

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2005

THIRTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 7, 2005

The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Father Thomas Kummings, Catholic Church of St. Joseph, Red Wing, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dill	Heidgerken	Larson	Opatz	Sieben
Abrams	Dittrich	Hilstrom	Latz	Otremba	Simon
Anderson, B.	Dorman	Hilty	Lenczewski	Ozment	Simpson
Anderson, I.	Dorn	Holberg	Lesch	Paulsen	Slawik
Atkins	Eastlund	Hoppe	Liebling	Paymar	Smith
Beard	Eken	Hornstein	Lieder	Pelowski	Solberg
Bernardy	Ellison	Hortman	Lillie	Penas	Sykora
Blaine	Emmer	Hosch	Loeffler	Peppin	Thao
Bradley	Entenza	Howes	Magnus	Peterson, A.	Tingelstad
Brod	Erhardt	Jaros	Mahoney	Peterson, N.	Urdahl
Buesgens	Erickson	Johnson, J.	Mariani	Peterson, S.	Vandever
Carlson	Finstad	Johnson, R.	Marquart	Poppe	Wagenius
Charron	Fritz	Johnson, S.	McNamara	Powell	Walker
Clark	Garofalo	Juhnke	Meslow	Rukavina	Wardlow
Cornish	Gazelka	Kahn	Moe	Ruth	Walti
Cox	Goodwin	Kelliher	Mullery	Ruud	Westerberg
Cybart	Greiling	Klinzing	Murphy	Sailor	Westrom
Davids	Gunther	Knoblach	Nelson, M.	Samuelson	Wilkin
Davnie	Hackbarth	Koenen	Nelson, P.	Scalze	Zellers
Dean	Hamilton	Kohls	Newman	Seifert	Spk. Sviggum
DeLaForest	Hansen	Krinkie	Nornes	Sertich	
Demmer	Hausman	Lanning	Olson	Severson	

A quorum was present.

Dempsey, Huntley and Thissen were excused.

Soderstrom was excused until 3:35 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Juhnke moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 370 and H. F. No. 936, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Johnson, J., moved that the rules be so far suspended that S. F. No. 370 be substituted for H. F. No. 936 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Hackbarth from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 460, A bill for an act relating to natural resources; modifying off-highway vehicle provisions; providing certain rulemaking exemptions; modifying forest classification review; amending Minnesota Statutes 2004, sections 84.798, subdivision 1; 84.9256, subdivision 1; 84.926; 89.19, subdivision 2; Laws 2003, chapter 128, article 1, section 167, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 84.033, is amended by adding a subdivision to read:

Subd. 3. [COUNTY APPROVAL.] The commissioner must follow the procedures under section 97A.145, subdivision 2, for scientific and natural areas acquired under this section.

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

Sec. 2. Minnesota Statutes 2004, section 84.798, subdivision 1, is amended to read:

Subdivision 1. [GENERAL REQUIREMENTS.] Unless exempted under subdivision 2, after January 1, 1995, a person may not operate and an owner may not give permission for another to operate ~~a vehicle off road, nor may a person have an off-road vehicle not registered under chapter 168 in possession at an off-road vehicle staging area, or designated trail on lands administered by the commissioner, on trails or area areas designated for off-road vehicle use, or on off-road vehicle grant-in-aid trails and areas funded under section 84.803,~~ unless the vehicle has been registered under this section.

Sec. 3. Minnesota Statutes 2004, section 84.926, is amended to read:

84.926 ~~[VEHICLE USE ALLOWED ON PUBLIC LANDS BY THE COMMISSIONER; EXCEPTIONS.]~~

Subdivision 1. [EXCEPTION BY PERMIT.] Notwithstanding ~~section~~ sections 84.773, subdivision 1, and 84.777, on a case by case basis, the commissioner may issue a permit authorizing a person to operate an off-highway vehicle on individual public trails under the commissioner's jurisdiction during specified times and for specified purposes.

Subd. 2. [ALL-TERRAIN VEHICLES; MANAGED OR LIMITED FORESTS; OFF TRAIL.] Notwithstanding section 84.777, on state forest lands classified as managed or limited, other than the Richard J. Dorer Memorial Hardwood Forest, a person may use an all-terrain vehicle off forest trails or forest roads when:

(1) hunting big game or transporting or installing hunting stands during October, November, and December, when in possession of a valid big game hunting license;

(2) retrieving big game in September, when in possession of a valid big game hunting license;

(3) tending traps during an open trapping season for protected furbearers, when in possession of a valid trapping license; or

(4) trapping minnows, when in possession of a valid minnow dealer, private fish hatchery, or aquatic farm license.

Subd. 3. [ALL-TERRAIN VEHICLES; CLOSED FORESTS; HUNTING.] Notwithstanding section 84.777, the commissioner may determine whether all-terrain vehicles are allowed on specific forest roads, on state forest lands classified as closed, for the purpose of hunting big game during an open big game season. The determination shall be by written order as published in the State Register and is exempt from chapter 14. Section 14.386 does not apply.

Subd. 4. [OFF-ROAD AND ALL-TERRAIN VEHICLES; LIMITED OR MANAGED FORESTS; TRAILS.] Notwithstanding section 84.777, on state forest lands classified as limited or managed, other than the Richard J. Dorer Memorial Hardwood Forest, a person may use vehicles registered under chapter 168 or section 84.798 or 84.922 on forest trails that are not designated for a specific use when:

(1) hunting big game or transporting or installing hunting stands during October, November, and December, when in possession of a valid big game hunting license;

(2) retrieving big game in September, when in possession of a valid big game hunting license;

(3) tending traps during an open trapping season for protected furbearers, when in possession of a valid trapping license; or

(4) trapping minnows, when in possession of a valid minnow dealer, private fish hatchery, or aquatic farm license.

Sec. 4. Minnesota Statutes 2004, section 97A.093, is amended to read:

97A.093 [HUNTING, TRAPPING, AND FISHING IN SCIENTIFIC AND NATURAL AREAS.]

Except as otherwise provided by law, scientific and natural areas are closed to hunting, trapping, and fishing unless:

(1) ~~for scientific and natural areas designated before May 15, 1992,~~ the designating document allows hunting, trapping, or fishing; or

(2) ~~for other scientific and natural areas,~~ the commissioner allows hunting, trapping, or fishing in accordance with the procedure in section 86A.05, subdivision 5, paragraph (d).

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

Sec. 5. Minnesota Statutes 2004, section 97A.465, is amended by adding a subdivision to read:

Subd. 5. [PREFERENCE TO SERVICE MEMBERS.] (a) For purposes of this subdivision:

(1) "qualified service member or veteran" means a Minnesota resident who is currently serving, or has served at any time during the past 24 months, in active service as a member of the United States armed forces, including the National Guard or other military reserves; and

(2) "active service" means service defined under section 190.05, subdivision 5b or 5c.

