) establish proper procedures for filing techniques state required reports;
- (4) document formal actions of the charter school, including meetings of the charter school board of directors;
- (5) properly manage and retain charter school financial, personnel, and student records;
- (6) comply with state and federal payroll record-keeping requirements; and
- (7) address other similar factors that facilitate establishing and maintaining complete records on the charter school's operations other topics related to the effective operations of charter school operations.

Sec. 3. Minnesota Statutes 2006, section 124D.10, subdivision 4a, is amended to read:

Subd. 4a. **Conflict of interest.** (a) A member of a charter school board of directors is prohibited from serving as a member of the board of directors or as an employee or agent of or a contractor with a for-profit or entity with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities. A violation of this prohibition renders a contract voidable at the option of the commissioner void. A member of a charter school board of directors who violates this prohibition shall be individually liable to the charter school for any damage caused by the violation.

(b) An individual may serve as a member of the board of directors if no conflict of interest under paragraph (a) exists.

(c) A member of a charter school board of directors that serves as a member of the board of

directors or as an employee or agent of or a contractor with a nonprofit entity with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities, must disclose all potential conflicts to the commissioner. A sponsor is prohibited from selling management or financial services to the charter school or schools it sponsors. Other services of the sponsor may be purchased only through a bidding process.

~~(d)~~ Employees of the sponsor who are directly involved in the approval, oversight, or renewal of the charter may not serve on the charter school board of directors. The conflict of interest provisions under this subdivision do not apply to compensation paid to a teacher employed by the charter school who also serves as a member of the board of directors.

~~(e)~~ (d) The conflict of interest provisions under this subdivision do not apply to a teacher who provides services to a charter school through a cooperative formed under chapter 308A when the teacher also serves on the charter school board of directors.

Sec. 4. Minnesota Statutes 2006, section 124D.10, subdivision 6, is amended to read:

Subd. 6. **Contract.** The sponsor's authorization for a charter school must be in the form of a written contract signed by the sponsor and the board of directors of the charter school. The contract must be completed within 90 days of the commissioner's approval of the sponsor's proposed authorization. The contract for a charter school must be in writing and contain at least the following:

- (1) a description of a program that carries out one or more of the purposes in subdivision 1;
- (2) specific outcomes pupils are to achieve under subdivision 10;
- (3) admission policies and procedures;
- (4) management and administration ~~of~~ plan for the school;
- (5) requirements and procedures for program and financial audits;
- (6) how the school will comply with subdivisions 8, 13, 16, and 23;
- (7) assumption of liability by the charter school;
- (8) types and amounts of insurance coverage to be obtained by the charter school;
- (9) the term of the contract, which may be up to three years include a planning period and up to three operational years for the initial contract and up to five years for renewal contracts;
- (10) ~~if how~~ the board of directors or the operators of the charter school provide special instruction and services for children with a disability under sections 125A.03 to 125A.24, and 125A.65, a description of the financial parameters within which the charter school will operate to provide the special instruction and services to children with a disability; and
- (11) the process and criteria the sponsor intends to use to monitor and evaluate the fiscal and student performance of the charter school, consistent with subdivision 15;
- (12) the process and criteria the sponsor will use to determine whether to renew the charter; and
- (13) the process the board of directors will follow to end the business of the nonprofit corporation or cooperative, including such legal responsibilities as transferring as required: student records to

the resident school district, personnel records, financial reports and audits, and the necessary legal actions to dissolve the nonprofit corporation or cooperative.

Sec. 5. Minnesota Statutes 2006, section 124D.10, subdivision 9, is amended to read:

Subd. 9. **Admission requirements.** A charter school may limit admission to:

- (1) pupils within an age group or grade level;
- (2) people who are eligible to participate in the graduation incentives program under section 124D.68; or
- (3) residents of a specific geographic area where the percentage of the population of non-Caucasian people of that area is greater than the percentage of the non-Caucasian population in the congressional district in which the geographic area is located, and as long as the school reflects the racial and ethnic diversity of the specific area.

A charter school shall enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils must be accepted by lot. The charter school must develop and publish the lottery process. If a charter school is the only school located in a town serving pupils within a particular grade level, then pupils that are residents of the town must be given preference for enrollment before accepting pupils by lot. If a pupil lives within two miles of a charter school and the next closest public school is more than five miles away, the charter school must give those pupils preference for enrollment before accepting other pupils by lot.

A charter school shall give preference for enrollment to a sibling of an enrolled pupil and to a foster child of that pupil's parents and to children of the school's employees before accepting other pupils by lot.

A charter school may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability.

Sec. 6. Minnesota Statutes 2006, section 124D.10, subdivision 14, is amended to read:

Subd. 14. **Annual public reports.** A charter school must publish an annual report at least annually to its sponsor and the commissioner of the information required by the sponsor or the commissioner and distribute the report to the commissioner, the school's sponsor, the school's employees, and the parents and guardians of the school's pupils. The reports are public data under chapter 13.

Sec. 7. Minnesota Statutes 2006, section 124D.10, subdivision 20, is amended to read:

Subd. 20. **Leave to teach in a charter school.** If a teacher or other licensed person employed by a district makes a written request for an extended leave of absence to teach or work at a charter school, the district must grant the leave. The district must grant a leave not to exceed a total of five years. Any request to extend the leave shall be granted only at the discretion of the school board. The district may require that the request for a leave or extension of leave be made up to 90 days before the teacher would otherwise have to report for duty. Except as otherwise provided in this subdivision and except for section 122A.46, subdivision 7, the leave is governed by section 122A.46, including, but not limited to, reinstatement, notice of intention to return, seniority, salary, and insurance.

During a leave, the teacher may continue to aggregate benefits and credits in the Teachers' Retirement Association account by paying both the employer and employee contributions based upon the annual salary of the teacher for the last full pay period before the leave began. The retirement association may impose reasonable requirements to efficiently administer this subdivision."

Amend the title numbers accordingly

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

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

S.F. No. 1519: A bill for an act relating to education; modifying basic alternative teacher compensation aid; amending Minnesota Statutes 2006, section 126C.10, subdivision 34.

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

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 2006, section 122A.415, subdivision 1, is amended to read:

Subdivision 1. **Revenue amount.** (a) A school district, intermediate school district, school site, or charter school that meets the conditions of section 122A.414 and submits an application approved by the commissioner is eligible for alternative teacher compensation revenue.

(b) For school district and intermediate school district applications, the commissioner must consider only those applications to participate that are submitted jointly by a district and the exclusive representative of the teachers. The application must contain an alternative teacher professional pay system agreement that:

(1) implements an alternative teacher professional pay system consistent with section 122A.414; and

(2) is negotiated and adopted according to the Public Employment Labor Relations Act under chapter 179A, except that notwithstanding section 179A.20, subdivision 3, a district may enter into a contract for a term of two or four years.

Alternative teacher compensation revenue for a qualifying school district or site in which the school board and the exclusive representative of the teachers agree to place teachers in the district or at the site on the alternative teacher professional pay system equals \$260 times the ratio of the formula allowance for the current fiscal year to the formula allowance for fiscal year 2007 times the number of pupils enrolled at the district or site on October 1 of the previous fiscal year. Alternative teacher compensation revenue for a qualifying intermediate school district must be calculated under section 126C.10, subdivision 34, paragraphs (a) and (b).

(c) For a newly combined or consolidated district, the revenue shall be computed using the sum of pupils enrolled on October 1 of the previous year in the districts entering into the combination or consolidation. The commissioner may adjust the revenue computed for a site using prior year data to reflect changes attributable to school closings, school openings, or grade level reconfigurations between the prior year and the current year.

(d) The revenue is available only to school districts, intermediate school districts, school sites, and charter schools that fully implement an alternative teacher professional pay system by October 1 of the current school year.

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2008.

Sec. 2. Minnesota Statutes 2006, section 122A.415, subdivision 3, is amended to read:

Subd. 3. **Revenue timing.** (a) Districts, intermediate school districts, school sites, or charter schools with approved applications must receive alternative compensation revenue for each school year that the district, intermediate school district, school site, or charter school implements an alternative teacher professional pay system under this subdivision and section 122A.414. For fiscal year 2007 and later, a qualifying district, intermediate school district, school site, or charter school that received alternative teacher compensation aid for the previous fiscal year must receive at least an amount of alternative teacher compensation revenue equal to the lesser of the amount it received for the previous fiscal year or the amount it qualifies for under subdivision 1 for the current fiscal year if the district, intermediate school district, school site, or charter school submits a timely application and the commissioner determines that the district, intermediate school district, school site, or charter school continues to implement an alternative teacher professional pay system, consistent with its application under this section.

(b) The commissioner shall approve applications that comply with subdivision 1, and section 122A.414, subdivisions 2, paragraph (b), and 2a, if the applicant is a charter school, in the order in which they are received, select applicants that qualify for this program, notify school districts, intermediate school districts, school sites, and charter schools about the program, develop and disseminate application materials, and carry out other activities needed to implement this section.

~~(c) For applications approved under this section before August 1 of the fiscal year for which the aid is paid, the portion of the state total basic alternative teacher compensation aid entitlement allocated to charter schools must not exceed \$522,000 for fiscal year 2006 and \$3,374,000 for fiscal year 2007. For fiscal year 2008 and later, the portion of the state total basic alternative teacher compensation aid entitlement allocated to charter schools must not exceed the product of \$3,374,000 times the ratio of the state total charter school enrollment for the previous fiscal year to the state total charter school enrollment for the second previous year. Additional basic alternative teacher compensation aid may be approved for charter schools after August 1, not to exceed the charter school limit for the following fiscal year, if the basic alternative teacher compensation aid entitlement for school districts based on applications approved by August 1 does not expend the remaining amount under the limit.~~

EFFECTIVE DATE. This section is effective for revenue for fiscal year 2008."

Page 2, line 19, delete "2008" and insert "2009"

Renumber the sections in sequence

Amend the title accordingly

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

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

S.F. No. 1137: A bill for an act relating to the environment; modifying agency service requirements; modifying wetland replacement requirements and exemptions; providing for civil enforcement; appropriating money; amending Minnesota Statutes 2006, sections 15.99, subdivision 2; 103G.222, subdivision 1; 103G.2241, subdivisions 1, 3, 7, 9, 11; 103G.2243, subdivision 2; 103G.2372, by adding a subdivision; repealing Minnesota Statutes 2006, section 103G.2241, subdivision 8.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 15.99, subdivision 3, is amended to read:

Subd. 3. **Application; extensions.** (a) The time limit in subdivision 2 begins upon the agency's receipt of a written request containing all information required by law or by a previously adopted rule, ordinance, or policy of the agency, including the applicable application fee. If an agency receives a written request that does not contain all required information, the 60-day limit starts over only if the agency sends written notice within 15 business days of receipt of the request telling the requester what information is missing.

(b) If a request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area requires the approval of more than one state agency in the executive branch, the 60-day period in subdivision 2 begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(c) An agency response meets the 60-day time limit if the agency can document that the response was sent within 60 days of receipt of the written request.

(d) The time limit in subdivision 2 is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

(e) If a complete application requires a wetland delineation or verification of a delineation, wetland replacement plan approval, or certification of determination of exemption from wetland replacement under section 103G.2241, the deadline in subdivision 2 for an application deemed complete under this section is extended to 60 days after the completion of the required delineation or verification of the delineation, replacement plan approval, or certification of determination of exemption, whichever is later.

~~(e)~~ (f) The time limit in subdivision 2 is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to a city, county, town, school district, metropolitan or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for agency action is

extended to 60 days after the required prior approval is granted.

~~(f)~~ (g) An agency may extend the time limit in subdivision 2 before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

~~(g)~~ (h) An applicant may by written notice to the agency request an extension of the time limit under this section.

Sec. 2. Minnesota Statutes 2006, section 103B.101, is amended by adding a subdivision to read:

Subd. 12. **Authority to issue penalty orders.** The board may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations of this chapter and chapters 103C, 103D, 103E, 103F, and 103G, any rules adopted under those chapters, and any standards, limitations, or conditions established by the board.

Sec. 3. Minnesota Statutes 2006, section 103G.222, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value under a replacement plan approved as provided in section 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland protection and management plan approved by the board under section 103G.2243, or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242. Public value must be determined in accordance with section 103B.3355 or a comprehensive wetland protection and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

(b) Replacement must be guided by the following principles in descending order of priority:

- (1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
- (2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
- (3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
- (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity;
- (5) compensating for the impact by restoring a wetland; and
- (6) compensating for the impact by replacing or providing substitute wetland resources or environments.

For a project involving the draining or filling of wetlands in an amount not exceeding 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9, paragraph (a), the

local government unit may make an on-site sequencing determination without a written alternatives analysis from the applicant.

(c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that a deed restriction is placed on the altered wetland prohibiting nonagricultural use for at least ten years.

(d) If a wetland is drained under section 103G.2241, subdivision 2, the local government unit may require a deed restriction that prohibits nonagricultural use for at least ten years unless the drained wetland is replaced as provided under this section. The local government unit may require the deed restriction if it determines the wetland area drained is at risk of conversion to a nonagricultural use within ten years based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit.

(e) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected and ponds that are created primarily to fulfill stormwater management and water quality treatment requirements may not be used to satisfy replacement requirements under this chapter.

~~(e)~~ (f) Except as provided in paragraph ~~(f)~~ (g), for a wetland or public waters wetland located on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland.

~~(f)~~ (g) For a wetland or public waters wetland located on agricultural land or in a greater than 80 percent area, replacement must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland.

~~(g)~~ (h) Wetlands that are restored or created as a result of an approved replacement plan are subject to the provisions of this section for any subsequent drainage or filling.

