

THIRTY-NINTH DAY

St. Paul, Minnesota, Thursday, April 23, 2009

The Senate met at 9:30 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Pastor Martin Ericson.

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

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

April 10, 2009

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:

BOARD OF ANIMAL HEALTH

Dr. John Whitten, 707 Nissen St., Alexandria, in the county of Douglas, effective April 15, 2009, for a term that expires on January 7, 2013.

(Referred to the Committee on Agriculture and Veterans.)

Sincerely,
Tim Pawlenty, Governor

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 2083: A bill for an act relating to higher education; classifying data; amending postsecondary education provisions; setting deadlines; allowing certain advertising; establishing the Minnesota P-20 education partnership; regulating course equivalency guides; requiring notice to prospective students; requiring lists of enrolled students; amending Minnesota Office of Higher Education responsibilities; establishing programs; defining terms; regulating grants, scholarships, and work-study; requiring an annual certificate; regulating certain board membership provisions; requiring job placement impact reviews; regulating oral health care practitioner provisions; establishing fees; providing criminal penalties; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 13.3215; 124D.09, subdivision 9; 135A.08, subdivision 1; 135A.17, subdivision 2; 135A.25, subdivision 4; 136A.08, subdivision 1, by adding a subdivision; 136A.101, subdivision 5a; 136A.121, by adding subdivisions; 136A.127, subdivisions 2, 4, 9, 10, 12, 14, by adding a subdivision; 136A.1701, subdivision 10; 136A.87; 136F.02, subdivision 1; 136F.03, subdivision 4; 136F.04, subdivision 4; 136F.045; 136F.19, subdivision 1; 136F.31; 137.0245, subdivision 2; 137.0246, subdivision 2; 137.025, subdivision 1; 150A.01, by adding subdivisions; 150A.05, subdivision 2, by adding subdivisions; 150A.06, subdivisions 2d, 5, 6, by adding subdivisions; 150A.08, subdivisions 1, 3a, 5; 150A.09, subdivisions 1, 3; 150A.091, subdivisions 2, 3, 5, 8, 10; 150A.10, subdivisions 1, 2, 3, 4; 150A.11, subdivision 4; 150A.12; 150A.21, subdivisions 1, 4; 151.01, subdivision 23; 151.37, subdivision 2; 201.061, subdivision 3; 299A.45, subdivision 1; Laws 2007, chapter 144, article 1, section 4, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 127A; 135A; 136A; 136F; 150A; repealing Minnesota Statutes 2008, sections 136A.127, subdivisions 8, 13; 150A.061.

Senate File No. 2083 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 22, 2009

Senator Pappas moved that the Senate do not concur in the amendments by the House to S.F.

No. 2083, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1122 and 2123.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 22, 2009

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 1122: A bill for an act relating to appropriations; appropriating money for agriculture, the Board of Animal Health, Rural Finance Authority, veterans, and the military; changing certain agricultural and animal health requirements and programs; establishing a program; eliminating a sunset; requiring certain studies and reports; amending Minnesota Statutes 2008, sections 3.737, subdivision 1; 3.7371, subdivision 3; 13.643, by adding a subdivision; 17.115, subdivision 2; 18.75; 18.76; 18.77, subdivisions 1, 3, 5, by adding subdivisions; 18.78, subdivision 1, by adding a subdivision; 18.79; 18.80, subdivision 1; 18.81, subdivision 3, by adding subdivisions; 18.82, subdivisions 1, 3; 18.83; 18.84, subdivisions 1, 2, 3; 18.86; 18.87; 18.88; 18B.01, subdivision 8, by adding subdivisions; 18B.065, subdivisions 1, 2, 2a, 3, 7, by adding subdivisions; 18B.26, subdivisions 1, 3; 18B.31, subdivisions 3, 4; 18B.37, subdivision 1; 18C.415, subdivision 3; 18C.421; 18C.425, subdivisions 4, 6; 18E.03, subdivisions 2, 4; 18E.06; 18H.02, subdivision 12a, by adding subdivisions; 18H.07, subdivisions 2, 3; 18H.09; 18H.10; 28A.085, subdivision 1; 28A.21, subdivision 5; 31.94; 32.394, subdivision 8; 41A.09, subdivisions 2a, 3a; 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043, subdivision 1b; 41B.045, subdivision 2; 43A.11, subdivision 7; 43A.23, subdivision 1; 97A.045, subdivision 1; 171.06, subdivision 3; 171.07, by adding a subdivision; 171.12, by adding a subdivision; 197.455, subdivision 1; 197.46; 198.003, by adding subdivisions; 239.791, subdivisions 1, 1a; 336.9-601; 343.11; 550.365, subdivision 2; 559.209, subdivision 2; 582.039, subdivision 2; 583.215; 626.8517; Laws 2008, chapter 297, article 2, section 26, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; 18; 18B; 31; 41A; 192; 198; repealing Minnesota Statutes 2008, sections 17.49, subdivision 3; 18G.12, subdivision 5; 38.02, subdivisions 3, 4; 41.51; 41.52; 41.53; 41.55; 41.56; 41.57; 41.58, subdivisions 1, 2; 41.59, subdivision 1; 41.60; 41.61, subdivision 1; 41.62; 41.63; 41.65; Minnesota Rules, part 1505.0820.

Senator Pogemiller moved that H.F. No. 1122 be laid on the table. The motion prevailed.

H.F. No. 2123: A bill for an act relating to state government; environment, natural resources, and energy finance; appropriating money for environment and natural resources; authorizing sale of gift cards and certificates; establishing composting competitive grant program; modifying regulation of storm water discharges; modifying waste management reporting requirements and creating a work group; requiring nonresident all-terrain vehicle state trail pass; modifying horse trail and state park pass requirements; requiring disclosure of certain chemicals in children's products

by manufacturers; requiring plastic yard waste bags to be compostable and establishing labeling standards; authorizing uses of the Hennepin County solid and hazardous waste fund; modifying greenhouse gas emissions provisions and requiring a registry; establishing and authorizing fees; providing for disposition of certain fees; modifying and establishing assessments for certain regulatory expenses; providing for fish consumption advisories in different languages; limiting use of certain funds; requiring reports; appropriating money to Department of Commerce and Public Utilities Commission to finance activities related to commerce and energy; modifying provisions related to Telecommunications Access Minnesota assessments, insurance audits, insurers and insurance products, certain financial institutions, regulated activities related to certain mortgage transactions and professionals, and debt management and debt settlement services; providing penalties and remedies; appropriating and allocating federal stimulus money for various energy programs; amending Minnesota Statutes 2008, sections 45.011, subdivision 1; 45.027, subdivision 1; 46.04, subdivision 1; 46.05; 46.131, subdivision 2; 47.58, subdivision 1; 47.60, subdivisions 1, 3, 6; 48.21; 58.05, subdivision 3; 58.06, subdivision 2; 58.126; 58.13, subdivision 1; 60A.124; 60A.14, subdivision 1; 60B.03, subdivision 15; 60L.02, subdivision 3; 61B.19, subdivision 4; 61B.28, subdivisions 4, 8; 67A.01; 67A.06; 67A.07; 67A.14, subdivisions 1, 7; 67A.18, subdivision 1; 84.0835, subdivision 3; 84.415, subdivision 5, by adding a subdivision; 84.63; 84.631; 84.632; 84.788, subdivision 3; 84.922, subdivision 1a; 85.015, subdivision 1b; 85.053, subdivision 10; 85.46, subdivisions 3, 4, 7; 93.481, subdivisions 1, 3, 5, 7; 97A.075, subdivision 1; 103G.301, subdivisions 2, 3; 115.03, subdivision 5c; 115.073; 115.56, subdivision 4; 115.77, subdivision 1; 115A.1314, subdivision 2; 115A.557, subdivision 3; 115A.931; 116.07, subdivision 4d; 116.41, subdivision 2; 116C.834, subdivision 1; 116D.045; 216B.62, subdivisions 3, 4, 5, by adding a subdivision; 216H.10, subdivision 7; 216H.11; 325E.311, subdivision 6; 332A.02, subdivisions 5, 8, 9, 10, 13, by adding a subdivision; 332A.04, subdivision 6; 332A.08; 332A.10; 332A.11, subdivision 2; 332A.14; Laws 2002, chapter 220, article 8, section 15; Laws 2007, chapter 57, article 1, section 4, subdivision 2; Laws 2008, chapter 363, article 5, section 4, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 60A; 61A; 67A; 84; 93; 115A; 116; 216H; 325E; 383B; proposing coding for new law as Minnesota Statutes, chapter 332B; repealing Minnesota Statutes 2008, sections 60A.129; 61B.19, subdivision 6; 67A.14, subdivision 5; 67A.17; 67A.19; Laws 2008, chapter 363, article 5, section 30; Minnesota Rules, parts 2675.2180; 2675.7100; 2675.7110; 2675.7120; 2675.7130; 2675.7140.