(b) Notwithstanding any other provision of this chapter, chapter 97B or 97C, or administrative rules, the commissioner may give first preference to qualified service members or veterans in any drawing or lottery involving the selection of applicants for hunting or fishing licenses and permits. This subdivision does not apply to licenses or permits for taking moose, elk, or prairie chickens. Actions of the commissioner under this subdivision are not rules under the Administrative Procedures Act and section 14.386 does not apply.

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

Sec. 6. Minnesota Statutes 2004, section 103G.271, subdivision 5, is amended to read:

Subd. 5. [PROHIBITION ON ONCE-THROUGH WATER USE PERMITS.] (a) The commissioner may not, after December 31, 1990, issue a water use permit to increase the volume of appropriation from a groundwater source for a once-through cooling system using in excess of 5,000,000 gallons annually.

(b) Once-through system water use permits using in excess of 5,000,000 gallons annually, must be terminated by the commissioner by the end of their design life but not later than December 31, 2010, unless the discharge is into a public water basin within a nature preserve approved by the commissioner and established prior to January 1, 2001. Existing once-through systems must not be expanded and are required to convert to water efficient alternatives within the design life of existing equipment.

(c) Notwithstanding paragraphs (a) and (b), the commissioner, with the approval of the commissioners of health and the Pollution Control Agency, may issue once-through system water use permits on an annual basis for aquifer storage and recovery systems that return all once-through system water to the source aquifer. Water use permit processing fees in subdivision 6, paragraph (a), apply to all water withdrawals under this paragraph, including any reuse of water returned to the source aquifer.

Sec. 7. Minnesota Statutes 2004, section 115A.072, subdivision 1, is amended to read:

Subdivision 1. [ENVIRONMENTAL EDUCATION ADVISORY BOARD.] (a) The director shall provide for the development and implementation of environmental education programs that are designed to meet the goals listed in section 115A.073.

(b) The Environmental Education Advisory Board shall advise the director in carrying out the director's responsibilities under this section. The board consists of 20 members as follows:

(1) a representative of the Pollution Control Agency, appointed by the commissioner of the agency;

(2) a representative of the Department of Education, appointed by the commissioner of education;

(3) a representative of the Department of Agriculture, appointed by the commissioner of agriculture;

- (4) a representative of the Department of Health, appointed by the commissioner of health;
- (5) a representative of the Department of Natural Resources, appointed by the commissioner of natural resources;
- (6) a representative of the Board of Water and Soil Resources, appointed by that board;
- (7) a representative of the Environmental Quality Board, appointed by that board;
- (8) a representative of the Board of Teaching, appointed by that board;
- (9) a representative of the University of Minnesota Extension Service, appointed by the director of the service;
- (10) a citizen member from each congressional district, of which two must be licensed teachers currently teaching in the K-12 system, appointed by the director; and
- (11) three at-large citizen members, appointed by the director.

The citizen members shall serve two-year terms. Compensation of board members is governed by section 15.059, subdivision 6. The board expires on June 30, ~~2003~~ 2008.

Sec. 8. Minnesota Statutes 2004, section 115A.12, is amended to read:

115A.12 [ADVISORY COUNCILS.]

(a) The director shall establish ~~a Solid Waste Management Advisory Council and a Prevention, Reduction, and Recycling~~ an Environmental Innovations Advisory Council that ~~are~~ is broadly representative of the geographic areas and interests of the state.

~~(b) The solid waste council shall have not less than nine nor more than 21 members. The membership of the solid waste council shall consist of one third citizen representatives, one third representatives from local government units, and one third representatives from private solid waste management firms. The solid waste council shall contain at least three members experienced in the private recycling industry and at least one member experienced in each of the following areas: state and municipal finance; solid waste collection, processing, and disposal; and solid waste reduction and resource recovery.~~

~~(c) (b) The Prevention, Reduction, and Recycling Environmental Innovations Advisory Council shall have not less than nine nor or more than 24 members. The membership shall consist of one third citizen representatives, one third representatives of government, institutional, and one third representatives of business and industry representatives. The director may appoint nonvoting members from other environmental and business assistance providers in the state.~~

~~(d) (c) The chairs chair of the advisory councils council shall be appointed by the director. The director shall provide administrative and staff services for the advisory councils council. The advisory councils council shall have such duties as are assigned by law or the director. The Solid Waste Advisory Council shall make recommendations to the office on its solid waste management activities. The Prevention, Reduction, and Recycling Environmental Innovations Advisory Council shall make recommendations to the office on policy, programs, and legislation in pollution prevention, waste reduction, reuse and recycling, and resource conservation, and the management of hazardous waste. The Environmental Innovations Advisory Council shall focus on developing and implementing innovative programs that improve Minnesota's environment by emphasizing front-end preventative, and resource conservation approaches to preventing waste and pollution. The council shall emphasize partnerships of~~

government, citizens, institutions, and business to develop and implement these programs. Members of the advisory ~~councils~~ council shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the director. Notwithstanding section 15.059, subdivision 5, the ~~Solid Waste Management Advisory Council and the Prevention, Reduction, and Recycling~~ Environmental Innovations Advisory Council ~~expire~~ expires June 30, ~~2003~~ 2009.

Sec. 9. Minnesota Statutes 2004, section 115A.929, is amended to read:

115A.929 [FEES; ACCOUNTING.]

Each political subdivision that provides for solid waste management shall account for all revenue collected from waste management fees, together with interest earned on revenue from the fees, separately from other revenue collected by the political subdivision and shall report revenue collected from the fees and use of the revenue separately from other revenue and use of revenue in any required financial report or audit. ~~Each political subdivision must file with the director, on or before June 30 annually, the separate report of all revenue collected from waste management fees, together with interest on revenue from the fees, for the previous year.~~ For the purposes of this section, "waste management fees" means:

- (1) all fees, charges, and surcharges collected under sections 115A.919, 115A.921, and 115A.923;
- (2) all tipping fees collected at waste management facilities owned or operated by the political subdivision;
- (3) all charges imposed by the political subdivision for waste collection and management services; and
- (4) any other fees, charges, or surcharges imposed on waste or for the purpose of waste management, whether collected directly from generators or indirectly through property taxes or as part of utility or other charges for services provided by the political subdivision.

Sec. 10. Minnesota Statutes 2004, section 609.66, subdivision 1h, is amended to read:

Subd. 1h. [SILENCERS; AUTHORIZED FOR LAW ENFORCEMENT AND NATURAL RESOURCE WILDLIFE CONTROL PURPOSES.] Notwithstanding subdivision 1a, paragraph (a), clause (1), licensed peace officers may use devices designed to silence or muffle the discharge of a firearm for wildlife control operations under subdivision 2 or for tactical emergency response operations. Tactical emergency response operations include execution of high risk search and arrest warrants, incidents of terrorism, hostage rescue, and any other tactical deployments involving high risk circumstances. The chief law enforcement officer of a law enforcement agency that has the need to use silencing devices must establish and enforce a written policy governing the use of the devices.