~~(h)~~ (i) Except in a greater than 80 percent area, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used in a statewide banking program established in rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.

~~(i)~~ (j) The Technical Evaluation Panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized.

~~(j)~~ (k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply to the state and its departments and agencies.

~~(k)~~ (l) For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish

credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph.

~~(4)~~ (m) A replacement plan for wetlands is not required for individual projects that result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public transportation authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This paragraph only applies to authorities for public transportation projects that:

(1) minimize the amount of wetland filling or draining associated with the project and consider mitigating important site-specific wetland functions on-site;

(2) except as provided in clause (3), submit project-specific reports to the board, the Technical Evaluation Panel, the commissioner of natural resources, and members of the public requesting a copy at least 30 days prior to construction that indicate the location, amount, and type of wetlands to be filled or drained by the project or, alternatively, convene an annual meeting of the parties required to receive notice to review projects to be commenced during the upcoming year; and

(3) for minor and emergency maintenance work impacting less than 10,000 square feet, submit project-specific reports, within 30 days of commencing the activity, to the board that indicate the location, amount, and type of wetlands that have been filled or drained.

Those required to receive notice of public transportation projects may appeal minimization, delineation, and on-site mitigation decisions made by the public transportation authority to the board according to the provisions of section 103G.2242, subdivision 9. The Technical Evaluation Panel shall review minimization and delineation decisions made by the public transportation authority and provide recommendations regarding on-site mitigation if requested to do so by the local government unit, a contiguous landowner, or a member of the Technical Evaluation Panel.

Except for state public transportation projects, for which the state Department of Transportation is responsible, the board must replace the wetlands, and wetland areas of public waters if authorized by the commissioner or a delegated authority, drained or filled by public transportation projects on existing roads.

Public transportation authorities at their discretion may deviate from federal and state design standards on existing road projects when practical and reasonable to avoid wetland filling or draining, provided that public safety is not unreasonably compromised. The local road authority and its officers and employees are exempt from liability for any tort claim for injury to persons or property arising from travel on the highway and related to the deviation from the design standards for construction or reconstruction under this paragraph. This paragraph does not preclude an action for damages arising from negligence in construction or maintenance on a highway.

~~(m)~~ (n) If a landowner seeks approval of a replacement plan after the proposed project has already affected the wetland, the local government unit may require the landowner to replace the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.

~~(n)~~ (o) A local government unit may request the board to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. After receipt of satisfactory documentation from the local government, the board shall change the classification of a county

or watershed. If requested by the local government unit, the board must assist in developing the documentation. Within 30 days of its action to approve a change of wetland classifications, the board shall publish a notice of the change in the Environmental Quality Board Monitor.

~~(o)~~(p) One hundred citizens who reside within the jurisdiction of the local government unit may request the local government unit to reclassify a county or watershed on the basis of its percentage of presettlement wetlands remaining. In support of their petition, the citizens shall provide satisfactory documentation to the local government unit. The local government unit shall consider the petition and forward the request to the board under paragraph ~~(n)~~ (o) or provide a reason why the petition is denied.

Sec. 4. Minnesota Statutes 2006, section 103G.222, subdivision 3, is amended to read:

Subd. 3. **Wetland replacement siting.** (a) Siting wetland replacement must follow this priority order:

- (1) on site or in the same minor watershed as the affected wetland;
- (2) in the same watershed as the affected wetland;
- (3) in the same county as the affected wetland;

(4) for replacement by wetland banking, in the same wetland bank service area as the impacted wetland, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area;

(5) for project specific replacement, in an adjacent watershed ~~or county~~ to the affected wetland, or for replacement by wetland banking, in an adjacent wetland bank service area, except that impacts in a 50 to 80 percent area must be replaced in a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a less than 50 percent area; and

~~(5) (6) statewide, only for wetlands affected in greater than 80 percent areas and for public transportation projects, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven-county metropolitan area must be replaced at a ratio of two to one in: (i) the affected county or, (ii) in another of the seven metropolitan counties, or (iii) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.~~

(b) Notwithstanding paragraph (a), siting wetland replacement in greater than 80 percent areas may follow the priority order under this paragraph: (1) by wetland banking after evaluating on-site replacement and replacement within the watershed; (2) replaced in an adjacent wetland bank service area if wetland bank credits are not reasonably available in the same wetland bank service area as the affected wetland, as determined by the local government unit or by a comprehensive inventory approved by the board; and (3) statewide.

(c) Notwithstanding paragraph (a), siting wetland replacement in the seven-county metropolitan area must follow the priority order under this paragraph: (1) in the affected county; (2) in another of the seven metropolitan counties; or (3) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.

(d) The exception in paragraph (a), clause ~~(5)~~ (6), does not apply to replacement completed using wetland banking credits established by a person who submitted a complete wetland banking application to a local government unit by April 1, 1996.

~~(e)~~ (e) When reasonable, practicable, and environmentally beneficial replacement opportunities are not available in siting priorities listed in paragraph (a), the applicant may seek opportunities at the next level.

~~(d)~~ (f) For the purposes of this section, "reasonable, practicable, and environmentally beneficial replacement opportunities" are defined as opportunities that:

(1) take advantage of naturally occurring hydrogeomorphological conditions and require minimal landscape alteration;

(2) have a high likelihood of becoming a functional wetland that will continue in perpetuity;

(3) do not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area; and

(4) are available and capable of being done after taking into consideration cost, existing technology, and logistics consistent with overall project purposes.

~~(e)~~ (g) Regulatory agencies, local government units, and other entities involved in wetland restoration shall collaborate to identify potential replacement opportunities within their jurisdictional areas.

Sec. 5. Minnesota Statutes 2006, section 103G.2241, subdivision 1, is amended to read:

Subdivision 1. **Agricultural activities.** ~~(a)~~ A replacement plan for wetlands is not required for:

~~(1) activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grass or legumes, or was required to be set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;~~

~~(2) activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States Code, title 16, section 3831, that:~~

~~(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and~~

~~(ii) has not been restored with assistance from a public or private wetland restoration program;~~

~~(3) activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county Agricultural Stabilization and Conservation Service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985;~~

~~(4) activities in a type 1 wetland on agricultural land, except for bottomland hardwood type 1 wetlands, and activities in a type 2 or type 6 wetland that is less than two acres in size and located~~

~~on agricultural land;~~

(1) activities in a wetland conducted as part of normal farming practices. For purposes of this clause, "normal farming practices" means farming, silvicultural, grazing, and ranching activities such as plowing, seeding, cultivating, and harvesting for the production of feed, food, fuel, fiber, and forest products, but does not include activities that result in the draining or filling of wetlands in whole or part;

(2) soil and water conservation practices approved by the soil and water conservation district, after review by the Technical Evaluation Panel;

~~(5) (3) aquaculture activities including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings; or~~

~~(6) (4) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;~~

~~(7) normal agricultural practices to control noxious or secondary weeds as defined by rule of the commissioner of agriculture, in accordance with applicable requirements under state and federal law, including established best management practices; and~~

~~(8) agricultural activities in a wetland that is on agricultural land:~~

~~(i) annually enrolled in the federal Agriculture Improvement and Reform Act of 1996 and is subject to United States Code, title 16, sections 3821 to 3823, in effect on January 1, 2000; or~~

~~(ii) subject to subsequent federal farm program restrictions that meet minimum state standards under this chapter and sections 103A.202 and 103B.3355 and that have been approved by the Board of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency.~~

~~(b) Land enrolled in a federal farm program under paragraph (a), clause (8), is eligible for easement participation for those acres not already compensated under a federal program.~~

~~(c) The exemption under paragraph (a), clause (4), may be expanded to additional acreage, including types 1, 2, and 6 wetlands that are part of a larger wetland system, when the additional acreage is part of a conservation plan approved by the local soil and water conservation district, the additional draining or filling is necessary for efficient operation of the farm, the hydrology of the larger wetland system is not adversely affected, and wetlands other than types 1, 2, and 6 are not drained or filled.~~

Sec. 6. Minnesota Statutes 2006, section 103G.2241, subdivision 2, is amended to read:

Subd. 2. **Drainage.** (a) For the purposes of this subdivision, "public drainage system" means a drainage system as defined in section 103E.005, subdivision 12, and any ditch or tile lawfully connected to the drainage system. If wetlands drained under this subdivision are converted to uses prohibited under paragraph (b), clause (2), during the ten-year period following drainage, the

wetlands must be replaced according to section 103G.222.

(b) A replacement plan is not required for draining of type 1 wetlands, or up to five acres of type 2 or 6 wetlands, in an unincorporated area on land that has been assessed drainage benefits for a public drainage system, provided that:

(1) during the 20-year period that ended January 1, 1992:

(i) there was an expenditure made from the drainage system account for the public drainage system;

(ii) the public drainage system was repaired or maintained as approved by the drainage authority; or

(iii) no repair or maintenance of the public drainage system was required under section 103E.705, subdivision 1, as determined by the public drainage authority; and

(2) the wetlands are not drained for conversion to:

(i) platted lots;

(ii) planned unit, commercial, or industrial developments; or

(iii) any development with more than one residential unit per 40 acres.

~~If wetlands drained under this paragraph are converted to uses prohibited under clause (2) during the ten-year period following drainage, the wetlands must be replaced under section 103G.222.~~

(c) A replacement plan is not required for draining or filling of wetlands, except for draining types 3, 4, and 5 wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing public drainage systems.

(d) A replacement plan is not required for draining or filling of wetlands, except for draining wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing drainage systems other than public drainage systems.

~~(e) A replacement plan is not required for draining or filling of wetlands resulting from activities conducted as part of a public drainage system improvement project that received final approval from the drainage authority before July 1, 1991, and after July 1, 1986, if:~~

~~(1) the approval remains valid;~~

~~(2) the project remains active; and~~

~~(3) no additional drainage will occur beyond that originally approved.~~

(e) A replacement plan is not required for draining agricultural land that: (1) was planted with annually seeded crops before June 10 and subsequently harvested, except for crops that are normally planted after that date, in eight out of the ten most recent years prior to the impact; (2) was in a crop rotation seeding of pasture grass or legumes in eight out of the ten most recent years prior to the impact; or (3) was enrolled in a state or federal land conservation program and met the requirements of clause (1) or (2) before enrollment.

(f) The public drainage authority may, as part of the repair, install control structures, realign the

ditch, construct dikes along the ditch, or make other modifications as necessary to prevent drainage of the wetland.

(g) Wetlands of all types that would be drained as a part of a public drainage repair project are eligible for the permanent wetlands preserve under section 103F.516. The board shall give priority to acquisition of easements on types 3, 4, and 5 wetlands that have been in existence for more than 25 years on public drainage systems and other wetlands that have the greatest risk of drainage from a public drainage repair project.

Sec. 7. Minnesota Statutes 2006, section 103G.2241, subdivision 3, is amended to read:

Subd. 3. **Federal approvals.** A replacement plan for wetlands is not required for:

~~(1) activities exempted from federal regulation under United States Code, title 33, section 1344(f), as in effect on January 1, 1991;~~

~~(2) activities authorized under, and conducted in accordance with, an applicable general permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, except the nationwide permit in Code of Federal Regulations, title 33, section 330.5, paragraph (a), clauses (14), limited to when a new road crosses a wetland, and (26), as in effect on January 1, 1991; or~~

~~(3) activities authorized under the federal Clean Water Act, section 404, or the Rivers and Harbors Act, section 10, regulations that meet minimum state standards under this chapter and sections 103A.202 and 103B.3355 and that have been approved by the Board of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency.~~

Sec. 8. Minnesota Statutes 2006, section 103G.2241, subdivision 6, is amended to read:

Subd. 6. **Utilities; public works.** (a) A replacement plan for wetlands is not required for:

~~(1) placement, maintenance, repair, enhancement, or replacement of utility or utility-type service if:~~

~~(i) the impacts of the proposed project on the hydrologic and biological characteristics of the wetland have been avoided and minimized to the extent possible; and~~

~~(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;~~

~~(2) activities associated with routine maintenance of utility and pipeline rights-of-way, provided the activities do not result in additional intrusion into the wetland;~~

~~(3) alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline within all existing or acquired interstate pipeline rights-of-way;~~

~~(4) emergency repair and normal maintenance and repair of existing public works, provided the activity does not result in additional intrusion of the public works into the wetland and does not result in the draining or filling, wholly or partially, of a wetland;~~

~~(5) normal maintenance and minor repair of structures causing no additional intrusion of an existing structure into the wetland, and maintenance and repair of private crossings that do not result~~

~~in the draining or filling, wholly or partially, of a wetland; or~~

~~(6) repair and updating of existing individual sewage treatment systems as necessary to comply with local, state, and federal regulations.~~

(1) new placement or maintenance, repair, enhancement, or replacement of existing utility or utility-type service, including pipelines, if:

(i) the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and

(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;

(2) activities associated with operation, routine maintenance, or emergency repair of existing utilities and public work structures, including pipelines, provided the activities do not result in additional wetland intrusion or additional draining or filling of a wetland either wholly or partially; or

(3) repair and updating of existing individual sewage treatment systems necessary to comply with local, state, and federal regulations.

(b) For maintenance, repair, and replacement, the local government unit may issue a seasonal or annual exemption certification or the utility may proceed without local government unit certification if the utility is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the local government unit after the emergency work has been completed.