Senator Pogemiller moved that H.F. No. 2123 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Senator Prettner Solon from the Committee on Energy, Utilities, Technology and Communication, to which were referred the following appointments:

PUBLIC UTILITIES COMMISSION

David C. Boyd
J. Dennis O'Brien
Betsy L. Wergin

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

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

prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Anderson, Murphy, Pappas, Cohen and Moua introduced—

S.F. No. 2107: A bill for an act relating to cultural heritage; appropriating money for the Minnesota Irish Cultural Center.

Referred to the Committee on Finance.

Senator Erickson Ropes introduced—

S.F. No. 2108: A bill for an act relating to natural resources; appropriating money for forest protection.

Referred to the Committee on Finance.

Senator Erickson Ropes introduced—

S.F. No. 2109: A bill for an act relating to transportation; requiring modification of roadway classification.

Referred to the Committee on Transportation.

Senator Erickson Ropes introduced—

S.F. No. 2110: A bill for an act relating to arts; creating regional capital fund for arts organizations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 129D.

Referred to the Committee on Finance.

Senators Kubly, Bakk, Torres Ray, Frederickson and Rosen introduced—

S.F. No. 2111: A bill for an act relating to local government; authorizing counties to make joint purchases of energy and energy generation projects; authorizing a tax levy; amending Minnesota Statutes 2008, section 373.48, by adding a subdivision.

Referred to the Committee on Energy, Utilities, Technology and Communications.

Senators Anderson and Rummel introduced—

S.F. No. 2112: A bill for an act relating to appropriations; appropriating money for a statewide sustainable water resources framework and a Web site for legacy information.

Referred to the Committee on Finance.

Senators Langseth, Skoe, Stumpf and Vandevveer introduced—

S.F. No. 2113: A bill for an act relating to disaster relief; responding to flood and storms of March 2009; providing money to match federal disaster assistance made available through FEMA Public Assistance Program and Individual Assistance Program; providing aid for costs that are not eligible for assistance through those programs or from other federal government agencies or insurance; providing for flood disaster enrollment impact aid to school districts; providing for temporary waivers of certain program requirements; providing aid for Hugo tornado; authorizing sale of state bonds; appropriating money; amending Minnesota Statutes 2008, sections 12.221, subdivision 4; 12A.10.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Sparks moved that his name be stricken as a co-author to S.F. No. 347. The motion prevailed.

Senator Rest moved that the name of Senator Limmer be added as a co-author to S.F. No. 747. The motion prevailed.

Senator Rest moved that the name of Senator Bonoff be added as a co-author to Senate Resolution No. 82. The motion prevailed.

Senator Kubly introduced –

Senate Resolution No. 83: A Senate resolution congratulating Kurt Timmons of Kerkhoven, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senators Murphy, Senjem and Pogemiller introduced –

Senate Resolution No. 84: A Senate resolution congratulating Mitch Prescott of Red Wing, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Koch introduced –

Senate Resolution No. 85: A Senate resolution congratulating James Neddermeyer of Buffalo, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Rest introduced –

Senate Resolution No. 86: A Senate resolution congratulating Ruth Paul of New Hope, Minnesota, on her 99th birthday.

Referred to the Committee on Rules and Administration.

RECESS

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

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

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that H.F. No. 1122 be taken from the table. The motion prevailed.

H.F. No. 1122: A bill for an act relating to appropriations; appropriating money for agriculture, the Board of Animal Health, Rural Finance Authority, veterans, and the military; changing certain agricultural and animal health requirements and programs; establishing a program; eliminating a sunset; requiring certain studies and reports; amending Minnesota Statutes 2008, sections 3.737, subdivision 1; 3.7371, subdivision 3; 13.643, by adding a subdivision; 17.115, subdivision 2; 18.75; 18.76; 18.77, subdivisions 1, 3, 5, by adding subdivisions; 18.78, subdivision 1, by adding a subdivision; 18.79; 18.80, subdivision 1; 18.81, subdivision 3, by adding subdivisions; 18.82, subdivisions 1, 3; 18.83; 18.84, subdivisions 1, 2, 3; 18.86; 18.87; 18.88; 18B.01, subdivision 8, by adding subdivisions; 18B.065, subdivisions 1, 2, 2a, 3, 7, by adding subdivisions; 18B.26, subdivisions 1, 3; 18B.31, subdivisions 3, 4; 18B.37, subdivision 1; 18C.415, subdivision 3; 18C.421; 18C.425, subdivisions 4, 6; 18E.03, subdivisions 2, 4; 18E.06; 18H.02, subdivision 12a, by adding subdivisions; 18H.07, subdivisions 2, 3; 18H.09; 18H.10; 28A.085, subdivision 1; 28A.21, subdivision 5; 31.94; 32.394, subdivision 8; 41A.09, subdivisions 2a, 3a; 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043, subdivision 1b; 41B.045, subdivision 2; 43A.11, subdivision 7; 43A.23, subdivision 1; 97A.045, subdivision 1; 171.06, subdivision 3; 171.07, by adding a subdivision; 171.12, by adding a subdivision; 197.455, subdivision 1; 197.46; 198.003, by adding subdivisions; 239.791, subdivisions 1, 1a; 336.9-601; 343.11; 550.365, subdivision 2; 559.209, subdivision 2; 582.039, subdivision 2; 583.215; 626.8517; Laws 2008, chapter 297, article 2, section 26, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; 18; 18B; 31; 41A; 192; 198; repealing Minnesota Statutes 2008, sections 17.49, subdivision 3; 18G.12, subdivision 5; 38.02, subdivisions 3, 4; 41.51; 41.52; 41.53; 41.55; 41.56; 41.57; 41.58, subdivisions 1, 2; 41.59, subdivision 1; 41.60; 41.61, subdivision 1; 41.62; 41.63; 41.65; Minnesota Rules, part 1505.0820.

SUSPENSION OF RULES

Senator Pogemiller moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1122 and that the rules of the Senate be so far suspended as to give H.F. No. 1122 its second and third reading and place it on its final

passage. The motion prevailed.

H.F. No. 1122 was read the second time.

Senator Vickerman moved to amend H.F. No. 1122 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 1122, and insert the language after the enacting clause, and the title, of S.F. No. 1779, the second engrossment.

The motion prevailed. So the amendment was adopted.