Sec. 11. Minnesota Statutes 2004, section 609.66, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] Nothing in this section prohibits:

- (1) the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition; and
- (2) the possession, use, and transportation of a silencer by a federal, state, local, or tribal government agency for the purpose of wildlife control. The chief enforcement officer of each government agency that has a need to use silencing devices must establish and enforce a written policy governing the use of the devices.

Sec. 12. Laws 2003, chapter 128, article 1, section 167, subdivision 1, is amended to read:

Subdivision 1. [FOREST CLASSIFICATION STATUS REVIEW.] (a) By December 31, 2006, the commissioner of natural resources shall complete a review of the forest classification status of all state forests classified as managed, all forest lands under the authority of the commissioner as defined in Minnesota Statutes, section 89.001, subdivision 13, and lands managed by the commissioner under Minnesota Statutes, section 282.011. The review must be conducted on a forest-by-forest and area-by-area basis in accordance with the process and criteria under Minnesota Rules, part 6100.1950. After each forest is reviewed, the commissioner must change its status to limited or closed, and must provide a similar status for each of the other areas subject to review under this section after each individual review is completed.

(b) If the commissioner determines on January 1, 2005, that the review required under this section cannot be completed by December 31, 2006, the completion date for the review shall be extended to December 31, 2008. By January 15, 2005, the commissioner shall report to the chairs of the legislative committees with jurisdiction over natural resources policy and finance regarding the status of the process required by this section.

(c) Until December 31, 2010, the state forests and areas subject to review under this section are exempt from Minnesota Statutes, section 84.777, unless an individual forest or area has been classified as limited or closed.

(d) This subdivision does not apply to forest lands north of U.S. Highway 2. All forest lands under the authority of the commissioner as defined in Minnesota Statutes, section 89.001, subdivision 13, and lands managed by the commissioner under Minnesota Statutes, section 282.011, that are north of U.S. Highway 2 shall be classified as managed for the purpose of off-highway vehicle use.

Sec. 13. Laws 2004, chapter 220, section 1, is amended to read:

Section 1. [ENVIRONMENTAL REVIEW; IRON NUGGET PRODUCTION SCALE DEMONSTRATION FACILITY EXEMPTION.]

(a) The first iron nugget production scale demonstration facility that meets all of the criteria in this section shall be exempt from environmental review under Minnesota Statutes, chapter 116D and Minnesota Rules, chapter 4410. The qualifying project must:

(1) be the first iron nugget production scale demonstration facility in Minnesota;

(2) involve a single rotary hearth furnace of maximum ~~outside pitch circle~~ pitch circle diameter, as measured from the midpoint of hearth to the midpoint of hearth, of 60 meters;

(3) be located outside the area adjacent to the north shore of Lake Superior classified as the lake orientation zone in the Department of Natural Resources report entitled "North Shore Characterization Study"; and

(4) have complete permit applications submitted to the appropriate state agencies ~~in calendar year 2004 by June 30, 2005~~, for all permits required to construct and operate the facility.

(b) The Department of Natural Resources, the Environmental Quality Board, the Pollution Control Agency, and any other state agency with applicable permit-granting authority shall provide public notice for any necessary permits for the iron nugget production scale demonstration facility within four months of receiving complete applications.

(c) If the first iron nugget production scale demonstration facility to qualify for this exemption is proposed as a stationary source that has permitted taconite pellet furnaces, permanent shutdown of those pellet furnaces, prior to start-up of the iron nugget production scale demonstration facility, shall be a requirement in the iron nugget

production scale demonstration facility air quality permit. The shutdown of these furnaces shall not be creditable in calculating the "net emissions increase," as defined in Code of Federal Regulations, title 40, section 52.21, for this project.

(d) The Pollution Control Agency shall strive in the permitting process to assure the lowest mercury emissions reasonably possible.

(e) Permit applications must comply with applicable law, except that an iron nugget production scale demonstration facility that meets the criteria in this section is exempt from environmental review under Minnesota Statutes, chapter 116D and Minnesota Rules, chapter 4410, and the company is not required to perform an environmental review before permits are issued for the iron nugget production scale demonstration facility.

(f) The construction and operation of the iron nugget production scale demonstration facility will demonstrate whether the technology is technically and economically feasible at this larger scale. Environmental data from the operation of the iron nugget production scale demonstration facility may be used in the environmental review and permitting of commercial scale facilities built elsewhere in Minnesota.

(g) The exemption does not affect any existing permit requirement that may require environmental review for a commercial scale iron nugget facility at an existing taconite facility located within the area adjacent to the north shore of Lake Superior classified as the lake orientation zone in the Department of Natural Resources report entitled "North Shore Characterization Study."

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

Sec. 14. [CONSUMPTIVE USE OF GROUNDWATER.]

Pursuant to Minnesota Statutes, section 103G.265, subdivision 3, the legislature approves the consumptive use of groundwater under a permit of more than 2,000,000 gallons per day average in a 30-day period in the St. Paul Regional Water Services service area in connection with a municipal water supply system operated by the St. Paul Board of Water Commissioners, subject to a determination by the commissioner of natural resources that the water remaining in the basin of origin will be adequate to meet the basin's need for water and subject to subsequent approval by the commissioner.

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

Sec. 15. [REPEALER.]

Minnesota Statutes 2004, section 84.033, subdivision 2, is repealed.

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

Delete the title and insert:

"A bill for an act relating to natural resources; modifying acquisition, designation, and use provisions for scientific and natural areas; modifying off-highway vehicle provisions; authorizing the commissioner to give preference in certain hunting and fishing license and permit lotteries to military service members and veterans; modifying water use permit provisions; modifying environmental advisory boards; modifying reporting requirements for certain waste management revenue; authorizing the use of silencers for certain wildlife control; modifying requirements for forest classification status review; modifying requirements for exempt iron nugget production scale demonstration facility; providing for the consumptive use of groundwater; amending Minnesota

Statutes 2004, sections 84.033, by adding a subdivision; 84.798, subdivision 1; 84.926; 97A.093; 97A.465, by adding a subdivision; 103G.271, subdivision 5; 115A.072, subdivision 1; 115A.12; 115A.929; 609.66, subdivisions 1h, 2; Laws 2003, chapter 128, article 1, section 167, subdivision 1; Laws 2004, chapter 220, section 1; repealing Minnesota Statutes 2004, section 84.033, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 806, A bill for an act relating to education; providing for immunity from liability for school district and district employee notification of students with a history of violent behavior; amending Minnesota Statutes 2004, sections 121A.64; 121A.75, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 815, A bill for an act relating to local government; requiring a city council to vote on charter commission recommendations for charter amendments by ordinance; amending Minnesota Statutes 2004, section 410.12, subdivision 7.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Buesgens from the Committee on Education Policy and Reform to which was referred:

H. F. No. 827, A bill for an act relating to education; providing for a state coordinator for school world languages programs; providing for grants to model extended world languages programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 127A.