Sec. 9. Minnesota Statutes 2006, section 103G.2241, subdivision 9, is amended to read:

Subd. 9. **De minimis.** (a) Except as provided in paragraphs (b) and (c), a replacement plan for wetlands is not required for draining or filling the following amounts of wetlands as part of a project:

(1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone in a greater than 80 percent area;

(2) ~~5,000~~ 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent area;

(3) ~~2,000~~ 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland protection zone in a less than 50 percent area;

(4) ~~400~~ 100 square feet of wetland types not listed in clauses (1) to (3) outside of the building setback zone of the shoreland wetland protection zones in all counties; or

(5) 400 square feet of ~~type 1, 2, 3, 4, 5, 6, 7, or 8~~ wetland types listed in clauses (1) to (3), in beyond the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone, except that. In a greater than 80 percent area, the local government unit may increase the de minimis amount up to 1,000 square feet ~~in the shoreland protection zone in areas beyond the building setback~~ if the wetland is isolated and is determined to have no direct surficial connection to the public water. To the extent that a local shoreland management ordinance is more restrictive than this provision, the local shoreland ordinance applies; or

(6) up to 20 square feet of wetland, regardless of type or location.

(b) The amounts listed in paragraph (a), clauses (1) to ~~(5)~~(6), may not be combined on a project.

(c) This exemption no longer applies to a landowner's portion of a wetland when the cumulative area drained or filled of the landowner's portion since January 1, 1992, is the greatest of:

(1) the applicable area listed in paragraph (a), if the landowner owns the entire wetland;

(2) five percent of the landowner's portion of the wetland; or

(3) 400 square feet.

(d) This exemption may not be combined with another exemption in this section on a project.

(e) Property may not be divided to increase the amounts listed in paragraph (a).

Sec. 10. Minnesota Statutes 2006, section 103G.2241, subdivision 11, is amended to read:

Subd. 11. **Exemption conditions.** (a) A person conducting an activity in a wetland under an exemption in subdivisions 1 to 10 shall ensure that:

(1) appropriate erosion control measures are taken to prevent sedimentation of the water;

(2) the activity does not block fish passage in a watercourse; and

(3) the activity is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices and water resource protection requirements established under chapter 103H.

(b) An activity is exempt if it qualifies for any one of the exemptions, even though it may be indicated as not exempt under another exemption.

(c) Persons proposing to conduct an exempt activity are encouraged to contact the local government unit or the local government unit's designee for advice on minimizing wetland impacts.

(d) The board shall develop rules that address the application and implementation of exemptions and that provide for estimates and reporting of exempt wetland impacts, including those in section 103G.2241, subdivisions 2, 6, and 9.

Sec. 11. Minnesota Statutes 2006, section 103G.2242, subdivision 2, is amended to read:

Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an on-site inspection. The Technical Evaluation Panel shall be composed of a technical professional employee of the board, a technical professional employee of the local soil and water conservation district or districts, a technical professional with expertise in water resources management appointed by the local government unit, and a technical professional employee of the Department of Natural Resources for projects affecting public waters or wetlands adjacent to public waters. The panel shall use the "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987), including updates, supplementary guidance, and replacements, if any, "Wetlands of the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition), and "Classification of Wetlands and Deepwater Habitats of the United States" (1979 edition). The panel shall provide the

wetland determination and recommendations on other technical matters to the local government unit that must approve a replacement plan, wetland banking plan, exemption determination, no-loss determination, or wetland boundary or type determination and may recommend approval or denial of the plan. The authority must consider and include the decision of the Technical Evaluation Panel in their approval or denial of a plan or determination.

(b) Persons conducting wetland or public waters boundary delineations or type determinations are exempt from the requirements of chapter 326. ~~By January 15, 2001, the board, in consultation with the Minnesota Association of Professional Soil Scientists, the University of Minnesota, and the Wetland Delineators' Association, shall submit a plan for a professional wetland delineator certification program to the legislature. The board may develop a professional wetland delineator certification program.~~

Sec. 12. Minnesota Statutes 2006, section 103G.2242, subdivision 2a, is amended to read:

Subd. 2a. **Wetland boundary or type determination.** (a) A landowner may apply for a wetland boundary or type determination from the local government unit. The landowner applying for the determination is responsible for submitting proof necessary to make the determination, including, but not limited to, wetland delineation field data, observation well data, topographic mapping, survey mapping, and information regarding soils, vegetation, hydrology, and groundwater both within and outside of the proposed wetland boundary.

(b) A local government unit that receives an application under paragraph (a) may seek the advice of the Technical Evaluation Panel as described in subdivision 2, and, if necessary, expand the Technical Evaluation Panel. The local government unit may delegate the decision authority for wetland boundary or type determinations ~~with the zoning administrator~~ to designated staff, or establish other procedures it considers appropriate.

(c) The local government unit decision must be made in compliance with section 15.99. Within ten calendar days of the decision, the local government unit decision must be mailed to the landowner, members of the Technical Evaluation Panel, the watershed district or watershed management organization, if one exists, and individual members of the public who request a copy.

(d) Appeals of decisions made by designated local government staff must be made to the local government unit. Notwithstanding any law to the contrary, a ruling on an appeal must be made by the local government unit within 30 days from the date of the filing of the appeal.

(e) The local government unit decision is valid for three years unless the Technical Evaluation Panel determines that natural or artificial changes to the hydrology, vegetation, or soils of the area have been sufficient to alter the wetland boundary or type.

Sec. 13. Minnesota Statutes 2006, section 103G.2242, subdivision 9, is amended to read:

Subd. 9. **Appeal.** (a) Appeal of a replacement plan, exemption, wetland banking, wetland boundary or type determination, ~~or no-loss decision, or restoration order~~ may be obtained by mailing a petition and payment of a filing fee ~~of \$200, which shall be retained by the board to defray administrative costs,~~ to the board within 30 days after the postmarked date of the mailing specified in subdivision 7. If appeal is not sought within 30 days, the decision becomes final. ~~The local government unit may require the petitioner to post a letter of credit, cashier's check, or cash in an amount not to exceed \$500.~~ If the petition for hearing is accepted, the amount posted must be

returned to the petitioner. Appeal may be made by:

- (1) the wetland owner;
- (2) any of those to whom notice is required to be mailed under subdivision 7; or
- (3) 100 residents of the county in which a majority of the wetland is located.

(b) Within 30 days after receiving a petition, the board shall decide whether to grant the petition and hear the appeal. The board shall grant the petition unless the board finds that:

- (1) the appeal is meritless, trivial, or brought solely for the purposes of delay;
- (2) the petitioner has not exhausted all local administrative remedies;
- (3) expanded technical review is needed;
- (4) the local government unit's record is not adequate; or

(5) the petitioner has not posted a letter of credit, cashier's check, or cash if required by the local government unit.

(c) In determining whether to grant the appeal, the board shall also consider the size of the wetland, other factors in controversy, any patterns of similar acts by the local government unit or petitioner, and the consequences of the delay resulting from the appeal.

(d) All appeals must be heard by the committee for dispute resolution of the board, and a decision made within 60 days of filing the local government unit's record and the written briefs submitted for the appeal. The decision must be served by mail on the parties to the appeal, and is not subject to the provisions of chapter 14. A decision whether to grant a petition for appeal and a decision on the merits of an appeal must be considered the decision of an agency in a contested case for purposes of judicial review under sections 14.63 to 14.69.

(e) Notwithstanding section 16A.1283, the board shall establish a fee schedule to defray the administrative costs of appeals made to the board under this subdivision. Fees established under this authority shall not exceed \$1,000. Establishment of the fee is not subject to the rulemaking process of chapter 14 and section 14.386 does not apply.

Sec. 14. Minnesota Statutes 2006, section 103G.2242, subdivision 12, is amended to read:

Subd. 12. **Replacement credits.** (a) No public or private wetland restoration, enhancement, or construction may be allowed for replacement unless specifically designated for replacement and paid for by the individual or organization performing the wetland restoration, enhancement, or construction, and is completed prior to any draining or filling of the wetland.

(b) Paragraph (a) does not apply to a wetland whose owner has paid back with interest the individual or organization restoring, enhancing, or constructing the wetland.

(c) Notwithstanding section 103G.222, subdivision 1, paragraph ~~(h)~~ (i), the following actions, and others established in rule, that are consistent with criteria in rules adopted by the board in conjunction with the commissioners of natural resources and agriculture, are eligible for replacement credit as determined by the local government unit, including enrollment in a statewide wetlands bank:

(1) reestablishment of permanent native, noninvasive vegetative cover on a wetland on agricultural land that was planted with annually seeded crops, was in a crop rotation seeding of pasture grasses or legumes, or was in a land retirement program during the past ten years;

(2) buffer areas of permanent native, noninvasive vegetative cover established or preserved on upland adjacent to replacement wetlands;

(3) wetlands restored for conservation purposes under terminated easements or contracts; and

(4) water quality treatment ponds constructed to pretreat storm water runoff prior to discharge to wetlands, public waters, or other water bodies, provided that the water quality treatment ponds must be associated with an ongoing or proposed project that will impact a wetland and replacement credit for the treatment ponds is based on the replacement of wetland functions and on an approved stormwater management plan for the local government.

(d) Notwithstanding section 103G.222, subdivision 1, paragraphs ~~(e)~~ (f) and ~~(f)~~ (g), the board may establish by rule different replacement ratios for restoration projects with exceptional natural resource value.

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

Subd. 15. **Fees paid to board.** All fees established in ~~subdivision~~ subdivisions 9 and 14 must be paid to the Board of Water and Soil Resources ~~and credited to the general fund~~ to be used for the purpose of administration of the wetland bank and to process appeals under section 103G.2242, subdivision 9.

Sec. 16. Minnesota Statutes 2006, section 103G.2243, subdivision 2, is amended to read:

Subd. 2. **Plan contents.** A comprehensive wetland protection and management plan may:

(1) provide for classification of wetlands in the plan area based on:

(i) an inventory of wetlands in the plan area;

(ii) an assessment of the wetland functions listed in section 103B.3355, using a methodology chosen by the Technical Evaluation Panel from one of the methodologies established or approved by the board under that section; and

(iii) the resulting public values;

(2) vary application of the sequencing standards in section 103G.222, subdivision 1, paragraph (b), for projects based on the classification and criteria set forth in the plan;

(3) vary the replacement standards of section 103G.222, subdivision 1, paragraphs ~~(e)~~ (f) and ~~(f)~~ (g), based on the classification and criteria set forth in the plan, for specific wetland impacts provided there is no net loss of public values within the area subject to the plan, and so long as:

(i) in a 50 to 80 percent area, a minimum acreage requirement of one acre of replaced wetland for each acre of drained or filled wetland requiring replacement is met within the area subject to the plan; and

(ii) in a less than 50 percent area, a minimum acreage requirement of two acres of replaced wetland for each acre of drained or filled wetland requiring replacement is met within the area

subject to the plan, except that replacement for the amount above a 1:1 ratio can be accomplished as described in section 103G.2242, subdivision 12; and

(4) in a greater than 80 percent area, allow replacement credit, based on the classification and criteria set forth in the plan, for any project that increases the public value of wetlands, including activities on adjacent upland acres; ~~and~~

~~(5) in a greater than 80 percent area, based on the classification and criteria set forth in the plan, expand the application of the exemptions in section 103G.2241, subdivision 1, paragraph (a), clause (4), to also include nonagricultural land, provided there is no net loss of wetland values.~~

Sec. 17. APPROPRIATIONS.

(a) \$1,060,000 in fiscal year 2008 and \$1,060,000 in fiscal year 2009 are appropriated from the general fund to the Board of Water and Soil Resources for the following purposes to support implementation of the Wetland Conservation Act: \$500,000 each year is to make grants to local units of governments to improve response to major wetland violations; \$500,000 each year is for staffing to provide adequate state oversight and technical support to local governments administering the Wetland Conservation Act; and \$60,000 each year is for staff to monitor and enforce wetland replacement and wetland bank sites.

(b) \$60,000 in fiscal year 2008 is appropriated from the general fund to the Board of Water and Soil Resources to develop a comprehensive state wetland restoration vision and plan. This is a onetime appropriation. All of the money appropriated in this paragraph as grants to local governments shall be administered through the Board of Water and Soil Resources' local water resources protection and management program under Minnesota Statutes, section 103B.3369.

(c) \$225,000 in fiscal year 2008 is appropriated from the general fund to the Board of Water and Soil Resources to inventory wetland mitigation opportunities and water quality and watershed improvement projects in northeastern Minnesota. The board shall include an inventory of the wetland and water resources that have been developed on former mine lands, and an analysis of the functions and values of those wetland and water resources. This is a onetime appropriation and is available until June 30, 2009.

(d) \$150,000 in fiscal year 2008 is appropriated from the general fund to the Board of Water and Soil Resources to conduct a region-wide wetland mitigation siting analysis for northeastern Minnesota. The analysis shall:

(1) take into account wetland mitigation opportunities in each watershed and wetland bank service area;

(2) develop goals for maintaining water quality in the region; and

(3) identify wetland mitigation opportunities in regions with impaired waters.

This is a onetime appropriation and is available until June 30, 2009.

Sec. 18. REPEALER.

Minnesota Statutes 2006, section 103G.2241, subdivision 8, is repealed.

Sec. 19. EFFECTIVE DATE.

Sections 1 to 18 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to waters; modifying agency service requirements; modifying provisions for wetland conservation; requiring rulemaking; appropriating money; amending Minnesota Statutes 2006, sections 15.99, subdivision 3; 103B.101, by adding a subdivision; 103G.222, subdivisions 1, 3; 103G.2241, subdivisions 1, 2, 3, 6, 9, 11; 103G.2242, subdivisions 2, 2a, 9, 12, 15; 103G.2243, subdivision 2; repealing Minnesota Statutes 2006, section 103G.2241, subdivision 8."