H.F. No. 1122 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Langseth	Pappas	Sheran
Bakk	Doll	Latz	Pariseau	Sieben
Berglin	Erickson Ropes	Lourey	Pogemiller	Skoe
Betzold	Fischbach	Lynch	Prettner Solon	Skogen
Carlson	Fobbe	Marty	Rest	Sparks
Chaudhary	Foley	Metzen	Robling	Stumpf
Clark	Frederickson	Moua	Rummel	Tomassoni
Cohen	Gimse	Murphy	Saltzman	Torres Ray
Dahle	Higgins	Olseen	Saxhaug	Vickerman
Day	Kelash	Olson, G.	Scheid	Wiger
Dibble	Kubly	Olson, M.	Senjem	

Those who voted in the negative were:

Gerlach	Johnson	Koering	Ortman
Hann	Jungbauer	Limmer	Rosen
Ingebrigtsen	Koch	Michel	Vandever

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Pogemiller, Chair of the Committee on Rules and Administration, designated S.F. No. 1276 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1276: A bill for an act relating to transportation; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers, contingent appropriations, and tort claims; providing for various fees and accounts; authorizing transfers for transit from metropolitan livable communities fund accounts and right-of-way acquisition loan fund; clarifying appropriate uses of trunk highway fund; increasing set-aside from municipal state-aid fund for administrative costs; depositing fees in vehicle services operating account; modifying fine and surcharge provisions relating to seat belt violations and providing for primary enforcement; authorizing use of design-build contracting for high-speed rail; authorizing Metropolitan Council to levy property tax for transit and paratransit operations; allowing use

of Metropolitan Council transit tax levy for transit operations; requiring study of extension of high-speed rail line; restricting imposition of transit fare increase and service cuts; establishing discount transit passes pilot program; authorizing Metropolitan Council to convey certain real property including the Apple Valley Transit Station; establishing design-build pilot program; prohibiting imposition of certain seasonal load restrictions; amending Minnesota Statutes 2008, sections 161.20, subdivision 3; 162.12, subdivision 2; 168.017, subdivision 5; 168.021, subdivision 4; 168.10, subdivision 1i; 168.29; 168.62, subdivision 3; 169.686, subdivisions 1, 2, by adding a subdivision; 171.05, subdivision 2b; 171.055, subdivision 2; 174.03, subdivision 1b; 473.254, subdivision 5; 473.446, subdivision 1; Laws 2007, chapter 143, article 1, section 3, subdivision 2, as amended; Laws 2008, chapter 152, article 1, sections 3, subdivision 2; 5; proposing coding for new law in Minnesota Statutes, chapter 174.

Senator Day moved to amend S.F. No. 1276 as follows:

Page 26, line 23, delete "Red Wing," and insert "Rochester, Owatonna, Faribault, Northfield, Eagan,"

Page 27, line 5, delete "Red Wing," and insert "Rochester, Owatonna, Faribault, Northfield, Eagan,"

CALL OF THE SENATE

Senator Murphy imposed a call of the Senate for the balance of the proceedings on S.F. No. 1276. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Day amendment.

Senator Murphy moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 23 and nays 41, as follows:

Those who voted in the affirmative were:

Carlson	Fischbach	Ingebrigtsen	Limmer	Robling
Dahle	Frederickson	Johnson	Lynch	Senjem
Day	Gerlach	Jungbauer	Michel	Sparks
Dille	Gimse	Koch	Ortman	
Doll	Hann	Koering	Pariseau	

Those who voted in the negative were:

Anderson	Fobbe	Metzen	Rummel	Tomassoni
Bakk	Foley	Moua	Saltzman	Torres Ray
Berglin	Higgins	Murphy	Saxhaug	Vandever
Betzold	Kelash	Olseen	Scheid	Vickerman
Chaudhary	Kubly	Olson, M.	Sheran	Wiger
Clark	Langseth	Pappas	Sieben	
Cohen	Latz	Pogemiller	Skoe	
Dibble	Lourey	Prettner Solon	Skogen	
Erickson Ropes	Marty	Rest	Stumpf	

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

Senator Senjem moved to amend S.F. No. 1276 as follows:

Page 26, line 23, delete everything after "Chicago"

Page 26, delete lines 24 to 25

Page 26, line 26, delete everything before the period and insert "with either downtown Minneapolis or downtown St. Paul"

Page 27, line 4, delete "La Crescent,"

Page 27, line 5, delete everything before the period and insert "with either downtown Minneapolis or downtown St. Paul"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 39, as follows:

Those who voted in the affirmative were:

Berglin	Frederickson	Johnson	Michel	Rosen
Betzold	Gerlach	Koch	Ortman	Senjem
Day	Gimse	Koering	Pariseau	Sheran
Dille	Hann	Limmer	Pogemiller	Sparks
Fischbach	Ingebrigtsen	Lynch	Robling	Tomassoni

Those who voted in the negative were:

Anderson	Erickson Ropes	Latz	Pappas	Skoe
Bakk	Fobbe	Lourey	Prettner Solon	Skogen
Carlson	Foley	Marty	Rest	Stumpf
Clark	Higgins	Metzen	Rummel	Torres Ray
Cohen	Jungbauer	Moua	Saltzman	Vandever
Dahle	Kelash	Murphy	Saxhaug	Vickerman
Dibble	Kubly	Olseen	Scheid	Wiger
Doll	Langseth	Olson, M.	Sieben	

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

Senator Torres Ray moved to amend S.F. No. 1276 as follows:

Page 20, after line 12, insert:

"Section 1. Minnesota Statutes 2008, section 160.16, is amended by adding a subdivision to read:

Subd. 4. **Business signs.** A road or transit authority, before entering into a contract for construction, reconstruction, or improvement of a street or highway, shall identify any business that will experience access, parking, or visibility impacts during construction. The road or transit authority shall consult with affected businesses before and during construction to plan signage that will mitigate adverse effects on businesses during project construction."

Page 20, after line 20, insert:

"Sec. 3. **[161.2415] MITIGATION OF TRANSPORTATION CONSTRUCTION IMPACTS ON BUSINESS.**

Subdivision 1. **Definition.** For the purposes of this section, "project" means road work to maintain, construct, or improve a street or highway, or for a transit improvement, if the work is anticipated by the road or transit authority to impair road access to one or more business establishments for a minimum period of one month.

Subd. 2. **Business liaison.** (a) Before the beginning of project construction work, the road or transit authority shall identify businesses that are adjacent to the construction area or whose access to the business premises or parking will be impaired by the project and designate an individual to serve as business liaison between the road or transit authority and the affected businesses.

(b) The business liaison shall provide information to the identified businesses, before and during construction, concerning project duration and timetables, lane and road closures, detours, access impacts, customer parking impacts, visibility, noise, dust, vibration, and public participation opportunities."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Saltzman moved to amend S.F. No. 1276 as follows:

Page 20, after line 25, insert:

"Sec. 3. **[165.15] STILLWATER LIFT BRIDGE ENDOWMENT ACCOUNT.**

Subdivision 1. **Account established.** The Stillwater lift bridge endowment account is established in the state treasury. The account may consist of appropriations made by the state of Minnesota or Wisconsin and may include federal funds. The account may also receive private contributions, gifts, or grants under section 16A.013. Any interest or profit accruing from investment of these sums is credited to the account.

Subd. 2. **Use of funds.** (a) Income derived from the investment of principal in the account may be used by the commissioner of transportation for operations and routine maintenance of the Stillwater lift bridge. No money from this account may be used for any purposes except those described in this section, and no money from this account may be transferred to any other account in the state treasury without specific legislative authorization. Any money transferred from the trunk highway fund may only be used for trunk highway purposes. For the purposes of this section:

(1) "Income" is the amount of interest on debt securities and dividends on equity securities. Any gains or losses from the sale of securities must be added to the principal of the account.

(2) "Routine maintenance" means activities that are predictable and repetitive, but not activities that would constitute major repairs or rehabilitation.

(b) Investment management fees incurred by the State Board of Investment are eligible expenses for reimbursement from the account.

(c) The commissioner of transportation has authority to approve or deny expenditures of funds in the account.

Subd. 3. **Appropriation.** Income derived from the investment of principal in the account is appropriated annually to the commissioner of transportation for the purposes described in this section.