Reported the same back with the following amendments:

Page 1, line 13, delete "the Quality Teaching Network" and insert "within the department"

Page 3, line 2, before "with" insert ":(1)"

Page 3, line 5, before the period insert "; and (2) based on professionally recognized proficiency guidelines that incorporate the current best practices for world language programs"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education Finance.

The report was adopted.

Buesgens from the Committee on Education Policy and Reform to which was referred:

H. F. No. 832, A bill for an act relating to education; providing for a school site governance program; proposing coding for new law in Minnesota Statutes, chapter 123B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [123B.042] [SCHOOL SITE GOVERNANCE PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] A school site governance program is established to provide schools with more authority and flexibility to teach and provide services to students at the school site.

Subd. 2. [SITE DECISION-MAKING TEAM.] (a) To participate in the program, a school must form a site decision-making team that includes a school principal or other persons having general control and supervision of the school, at least one teacher in the school, one noninstructional staff person in the school, and at least one parent of a student enrolled in the school or other community member. By October 1 of the school year before participating in the program, the school site decision-making team must:

(1) be approved by a 60 percent vote of employees in the school;

(2) adopt a policy describing how it will delegate authority and responsibilities among its members; and

(3) notify the school board of its intent to participate in the program.

(b) After notifying the school board under paragraph (a), clause (3), the school site decision-making team shall publish a notice in a newspaper of general circulation in the district of its intent to participate in the program and the date it will hold a public hearing about its intended participation. In addition to holding the public hearing, the decision-making team, for a period of 30 days, must also solicit parent and community input regarding its intended participation.

(c) By January 15, the decision-making team shall demonstrate to the school board how the team's plan responds to public comment.

Subd. 3. [RESPONSIBILITIES; REVENUE.] (a) A school site decision-making team participating in this program:

(1) has the control and responsibilities of the school board, including such responsibilities as instructional practices, personnel selection from within the district, and staffing assignments for the school; and

(2) retains control of the revenue and determines its use as necessary to operate the school for the school years it participates in the program under this section.

(b) By January 15 of the school year before participating in the program, the school site decision-making team must enter into a written agreement with the local school board describing the control and responsibilities of the decision-making team and of the school board. Revenue for a fiscal year received or receivable by the district and that the district would expend for the particular school site participating in the program is allocated to that school site. All other district revenue not reserved for other purposes must be proportionately allocated to the site based on the site's pupil count. The agreement must include provisions describing how the decision-making team and school

board will resolve disputes over assigned authority and responsibilities. The school board members must vote whether to authorize the agreement under this paragraph according to section 123B.09, subdivision 6. The decision of the school board is final. If the school board does not authorize the agreement, the school board must publish its decision and reasons in a newspaper of general circulation in the district.

(c) The district must maintain an account for each school site participating in the program.

(d) The school site decision-making team must comply with section 13D.04, subdivision 1.

Subd. 4. [EMPLOYEES.] The employees of the school site remain employees of the school district for salary, benefits, seniority, retirement, and other personnel issues, consistent with current law and the collective bargaining agreement in effect, the school site decision-making team selects employees from within the district into licensed and nonlicensed positions at the school site, including the position of principal or other person having general control and supervision of the school. When negotiating a new contract under chapter 179A, an exclusive representative and school board must provide for the employees of a school site participating in the program under this section.

Subd. 5. [PERFORMANCE AGREEMENTS.] By March 15 of the school year before participating in the program, the school site decision-making team shall enter into a performance agreement with the school board. The agreement shall include:

(1) the previous year's baseline information at the site regarding student achievement based on:

(i) aggregated and disaggregated statewide testing data;

(ii) other nationally normed standardized tests;

(iii) student attendance; and

(iv) dropout rates and graduation rates, where applicable;

(2) the expected levels of improvement in selected areas of student performance during the next year;

(3) how student performance will be measured, including assessment procedures required by law and rule;

(4) status of the school's revenues and expenditures;

(5) other performance expectations and measures agreed upon by the school site and school board;

(6) the frequency of reporting by the school site to the school board; and

(7) how the performance results will be made available to parents and the public.

The term of an agreement shall be for no more than two years.

The performance agreement must include provisions describing how the school board and school site decision-making team will resolve disputes over the school's compliance with provisions of the agreement.

If the school site decision-making team and school board cannot agree on the provisions of a performance agreement as required under this subdivision, either party may request assistance from the commissioner of education. The commissioner shall provide assistance to the parties to ensure they reach an agreement.

Subd. 6. [TERMINATION OF SITE-BASED PROGRAM AUTHORITY.] If a school site fails to meet the agreed upon expectations as specified in the performance agreement with the school board for two consecutive school years, its authority to participate in the program is terminated.

School sites that have had their authority to participate in this program terminated under this subdivision may not participate in this program for three years after termination.

Subd. 7. [REPORTS.] A school site decision-making team shall, and its respective school board may, make an annual report to the commissioner of education by September 1. The reports shall be consistent with the requirements of section 120B.11, subdivision 5, paragraph (a).

Subd. 8. [COMMISSIONER'S DUTY.] The commissioner of education shall evaluate the effectiveness of the program by January 1, 2010.

Sec. 2. [SCHOOL SITE GOVERNANCE PROGRAM GRANTS; APPROPRIATION.]

The sums indicated in this section are appropriated from the general fund for the fiscal years designated to the commissioner of education for grants to schools that have entered into an agreement with their school boards for participation in the school site governance program under Minnesota Statutes, section 123B.042:

<u>\$.....</u>	<u>2006</u>
<u>\$.....</u>	<u>2007</u>

These appropriations must be used for the planning and implementation of school site governance. The commissioner shall establish the form and manner of school site application for a grant."

Delete the title and insert:

"A bill for an act relating to education; providing for a school site governance program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 123B."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education Finance.

The report was adopted.

Buesgens from the Committee on Education Policy and Reform to which was referred:

H. F. No. 867, A bill for an act relating to education; enacting the American Heritage Education in Minnesota Public Schools Act; proposing coding for new law in Minnesota Statutes, chapter 120B.

Reported the same back with the following amendments:

Page 1, line 7, delete "develop and establish a policy"

Page 1, line 8, delete "for" and insert "permit" and delete "assure that all" and insert "ensure" and delete "are"

Page 1, line 9, delete "encouraged, and" and delete the second comma

Page 1, line 10, delete "are pertinent to" and insert "provide an" and after "understanding" insert "of"

Page 1, line 16, after "to" insert "appropriately"

Page 1, line 18, after "the" insert "original source"

Page 2, line 9, delete "limit" and insert "editor"

Page 2, line 11, after "in" insert "original source"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education Finance.