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

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

S.F. No. 1242: A bill for an act relating to corrections; clarifying and updating law governing MINNCOR prison industries; adjusting the date for community corrections counties to submit expenditure and cost statements; amending Minnesota Statutes 2006, sections 16A.72; 16B.181, subdivision 2; 16C.23, subdivision 2; 241.27, subdivisions 1, 2, 3, 4; 241.278; 401.15, subdivision 1; repealing Minnesota Statutes 2006, sections 241.021, subdivision 5; 241.85, subdivision 2.

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

Page 6, after line 24, insert:

"Sec. 9. Minnesota Statutes 2006, section 268.19, subdivision 1, is amended to read:

Subdivision 1. **Use of data.** (a) Except as otherwise provided by this section, data gathered from any person pursuant to the administration of the Minnesota Unemployment Insurance Law are private data on individuals or nonpublic data not on individuals as defined in section 13.02, subdivisions 9 and 12, and may not be disclosed except pursuant to a district court order or section 13.05. A subpoena shall not be considered a district court order. These data may be disseminated to and used by the following agencies without the consent of the subject of the data:

- (1) state and federal agencies specifically authorized access to the data by state or federal law;
- (2) any agency of any other state or any federal agency charged with the administration of an unemployment insurance program;
- (3) any agency responsible for the maintenance of a system of public employment offices for the purpose of assisting individuals in obtaining employment;
- (4) human rights agencies within Minnesota that have enforcement powers;
- (5) the Department of Revenue only to the extent necessary for its duties under Minnesota laws;
- (6) public and private agencies responsible for administering publicly financed assistance programs for the purpose of monitoring the eligibility of the program's recipients;
- (7) the Department of Labor and Industry and the Division of Insurance Fraud Prevention in the Department of Commerce on an interchangeable basis with the department for uses consistent with

the administration of their duties under Minnesota law;

(8) local and state welfare agencies for monitoring the eligibility of the data subject for assistance programs, or for any employment or training program administered by those agencies, whether alone, in combination with another welfare agency, or in conjunction with the department or to monitor and evaluate the statewide Minnesota family investment program by providing data on recipients and former recipients of food stamps or food support, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

(9) local and state welfare agencies for the purpose of identifying employment, wages, and other information to assist in the collection of an overpayment debt in an assistance program;

(10) local, state, and federal law enforcement agencies for the sole purpose of ascertaining the last known address and employment location of a person who is the subject of a criminal investigation;

(11) the federal Immigration and Naturalization Service shall have access to data on specific individuals and specific employers provided the specific individual or specific employer is the subject of an investigation by that agency; ~~and~~

(12) the Department of Health solely for the purposes of epidemiologic investigations; and

(13) the Department of Corrections for the purpose of postconfinement employment tracking.

(b) Data on individuals and employers that are collected, maintained, or used by the department in an investigation pursuant to section 268.182 are confidential as to data on individuals and protected nonpublic data not on individuals as defined in section 13.02, subdivisions 3 and 13, and must not be disclosed except pursuant to statute or district court order or to a party named in a criminal proceeding, administrative or judicial, for preparation of a defense.

(c) Data gathered by the department pursuant to the administration of the Minnesota unemployment insurance program must not be made the subject or the basis for any suit in any civil proceedings, administrative or judicial, unless the action is initiated by the department."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "authorizing access by the Department of Corrections to the Department of Employment and Economic Development database relating to employment status information;"

Amend the title numbers accordingly

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

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

S.F. No. 1986: A bill for an act relating to transportation appropriations; appropriating money for transportation, Metropolitan Council, and public safety activities; providing for fund transfers,

general contingent accounts, and tort claims; providing for various fees and accounts; allocating county state-aid highway funds; allocating motor vehicle sales tax and motor vehicle lease sales tax; adjusting fuel tax; adjusting vehicle registration tax; imposing half-cent sales tax for transportation in metropolitan area; enabling local jurisdictions to levy half-cent sales tax for transportation; authorizing counties to levy wheelage tax; authorizing issuance of trunk highway bonds; providing for highway construction training and contracting related to disadvantaged business enterprise program; coordinating special transportation services and paratransit statewide and establishing service standards; modifying light-rail transit governance; authorizing metropolitan council bonding; expanding transit taxing district; redistributing five percent of highway user tax distribution fund; adjusting share of highway funds for off-road use; requiring system to allow credit card payments of driver and vehicle service fees; removing 1999 restriction on construction of certain light rail transit facilities, and a 2001 restriction on the transit tax levy authority of the Metropolitan Council; requiring reports; making technical and clarifying changes; amending Minnesota Statutes 2006, sections 16A.1522, subdivision 1; 16A.88; 53C.01, subdivision 2; 161.04, by adding a subdivision; 161.081; 162.07, subdivision 1, by adding subdivisions; 163.051; 168.011, subdivision 6; 168.013, subdivisions 1, 1a; 168.017, subdivision 3; 168.12, subdivision 5; 168.1255, by adding a subdivision; 168A.29, subdivision 1; 171.02, subdivision 3; 171.06, subdivision 2; 171.07, subdivisions 3a, 11; 171.20, subdivision 4; 171.29, subdivision 2; 174.03, by adding subdivisions; 174.24, subdivision 2a; 174.255, by adding a subdivision; 174.29, by adding subdivisions; 296A.07, subdivision 3; 296A.08, subdivision 2; 296A.18; 297A.64, subdivision 2; 297A.70, subdivision 2; 297A.71, by adding a subdivision; 297A.815, subdivision 1, by adding subdivisions; 297A.94; 297B.01, subdivision 8; 297B.09, subdivision 1; 299D.09; 473.166; 473.386, subdivision 3; 473.39, by adding a subdivision; 473.399; 473.3993, subdivision 3; 473.3994; 473.3997; 473.4051; 473.407, subdivision 1; 473.446, subdivisions 2, 8; 609.531, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 160; 168; 174; 296A; 297A; 398A; 473; repealing Minnesota Statutes 2006, sections 174.32; 473.123, subdivision 3d; 473.4461; Laws 1999, chapter 230, section 44.

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

Page 2, delete article 1 and insert:

"ARTICLE 1

TRANSPORTATION APPROPRIATIONS

Section 1. SUMMARY OF APPROPRIATIONS.

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2008</u>	<u>2009</u>	<u>Total</u>
<u>General</u>	\$ 104,608,000	\$ 104,526,000	209,134,000
<u>Airports</u>	25,524,000	25,592,000	51,116,000
<u>C.S.A.H.</u>	531,051,000	575,043,000	1,106,094,000
<u>M.S.A.S.</u>	142,624,000	149,587,000	292,211,000
<u>Special Revenue</u>	46,789,000	47,877,000	94,666,000

<u>Highway User</u>	8,938,000	9,238,000	18,176,000
<u>Trunk Highway</u>	1,324,498,000	1,409,601,000	2,734,099,000
Total	\$ 2,184,032,000	\$ 2,321,464,000	\$ 4,505,496,000

Sec. 2. TRANSPORTATION APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2008" and "2009" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2008, or June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal year ending June 30, 2007, are effective the day following final enactment.

APPROPRIATIONS
Available for the Year
Ending June 30
2008 2009

Sec. 3. TRANSPORTATION

Subdivision 1. Total Appropriation \$ 1,961,411,000 \$ 2,093,046,000

The appropriations in this section are from the trunk highway fund, except when another fund is named.

	<u>Appropriations by Fund</u>	
	<u>2008</u>	<u>2009</u>
<u>General</u>	<u>19,480,000</u>	<u>19,239,000</u>
<u>Airports</u>	<u>25,474,000</u>	<u>25,542,000</u>
<u>C.S.A.H.</u>	<u>531,051,000</u>	<u>575,043,000</u>
<u>M.S.A.S.</u>	<u>142,624,000</u>	<u>149,587,000</u>
<u>Trunk Highway</u>	<u>1,242,782,000</u>	<u>1,323,635,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Multimodal Systems

(a) Aeronautics

(1) Airport Development and Assistance20,298,00020,298,000

Of this amount, \$6,000,000 the first year and \$6,000,000 the second year are onetime appropriations and do not add to the airport development and assistance base appropriation.

This appropriation is from the state airports fund and must be spent according to Minnesota Statutes, section 360.305, subdivision 4.

Of this appropriation \$200,000 in the first year is to the Legislative Coordinating Commission for the administrative expenses of the Airport Funding Advisory Task Force and for other costs relating to the preparation of the report required by the task force, including the costs of hiring a consultant, if needed. Any remaining amount of this appropriation shall revert to the state airports fund.

Notwithstanding Minnesota Statutes, section 16A.28, subdivision 6, this appropriation is available for five years after appropriation.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

(2) Aviation Support and ServicesAppropriations by Fund

<u>Airports</u>	<u>5,151,000</u>	<u>5,219,000</u>
<u>Trunk Highway</u>	<u>847,000</u>	<u>856,000</u>

\$65,000 the first year and \$65,000 the second year are for the Civil Air Patrol.

(b) TransitAppropriations by Fund

<u>General</u>	<u>18,812,000</u>	<u>18,814,000</u>
<u>Trunk Highway</u>	<u>733,000</u>	<u>747,000</u>

(c) Freight

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>353,000</u>	<u>360,000</u>
<u>Trunk Highway</u>	<u>4,984,000</u>	<u>5,071,000</u>

(d) Rail

\$250,000 the first year is appropriated from the general fund to the commissioner of transportation for a grant to the Northstar Corridor Development Authority to fund advanced preliminary engineering, updated environmental documentation, property appraisals, and negotiations with the railroad to extend commuter rail service on the Burlington Northern Santa Fe rail line between Big Lake and Rice. This is a onetime appropriation and is available until spent and does not lapse.

Subd. 3. State Roads**(a) Infrastructure Investment and Planning**

<u>(1) Infrastructure Investment Support</u>	<u>170,445,000</u>	<u>173,248,000</u>
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\$266,000 the first year and \$266,000 the second year are available for grants to metropolitan planning organizations outside the seven-county metropolitan area.

\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research projects that are reimbursable from the federal government or from other sources. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$600,000 the first year and \$600,000 the second year are available for grants for transportation studies outside the metropolitan area to identify critical concerns, problems, and issues. These grants are available (1) to regional

development commissions, (2) in regions where no regional development commission is functioning, to joint powers boards established under agreement of two or more political subdivisions in the region to exercise the planning functions of a regional development commission, and (3) in regions where no regional development commission or joint powers board is functioning, to the department's district office for that region.

Up to \$1,000,000 the first year is for technical support of trunk highway congestion reduction under the United States Department of Transportation Urban Partnership program. Of this amount, \$200,000 is for a grant to Hubert H. Humphrey Institute of Public Affairs for its participation in this program.

\$5,000,000 the first year is for a pilot project to demonstrate technologies that will allow for the future replacement of the gas tax with a fuel-neutral mileage charge.

(2) State Road Construction

728,232,000

764,131,000

It is estimated that these appropriations will be funded as follows:

<u>Federal Highway Aid</u>	<u>193,463,000</u>	<u>350,442,000</u>
<u>Highway User Taxes</u>	<u>534,769,000</u>	<u>413,689,000</u>

The commissioner of transportation shall notify the chair of the Transportation Budget Division of the senate and the chair of the Transportation Finance Committee of the house of representatives of any significant events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways, including design-build contracts and consultant usage to support these activities. This includes the cost of actual payment to landowners for lands acquired for highway rights-of-way, payment to lessees, interest subsidies, and

relocation expenses.

Of these appropriations:

(a) \$2,000,000 the first year is to construct and install concrete barriers and cable median barriers on trunk highways, with priority given to trunk highways where crossover crashes have occurred, resulting in fatalities.

(b) \$70,000 the first year is for the state's share in reconstructing an intersection of Trunk Highway 60 and Cherry Street in Mazeppa.

The commissioner may not plan, design, or construct a J-turn turnabout on Trunk Highways 169, within the city of Belle Plaine, or within one-half mile of the Belle Plaine city limits.

The commissioner may transfer up to \$15,000,000 each year to the transportation revolving loan fund.

The commissioner may receive money covering other shares of the cost of partnership projects. These receipts are appropriated to the commissioner for these projects.

(3) Highway Debt Service

61,237,000

92,206,000

\$57,448,000 the first year and \$82,183,000 the second year are for transfer to the state bond fund. If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the Committee on Finance of the senate and the Committee on Ways and Means of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation. Any excess appropriation cancels to the trunk highway fund.

(b) Infrastructure Operations and Maintenance

215,607,000

226,021,000

(c) Electronic Communications

Appropriations by Fund

<u>General</u>	<u>9,000</u>	<u>9,000</u>
<u>Trunk Highway</u>	<u>4,858,000</u>	<u>4,943,000</u>

The general fund appropriation is to equip and operate the Roosevelt signal tower for Lake of the Woods weather broadcasting.

Subd. 4. Local Roads

<u>(a) County State Aids</u>	<u>531,051,000</u>	<u>575,043,000</u>
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This appropriation is from the county state-aid highway fund and is available until spent.

<u>(b) Municipal State Aids</u>	<u>142,624,000</u>	<u>149,587,000</u>
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This appropriation is from the municipal state-aid street fund and is available until spent.

If an appropriation for either county state aids or municipal state aids does not exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the chair of the Transportation Finance Committee of the house of representatives and the chair of the Transportation Budget Division of the senate of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of county state aids or municipal state aids, as appropriate.

If the appropriation for either county state aids or municipal state aids does exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance shall notify the chair of the Transportation Finance Committee of the house of representatives and the chair of the Transportation Budget Division of the senate of the amount by which the appropriation exceeds the balance

and shall then reduce that amount from the appropriation.