Subd. 4. **Financial compliance.** The commissioner of transportation shall ensure that the

account complies with the regulations in OMB circulars A87, Cost Principles for State, Local and Indian Tribal Governments, and A122, Cost Principles for Non-Profit Organizations, of the United States Office of Management and Budget (OMB).

Subd. 5. **Investment.** The State Board of Investment, in consultation with the commissioner of transportation, shall invest money in the account under section 11A.24.

Subd. 6. **Demolition.** If the commissioner determines, in consultation with the State Historic Preservation Office, that it is necessary to demolish the Stillwater lift bridge, the principal in the account may be spent to pay for demolition of the bridge, and is appropriated to the commissioner of transportation only for that purpose, except that only funds originally contributed by the state or federal government can be used to pay for demolition. Any money remaining in the account after demolition must be used to pay for the preservation of other historic bridges in consultation with the State Historic Preservation Office.

Subd. 7. **Audits.** The account is subject to audit by the legislative auditor.

Subd. 8. **Reports required.** The commissioner of transportation shall report annually to the chair and ranking minority member of each legislative committee with jurisdiction over transportation on the endowment account. At a minimum, the report must include detailed revenue and expenditure information."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Jungbauer moved to amend S.F. No. 1276 as follows:

Page 27, line 21, delete the new language

Page 27, delete lines 22 to 34

Page 28, delete lines 1 and 2

Page 28, line 3, delete the new language

Page 28, line 23, delete the new language and reinstate the stricken language

Page 28, line 24, delete the new language and reinstate the stricken language

Page 28, line 31, delete "Paragraph (a) is effective for taxes levied in 2009 through"

Page 28, line 32, delete everything before "is" and insert "This section"

Page 29, delete section 18

Page 31, line 16, delete "AND LEVY"

Page 31, delete subdivisions 1 and 2 and insert:

"If, based on the November 2009 state budget forecast, motor vehicle sales tax revenues estimated to be available for metropolitan transit operations under Minnesota Statutes, section

297B.09, exceed \$279,000,000 for the fiscal year 2010 and 2011 biennium, the maximum amount that may be transferred from the metropolitan livable communities fund accounts under article 1, section 10, is reduced by an amount by which the estimated motor vehicle sales tax biennial revenues exceed \$279,000,000."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Jungbauer	Ortman	Saltzman
Carlson	Gerlach	Koch	Pariseau	Scheid
Dahle	Gimse	Koering	Rest	Senjem
Day	Hann	Limmer	Robling	Vanderveer
Dille	Ingebrigtsen	Michel	Rosen	
Doll	Johnson	Olson, G.	Rummel	

Those who voted in the negative were:

Bakk	Fobbe	Lourey	Pappas	Sparks
Berglin	Foley	Lynch	Pogemiller	Stumpf
Betzold	Frederickson	Marty	Prettner Solon	Tomassoni
Chaudhary	Higgins	Metzen	Saxhaug	Torres Ray
Clark	Kelash	Moua	Sheran	Vickerman
Cohen	Kubly	Murphy	Sieben	Wiger
Dibble	Langseth	Olseen	Skoe	
Erickson Ropes	Latz	Olson, M.	Skogen	

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

Senator Tomassoni moved to amend S.F. No. 1276 as follows:

Page 9, after line 34, insert:

"The commissioner must allocate money appropriated in this section so as to maximize the use of all available federal money from the American Recovery and Reinvestment Act of 2009, Public Law 111-5, and to the extent possible, any other federal funding."

The motion prevailed. So the amendment was adopted.

Senator Lynch moved to amend S.F. No. 1276 as follows:

Page 26, line 23, delete everything after "Chicago"

Page 26, line 24, delete everything before the second period and insert "and the Twin Cities along the preferred route designated in the statewide rail plan"

Page 27, line 4, delete ", La Crescent,"

Page 27, line 5, delete "Winona, Red Wing," and before the period, insert "along the preferred"

route designated in the statewide rail plan"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 41, as follows:

Those who voted in the affirmative were:

Berglin	Fischbach	Johnson	Lynch	Rosen
Carlson	Frederickson	Koch	Olson, G.	Senjem
Day	Gerlach	Koering	Pariseau	Sheran
Dille	Hann	Langseth	Pogemiller	Sparks
Doll	Ingebrigtsen	Limmer	Robling	Tomassoni

Those who voted in the negative were:

Anderson	Fobbe	Marty	Prettner Solon	Stumpf
Bakk	Foley	Metzen	Rest	Torres Ray
Betzold	Gimse	Michel	Rummel	Vandever
Chaudhary	Higgins	Moua	Saltzman	Vickerman
Clark	Jungbauer	Murphy	Saxhaug	Wiger
Cohen	Kelash	Olseen	Scheid	
Dahle	Kubly	Olson, M.	Sieben	
Dibble	Latz	Ortman	Skoe	
Erickson Ropes	Lourey	Pappas	Skogen	

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

Senator Doll moved to amend S.F. No. 1276 as follows:

Page 26, after line 17, insert:

"Sec. 13. **[171.163] COMMERCIAL DRIVER'S LICENSE RECORD KEEPING.**

An agency, court, or public official in Minnesota shall not mask, defer imposition of judgment, or allow an individual to enter into a diversion program that would prevent a conviction for a violation of a state or local traffic control law, except a parking violation, from appearing on the driving record of a holder of a commercial driver's license, when the violation is committed in any type of motor vehicle, or on the driving record of an individual who committed the violation in a commercial motor vehicle."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Sheran moved to amend S.F. No. 1276 as follows:

Page 4, after line 27, insert:

"The commissioner of transportation shall enter into an agreement either to forgive any money due on a loan agreement under contract number 82799 or convert the loan to a grant. The loan was made to the Minnesota Valley Regional Rail Authority, which was established by the counties of

Carver, Sibley, Renville, Redwood, and Yellow Medicine, to enable the Prairie Line Rail coalition to rehabilitate 94.5 miles of rail line from Norwood in Carver County to Hanley Falls in Yellow Medicine County in order to provide transportation service to the counties. The agreement must provide that all terms, provisions, and conditions of the loan agreement are deemed to be fully satisfied and performed on the part of the railroad authority and counties."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Fobbe	Metzen	Robling	Torres Ray
Berglin	Frederickson	Olson, M.	Rosen	Vickerman
Cohen	Higgins	Ortman	Rummel	
Dahle	Kubly	Pappas	Senjem	
Dille	Lynch	Pariseau	Sheran	
Erickson Ropes	Marty	Rest	Sieben	

Those who voted in the negative were:

Bakk	Fischbach	Kelash	Moua	Skoe
Betzold	Foley	Koch	Murphy	Skogen
Carlson	Gerlach	Koering	Olseen	Sparks
Chaudhary	Gimse	Langseth	Olson, G.	Stumpf
Clark	Hann	Latz	Prettner Solon	Tomassoni
Day	Ingebrigtsen	Limmer	Saltzman	Vanderveer
Dibble	Johnson	Lourey	Saxhaug	Wiger
Doll	Jungbauer	Michel	Scheid	

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

Senator Koch moved to amend S.F. No. 1276 as follows:

Page 20, delete section 2

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Jungbauer moved to amend S.F. No. 1276 as follows:

Page 3, after line 16, insert:

"If the appropriation for either year does not exhaust the balance in the state airports fund, the commissioner of finance,

upon request of the commissioner of transportation, shall notify the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over transportation finance of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purpose of airport development and assistance and must be spent according to Minnesota Statutes, section 360.305, subdivision 4."

The motion prevailed. So the amendment was adopted.