The report was adopted.

Buesgens from the Committee on Education Policy and Reform to which was referred:

H. F. No. 1016, A bill for an act relating to education; allowing a school district to apply general provisions of the Pupil Fair Dismissal Act to a child whose parent refuses to consent to an initial evaluation; amending Minnesota Statutes 2004, section 125A.091, subdivision 5.

Reported the same back with the following amendments:

Page 1, line 18, after the second "child" insert "in any subsequent disciplinary action"

Page 1, line 20, after the period, insert "A parent's refusal to consent to an initial evaluation or reevaluation under this paragraph is not a ground for disciplinary action under sections 121A.40 to 121A.56."

With the recommendation that when so amended the bill pass.

The report was adopted.

Holberg from the Committee on Transportation Finance to which was referred:

H. F. No. 1189, A bill for an act relating to traffic regulations; removing an expiration date on an exception to seasonal weight limits for certain recycling and garbage trucks; amending Minnesota Statutes 2004, section 169.87, subdivision 6.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Buesgens from the Committee on Education Policy and Reform to which was referred:

H. F. No. 1229, A bill for an act relating to education; providing for an election to determine whether to detach land from an existing school district for a new independent school district; proposing coding for new law in Minnesota Statutes, chapter 123A.

Reported the same back with the following amendments:

Page 1, line 16, after "whether" insert ", as of the date when a new board can be elected and qualified under subdivision 2."

Page 2, delete lines 1 to 16 and insert:

"Subd. 2. [SCHOOL BOARD ELECTIONS.] (a) The county auditor of the county that contains the greatest land area for the newly constituted school district and the county auditor of the county that contains the greatest land area for the newly reconstituted school district must determine a date, not less than 30 nor more than 60 days after the voters approve the detachment ballot question under subdivision 1, to hold a special election in the district for the purpose of electing a board of six members for terms of four years and until successors are elected and qualified under the applicable provisions in chapter 205A. The provisions of section 123A.48, subdivision 20, paragraphs (a) to (e), governing school board elections in consolidating districts shall apply to the newly constituted and newly reconstituted districts under this section.

(b) Notwithstanding any law to the contrary, the terms of the board members of the school district from which land is being detached continue until the first school board members are elected and qualified under this subdivision.

(c) Notwithstanding any law to the contrary, an individual may serve on the school board of the school district from which land is being detached and subsequently, if a resident of the district, on a school board elected and qualified under this subdivision."

Page 2, line 22, delete "each of the two" and insert "a"

Page 2, line 23, delete "districts" and insert "district"

Page 2, line 25, after "board" insert "or the voters" and delete "the newly classified" and insert "that"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education Finance.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1230, A bill for an act relating to consumer protection; regulating wireless telephone directories; protecting consumer privacy; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [325E.317] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 325E.317 and 325E.318, the terms defined in this section have the meanings given them.

Subd. 2. [PROVIDER.] "Provider" means a provider of wireless telecommunications services.

Subd. 3. [TELECOMMUNICATIONS SERVICES.] "Telecommunications services" has the meaning given in section 297A.61, subdivision 24, paragraph (a).

Subd. 4. [WIRELESS DIRECTORY ASSISTANCE SERVICE.] "Wireless directory assistance service" means any service for connecting calling parties to a wireless telecommunications services customer when the calling parties themselves do not possess the customer's wireless telephone number information.

Subd. 5. [WIRELESS TELECOMMUNICATIONS SERVICES.] "Wireless telecommunications services" has the meaning given in section 325F.695.

Subd. 6. [WIRELESS TELEPHONE DIRECTORY.] "Wireless telephone directory" means a directory or database containing wireless telephone number information or any other identifying information by which a calling party may reach a wireless telecommunications services customer.

Subd. 7. [WIRELESS TELEPHONE NUMBER INFORMATION.] "Wireless telephone number information" means the telephone number, electronic address, and any other identifying information by which a calling party may reach a wireless telecommunications services customer, which is assigned by a provider to the customer and includes the customer's name and address.

Sec. 2. [325E.318] [WIRELESS DIRECTORIES.]

Subdivision 1. [NOTICE.] No provider of wireless telecommunications service, or any direct or indirect affiliate or agent of a provider, may include the wireless telephone number information of a customer in a wireless telephone directory assistance service database or publish, sell, or otherwise disseminate the contents of a wireless telephone directory assistance service database unless the provider provides a conspicuous notice to the subscriber informing the subscriber that the subscriber will not be listed in a wireless directory assistance service database without the subscriber's prior express authorization.

Subd. 2. [AUTHORIZATION.] (a) A provider, or any direct or indirect affiliate or agent of a provider, may not disclose, provide, or sell a customer's wireless telephone number information, or any part thereof, for inclusion in a wireless telephone directory of any form, and may not sell a wireless telephone directory containing a customer's wireless telephone number information without first receiving prior express authorization from the customer. The customer's authorization must meet the following requirements:

(1) consent shall be affirmatively obtained separately from the execution of the service contract via verifiable means; and

(2) consent shall be unambiguous and conspicuously disclose that the subscriber is consenting to have the customer's dialing number sold or licensed as part of a publicly available directory assistance database.

(b) A record of the authorization shall be maintained for the duration of the service contract or any extension of the contract.

(c) A subscriber who provides express consent pursuant to paragraph (a) may revoke that consent at any time. A provider must comply with the customer's request to be removed from the directory and remove such listing from directory assistance within 60 days.

Subd. 3. [NO FEE TO RETAIN PRIVACY.] A customer shall not be charged for opting not to be listed in a wireless telephone directory.

Subd. 4. [REMEDIES.] Every knowing violation of this section is punishable by a fine of up to \$500 for each violation with a maximum aggregated amount of \$10,000 for a provider, of which \$100 per violation shall be paid to each victim of the violation. The attorney general may bring actions to enforce compliance with this section. For the first violation by any company or organization of this section, the attorney general shall notify the company with a letter of warning that the section has been violated. No telephone corporation, nor any official or employee of a telephone corporation, shall be subject to criminal or civil liability for the release of customer information as authorized by this section.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 5, delete "325F" and insert "325E"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Regulated Industries.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 1265, A bill for an act relating to human services; clarifying payment from the county of responsibility for temporary confinement under the Civil Commitment Act; amending Minnesota Statutes 2004, section 253B.045, subdivision 2.

Reported the same back with the following amendments:

Page 1, line 15, before the period, insert ", except that the facility shall bill the responsible health plan first"

With the recommendation that when so amended the bill pass.

The report was adopted.

Buesgens from the Committee on Education Policy and Reform to which was referred:

H. F. No. 1312, A bill for an act relating to education; authorizing locally developed school district programs for gifted and talented students; making permanent funding for gifted and talented programs a component of general education revenue; amending Minnesota Statutes 2004, section 126C.10, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 120B.