Subd. 5. General Support and Services

(a) Department Support

	<u>Appropriations by Fund</u>	
<u>Airports</u>	<u>25,000</u>	<u>25,000</u>
<u>Trunk Highway</u>	<u>39,263,000</u>	<u>39,794,000</u>

(b) Buildings

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>56,000</u>	<u>56,000</u>
<u>Trunk Highway</u>	<u>16,576,000</u>	<u>16,618,000</u>

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 6. Transfers

(a) With the approval of the commissioner of finance, the commissioner of transportation may transfer unencumbered balances among the appropriations from the trunk highway fund and the state airports fund made in this section. No transfer may be made from the appropriation for state road construction. No transfer may be made from the appropriations for debt service to any other appropriation. Transfers under this paragraph may not be made between funds. Transfers between programs must be reported immediately to the chair of the Transportation Budget Division of the senate and the chair of the Transportation Finance Committee of the house of representatives.

(b) The commissioner of finance shall transfer from the flexible account in the county state-aid highway fund \$5,950,000 the first year and \$2,820,000 the second year to the municipal turnback account in the municipal state-aid street fund and \$12,940,000 the first

year and \$15,330,000 the second year to the trunk highway fund; and the remainder in each year to the county turnback account in the county state-aid highway fund.

Subd. 7. Use of State Road Construction Appropriations

Any money appropriated to the commissioner of transportation for state road construction for any fiscal year before fiscal year 2008 is available to the commissioner during fiscal years 2008 and 2009 to the extent that the commissioner spends the money on the state road construction project for which the money was originally encumbered during the fiscal year for which it was appropriated. The commissioner of transportation shall report to the commissioner of finance by August 1, 2007, and August 1, 2008, on a form the commissioner of finance provides, on expenditures made during the previous fiscal year that are authorized by this subdivision.

Subd. 8. Contingent Appropriation

The commissioner of transportation, with the approval of the governor and the written approval of at least five members of a group consisting of the members of the Legislative Advisory Commission under Minnesota Statutes, section 3.30, and the ranking minority members of the house of representatives and senate committees with jurisdiction over transportation finance, may transfer all or part of the unappropriated balance in the trunk highway fund to an appropriation (1) for trunk highway design, construction, or inspection in order to take advantage of an unanticipated receipt of income to the trunk highway fund or to take advantage of federal advanced construction funding, (2) for trunk highway maintenance in order to meet an emergency, or (3) to pay tort or environmental claims. Nothing in this subdivision authorizes the commissioner to increase the use of federal advanced construction funding beyond

amounts specifically authorized. Any transfer as a result of the use of federal advanced construction funding must include an analysis of the effects on the long-term trunk highway fund balance. The amount transferred is appropriated for the purpose of the account to which it is transferred.

Sec. 4. METROPOLITAN COUNCIL

Subdivision 1. <u>Total Appropriation</u>	\$	<u>78,753,000</u>	\$	<u>78,753,000</u>
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The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. <u>Bus Transit</u>		<u>73,453,000</u>		<u>73,453,000</u>
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This appropriation is for bus system operations.

Subd. 3. <u>Rail Operations</u>		<u>5,300,000</u>		<u>5,300,000</u>
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This appropriation is for operations of the Hiawatha light rail transit line.

Sec. 5. PUBLIC SAFETY

Subdivision 1. <u>Total Appropriation</u>	\$	<u>142,893,000</u>	\$	<u>148,690,000</u>
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Appropriations by Fund

	<u>2008</u>	<u>2009</u>
<u>General</u>	<u>6,375,000</u>	<u>6,534,000</u>
<u>Trunk Highway</u>	<u>80,916,000</u>	<u>85,166,000</u>
<u>Highway User</u>	<u>8,813,000</u>	<u>9,113,000</u>
<u>Special Revenue</u>	<u>46,789,000</u>	<u>47,877,000</u>

The amounts that may be spent for each purpose are specified in the following subdivisions.

Subd. 2. Administration and Related Services

(a) Office of Communications

Appropriations by Fund

<u>General</u>	<u>39,000</u>	<u>40,000</u>
<u>Trunk Highway</u>	<u>363,000</u>	<u>377,000</u>

(b) Public Safety Support

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>3,245,000</u>	<u>3,336,000</u>
<u>Trunk Highway</u>	<u>3,331,000</u>	<u>3,420,000</u>
<u>Highway User</u>	<u>1,366,000</u>	<u>1,366,000</u>

\$110,000 the first year and \$28,000 the second year are appropriated from the general fund to cover the cost of a security coordinator for the 2008 Republican National Convention. These amounts are onetime appropriations and do not add to the public safety support base appropriation.

\$380,000 the first year and \$380,000 the second year are for payment of public safety officer survivor benefits under Minnesota Statutes, section 299A.44. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$1,199,000 the first year and \$1,367,000 the second year are to be deposited in the public safety officer's benefit account. This money is available for reimbursements under Minnesota Statutes, section 299A.465.

\$508,000 the first year and \$508,000 the second year are for soft body armor reimbursements under Minnesota Statutes, section 299A.38.

\$792,000 the first year and \$792,000 the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on December 31, 2007, and December 31, 2008, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the administration and related

services program.

\$610,000 the first year and \$610,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the trunk highway fund on December 31, 2007, and December 31, 2008, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for highway user tax distribution fund purposes in the administration and related services program.

\$716,000 the first year and \$716,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the general fund on December 31, 2007, and December 31, 2008, respectively, in order to reimburse the general fund for expenses not related to the fund. These represent amounts appropriated out of the general fund for operation of the criminal justice data network related to driver and motor vehicle licensing.

(c) Technical Support Services

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>91,000</u>	<u>91,000</u>
<u>Trunk Highway</u>	<u>2,344,000</u>	<u>2,344,000</u>
<u>Highway User</u>	<u>19,000</u>	<u>19,000</u>

Subd. 3. State Patrol

(a) Patrolling Highways

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>37,000</u>	<u>37,000</u>
<u>Trunk Highway</u>	<u>67,497,000</u>	<u>71,393,000</u>
<u>Highway User</u>	<u>92,000</u>	<u>92,000</u>

\$2,060,000 the first year and \$3,653,000 the second year are for the cost of adding 40 State Patrol troopers.

\$1,335,000 the first year and \$1,335,000 the second year are to cover fuel costs.

(b) Commercial Vehicle Enforcement

6,945,000

7,196,000

This appropriation is from the trunk highway fund.

(c) Capitol Security

2,963,000

3,030,000

The commissioner may not (1) spend any money from the trunk highway fund for capitol security or (2) permanently transfer any state trooper from the patrolling highways activity to capitol security.

The commissioner may not transfer any money (1) appropriated for Department of Public Safety administration, the patrolling of highways, commercial vehicle enforcement, or driver and vehicle services to capitol security or (2) from capitol security.

Subd. 4. Driver and Vehicle Services

(a) Vehicle Services

	<u>Appropriations by Fund</u>	
<u>Highway User</u>	<u>7,336,000</u>	<u>7,636,000</u>
<u>Special Revenue</u>	<u>18,696,000</u>	<u>18,973,000</u>

The base appropriation from the highway user tax distribution fund is \$7,936,000 for fiscal year 2010 and \$8,236,000 for fiscal year 2011.

The special revenue fund appropriation is from the vehicle services operating account.

(b) Driver Services

	<u>Appropriations by Fund</u>	
<u>Special Revenue</u>	<u>26,778,000</u>	<u>27,550,000</u>
<u>Trunk Highway</u>	<u>1,000</u>	<u>1,000</u>

The special revenue fund appropriation is from the driver services operating account.

Subd. 5. Traffic Safety435,000435,000This appropriation is from the trunk highway fund.The commissioner of public safety shall spend 50 percent of the money available to the state under Public Law 105-206, section 164, and the remaining 50 percent must be transferred to the commissioner of transportation for hazard elimination activities under United States Code, title 23, section 152.Subd. 6. Pipeline Safety1,315,0001,354,000This appropriation is from the pipeline safety account in the special revenue fund.Sec. 6. GENERAL CONTINGENT ACCOUNTS\$375,000\$375,000Appropriations by Fund

<u>Trunk Highway</u>	<u>200,000</u>	<u>200,000</u>
<u>Highway User</u>	<u>125,000</u>	<u>125,000</u>
<u>Airports</u>	<u>50,000</u>	<u>50,000</u>

The appropriations in this section may only be spent with the approval of the governor and the written approval of at least five members of a group consisting of the members of the Legislative Advisory Commission under Minnesota Statutes, section 3.30, and the ranking minority members of the house of representatives and senate committees with jurisdiction over transportation finance.If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.Sec. 7. TORT CLAIMS\$600,000\$600,000To be spent by the commissioner of finance.This appropriation is from the trunk highway fund.If the appropriation for either year is

insufficient, the appropriation for the other year is available for it.

Sec. 8. **COMPENSATION ADJUSTMENTS**

The appropriations in this article, and any statutory appropriations from which state employee compensation is paid from any fund, include an amount sufficient to fund compensation increases of at least 3.25 percent of the 2007 compensation base for the first year, compounded at the rate of 3.25 percent for the second year. This amount must be used for that purpose and no other.

Sec. 9. **LAFAYETTE BRIDGE.**

The commissioner of transportation shall ensure that any reconstruction or improvement of the Lafayette Bridge segment of U.S. Highway 52 is compatible with the possibility of future implementation of transit, including light rail transit, on the bridge.

Sec. 10. **AIRPORT FUNDING ADVISORY TASK FORCE.**

Subdivision 1. **Task force established.** The Airport Funding Advisory Task Force is established to study and make recommendations regarding the best methods for funding airports in the state and the state airports fund. The task force shall study:

- (1) the adequacy of current sources of revenue for the state airports fund and airports in the state;
- (2) policy considerations regarding the use of the sales tax on aircraft as a potential source of revenue for airports;
- (3) how other states fund airports;
- (4) projected aviation needs of the future, including required investments in aviation infrastructure;
- (5) aircraft registration taxes; and
- (6) other issues relating to the funding of airports as determined by the task force.

Subd. 2. **Membership.** (a) The task force is comprised of the following members:

(1) three members of the senate, including at least one member from the minority party, appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the senate; and

(2) three members of the house of representatives, two appointed by the speaker of the house and one appointed by the minority leader.

The appointing authorities must select members based on knowledge and experience in aviation funding issues. All appointments required by this paragraph must be completed by September 1,

2007.

(b) The chair of the task force may appoint additional nonvoting members to the task force, including, but not limited to, representatives of the following organizations:

- (1) the Department of Transportation Aeronautics Office;
- (2) the Aircraft Owners and Pilots Association;
- (3) the Experimental Aircraft Association/ACAA;
- (4) the Metropolitan Airports Commission;
- (5) the Minnesota Aviation Trades Association;
- (6) the Minnesota Business Aviation Association;
- (7) the Minnesota Council of Airports;
- (8) the Minnesota Seaplane Pilots Association;
- (9) the National Business Aviation Association; and
- (10) the Minnesota Wing, Civil Air Patrol.

(c) The director of the aeronautics office in the Department of Transportation shall convene the first meeting of the task force within two weeks after the legislative members have been appointed to the task force. The members shall elect a chairperson from their membership at the first meeting.

Subd. 3. **Report.** By February 15, 2008, the task force shall report its recommendations to the chairs of the legislative committees with jurisdiction over airports and aviation issues and to the legislature as required by Minnesota Statutes, section 3.195.

Subd. 4. **Expenses.** Per diem and expenses for members of the task force are as provided for under Minnesota Statutes, section 15.059.

Subd. 5. **Expiration.** This section expires after the submission of the report as required under subdivision 3.

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

Sec. 11. **HIGHWAY CONSTRUCTION IN ROCHESTER.**

The commissioner of transportation shall proceed without delay to issue to the city of Rochester the necessary permits that allow the city to complete the construction of a new folded diamond interchange in the Northeast and Northwest quadrants at marked Trunk Highway 52 and 65th Street NW in the city of Rochester. The commissioner shall review the environmental documentation prepared by the city in a timely manner and shall issue the necessary construction permits without delay upon the issuance of a finding of no significant impact. The cost of the interchange design, right-of-way acquisition, and construction shall be the responsibility of the city of Rochester.

Sec. 12. **FEDERAL FUNDS SPENDING AUTHORITY.**

The commissioner of transportation may spend up to \$5,000,000 from July 1, 2008, through June

30, 2013, in federal transit funds for capital assistance to public transit systems under Minnesota Statutes, section 174.24. This amount is in addition to any appropriations made by law for this purpose.

Sec. 13. **COUNTY ROAD 3 OVERPASS TASK FORCE.**

Subdivision 1. **Task force established.** The County Road 3 Overpass Task Force is established to plan the design, construction, and funding for a Scott County Road 3 overpass over Trunk Highway 169.

Subd. 2. **Task force membership.** The task force is comprised of the following members:

- (1) the commissioner of transportation or a designee;
- (2) the mayor of Belle Plaine or a designee;
- (3) a Scott County commissioner; and
- (4) owners of property in the vicinity of the intersection, who may be assessed for the cost of the overpass, and who shall be appointed by the Scott County commissioner.

Subd. 3. **Task force determinations.** The task force shall determine:

- (1) the preferred type of overpass or interchange needed at the Trunk Highway 169 intersection with County Road 3;
- (2) the schedule for beginning construction of the overpass or interchange; and
- (3) an appropriate cost-sharing agreement involving the state, Scott County, the city of Belle Plaine, and private developers.

The task force shall submit its determinations to the appropriate lead agency, which shall prepare construction plans consistent with task force determinations.