Senator Day moved to amend S.F. No. 1276 as follows:

Page 27, after line 5, insert:

"Sec. 15. Minnesota Statutes 2008, section 325D.01, subdivision 5, is amended to read:

Subd. 5. **Cost.** The term "cost", as applied to the wholesale or retail vendor, means:

(1) the actual current delivered invoice or replacement cost, whichever is lower, without deducting customary cash discounts, plus any excise or sales taxes imposed on such commodity, goods, wares or merchandise subsequent to the purchase thereof and prior to the resale thereof, plus the cost of doing business at that location by the vendor; and

(2) where a manufacturer publishes a list price and discounts, in determining such "cost" the manufacturer's published list price then currently in effect, less the published trade discount but without deducting the customary cash discount, plus any excise or sales taxes imposed on such commodity, goods, wares or merchandise subsequent to the purchase thereof and prior to the resale thereof, plus the cost of doing business by the vendor shall be prima facie evidence of "cost"; and

~~(3) for purposes of gasoline offered for sale by way of posted price or indicating meter by a retailer, at a retail location where gasoline is dispensed into passenger automobiles and trucks by the consumer, "cost" means the average terminal price on the day, at the terminal from which the most recent supply of gasoline delivered to the retail location was acquired, plus all applicable state and federal excise taxes and fees, plus the lesser of six percent or eight cents.~~

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Murphy questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the Day amendment.

The roll was called, and there were yeas 19 and nays 44, as follows:

Those who voted in the affirmative were:

Day	Gerlach	Johnson	Olson, G.	Senjem
Dibble	Gimse	Jungbauer	Ortman	Stumpf
Fischbach	Hann	Koch	Pariseau	Vandevveer
Foley	Ingebrigtsen	Michel	Robling	

Those who voted in the negative were:

Anderson	Doll	Latz	Pappas	Sieben
Berglin	Erickson Ropes	Lourey	Pogemiller	Skoe
Betzold	Fobbe	Lynch	Prettner Solon	Skogen
Carlson	Frederickson	Marty	Rest	Sparks
Chaudhary	Higgins	Metzen	Rummel	Tomassoni
Clark	Kelash	Moua	Saltzman	Torres Ray
Cohen	Koering	Murphy	Saxhaug	Vickerman
Dahle	Kubly	Olseen	Scheid	Wiger
Dille	Langseth	Olson, M.	Sheran	

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

Senator Robling moved to amend S.F. No. 1276 as follows:

Page 29, delete section 18

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 40, as follows:

Those who voted in the affirmative were:

Day	Gimse	Koch	Ortman	Vandevveer
Dille	Hann	Limmer	Pariseau	
Fischbach	Ingebrigtsen	Michel	Robling	
Frederickson	Johnson	Moua	Senjem	
Gerlach	Jungbauer	Olson, G.	Sparks	

Those who voted in the negative were:

Anderson	Dibble	Langseth	Olson, M.	Sheran
Berglin	Doll	Latz	Pappas	Sieben
Betzold	Erickson Ropes	Lourey	Pogemiller	Skoe
Carlson	Fobbe	Lynch	Prettner Solon	Skogen
Chaudhary	Foley	Marty	Rest	Tomassoni
Clark	Higgins	Metzen	Rummel	Torres Ray
Cohen	Kelash	Murphy	Saltzman	Vickerman
Dahle	Kubly	Olseen	Scheid	Wiger

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

Senator Ortman moved to amend S.F. No. 1276 as follows:

Page 22, delete section 8

Page 23, delete section 9

Page 24, delete section 11

Page 25, delete section 12

Page 39, delete section 29

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 45, as follows:

Those who voted in the affirmative were:

Betzold	Hann	Limmer	Pariseau	Tomassoni
Doll	Johnson	Metzen	Skogen	Vandever
Fischbach	Koch	Olson, G.	Sparks	
Gerlach	Koering	Ortman	Stumpf	

Those who voted in the negative were:

Anderson	Erickson Ropes	Kubly	Olseen	Saxhaug
Berglin	Fobbe	Langseth	Olson, M.	Scheid
Carlson	Foley	Latz	Pappas	Senjem
Chaudhary	Frederickson	Lourey	Pogemiller	Sheran
Clark	Gimse	Lynch	Prettner Solon	Sieben
Cohen	Higgins	Marty	Rest	Skoe
Dahle	Ingebrigtsen	Michel	Robling	Torres Ray
Dibble	Jungbauer	Moua	Rummel	Vickerman
Dille	Kelash	Murphy	Saltzman	Wiger

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

Senator Vandever moved to amend S.F. No. 1276 as follows:

Page 39, after line 22, insert:

"ARTICLE 4

PASSENGER RAIL

Section 1. Minnesota Statutes 2008, section 16A.88, is amended to read:

16A.88 TRANSIT ASSISTANCE FUND.

Subdivision 1. **Transit assistance fund established.** A transit assistance fund is established within the state treasury. The fund receives money distributed under section 297B.09, subdivision 1, and other money as specified by law. Money in the fund must be allocated to the greater Minnesota transit account under subdivision 1a and the metropolitan area transit account under subdivision 2 in the manner specified in section 297B.09, subdivision 1, and must be used solely for transit purposes under the Minnesota Constitution, article XIV, section 13. Costs of planning, design, engineering, construction, and operation of high-speed passenger rail are included within the meaning of "transit purposes" and "public transit assistance."

Subd. 1a. **Greater Minnesota transit account.** The greater Minnesota transit account is established within the transit assistance fund in the state treasury. Money in the account is annually appropriated to the commissioner of transportation for assistance to transit systems outside the metropolitan area under section 174.24, and for grants to regional railroad authorities to develop and operate high-speed passenger rail, as appropriated by law. The commissioner may use up to

\$408,000 in fiscal year 2008 and \$416,000 in fiscal year 2009 and thereafter for administration of the transit program. The commissioner shall use the account for transit operations as provided in section 174.24 and, related program administration, and high-speed passenger rail.

Subd. 2. **Metropolitan area transit account.** The metropolitan area transit account is established within the transit assistance fund in the state treasury. All money in the account remaining after deducting all specific appropriations from the account is annually appropriated to the Metropolitan Council for the funding of transit systems within the metropolitan area under sections 473.384, 473.386, 473.387, 473.388, and 473.405 to 473.449, and for grants to regional railroad authorities to develop and operate high-speed passenger rail, as appropriated by law.

Sec. 2. **PASSENGER RAIL.**

The commissioner of transportation shall conduct major investment studies and develop engineering documents for a dedicated rail line connecting the cities of Duluth and St. Paul. The rail line must be designed and constructed to allow the operation of an advanced high-speed rail system capable of speeds in excess of 358 miles per hour.

Sec. 3. **GREATER MINNESOTA TRANSIT ACCOUNT.**

The commissioner of transportation shall use up to \$30,000 from the greater Minnesota transit account in the transit assistance fund to carry out the direction in section 2.

Sec. 4. **METROPOLITAN AREA TRANSIT ACCOUNT.**

\$170,000 is appropriated to the commissioner of transportation from the metropolitan area transit account in the transit assistance fund to carry out the direction in section 2. This appropriation must be deducted from the account before money in the account is paid to the Metropolitan Council under Minnesota Statutes, section 16A.88, subdivision 2."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Vandever moved to amend the Vandever amendment to S.F. No. 2076 as follows:

Page 2, line 1, after "constructed" insert ", to the extent possible,"

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

Senator Vandever withdrew his first amendment.

Senator Michel moved to amend S.F. No. 1276 as follows:

Page 21, after line 33, insert:

"Sec. 6. **[168.121] SPECIAL PLATES REMEMBERING VICTIMS OF IMPAIRED DRIVERS.**

Subdivision 1. **Issuance and design.** Notwithstanding section 168.1293, the commissioner shall issue special plates remembering victims of impaired drivers to an applicant who:

(1) is a registered owner of a passenger automobile;

(2) pays a fee of \$10 for each set of license plates applied for; and

(3) complies with this chapter and rules governing registration of motor vehicles and licensing of drivers.