Reported the same back with the following amendments:

Page 1, line 15, delete "appropriate" and insert "challenging"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education Finance.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1318, A bill for an act relating to commerce; regulating false and deceptive commercial electronic mail messages; prescribing criminal penalties; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Public Safety Policy and Finance.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 1338, A bill for an act relating to commerce; regulating tobacco products delivery sales; providing enforcement; amending Minnesota Statutes 2004, sections 297F.01, by adding a subdivision; 297F.09, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 297F; 325F.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

The report was adopted.

Westrom from the Committee on Regulated Industries to which was referred:

H. F. No. 1344, A bill for an act relating to utilities; requiring establishment and adoption of community-based energy development tariffs; modifying provisions relating to renewable energy resources and objectives; making clarifying changes; amending Minnesota Statutes 2004, sections 216B.1645, subdivision 1, by adding a subdivision; 216B.2425, subdivision 7; 216B.243, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

TRANSMISSION COMPANIES

Section 1. Minnesota Statutes 2004, section 216B.02, is amended by adding a subdivision to read:

Subd. 10. [TRANSMISSION COMPANY.] "Transmission company" means persons, corporations, or other legal entities and their lessees, trustees, and receivers, now or hereafter engaged in the business of owning, operating, maintaining, or controlling in this state equipment or facilities for furnishing electric transmission service in Minnesota, but does not include public utilities, municipal electric utilities, municipal power agencies, cooperative electric associations, or generation and transmission cooperative power associations.

Sec. 2. Minnesota Statutes 2004, section 216B.16, is amended by adding a subdivision to read:

Subd. 7b. [TRANSMISSION COST ADJUSTMENT.] (a) Notwithstanding any other provision of this chapter, the commission may approve a tariff mechanism for the automatic annual adjustment of charges for the Minnesota jurisdictional costs of new transmission facilities that have been separately filed and reviewed and approved by the commission under sections 216B.2425 and 216B.243 or are deemed to be a priority transmission project under section 216B.2425.

(b) Upon filing by a public utility or utilities providing transmission service, the commission may approve, reject, or modify, after notice and comment, a tariff that:

(1) allows the utility to recover on a timely basis the costs net of revenues of facilities approved under sections 216B.2425 and 216B.243;

(2) allows a return on investment at the level approved in the utility's last general rate case, unless a different return is found to be consistent with the public interest;

(3) provides a current return on construction work in progress, provided that recovery from Minnesota retail customers for the allowance for funds used during construction is not sought through any other mechanism;

(4) allows for recovery of other expenses if shown to promote a least-cost project option or is otherwise in the public interest;

(5) allocates project costs appropriately between wholesale and retail customers;

(6) provides a mechanism for recovery above cost, if necessary to improve the overall economics of the project or projects or is otherwise in the public interest; and

(7) terminates recovery once costs have been fully recovered or have otherwise been reflected in the utility's general rates.

(c) A public utility may file annual rate adjustments to be applied to customer bills paid under the tariff approved in paragraph (b). In its filing, the public utility shall provide:

(1) a description of and context for the facilities included for recovery;

(2) a schedule for implementation of applicable projects;

(3) the utility's costs for these projects;

(4) a description of the utility's efforts to ensure the lowest costs to ratepayers for the project; and

(5) calculations to establish that the rate adjustment is consistent with the terms of the tariff established in paragraph (b).

(d) Upon receiving a filing for a rate adjustment pursuant to the tariff established in paragraph (b), the commission shall approve the annual rate adjustments provided that, after notice and comment, the costs included for recovery through the tariff were or are expected to be prudently incurred and achieve transmission system improvements at the lowest feasible and prudent cost to ratepayers.

Sec. 3. Minnesota Statutes 2004, section 216B.16, is amended by adding a subdivision to read:

Subd. 7c. [TRANSMISSION ASSETS TRANSFER.] (a) Owners of transmission facilities may transfer operational control or ownership of those assets to a transmission company subject to Federal Energy Regulatory Commission jurisdiction. For asset transfers by a public utility, the Public Utilities Commission may review the request to transfer in the context of a general rate case under this section or may initiate other proceedings it determines provide adequate review of the effect on retail rates of an asset transfer approved under this section sufficient to protect ratepayers. The commission may only approve a transfer sought after the effective date of this section if it finds that the transfer:

(1) is consistent with the public interest;

(2) facilitates the development of transmission infrastructure necessary to ensure reliability, encourages the development of renewable resources, and accommodates energy transfers within and between states;

(3) protects Minnesota ratepayers against the subsidization of wholesale transactions through retail rates; and

(4) ensures, in the case of operational control of transmission assets, that the state retains jurisdiction over the transferring utility for all aspects of service under this chapter.

(b) A transfer of operational control or ownership of assets by a public utility under this subdivision is subject to section 216B.50. The relationship between a public utility transferring operational control of assets to another entity under this subdivision is subject to the provisions of section 216B.48. If a public utility transfers ownership of its transmission assets to a transmission provider subject to the jurisdiction of the Federal Energy Regulatory Commission, the Public Utilities Commission may permit the utility to file a rate schedule providing for the automatic adjustment of charges to recover the cost of transmission services purchased under tariff rates approved by the Federal Energy Regulatory Commission.

Sec. 4. Minnesota Statutes 2004, section 216B.2421, subdivision 2, is amended to read:

Subd. 2. [LARGE ENERGY FACILITY.] "Large energy facility" means:

(1) any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more and transmission lines directly associated with the plant that are necessary to interconnect the plant to the transmission system;

(2) any high-voltage transmission line with a capacity of 200 kilovolts or more and greater than 1,500 feet in length;

(3) any high-voltage transmission line with a capacity of 100 kilovolts or more with more than ten miles of its length in Minnesota or that crosses a state line;

(4) any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of coal, crude petroleum or petroleum fuels or oil, or their derivatives;

(5) any pipeline for transporting natural or synthetic gas at pressures in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota;

(6) any facility designed for or capable of storing on a single site more than 100,000 gallons of liquefied natural gas or synthetic gas;

(7) any underground gas storage facility requiring a permit pursuant to section 1031.681;

(8) any nuclear fuel processing or nuclear waste storage or disposal facility; and

(9) any facility intended to convert any material into any other combustible fuel and having the capacity to process in excess of 75 tons of the material per hour.

Sec. 5. Minnesota Statutes 2004, section 216B.2425, subdivision 2, is amended to read:

Subd. 2. [LIST DEVELOPMENT; TRANSMISSION PROJECTS REPORT.] (a) By November 1 of each odd-numbered year, ~~each a transmission projects report must be submitted to the commission by each utility, organization, or company that:~~

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

(2) ~~owns or operates electric transmission lines in Minnesota shall.~~

(b) ~~The report may be submitted jointly or individually submit a transmission projects report to the commission.~~

(c) The report must:

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

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

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

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

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

Sec. 6. [216B.2426] [OPPORTUNITIES FOR DISTRIBUTED GENERATION.]