Subd. 4. **Traffic control.** The commissioner of transportation shall maintain traffic control signals at the intersection of Trunk Highway 169 and Scott County Road 3, within the city of Belle Plaine, to allow for the movement of cross-traffic, until construction is commenced for a Scott County Road 3 overpass bridge over Trunk Highway 169."

Page 21, delete lines 16 and 17

Page 24, line 2, delete "may not vary more than" and insert "must exceed"

Page 24, line 3, delete "from" and insert "less than"

Pages 25 to 26, delete subdivisions 1 to 4 and insert:

"Subdivision 1. **Definitions.** For purposes of this section, "metropolitan transportation area" means the area included within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, and "county" means each of those counties, as well as any county that joins the joint powers board under subdivision 5.

Subd. 2. **Imposition of tax.** A transportation sales tax is imposed at a rate of one-half of one percent on retail sales and uses taxable under chapter 297A, and an excise tax is imposed on the sale

of new motor vehicles at the rate of \$20 per vehicle, occurring within the metropolitan transportation area, effective for sales and uses after June 30, 2007.

Subd. 3. **Joint powers agreement.** The counties in the metropolitan transportation area shall enter into a joint powers agreement to create a joint powers board to exercise the powers provided in this section.

Subd. 4. **Joint powers board.** (a) The joint powers board must consist of one representative of each county specified in subdivision 1, appointed by its county board, and one elected city or town official from each county. The city or town representative must be designated by representatives of statutory and home rule charter cities and towns located in the county, at a meeting convened by the mayor of the city with the largest population in the county. The joint powers board has the powers and duties provided in this section and in section 471.59.

(b) The decisions of the joint powers board shall be made by means of a weighted voting system, with a total of 100 percent of voting authority, as follows:

(1) the representatives of each county and each city or town shall each have a vote weighted at 2.5 percent; and

(2) the remaining voting authority shall be distributed among the counties in proportion to the amount of tax proceeds from the taxes imposed in subdivision 1 that are derived from sales and uses in that county, and then divided equally between the county representative and the city or town representative from that county.

(c) The determination of the distributions under paragraph (b), clause (2), shall be made as follows. By June 30, 2007, the commissioner of revenue shall estimate the amount of taxes that have been collected under chapter 297A during the 24-month period ending March 31, 2007, from each of those counties, plus the amount that would have been collected in each of those counties if a tax at a rate of \$20 per vehicle had been imposed on sales of new motor vehicles within the county, and shall determine for each county its relative share of the total amount collected for all counties. The county shares shall remain in effect for a period of three years, or until an additional county elects to join the joint powers board, at which time the commissioner of revenue must recompute the county shares, using the most recently available and verifiable information for a 24-month period ending three months prior to the recomputation. The joint powers board shall maximize the availability and use of federal funds in projects funded under this section.

Subd. 5. **Option for contiguous counties.** A joint powers agreement must provide a process and timeline to allow a county that is contiguous to any of the counties listed in subdivision 1, by resolution of its county board, to impose a tax on the same terms as the tax in subdivision 2 within its jurisdiction and to join the joint powers board."

Page 26, line 21, delete "Subd. 5." and insert "Subd. 6."

Page 26, line 26, delete "6" and insert "7"

Page 26, line 27, delete "Subd. 6." and insert "Subd. 7."

Page 26, line 33, delete "no less than 40" and insert "seventy-five"

Page 27, line 15, delete "and"

Page 27, line 17, after the semicolon, insert "and"

Page 27, after line 17, insert:

"(viii) Robert Street Corridor between the Union Depot Concourse Multimodal Transit Hub in St. Paul and County Road 42 in Rosemount;"

Page 27, line 18, delete "no less than 30" and insert "twenty"

Page 27, line 20, delete "no more than"

Page 27, line 33, delete "Subd. 7." and insert "Subd. 8."

Page 28, line 7, delete "Subd. 8." and insert "Subd. 9."

Page 28, line 15, delete "Subd. 9." and insert "Subd. 10."

Page 34, line 8, delete everything after "2008,"

Page 34, delete lines 9 and 10

Page 34, line 11, delete everything before "31.75"

Page 34, line 16, delete everything after "2009,"

Page 34, delete line 17

Page 34, line 18, delete everything before "36.75"

Page 41, line 9, before the period, insert "provided, that the percentage of the amount that each county is to receive shall be adjusted so that each county shall receive in 1958 a total apportionment at least ten percent greater than its total 1956 apportionments from the state road and bridge fund; and provided further that those counties whose money needs are thus adjusted shall never receive a percentage of the apportionment sum less than the percentage that the county received in 1958"

Page 48, line 27, delete "\$2,000,000" and insert "\$200,000"

Page 49, line 1, delete "\$2,200,000,000" and insert "\$2,002,000,000"

Page 49, delete sections 1 and 3

Page 54, after line 19, insert:

"Sec. 7. Minnesota Statutes 2006, section 174.03, subdivision 9, is amended to read:

Subd. 9. **Forecast of revenues and expenditures.** In cooperation with the Department of Finance and as required by section 16A.103, the commissioner shall prepare in February and November of each year a forecast of highway user tax distribution fund and trunk highway fund revenues and expenditures. The forecast must include an analysis of economic information and the potential impact on highway user fund revenues, historical growth rate information, and other variables affecting revenue assumptions and forecasted future growth rates. The forecast must include an analysis of trunk highway bonding and the necessary debt service payments, and assumptions regarding federal transportation funds. The commissioner shall review the forecast information with the chairs of the senate and house of representatives committees with jurisdiction

over finance, ways and means, and transportation finance and with legislative fiscal staff no later than ~~two weeks before~~ one week following the release of the forecast is released and shall inform the chairs and staff of changes made from previous forecasts."

Pages 55 to 57, delete sections 9 to 13

Page 59, line 10, delete "0.0684" and insert "0.0683"

Page 60, line 3, delete everything after "effective" and insert "July 1, 2007."

Page 60, delete section 18

Page 71, line 15, delete "17 to 28" and insert "11 to 21"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, delete everything after the semicolon

Page 1, line 12, delete everything before "modifying"

Amend the title numbers accordingly

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

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

S.F. No. 1989: A bill for an act relating to higher education; appropriating money for higher education and related purposes to the Office of Higher Education, the Board of Trustees of the Minnesota State Colleges and Universities, the board of Regents of the University of Minnesota, and the Mayo Clinic, with certain conditions; requiring certain studies; creating a task force to reduce costs of course materials; making technical changes; eliminating certain report requirements; permitting certain interest rate savings and other agreements; requiring summary statistics in required reports; repealing certain data sharing and collecting requirements; modifying financial aid programs; establishing a scholarship program for high achieving high school students; establishing the Minnesota GI bill program; regulating private higher education institutions; providing penalties; amending Minnesota Statutes 2006, sections 13.322, subdivision 3; 135A.01; 135A.031, subdivisions 1, 7; 135A.034, subdivision 1; 135A.14, subdivision 1; 135A.52, subdivisions 1, 2; 136A.01, subdivision 2; 136A.031, subdivision 5; 136A.0411; 136A.08, subdivision 7; 136A.101, subdivisions 4, 5a; 136A.121, subdivision 7a, by adding a subdivision; 136A.125, subdivisions 2, 4; 136A.15, subdivisions 1, 6; 136A.16, subdivisions 1, 2, 5, 8, 9, 10, by adding a subdivision; 136A.17, subdivision 1; 136A.1701, subdivisions 1, 2, 5; 136A.233, subdivision 3; 136A.29, subdivision 9; 136A.62, subdivision 3; 136A.63; 136A.65, subdivision 1, by adding a subdivision; 136A.653; 136A.657, subdivisions 1, 2, 3, by adding a subdivision; 136A.66; 136A.67; 136A.68; 136A.69; 136A.71; 136A.861, subdivisions 1, 2, 3, 6; 136F.02, subdivisions 1, 2; 136F.03, subdivision 3; 136F.42, subdivision 1; 136F.58; 136F.70, by adding a subdivision; 136F.71, subdivision 2, by adding a subdivision; 136G.11, subdivision 5; 137.0245, subdivision 4; 137.0246, subdivision 2; 141.21, subdivisions 1a, 5; 141.25, subdivisions 1, 5, 7, 9, 10, 12; 141.255, subdivision 2; 141.265, subdivision 2; 141.271, subdivisions 10, 12;

141.28, subdivision 1; 141.32; 141.35; 197.775, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 135A; 136A; 141; 197; repealing Minnesota Statutes 2006, sections 135A.031, subdivisions 2, 3, 5, 6; 135A.032; 135A.033; 135A.045; 135A.053; 136A.07; 136A.08, subdivision 8; 136A.1702; 136A.61; Laws 2001, First Special Session chapter 1, article 1, sections 3, subdivision 3; 4, subdivision 5.

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

Page 2, line 8, delete "1,509,963,000" and insert "1,516,463,000" and delete "1,588,057,000" and insert "1,581,557,000"

Page 2, line 10, delete "1,512,120,000" and insert "1,518,620,000" and delete "1,590,214,000" and insert "1,583,714,000"

Page 2, line 15, before "Office" insert "Minnesota" and delete "181,892,000" and insert "188,392,000" and delete "195,700,000" and insert "189,200,000"

Page 3, line 3, delete "181,892,000" and insert "188,392,000" and delete "195,700,000" and insert "189,200,000"

Page 3, line 7, delete "138,604,000" and insert "145,104,000" and delete "139,824,000" and insert "146,424,000"

Page 3, delete subdivision 4

Page 4, line 3, delete "Subd. 5." and insert "Subd. 4."

Page 4, line 9, delete "Subd. 6." and insert "Subd. 5."

Page 4, line 14, delete "Subd. 7." and insert "Subd. 6."

Page 4, line 15, delete "Subd. 8." and insert "Subd. 7."

Page 4, line 16, delete "Subd. 9." and insert "Subd. 8."

Page 4, line 17, delete "Subd. 10." and insert "Subd. 9."

Page 4, line 18, delete "Subd. 11." and insert "Subd. 10."

Page 4, line 19, delete "Subd. 12." and insert "Subd. 11."

Page 4, line 20, delete "Subd. 13." and insert "Subd. 12."

Page 4, line 21, delete "Subd. 14." and insert "Subd. 13."

Page 4, line 27, delete "Subd. 15." and insert "Subd. 14."

Page 5, delete lines 9 to 19 and insert:

"\$150,000 each year is for transfer to the University of Minnesota to establish a Dakota language program."

Page 6, line 12, delete "Subd. 16." and insert "Subd. 15."

Page 6, line 29, delete "Subd. 17." and insert "Subd. 16."

Page 7, line 4, delete "Subd. 18." and insert "Subd. 17."

Page 7, line 8, delete "Subd. 19." and insert "Subd. 18."

Page 8, line 31, delete "Amounts for" and insert "If the Board of Trustees decides to implement"

Page 8, line 32, after "initiatives" insert ", funding" and delete "the result of" and insert "from"

Page 8, line 33, delete "by the Board of Trustees" and insert "of existing resources"

Page 9, line 2, delete everything after "community" and insert "colleges, technical colleges, and consolidated community and technical colleges"

Page 15, line 7, before "Office" insert "Minnesota"

Page 15, line 8, delete "higher"

Page 15, line 12, after the first "rates" insert "that are different for nonresident students than for resident students by the beginning of the 2009-2010 academic term"

Page 15, line 14, delete ", that are different"

Page 15, delete line 15

Page 15, line 16, delete everything before the period

Page 15, delete section 12 and insert:

"Sec. 12. PROMOTING STUDENT SUCCESS IN POSTSECONDARY EDUCATION.

The Higher Education Advisory Council (HEAC) shall study and make recommendations regarding (1) the role of merit and need-based scholarships and other mechanisms in improving the participation and rate of student success in rigorous high school courses; and (2) mechanisms to facilitate the subsequent access to, persistence in, and completion of postsecondary degrees by students. The HEAC may collaborate with the P-16 Education Partnership in developing its recommendations. The Minnesota Office of Higher Education shall provide support, as needed, to complete the study. In completing the study and developing recommendations, the following issues shall be addressed:

(i) the parameters used to identify a course as being rigorous;

(ii) the curricular prerequisites of courses identified to be rigorous;

(iii) the extent to which rigorous courses are available to high school students throughout the state;

(iv) the capacity of high schools to provide rigorous courses to students;

(v) the capacity of high schools to collaborate with postsecondary institutions to offer rigorous courses;

(vi) the programmatic and financial resources required to increase the participation of students in rigorous courses;

(vii) the role of college awareness programs and postsecondary institution outreach efforts in informing students and families about the importance of adequate preparation for all postsecondary education endeavors;

(viii) the interventions required, and entities responsible for, assuring students have completed the prerequisite subject matter required to enroll in rigorous courses;

(ix) the programmatic and financial resources required to assure the retention and successful degree completion of low-income students and students traditionally underrepresented in higher education; and

(x) other issues deemed critical to the preparation for and success of students in postsecondary education.

The Higher Education Advisory Council shall, by December 15, 2007, make recommendations to the senate and house committees with jurisdiction over higher education policy and finance regarding the strategies that best inform and prepare students for postsecondary education and work and career choices, with particular attention to strategies targeted to low-income students and students traditionally underrepresented in higher education."