Subd. 2. **Design.** The commissioner shall design the special plate emblem so that it bears an inscription "Remembering Victims of Impaired Drivers" and displays an image of a broken heart.

Subd. 3. **Plates transfer.** On payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile registered to the individual to whom the special plates were issued.

Subd. 4. **Record.** The commissioner shall maintain a record of the number of special plates issued under this section.

Subd. 5. **Fees credited.** Fees collected under this section must be credited to the vehicle services operating account in the special revenue fund.

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

Sec. 7. Minnesota Statutes 2008, section 168.1291, subdivision 1, is amended to read:

Subdivision 1. **Definition.** For purposes of this section "special plates" means plates issued under sections 168.12, subdivisions 2b and 2e; 168.121; 168.1235; and 168.129.

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

Sec. 8. Minnesota Statutes 2008, section 168.1291, subdivision 2, is amended to read:

Subd. 2. **Uniform design of special plates.** (a) The commissioner shall design a single special plate that will contain a unique number and a space for a unique emblem for plates issued under sections 168.12, subdivisions 2b and 2e; 168.121; 168.1235; and 168.129. The commissioner shall design a unique emblem related to the purpose of each special plate.

(b) Any provision of sections 168.12, subdivisions 2b to 2e; 168.121; 168.123; and 168.129, that requires the placement of a specified letter or letters on a special plate applies to those plates only to the extent that the commissioner includes the letter or letters in the design.

(c) If a law authorizing a special plate contains a specific requirement for graphic design of that plate, that requirement applies to the appropriate unique emblem.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Senjem moved to amend S.F. No. 1276 as follows:

Page 31, after line 30, insert:

"Sec. 24. **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 interchange 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 city of Rochester shall be responsible for up to \$5,000,000 of the cost of the design, right-of-way acquisition, and construction for the 65th Street NW Interchange."

Renumber the sections in sequence and correct the internal references

The motion prevailed. So the amendment was adopted.

S.F. No. 1276 was read the third time, as amended, and placed on its final passage.

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

Senator Murphy moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 47 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Kelash	Murphy	Sieben
Bakk	Dille	Koering	Olseen	Skoe
Berglin	Erickson Ropes	Kubly	Olson, M.	Skogen
Betzold	Fobbe	Langseth	Pappas	Stumpf
Carlson	Foley	Latz	Pogemiller	Torres Ray
Chaudhary	Frederickson	Lourey	Prettner Solon	Vickerman
Clark	Gimse	Lynch	Rest	Wiger
Cohen	Higgins	Marty	Saxhaug	
Dahle	Ingebrigtsen	Metzen	Scheid	
Day	Jungbauer	Moua	Sheran	

Those who voted in the negative were:

Doll	Johnson	Olson, G.	Rummel	Tomassoni
Fischbach	Koch	Ortman	Saltzman	Vandever
Gerlach	Limmer	Pariseau	Senjem	
Hann	Michel	Robling	Sparks	

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

Senator Pogemiller moved that S.F. No. 1276 be laid on the table. The motion prevailed.

Pursuant to Rule 26, Senator Pogemiller, Chair of the Committee on Rules and Administration, designated S.F. No. 2099 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2099: A bill for an act relating to state government; appropriating money for environment, natural resources, and energy; establishing fees; providing for disposition of certain fees; establishing certain programs; requiring identification of certain harmful chemicals in products; modifying composting requirements; providing for a greenhouse gas emissions registry; requiring reports; modifying and establishing assessments for certain regulatory expenses; amending Minnesota Statutes 2008, sections 84.415, subdivision 5, by adding a subdivision; 84.63; 84.631; 84.632; 84D.15, subdivision 2; 85.015, subdivisions 1b, 13; 92.685; 93.481, subdivisions

1, 3, 5, 7; 94.342, subdivision 3; 97A.075, subdivision 1; 103G.271, subdivision 6; 103G.301, subdivisions 2, 3; 115A.1314, subdivision 2; 115A.557, subdivision 1; 115A.931; 116.0711; 116C.779, subdivision 2; 216B.62, subdivisions 3, 4, 5, by adding a subdivision; 216C.41, subdivision 5a; Laws 2005, chapter 156, article 2, section 45, as amended; proposing coding for new law in Minnesota Statutes, chapters 86A; 93; 115A; 116; 116J; 216C; 216H; 325E; 383B; repealing Laws 2008, chapter 363, article 5, section 30.

Senator Scheid moved to amend S.F. No. 2099 as follows:

Page 42, line 27, delete the second "or" and insert a comma and after "federal" insert ", or international"

Page 49, line 4, after "federal" insert ", international,"

Page 49, line 5, after "regulating" insert "chemicals of high concern and"

Page 49, line 6, delete everything after "applications" and insert a period

Page 49, delete line 7

The motion prevailed. So the amendment was adopted.

Senator Skoe moved to amend S.F. No. 2099 as follows:

Page 43, delete section 36

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Robling moved to amend S.F. No. 2099 as follows:

Page 39, delete section 33

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Hann moved to amend S.F. No. 2099 as follows:

Page 7, delete lines 4 to 23

Page 39, delete section 32

Correct the subdivision and section totals and the appropriations by fund

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Anderson imposed a call of the Senate for the balance of the proceedings on S.F. No. 2099. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Hann amendment.

The roll was called, and there were yeas 16 and nays 43, as follows:

Those who voted in the affirmative were:

Day	Hann	Koch	Pariseau
Fischbach	Ingebrigtsen	Limmer	Robling
Gerlach	Johnson	Michel	Senjem
Gimse	Jungbauer	Olson, G.	Vandev eer

Those who voted in the negative were:

Anderson	Erickson Ropes	Latz	Prettner Solon	Skogen
Berglin	Fobbe	Lourey	Rest	Sparks
Betzold	Foley	Lynch	Rummel	Stumpf
Carlson	Frederickson	Marty	Saltzman	Tomassoni
Chaudhary	Higgins	Moua	Saxhaug	Torres Ray
Dahle	Kelash	Olseen	Scheid	Vickerman
Dibble	Koering	Olson, M.	Sheran	Wiger
Dille	Kubly	Ortman	Sieben	
Doll	Langseth	Pappas	Skoe	

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

Senator Hann moved to amend S.F. No. 2099 as follows:

Page 18, delete lines 22 to 25

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

Senator Vandev eer moved to amend S.F. No. 2099 as follows:

Page 28, delete section 16

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to Rule 7.5, Senator Anderson questioned whether the Vandev eer amendment was in order. The President ruled the amendment was not in order.

S.F. No. 2099 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 49 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Chaudhary	Dille	Frederickson	Latz
Bakk	Clark	Doll	Higgins	Lourey
Berglin	Cohen	Erickson Ropes	Kelash	Lynch
Betzold	Dahle	Fobbe	Kubly	Marty
Carlson	Dibble	Foley	Langseth	Metzen

Michel	Pappas	Rummel	Sieben	Tomassoni
Moua	Pogemiller	Saltzman	Skoe	Torres Ray
Murphy	Prettner Solon	Saxhaug	Skogen	Vickerman
Olseen	Rest	Scheid	Sparks	Wiger
Olson, M.	Robling	Sheran	Stumpf	

Those who voted in the negative were:

Day	Gimse	Jungbauer	Limmer	Pariseau
Fischbach	Ingebrigtsen	Koch	Olson, G.	Senjem
Gerlach	Johnson	Koering	Ortman	Vandever

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

Senator Pogemiller moved that S.F. No. 2099 be laid on the table. The motion prevailed.

RECESS

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that H.F. No. 2123 be taken from the table. The motion prevailed.