The commission shall ensure that opportunities for the installation of distributed generation, as that term is defined in section 216B.169, subdivision 1, paragraph (c), are considered in any proceeding under section 216B.2422, 216B.2425, or 216B.243.

Sec. 7. Minnesota Statutes 2004, section 216B.243, subdivision 3, is amended to read:

Subd. 3. [SHOWING REQUIRED FOR CONSTRUCTION.] No proposed large energy facility shall be certified for construction unless the applicant can show that demand for electricity cannot be met more cost effectively through energy conservation and load-management measures and unless the applicant has otherwise justified its need. In assessing need, the commission shall evaluate:

- (1) the accuracy of the long-range energy demand forecasts on which the necessity for the facility is based;
- (2) the effect of existing or possible energy conservation programs under sections 216C.05 to 216C.30 and this section or other federal or state legislation on long-term energy demand;
- (3) the relationship of the proposed facility to overall state energy needs, as described in the most recent state energy policy and conservation report prepared under section 216C.18, or, in the case of a high-voltage transmission line, the relationship of the proposed line to regional energy needs, as presented in the transmission plan submitted under section 216B.2425;
- (4) promotional activities that may have given rise to the demand for this facility;
- (5) benefits of this facility, including its uses to protect or enhance environmental quality, and to increase reliability of energy supply in Minnesota and the region;
- (6) possible alternatives for satisfying the energy demand or transmission needs including but not limited to potential for increased efficiency and upgrading of existing energy generation and transmission facilities, load-management programs, and distributed generation;
- (7) the policies, rules, and regulations of other state and federal agencies and local governments; ~~and~~
- (8) any feasible combination of energy conservation improvements, required under section 216B.241, that can (i) replace part or all of the energy to be provided by the proposed facility, and (ii) compete with it economically;
- (9) with respect to a high-voltage transmission line, the benefits of enhanced regional reliability, access, or deliverability to improve the robustness of the transmission system or to lower costs to electric consumers;
- (10) whether the applicant or applicants are in compliance with applicable provisions of sections 216B.1691 and 216B.2425, subdivision 8, and have filed or will file by a date certain an application for certificate of need under this section or for certification as a priority electric transmission project under section 216B.2425 for any transmission facilities or upgrades identified under section 216B.2425, subdivision 8;
- (11) whether the applicant has made the demonstrations required under subdivision 3a; and
- (12) if the applicant is proposing a nonrenewable generating plan, the applicant's assessment of the risk of environmental costs and regulation on that proposed facility over the expected useful life of the plant, including a proposed means of allocating costs associated with that risk.

Sec. 8. Minnesota Statutes 2004, section 216B.50, subdivision 1, is amended to read:

Subdivision 1. [COMMISSION APPROVAL REQUIRED.] No public utility shall sell, acquire, lease, or rent any plant as an operating unit or system in this state for a total consideration in excess of \$100,000, or merge or consolidate with another public utility or transmission company operating in this state, without first being authorized so to do by the commission. Upon the filing of an application for the approval and consent of the commission ~~thereto~~, the commission shall investigate, with or without public hearing, ~~and in case of~~. The commission shall hold a public hearing, upon such notice as the commission may require, and if it shall find. If the commission finds that the proposed action is consistent with the public interest, it shall give its consent and approval by order in writing. In reaching its determination, the commission shall take into consideration the reasonable value of the property, plant, or securities to be acquired or disposed of, or merged and consolidated. ~~The provisions of~~

This section ~~shall~~ does not be construed as applicable apply to the purchase of ~~units of~~ property for replacement ~~or to the addition to~~ replace or add to the plant of the public utility by construction.

Sec. 9. Minnesota Statutes 2004, section 216B.62, is amended by adding a subdivision to read:

Subd. 5a. [ASSESSING TRANSMISSION COMPANIES.] The commission and department may charge transmission companies their proportionate share of the expenses incurred in the review and disposition of proceedings under sections 216B.2425, 216B.243, 216B.48, 216B.50, and 216B.79. A transmission company is not liable for costs and expenses in a calendar year in excess of the limitation on costs that may be assessed against public utilities under subdivision 2. A transmission company may object to and appeal bills of the commission and department as provided in subdivision 4.

Sec. 10. Minnesota Statutes 2004, section 216B.79, is amended to read:

216B.79 [PREVENTATIVE MAINTENANCE.]

The commission may order public utilities to make adequate infrastructure investments and undertake sufficient preventative maintenance with regard to generation, transmission, and distribution facilities. The commission's authority under this section also applies to any transmission company that owns or operates electric transmission lines in Minnesota.

Sec. 11. [216B.82] [LOCAL POWER QUALITY ZONES.]

(a) Upon joint petition of a public utility as defined in section 216B.02, subdivision 4, and any customer located within the utility's service territory, the commission may establish a zone within that utility's service territory where the utility will install additional, redundant, or upgraded components of the electric distribution infrastructure that are designed to decrease the risk of power outages; provided, the utility and all of its customers located within the proposed zone have approved the installation of the components and the financial recovery plan prior to the creation of the zone, and the proposed zone contains at least two utility customers.

(b) The commission shall authorize the utility to collect all costs of the installation of any components under this section, including initial investment, operation, and maintenance costs and taxes from all customers within the zone, through tariffs and surcharges for service in a zone that appropriately reflect the cost of service to those customers, provided the customers agree to pay all costs for a predetermined period, including costs of component removal, if appropriate.

Sec. 12. [STAKEHOLDER PROCESS AND REPORT.]

Subdivision 1. [MEMBERSHIP.] By June 15, 2005, the Legislative Electric Energy Task Force shall convene a stakeholder group consisting of one representative from each of the following groups: transmission-owning investor-owned utilities, electric cooperatives, municipal power agencies, energy consumer advocates, business energy consumer advocates, residential energy consumer advocates, environmental organizations, the Minnesota Department of Commerce, the Minnesota Environmental Quality Board, and the Minnesota Public Utilities Commission.

Subd. 2. [CHARGE.] (a) The stakeholder group shall explore whether increased efficiencies and effectiveness can be obtained through modifying current state statutes and administrative processes to certify and route high-voltage transmission lines, including modifications to Minnesota Statutes, section 216B.243.

(b) In developing its recommendations, the stakeholder group shall consider:

(1) whether the certification process established under Minnesota Statutes, section 216B.2425, subdivision 3, can be modified to encourage utilities to apply for certification under that section;

(2) whether alternative certification processes are feasible for different types of transmission facilities; and

(3) whether additional cooperation between state agencies is needed to enhance the efficiency of the certification and routing processes, and whether modifications to those processes are appropriate.

(c) The stakeholder group shall also consider and make recommendations regarding whether and how to provide compensation above traditional eminent domain payments to landowners over whose property a new transmission facility is constructed.