Page 16, line 12, delete "TASK FORCE CONVENED" and insert "TEXTBOOK RENTAL STUDY"

Page 16, line 13, delete everything after "shall"

Page 16, line 14, delete everything before "study"

Page 16, line 15, delete "task force" and insert "board"

Page 16, line 16, delete everything before "students" and insert "consult with"

Page 16, line 18, delete "any" and insert "its" and delete "of the task"

Page 16, line 19, delete "force"

Page 16, after line 30, insert:

"Sec. 15. **MESABI RANGE HIGHER EDUCATION NEEDS STUDY.**

The Board of Regents of the University of Minnesota through the Duluth campus is requested to coordinate a study of student demand and employer needs for higher education in the Mesabi Range region of northeastern Minnesota, including the cities of Grand Rapids through Eveleth to Ely. The Board of Regents may contract for all or part of the study. The Board of Trustees of the Minnesota State Colleges and Universities will participate as partners in the study to advise on which of the identified needs can be met by University of Minnesota courses and which can be met by the Minnesota State Colleges and Universities, and which degree programs may be offered jointly. The final report must be submitted to the committees of the legislature responsible for higher education finance by January 15, 2008, with recommendations and plans for the region."

Page 19, delete section 7 and insert:

"Sec. 7. **[135A.043] RESIDENT TUITION AND PRIVATE FINANCIAL AID ELIGIBILITY.**

Subdivision 1. **Tuition.** (a) A student shall qualify for a resident tuition rate or its equivalent at state universities and colleges, including the University of Minnesota, if the student meets all of the following requirements:

(1) high school attendance within the state for three or more years;

(2) graduation from a state high school or attainment within the state of the equivalent of high school graduation; and

(3) registration as an entering student at, or current enrollment in, a public institution of higher education.

(b) This section is in addition to any other statute, rule, or higher education institution regulation or policy providing eligibility for a resident tuition rate or its equivalent to a student.

(c) To qualify for resident tuition under this section an individual who is not a citizen or permanent resident of the United States must provide the college or university with an affidavit that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so.

Subd. 2. **Scholarships and financial aid.** A student who meets the criteria established in subdivision 1, paragraph (a), for a resident tuition rate is not disqualified on the basis of the student's immigration status from scholarships or financial aid funded by private sources and provided by a state college or university or by the University of Minnesota, except when immigration status is an eligibility criterion of the particular scholarship or financial aid program.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to tuition or scholarships or financial aid for school terms commencing on or after that date."

Page 24, line 20, delete "85" and insert "79"

Page 24, line 22, delete "67" and insert "61"

Page 24, after line 23, insert:

"Sec. 20. Minnesota Statutes 2006, section 136A.121, subdivision 6, is amended to read:

Subd. 6. **Cost of attendance.** (a) The recognized cost of attendance consists of allowances specified in law for living and miscellaneous expenses, and an allowance for tuition and fees equal to the lesser of the average actual tuition and fees charged by the institution, or the tuition and fee maximums established in law.

(b) For a student registering for less than full time, the office shall prorate the cost of attendance to the actual number of credits for which the student is enrolled.

The recognized cost of attendance for a student who is confined to a Minnesota correctional institution shall consist of the tuition and fee component in paragraph (a), with no allowance for living and miscellaneous expenses.

For the purpose of this subdivision, "fees" include only those fees that are mandatory and charged to full-time resident students attending the institution. Fees do not include charges for tools, equipment, computers, or other similar materials where the student retains ownership. Fees

include charges for these materials if the institution retains ownership. Fees do not include optional or punitive fees."

Page 25, line 2, reinstate the stricken language and strike "2007" and insert "2009"

Page 26, delete section 24

Page 37, line 9, delete everything after "community" and insert "colleges, technical colleges, and consolidated community and technical colleges that is different for"

Page 42, line 24, delete everything after "amount" and insert "the person received or was eligible to receive in that semester or term from:"

Page 42, line 26, before the semicolon, insert "under section 136A.121" and delete "and"

Page 42, after line 26, insert:

"(3) the tuition and textbook reimbursement grant program under section 192.501, subdivision 2; and"

Page 42, line 27, delete "(3)" and insert "(4)"

Page 46, delete section 12 and insert:

"Sec. 12. Minnesota Statutes 2006, section 136A.67, is amended to read:

136A.67 UNAUTHORIZED REPRESENTATIONS.

~~No school and none of its officials or employees shall advertise or represent in any manner that such school is approved or accredited by the office or state of Minnesota except that any A school which is duly registered with the office, or any of its officials or employees, may represent in advertising and shall disclose in catalogs, applications, and enrollment materials that the school is registered with the office by prominently displaying the following statement: "(Name of school) is registered as a private institution with the Minnesota Office of Higher Education pursuant to Minnesota Statutes, sections 136A.615 to 136A.71. Registration is not an endorsement of the institution. Credits earned at the institution may not transfer to all other institutions".~~

Page 54, delete section 29 and insert:

"Sec. 29. Minnesota Statutes 2006, section 141.28, subdivision 1, is amended to read:

Subdivision 1. ~~Not to advertise state approval~~ **Disclosure required.** ~~Schools, agents of schools, and solicitors may not advertise or represent in writing or orally that such school is approved or accredited by the state of Minnesota, except that any A school, agent, or solicitor may advertise~~ represent in advertisements and shall disclose in its catalogs, applications, and enrollment materials that the school and solicitor have been is duly licensed by the state using by prominently displaying the following language statement:

"(Name of school) is licensed as a private career school with the Minnesota Office of Higher Education. Licensure is not an endorsement of the institution. Credits earned at the institution may not transfer to all other institutions. ~~The educational programs may not meet the needs of every student or employer.~~"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before "Office" insert "Minnesota"

Page 1, line 6, delete "creating a task force to reduce costs of course materials;"

Page 1, line 10, delete "establishing a scholarship program for high"

Page 1, line 11, delete "achieving high school students;"

Amend the title numbers accordingly

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

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

S.F. No. 957: A bill for an act relating to the military; establishing the Minnesota National Guard Nonappropriated Fund Instrumentality; proposing coding for new law in Minnesota Statutes, chapter 192.

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

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

S.F. No. 1675: A bill for an act relating to the military; expanding uses for money in the Minnesota "Support Our Troops" account; amending Minnesota Statutes 2006, section 190.19, subdivision 2.

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

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

S.F. No. 952: A bill for an act relating to the military; expanding the reenlistment bonus program; providing for certain academic awards; amending Minnesota Statutes 2006, section 192.501, subdivisions 1b, 2.

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

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

S.F. No. 1318: A bill for an act relating to veterans; exempting veterans from the requirement of a firearm safety certificate; amending Minnesota Statutes 2006, section 97B.020.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 97B.015, is amended by adding a subdivision to read:

Subd. 5a. **Exemption for military personnel.** Notwithstanding subdivision 5, a person who has successfully completed basic training in the United States Armed Forces is exempt from the range and shooting exercise portion of the required course of instruction for the firearms safety certificate. The commissioner may require written proof of the person's military training, as deemed appropriate for implementing this subdivision. The commissioner shall publicly announce this exemption from the range and shooting exercise requirement and the availability of the department's online, remote study option for adults seeking firearms safety certification. Military personnel are not exempt from any other requirement of this section for obtaining a firearms safety certificate.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to applications for certificates made on or after that date."

Amend the title as follows:

Page 1, line 2, delete "requirement of" and insert "range and shooting exercise portion of the required course for"

Amend the title numbers accordingly

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

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

S.F. No. 699: A bill for an act relating to the military, firearms, and employment; clarifying that a statute ensuring the continuation of state licenses and certificates of registration for any trade, employment, occupation, or profession while soldiers and certain essential employees are engaged in active military service applies to licenses and certificates of registration requiring firearms safety and usage training; amending Minnesota Statutes 2006, section 326.56, subdivision 2.

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

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

S.F. No. 251: A resolution urging the President and the United States Congress to name the Rochester, Minnesota Veterans Outpatient Clinic in honor of Marine Corporal Charles "Chuck" Lindberg.

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

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

S.F. No. 683: A bill for an act relating to veterans homes; authorizing certain commissary privileges; amending Minnesota Statutes 2006, section 198.075.

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

Page 1, line 8, before "No" insert "Except as provided in this section,"

Page 1, line 10, delete "is mandated or volunteers to work" and insert "works"

Page 1, line 11, delete "shall" and insert "may" and delete "one"

Page 1, line 12, delete "meal" and insert "meals"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1925, 167, 1528, 462, 1332, 1133, 420, 1366, 1396, 1949, 1755, 1807, 792, 1128, 879, 1989, 1675, 952, 699, 251 and 683 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1200 and 736 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Kubly moved that the name of Senator Skogen be added as a co-author to S.F. No. 1289. The motion prevailed.

Senator Tomassoni moved that the name of Senator Olson, M. be added as a co-author to S.F. No. 1585. The motion prevailed.

Senator Betzold moved that the name of Senator Saltzman be added as a co-author to S.F. No. 1633. The motion prevailed.

Senator Prettner Solon moved that the name of Senator Lynch be added as a co-author to S.F. No. 1689. The motion prevailed.

Senator Betzold moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Chaudhary be added as chief author to S.F. No. 1872. The motion prevailed.

Senator Murphy moved that the name of Senator Erickson Ropes be added as a co-author to S.F. No. 1927. The motion prevailed.

Senator Koering moved that the name of Senator Pariseau be added as a co-author to S.F. No. 1941. The motion prevailed.

Senator Rosen moved that the name of Senator Erickson Ropes be added as a co-author to S.F. No. 1953. The motion prevailed.

Senator Pappas moved that the name of Senator Robling be added as a co-author to S.F. No. 1989. The motion prevailed.

Senator Higgins moved that S.F. No. 827 be withdrawn from the Committee on Finance and re-referred to the Committee on Commerce and Consumer Protection. The motion prevailed.

Senator Johnson moved that S.F. No. 1193 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Energy, Utilities, Technology and Communications. The motion prevailed.

Senator Betzold moved that S.F. No. 1761 be withdrawn from the Committee on Judiciary and returned to its author. The motion prevailed.

Senator Bonoff moved that S.F. No. 1840 be withdrawn from the Committee on Finance and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Skoe moved that S.F. No. 1922 be withdrawn from the Committee on Education and re-referred to the Committee on Commerce and Consumer Protection. The motion prevailed.

Senator Lourey moved that S.F. No. 462, on General Orders, be stricken and re-referred to the Committee on Rules and Administration. The motion prevailed.

CALENDAR

S.F. No. 1340: A bill for an act relating to public defense; requiring a report to the legislature on public defender services in the Fourth Judicial District.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 357: A bill for an act relating to housing; regulating transactions between certain low-income and moderate-income housing developers and local units of government; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

H.F. No. 1008: A bill for an act relating to public safety; changing certain background check requirements; amending Minnesota Statutes 2006, section 260C.209, subdivision 3.

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

So the bill passed and its title was agreed to.

S.F. No. 1350: A bill for an act relating to education; clarifying the requirements for petitioning a school board to hold a special election; amending Minnesota Statutes 2006, section 205A.05, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S.F. Nos. 547, 1053, 585, 252 and 144, which the committee recommends to pass.

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

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Senator Rest moved that S.F. No. 981, No. 13 on General Orders, be stricken and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Higgins moved that S.F. No. 816, No. 20 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Anderson, Rosen and Rummel introduced—

S.F. No. 1998: A bill for an act relating to utilities; specifying conditions and procedures for the payment of compensation to certain intervenors in utility proceedings; amending Minnesota Statutes

2006, section 216B.16, subdivision 10.

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

Senator Olson, G. introduced–

S.F. No. 1999: A bill for an act relating to natural resources; establishing a zebra mussel control pilot program; appropriating money; amending Minnesota Statutes 2006, section 84D.02, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Senator Olson, G. introduced–

S.F. No. 2000: A bill for an act relating to natural resources; establishing a zebra mussel control pilot program; appropriating money; amending Minnesota Statutes 2006, section 84D.02, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

Senators Jungbauer, Senjem, Carlson, Doll and Moua introduced–

S.F. No. 2001: A bill for an act relating to state government; modifying the process for disposition of surplus real property; amending Minnesota Statutes 2006, sections 16B.281, subdivisions 1, 3; 16B.282; 16B.283; 16B.284; 16B.287, subdivision 2; repealing Minnesota Statutes 2006, sections 16B.281, subdivisions 2, 4, 5; 16B.285.

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

Senator Fischbach introduced–

S.F. No. 2002: A bill for an act relating to education; allowing physician-prescribed naturopathic medicine to be administered with appropriate supervision in schools; amending Minnesota Statutes 2006, section 121A.22, subdivisions 1, 3, 4.

Referred to the Committee on Education.

Senator Bakk introduced–

S.F. No. 2003: A bill for an act relating to taxation; modifying the levy authority of the Cook-Orr Hospital District; amending Laws 1988, chapter 645, section 3, as amended.

Referred to the Committee on Taxes.

Senator Berglin introduced–

S.F. No. 2004: A bill for an act relating to human services; requiring certain medical assistance enrollees who are children with high-cost mental health conditions to receive mental health care coordination and social support services through the U special kids program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 256B.

Referred to the Committee on Finance.

Senator Skogen introduced—

S.F. No. 2005: A bill for an act relating to medical practice; modifying orders for discipline; amending Minnesota Statutes 2006, section 147.091, subdivision 3.

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

Senator Pappas introduced—

S.F. No. 2006: A bill for an act relating to retirement; postretirement earnings offsets to pensions for teacher retirement fund associations in cities of the first class; modifying provisions on the procurement of actuarial services for state and local public retirement programs; appropriating money; amending Minnesota Statutes 2006, sections 16A.055, subdivision 5; 356.214, subdivisions 1, 3, by adding a subdivision; 356.215, subdivisions 1, 2, 3, 11, 18; repealing Minnesota Statutes 2006, sections 354A.31, subdivisions 3, 3a; 356.214, subdivision 2; 356.215, subdivision 2a.

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

Senators Carlson, Koering, Olseen, Anderson and Dibble introduced—

S.F. No. 2007: A bill for an act relating to consumer protection; changing motor vehicle damage disclosure requirement; amending Minnesota Statutes 2006, section 325F.6641, subdivisions 1, 2.