H.F. No. 2123: A bill for an act relating to state government; environment, natural resources, and energy finance; appropriating money for environment and natural resources; authorizing sale of gift cards and certificates; establishing composting competitive grant program; modifying regulation of storm water discharges; modifying waste management reporting requirements and creating a work group; requiring nonresident all-terrain vehicle state trail pass; modifying horse trail and state park pass requirements; requiring disclosure of certain chemicals in children's products by manufacturers; requiring plastic yard waste bags to be compostable and establishing labeling standards; authorizing uses of the Hennepin County solid and hazardous waste fund; modifying greenhouse gas emissions provisions and requiring a registry; establishing and authorizing fees; providing for disposition of certain fees; modifying and establishing assessments for certain regulatory expenses; providing for fish consumption advisories in different languages; limiting use of certain funds; requiring reports; appropriating money to Department of Commerce and Public Utilities Commission to finance activities related to commerce and energy; modifying provisions related to Telecommunications Access Minnesota assessments, insurance audits, insurers and insurance products, certain financial institutions, regulated activities related to certain mortgage transactions and professionals, and debt management and debt settlement services; providing penalties and remedies; appropriating and allocating federal stimulus money for various energy programs; amending Minnesota Statutes 2008, sections 45.011, subdivision 1; 45.027, subdivision 1; 46.04, subdivision 1; 46.05; 46.131, subdivision 2; 47.58, subdivision 1; 47.60, subdivisions 1, 3, 6; 48.21; 58.05, subdivision 3; 58.06, subdivision 2; 58.126; 58.13, subdivision 1; 60A.124; 60A.14, subdivision 1; 60B.03, subdivision 15; 60L.02, subdivision 3; 61B.19, subdivision 4; 61B.28, subdivisions 4, 8; 67A.01; 67A.06; 67A.07; 67A.14, subdivisions 1, 7; 67A.18, subdivision 1; 84.0835, subdivision 3; 84.415, subdivision 5, by adding a subdivision; 84.63; 84.631; 84.632; 84.788, subdivision 3; 84.922, subdivision 1a; 85.015, subdivision 1b; 85.053, subdivision 10; 85.46, subdivisions 3, 4, 7; 93.481, subdivisions 1, 3, 5, 7; 97A.075, subdivision 1; 103G.301,

subdivisions 2, 3; 115.03, subdivision 5c; 115.073; 115.56, subdivision 4; 115.77, subdivision 1; 115A.1314, subdivision 2; 115A.557, subdivision 3; 115A.931; 116.07, subdivision 4d; 116.41, subdivision 2; 116C.834, subdivision 1; 116D.045; 216B.62, subdivisions 3, 4, 5, by adding a subdivision; 216H.10, subdivision 7; 216H.11; 325E.311, subdivision 6; 332A.02, subdivisions 5, 8, 9, 10, 13, by adding a subdivision; 332A.04, subdivision 6; 332A.08; 332A.10; 332A.11, subdivision 2; 332A.14; Laws 2002, chapter 220, article 8, section 15; Laws 2007, chapter 57, article 1, section 4, subdivision 2; Laws 2008, chapter 363, article 5, section 4, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 60A; 61A; 67A; 84; 93; 115A; 116; 216H; 325E; 383B; proposing coding for new law as Minnesota Statutes, chapter 332B; repealing Minnesota Statutes 2008, sections 60A.129; 61B.19, subdivision 6; 67A.14, subdivision 5; 67A.17; 67A.19; Laws 2008, chapter 363, article 5, section 30; Minnesota Rules, parts 2675.2180; 2675.7100; 2675.7110; 2675.7120; 2675.7130; 2675.7140.

SUSPENSION OF RULES

Senator Pogemiller moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2123 and that the rules of the Senate be so far suspended as to give H.F. No. 2123 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2123 was read the second time.

Senator Anderson moved to amend H.F. No. 2123 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 2123, and insert the language after the enacting clause, and the title, of S.F. No. 2099, the second engrossment.

The motion prevailed. So the amendment was adopted.

H.F. No. 2123 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 46 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Lynch	Rest	Sparks
Bakk	Doll	Marty	Robling	Stumpf
Berglin	Erickson Ropes	Metzen	Rummel	Tomassoni
Betzold	Foley	Moua	Saltzman	Torres Ray
Carlson	Frederickson	Murphy	Saxhaug	Vickerman
Chaudhary	Higgins	Olseen	Scheid	Wiger
Clark	Kelash	Olson, M.	Sheran	
Cohen	Kubly	Pappas	Sieben	
Dahle	Langseth	Pogemiller	Skoe	
Dibble	Lourey	Prettner Solon	Skogen	

Those who voted in the negative were:

Day	Ingebrigtsen	Koering	Ortman
Fischbach	Johnson	Limmer	Pariseau
Gerlach	Jungbauer	Michel	Senjem
Gimse	Koch	Olson, G.	Vanderveer

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

Senator Pogemiller, by request, introduced—

S.F. No. 2114: A bill for an act relating to state government; appropriating money for operation of state government; changing certain provisions, requirements, and programs; establishing certain programs; changing certain tax provisions and requirements; requiring certain studies and reports; authorizing rulemaking; imposing penalties; amending Minnesota Statutes 2008, sections 3.737, subdivision 1; 3.7371, subdivision 3; 13.7411, subdivision 8; 16A.725, subdivision 3; 17.03, subdivision 12; 18B.01, subdivision 8, by adding subdivisions; 18B.065, subdivision 2a, by adding subdivisions; 18B.26, subdivision 3; 18E.03, subdivision 2; 28A.085, subdivision 1; 32.394, subdivision 8; 41A.09, subdivisions 2a, 3a; 45.027, subdivision 1; 60A.315, subdivision 6; 61A.02, subdivisions 2, 2a; 61A.072, subdivision 11; 62J.692, subdivision 7; 70A.06, subdivision 2; 84.415, subdivision 5, by adding a subdivision; 84.63; 84.631; 84.632; 85.015, subdivision 1b; 85.019, by adding a subdivision; 93.481, subdivisions 1, 3, 5, 7; 97A.075, subdivision 1; 103A.204; 103B.151, subdivision 1; 103B.315, subdivision 5; 103F.751; 103G.222, subdivision 1; 103G.301, subdivisions 2, 3; 103H.151, subdivision 4; 103H.175, subdivision 3; 103I.208, subdivision 2; 115A.072, subdivision 1; 115A.1314, subdivision 2; 115A.32; 115C.08, subdivision 4; 116C.02, by adding a subdivision; 116C.04, subdivisions 1, 7; 116C.71, by adding a subdivision; 116F.06, subdivision 2; 116G.03, by adding a subdivision; 116G.15; 116G.151; 116J.8731, subdivisions 2, 3; 119B.02, subdivision 5; 119B.09, subdivision 7; 119B.12, subdivision 1; 119B.13, subdivisions 1, 6; 120A.41; 120B.023, subdivision 2; 120B.024; 120B.30, subdivisions 1, 1a, 2; 120B.362; 122A.09, subdivision 4; 122A.18, subdivision 2; 122A.40, subdivision 8; 122A.413, subdivisions 1, 2; 122A.414, subdivisions 1a, 2, 2b, 3, by adding a subdivision; 122A.415, subdivisions 1, 3; 122A.416; 123B.75, subdivision 5; 124D.10, subdivision 13; 124D.11, subdivision 1; 124D.86, subdivision 3; 125A.11, subdivision 1; 125A.744, subdivision 3; 125A.76, subdivision 2; 125A.79, subdivisions 1, 8; 125B.26; 126C.10, subdivisions 1, 2a, 34, by adding a subdivision; 127A.441; 127A.45, subdivisions 2, 3, 13, by adding a subdivision; 129D.13, subdivisions 1, 3; 129D.14, subdivisions 4, 5, 6; 135A.25, subdivision 4; 136A.08, subdivision 1, by adding a subdivision; 136A.127, by adding a subdivision; 137.56; 144.0724, subdivisions 2, 4, 8, by adding subdivisions; 144.121, subdivisions 1a, 1b; 144.122; 144.1222, subdivision 1a; 144.1501, subdivisions 2, 5; 144.226, subdivision 4; 144.72, subdivisions 1, 3; 144.9501, subdivisions 22b, 26a, by adding subdivisions; 144.9505, subdivisions 1g, 4; 144.9508, subdivisions 2, 3, 4; 144.97, subdivisions 2, 4, 6, by adding subdivisions; 144.98, subdivisions 1, 2, 3, by adding subdivisions; 144.99, subdivision 1; 144A.46, subdivision 1; 145.986, subdivision 5; 148.108; 148.6445, by adding a subdivision; 148D.180, subdivisions 1, 2, 3, 5; 148E.180, subdivisions 1, 2, 3, 5; 153A.17; 154.44, subdivision 1; 156.015; 157.15, by adding a subdivision; 157.16; 157.22; 171.29, subdivision 2; 176.011, subdivision 9; 179A.18, subdivision 2; 197.585, subdivision 5; 216B.62, subdivisions 3, 4, 5, by adding subdivisions; 237.295, subdivisions 2, 3, by adding a subdivision; 245.4885, subdivision