Referred to the Committee on Commerce and Consumer Protection.

Senator Chaudhary introduced—

S.F. No. 2008: A bill for an act relating to the city of Columbia Heights; authorizing creation of a tax increment financing district subject to certain special rules.

Referred to the Committee on Taxes.

Senators Betzold and Vickerman introduced—

S.F. No. 2009: A bill for an act relating to agriculture; changing noxious weed eradication requirements; amending Minnesota Statutes 2006, sections 18.80, subdivision 1; 18.81, subdivisions 1, 3; 18.83, subdivisions 1, 3, 7; 18.84, subdivision 3; repealing Minnesota Statutes 2006, sections 18.79, subdivisions 7, 8; 18.84, subdivision 2.

Referred to the Committee on Agriculture and Veterans.

Senator Lynch introduced—

S.F. No. 2010: A bill for an act relating to human services; appropriating money for the Disability Linkage Line.

Referred to the Committee on Finance.

Senators Rummel and Wiger introduced—

S.F. No. 2011: A bill for an act relating to education; directing the education commissioner to report summary data on student performance and other student information; amending Minnesota Statutes 2006, section 120B.36, subdivision 1.

Referred to the Committee on Education.

Senator Higgins introduced—

S.F. No. 2012: A bill for an act relating to public safety; specifying additional facilities that must comply with state rules and federal regulations regarding hazardous substances; amending Minnesota Statutes 2006, section 299K.08, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 299K.

Referred to the Committee on Judiciary.

Senators Wiger and Scheid introduced—

S.F. No. 2013: A bill for an act relating to education; creating a joint legislative committee to study the merging of the Office of Higher Education into the Department of Education; providing appointments.

Referred to the Committee on Education.

Senator Olson, G. introduced—

S.F. No. 2014: A bill for an act relating to education; appropriating money for the Educational Planning and Assessment (EPAS) program.

Referred to the Committee on Finance.

Senator Olson, G. introduced—

S.F. No. 2015: A bill for an act relating to education; modifying the statewide testing and reporting system; modifying graduation test requirements for certain students; amending Minnesota Statutes 2006, section 120B.30.

Referred to the Committee on Education.

Senator Saltzman introduced—

S.F. No. 2016: A bill for an act relating to retirement; Public Employees Retirement Association general plan; authorizing a city of St. Paul employee to purchase service credit for a period of uncovered service.

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

Senator Betzold, by request, introduced—

S.F. No. 2017: A bill for an act relating to state government; changing provisions for procurement of goods and services; amending Minnesota Statutes 2006, sections 16C.02, subdivisions 4, 12, 14, by adding subdivisions; 16C.03, subdivisions 2, 4, 8, 16; 16C.05, subdivisions 1, 2; 16C.08, subdivisions 2, 4, by adding subdivisions; 16C.10, subdivision 7; repealing Minnesota Statutes 2006, sections 16C.055, subdivision 1; 16C.08, subdivision 4a.

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

Senator Latz introduced—

S.F. No. 2018: A bill for an act relating to crimes; providing for applicability of certain old sex offender provisions for crimes committed before enactment of new sex offender law; amending Minnesota Statutes 2006, section 609.3455, by adding a subdivision.

Referred to the Committee on Judiciary.

Senator Skoe introduced—

S.F. No. 2019: A bill for an act relating to estate taxation; providing an exclusion for certain farm and small business properties; amending Minnesota Statutes 2006, sections 291.005, subdivision 1; 291.03, subdivision 1, by adding subdivisions.

Referred to the Committee on Taxes.

Senator Prettner Solon introduced—

S.F. No. 2020: A bill for an act relating to retirement; correctional state employees retirement plan of the Minnesota State Retirement System; authorizing certain Department of Human Services employees transferred to plan coverage in 2006 to make back equivalent member contributions and transfer pension service credit.

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

Senator Scheid introduced—

S.F. No. 2021: A bill for an act relating to the city of Brooklyn Center; expanding the permitted uses of increments of a tax increment financing district; amending Laws 1994, chapter 587, article 9, section 14, subdivisions 1, 2, 3.

Referred to the Committee on Taxes.

Senator Scheid introduced—

S.F. No. 2022: A bill for an act relating to the city of Brooklyn Center; expanding the permitted uses of increments of a tax increment financing district; amending Laws 1994, chapter 587, article 9, section 14, subdivision 2.

Referred to the Committee on Taxes.

Senators Robling and Doll introduced—

S.F. No. 2023: A bill for an act relating to taxation; sales and use; exempting construction materials and equipment for a surface water treatment plant; amending Minnesota Statutes 2006, section 297A.71, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Senjem introduced—

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

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

Senator Senjem introduced—

S.F. No. 2025: A bill for an act relating to capital improvements; appropriating money for a segment of the Stagecoach Trail and Welcome Center in the city of Mantorville; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Senjem introduced—

S.F. No. 2026: A bill for an act relating to capital improvements; appropriating money for a segment of the Stage Coach Trail and Welcome Center in the city of Mantorville.

Referred to the Committee on Finance.

Senator Koering introduced—

S.F. No. 2027: A bill for an act relating to retirement; correctional state employees retirement plan; clarifying the current and past coverage for certain Minnesota Correctional Facility-St. Cloud employees.

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

Senators Bakk, Wiger and Bonoff introduced—

S.F. No. 2028: A bill for an act relating to taxation; modifying the levy authority of the Cook County Hospital District; amending Laws 1989, chapter 211, section 8, subdivision 4, as amended.

Referred to the Committee on Taxes.

Senator Senjem introduced—

S.F. No. 2029: A bill for an act relating to education; providing nonpublic school student health services.

Referred to the Committee on Finance.

Senators Gerlach, Gimse, Larson, Betzold and Robling introduced—

S.F. No. 2030: A bill for an act relating to state government; providing rulemaking authority for surplus property; amending Minnesota Statutes 2006, section 16C.03, subdivision 2.

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

Senators Olson, M.; Foley and Neuville introduced—

S.F. No. 2031: A bill for an act relating to adoption; creating a registry of qualified independent searchers; requiring annual reports; proposing coding for new law in Minnesota Statutes, chapter 259.

Referred to the Committee on Judiciary.

Senators Olson, M.; Moua; Betzold and Limmer introduced—

S.F. No. 2032: A bill for an act relating to data practices; amending a Social Security number data practice provision; amending Minnesota Statutes 2006, section 13.355, subdivision 1.

Referred to the Committee on Judiciary.

Senators Rest, Clark, Kubly, Prettner Solon and Michel introduced—

S.F. No. 2033: A bill for an act relating to state government; creating a sustainable growth working group; appropriating money.

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

Senators Clark, Rest, Pogemiller, Michel and Rosen introduced—

S.F. No. 2034: A bill for an act relating to state government; enhancing utilization of Minnesota Milestones; requiring a report.

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

Senator Betzold introduced—

S.F. No. 2035: A bill for an act relating to open meeting law; providing for a mandatory increased award to plaintiffs for costs, disbursements, and attorney fees for violation of the open meeting law; amending Minnesota Statutes 2006, section 13D.06, subdivision 4.

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

Senators Larson and Pogemiller introduced—

S.F. No. 2036: A bill for an act relating to retirement; clarifying and correcting surviving spouse benefit provisions of the Minneapolis police relief association; amending Minnesota Statutes 2006,

section 423B.10, subdivision 1.

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

Senators Larson, Torres Ray and Higgins introduced–

S.F. No. 2037: A bill for an act relating to local government; authorizing the transfer of all powers, duties, and obligations of the Board of Estimate and Taxation in the city of Minneapolis to the Minneapolis City Council.

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

Senator Fischbach introduced–

S.F. No. 2038: A bill for an act relating to education finance; authorizing a fund transfer for Independent School District No. 463, Eden Valley-Watkins, to recover the cost of remediating an environmental hazard.

Referred to the Committee on Finance.

Senators Bakk, Michel, Sparks, Rosen and Tomassoni introduced–

S.F. No. 2039: A bill for an act relating to workers' compensation; adopting recommendations of the Workers' Compensation Advisory Council; amending Minnesota Statutes 2006, sections 176.101, subdivision 1; 176.102, subdivision 11; 176.136, subdivisions 1a, 1b; 176.275, subdivision 1; repealing Minnesota Statutes 2006, section 176.669.

Referred to the Committee on Business, Industry and Jobs.

Senators Chaudhary, Skogen, Saxhaug and Pariseau introduced–

S.F. No. 2040: A bill for an act relating to game and fish; creating a three-year license for fish houses and dark houses; amending Minnesota Statutes 2006, sections 97A.411, subdivision 1; 97A.475, subdivisions 11, 12.

Referred to the Committee on Environment and Natural Resources.

Senators Anderson, Dibble, Sparks and Olseen introduced–

S.F. No. 2041: A bill for an act relating to public utilities; providing for recovery of costs to be incurred as result of a qualified emissions-reduction project; amending Minnesota Statutes 2006, section 216B.1692, by adding a subdivision.

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

Senator Day introduced–

S.F. No. 2042: A bill for an act relating to human services; modifying payment rates for services to ventilator-dependent persons provided by a nursing facility in Waseca County; amending Minnesota Statutes 2006, section 256B.431, subdivision 2e.

Referred to the Committee on Finance.

Senator Jungbauer introduced–

S.F. No. 2043: A bill for an act relating to local government; authorizing home rule charter cities to provide by charter the procedures for appointment of housing and redevelopment authority commissioners; amending Minnesota Statutes 2006, section 469.003, subdivision 6.

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

Senators Latz, Olseen and Hann introduced–

S.F. No. 2044: A bill for an act relating to claims against the state; providing for settlement of various claims; appropriating money.

Referred to the Committee on Finance.

Senators Clark, Rest, Larson and Bonoff introduced–

S.F. No. 2045: A bill for an act relating to elections; creating an open primary with party designation for partisan offices; limiting party designations to endorsed candidates; allowing minor parties the exclusive use of their names; limiting the general election for partisan offices to the top two candidates nominated at the primary; amending Minnesota Statutes 2006, sections 200.02, subdivisions 7, 23; 202A.11, subdivision 2; 202A.12, subdivision 1; 204B.03; 204B.04, subdivision 2; 204B.06, subdivisions 1, 2; 204B.07, subdivisions 1, 4; 204B.09, subdivision 1; 204B.10, subdivision 4; 204B.13, subdivision 1; 204C.21, subdivision 3; 204C.32, subdivision 1; 204D.03, subdivision 1; 204D.05, subdivision 1; 204D.07, subdivision 3; 204D.08, subdivisions 3, 4; 204D.10, subdivision 1; 204D.12; 204D.13, subdivision 2; 204D.20, subdivisions 1, 2; 204D.23, subdivisions 1, 2, 3; 204D.28, subdivision 9; repealing Minnesota Statutes 2006, sections 204D.08, subdivision 5; 204D.10, subdivision 2; 204D.13, subdivision 3.

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

Senators Doll, Koering and Skogen introduced–

S.F. No. 2046: A bill for an act relating to health care; regulating certain high deductible health plans; amending Minnesota Statutes 2006, section 62Q.65.

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

Senators Murphy and Ingebrigtsen introduced–

S.F. No. 2047: A bill for an act relating to traffic regulations; amending definition of recreational vehicle combination to include any type of towed middle vehicle; amending Minnesota Statutes 2006, section 169.01, subdivision 78.

Referred to the Committee on Transportation.

Senator Betzold, by request, introduced—

S.F. No. 2048: A bill for an act relating to retirement; allowing a bounce-back annuity when provided for by a marriage dissolution decree; amending Minnesota Statutes 2006, sections 353.30, by adding a subdivision; 518.58, subdivision 4.

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

Senator Bonoff introduced—

S.F. No. 2049: A bill for an act relating to occupations; establishing the Mechanical Systems Council; establishing mechanical trade licensing requirements; proposing coding for new law in Minnesota Statutes, chapter 326.

Referred to the Committee on Business, Industry and Jobs.

Senators Jungbauer, Gimse, Saltzman and Rest introduced—

S.F. No. 2050: A bill for an act relating to sales and use tax; exempting purchases by political subdivisions of materials used in construction and maintenance of roads, bridges, and airports; amending Minnesota Statutes 2006, section 297A.70, subdivision 2.

Referred to the Committee on Taxes.

Senator Doll introduced—

S.F. No. 2051: A bill for an act relating to education; requiring school districts to report student achievement of locally developed academic standards; amending Minnesota Statutes 2006, section 120B.11, subdivision 5.

Referred to the Committee on Education.

Senator Sieben introduced—

S.F. No. 2052: A bill for an act relating to landlord and tenant; providing for uniform residential tenant reports; amending Minnesota Statutes 2006, section 504B.173, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 504B.

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

Senator Rosen introduced—

S.F. No. 2053: A bill for an act relating to energy; establishing propane prepurchase program in Department of Commerce; providing consumer protections to delivered-fuel customers; proposing coding for new law in Minnesota Statutes, chapters 216B; 325E.

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

Senators Pogemiller, Senjem and Bakk introduced—

S.F. No. 2054: A bill for an act relating to state government; regulating the state budget reserve; amending Minnesota Statutes 2006, section 16A.152, subdivisions 1a, 1b.

Referred to the Committee on Taxes.

MEMBERS EXCUSED

Senator Stumpf was excused from the Session of today from 11:00 to 11:15 a.m. Senator Vandever was excused from the Session of today from 11:00 to 11:30 a.m. Senator Chaudhary was excused from the Session of today from 11:20 to 11:25 a.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 1:00 p.m., Thursday, March 22, 2007. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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