1; 245A.03, by adding a subdivision; 245A.10, subdivisions 2, 3, 4, 5, by adding subdivisions; 245A.11, by adding a subdivision; 245C.03, subdivision 2; 245C.04, subdivision 3; 245C.10, subdivision 3, by adding a subdivision; 246.50, subdivision 5, by adding subdivisions; 246.51, by adding subdivisions; 246.511; 246.52; 246B.01, by adding subdivisions; 252.43; 252.46, by adding a subdivision; 254A.02, by adding a subdivision; 254A.16, by adding a subdivision; 254B.03, subdivision 3; 256.01, subdivision 2b, by adding a subdivision; 256.045, subdivision 3; 256.969, subdivisions 2b, 3a; 256.975, subdivision 7; 256.991; 256B.04, subdivisions 14, 16; 256B.055, subdivision 12; 256B.056, subdivisions 3b, 3c, 3d, 10; 256B.057, subdivisions 3, 9; 256B.0575; 256B.0595, subdivisions 1, 2; 256B.0621, subdivision 2; 256B.0625, subdivisions 6a, 7, 8, 8a, 8b, 9, 13e, 17, 19a, 19c, 26, 41, 47, by adding subdivisions; 256B.0651; 256B.0652; 256B.0653; 256B.0654; 256B.0655, subdivision 4; 256B.0657, subdivisions 2, 6, 8; 256B.0911, subdivisions 1, 1a, 3, 3a, 4a, 5, 6, 7, by adding subdivisions; 256B.0913, subdivision 4; 256B.0915, subdivisions 3e, 3h, 5, by adding a subdivision; 256B.0917, by adding a subdivision; 256B.092, subdivision 8a, by adding a subdivision; 256B.0944, by adding a subdivision; 256B.0945, subdivision 4; 256B.0947, subdivision 1; 256B.15, subdivisions 1a, 1h, 2, by adding subdivisions; 256B.199; 256B.37, subdivisions 1, 5; 256B.437, subdivision 6; 256B.441, by adding subdivisions; 256B.49, subdivisions 12, 13, 14, 17, by adding a subdivision; 256B.501, subdivision 4a; 256B.5012, by adding a subdivision; 256B.69, subdivisions 5a, 5c, 5f; 256B.761; 256D.03, subdivisions 3, 4; 256D.06, subdivision 2; 256D.09, subdivision 6; 256D.46; 256D.49, subdivision 3; 256G.02, subdivision 6; 256I.03, subdivision 7; 256I.05, subdivision 1a; 256J.20, subdivision 3; 256J.21, subdivision 2; 256J.24, subdivisions 3, 4, 5a, 10; 256J.37, subdivision 3a, by adding a subdivision; 256J.38, subdivision 1; 256J.45, subdivision 3; 256J.53, subdivision 2; 256J.575, subdivision 3; 256J.621; 256J.626, subdivision 6; 256J.751, by adding a subdivision; 256J.95, subdivision 12; 256L.01, subdivisions 1a, 3a, 4, 5, by adding a subdivision; 256L.02, subdivisions 1, 3; 256L.03, subdivisions 1, 1a, 1b, 3, 5; 256L.04, subdivisions 1, 1a, 2, 8, 10, 13; 256L.05, subdivisions 3, 3a, 3b, 3c, 5; 256L.06, subdivision 3; 256L.07, subdivisions 2, 3, 5, 7, by adding subdivisions; 256L.09, subdivision 2; 256L.11, subdivisions 1, 2a, 6; 256L.12, subdivisions 6, 9; 256L.15, subdivision 1, by adding subdivisions; 256L.17, by adding a subdivision; 257.85, subdivisions 2, 5, 6; 259.67, by adding subdivisions; 260B.441; 268.19, subdivision 1; 270A.03, subdivision 7; 270A.09, by adding a subdivision; 270B.14, subdivision 3; 270B.15; 272.02, by adding a subdivision; 272.029, subdivision 7; 273.1384, subdivision 4; 289A.02, subdivision 7; 289A.12, by adding a subdivision; 289A.50, subdivision 1; 290.01, subdivisions 6, 19, 19a, 19b, 19c, 19d, 29, 31; 290.06, subdivisions 1, 2c, by adding subdivisions; 290.067, subdivisions 1, 2a; 290.0671, subdivision 1; 290.091, subdivision 2; 290.0921, subdivisions 1, 3; 290.0922, subdivisions 2, 3; 290.095, subdivisions 2, 11; 290A.03, subdivisions 3, 11, 13, 15; 290C.07; 291.005, subdivision 1; 295.58; 297A.68, subdivision 5, by adding a subdivision; 297A.75, subdivision 1; 297I.05, subdivision 5; 298.285; 326B.33, subdivision 19; 326B.46, subdivision 4; 326B.475, subdivisions 4, 7; 326B.49, subdivision 1; 326B.56, subdivision 4; 326B.58; 326B.815, subdivision 1; 326B.821, subdivision 2; 326B.86, subdivision 1; 326B.885, subdivision 2; 326B.89, subdivisions 3, 16; 326B.94, subdivision 4; 326B.972; 326B.986, subdivisions 2, 5, 8; 327.14, by adding a subdivision; 327.15; 327.16; 327.20, subdivision 1, by adding a subdivision; 327B.04, subdivisions 7, 8, by adding a subdivision; 352.72, subdivision 1; 352.90; 352.91, subdivisions 1, 3h; 352.93, subdivisions 1, 2a, 4, by adding a subdivision; 356.30, subdivision 1; 393.07, subdivision 10; 462A.05, subdivisions 14, 14a; 471.345, subdivision 15; 477A.0124, by adding a subdivision; 477A.013, subdivision 9, by adding a subdivision; 477A.03, subdivisions 2a, 2b; 477A.12, subdivision 1; 477A.14, subdivision 1; 501B.89, by adding a subdivision; 518A.53, subdivisions 1, 4, 10; 518A.60; 519.05; 604A.33, subdivision 1; 609.232, subdivision 11; 626.5572, subdivisions 6, 21; Laws 2003, First Special

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Referred to the Committee on Rules and Administration.

MEMBERS EXCUSED

Senator Bonoff was excused from the Session of today. Senator Pogemiller was excused from the Session of today from 2:00 to 2:35 p.m. Senator Rosen was excused from the Session of today at 2:00 p.m. Senator Limmer was excused from the Session of today from 2:15 to 2:45 p.m. Senator Stumpf was excused from the Session of today from 2:30 to 3:00 p.m. Senator Saxhaug was excused from the Session of today from 2:50 to 3:00 p.m. Senator Hann was excused from the Session of today at 4:40 p.m. Senator Fobbe was excused from the Session of today at 5:00 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 11:30 a.m., Friday, April 24, 2009. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

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