Subd. 3. [REPORT.] By January 15, 2006, the task force shall submit a report to the legislature summarizing the stakeholder group findings and any recommended changes to the certification and routing processes for high-voltage transmission lines.

ARTICLE 2

COMMUNITY-BASED ENERGY TARIFF

Section 1. [216B.1612] [COMMUNITY-BASED ENERGY DEVELOPMENT; TARIFF.]

Subdivision 1. [TARIFF ESTABLISHMENT.] A tariff shall be established to optimize local, regional, and state benefits from wind energy development, and to facilitate development of community-based wind energy projects throughout Minnesota.

Subd. 2. [DEFINITIONS.] (a) The terms used in this section have the meanings given them in this subdivision.

(b) "C-BED tariff" or "tariff" means a community-based energy development tariff.

(c) "Qualifying owner" means:

(1) a Minnesota resident;

(2) a limited liability corporation that is organized under the laws of this state and that is made up of members who are Minnesota residents;

(3) a Minnesota nonprofit organization organized under chapter 317A;

(4) a Minnesota cooperative association organized under chapter 308A or 308B, other than a rural electric cooperative association or a generation and transmission cooperative;

(5) a Minnesota political subdivision or local government other than a municipal electric utility or municipal power agency, including, but not limited to, a county, statutory or home rule charter city, town, school district, or public or private higher education institution or any other local or regional governmental organization such as a board, commission, or association; or

(6) a tribal council.

No single qualifying owner may own more than 15 percent of a C-BED project.

(d) "Net present value rate" means a rate equal to the net present value of the nominal payments to a project divided by the total expected energy production of the project over the life of its power purchase agreement and for which the net present value of all payments made by the utility to the owners of a community-based energy development (C-BED) project under the tariff over the life of the power purchase agreement is equal to the net present value of all payments that would have been made under a flat rate schedule.

(e) "Standard reliability criteria" means:

(1) can be safely integrated into and operated within the utility's grid without causing any adverse or unsafe consequences; and

(2) is consistent with the utility's resource needs as identified in its most recent resource plan submitted under section 216B.2422.

(f) "Community-based energy project" or "C-BED project" means a new wind energy project that:

(1) is owned entirely by one or more qualifying owners, with at least 50 percent of the equity invested in the project from individuals residing in a single county or in a contiguous county, regardless of ownership structure; and

(2) has a resolution of support adopted by the county board of each county in which the project is to be located, or in the case of a project located within the boundaries of a reservation, the tribal council for that reservation.

Subd. 3. [TARIFF RATE.] (a) By September 1, 2005, the commission shall establish, by order, a model C-BED tariff.

(b) The tariff must have a rate schedule less than or equal to a 2.7 cents per kilowatt hour net present value rate over the 20-year life of the power purchase agreement. The tariff must provide for a rate that is higher in the first ten years of the power purchase agreement than in the last ten years. The discount rate required to calculate the net present value must be the utility's normal discount rate used for its other business purposes.

(c) In developing the model tariff, the commission shall consider mechanisms to encourage the aggregation of C-BED projects.

(d) The model C-BED tariff developed by the commission shall require that qualifying owners provide sufficient security to secure performance under the power purchase agreement, and shall prohibit the transfer of the C-BED project to a nonqualifying owner during the initial 20 years of the contract.

(e) The model C-BED tariff developed by the commission shall include the utility's cost and reliability requirements to determine tariff applicability.

Subd. 4. [UTILITIES TO OFFER TARIFF.] Within 90 days after the commission issues an order under subdivision 3, each public utility providing electric service at retail shall file for commission approval a community-based energy development tariff consistent with the model tariff established under subdivision 3. Within 150 days of an order under subdivision 2, each municipal power agency and generation and transmission cooperative electric association shall adopt a community-based energy development tariff as consistent as possible with the model tariff issued under subdivision 3.

Subd. 5. [PRIORITY FOR C-BED PROJECTS.] (a) A utility subject to section 216B.1691 that needs to construct new generation, or purchase the output from new generation, as part of its plan to satisfy its good faith objective under that section shall take reasonable steps to determine if one or more C-BED projects are available that meet the utility's cost and reliability requirements, applying standard reliability criteria, to fulfill some or all of the identified need at minimal impact to customer rates.

Nothing in this section shall be construed to obligate a utility to enter into a power purchase agreement under a C-BED tariff developed under this section.

(b) Each utility shall include in its resource plan submitted under section 216B.2422 a description of its efforts to purchase energy from C-BED projects, including a list of the projects under contract and the amount of C-BED energy purchased.

(c) The commission shall consider the efforts and activities of a utility to purchase energy from C-BED projects when evaluating its good faith effort towards meeting the renewable energy objective under section 216B.1691.

Subd. 6. [PROPERTY OWNER PARTICIPATION.] To the extent feasible, a developer of a C-BED project must provide, in writing, an opportunity to invest in the C-BED project to each property owner on whose property a high voltage transmission line transmitting the energy generated by the C-BED project to market currently exists or is to be constructed and who resides in the county where the C-BED project is located or in an adjacent Minnesota county.

Subd. 7. [OTHER C-BED TARIFF ISSUES.] (a) A community-based project developer and a utility shall negotiate the rate and power purchase agreement terms consistent with the tariff established under subdivision 4.

(b) At the discretion of the developer, a community-based project developer and a utility may negotiate a power purchase agreement with terms different from the tariff established under subdivision 4.

(c) A qualifying owner, or any combination of qualifying owners, may develop a joint venture project with a nonqualifying wind energy project developer. However, the terms of the C-BED tariff may only apply to the portion of the energy production of the total project that is directly proportional to the equity share of the project owned by the qualifying owners.

(d) A project that is operating under a power purchase agreement under a C-BED tariff is not eligible for net energy billing under section 216B.164, subdivision 3, or for production incentives under section 216C.41.

(e) A public utility must receive commission approval of a power purchase agreement for a C-BED project that is operating under a rate that is higher in the first ten years of the agreement than in the last ten years. The commission shall provide the utility's ratepayers an opportunity to address the reasonableness of the proposed power purchase agreement.

Sec. 2. Minnesota Statutes 2004, section 216B.1645, subdivision 1, is amended to read:

Subdivision 1. [COMMISSION AUTHORITY.] Upon the petition of a public utility, the Public Utilities Commission shall approve or disapprove power purchase contracts, investments, or expenditures entered into or made by the utility to satisfy the wind and biomass mandates contained in sections 216B.169, 216B.2423, and 216B.2424, and to satisfy the renewable energy objectives set forth in section 216B.1691, including reasonable investments and expenditures made to:

(1) transmit the electricity generated from sources developed under those sections that is ultimately used to provide service to the utility's retail customers, ~~or to~~ including studies necessary to identify new transmission facilities needed to transmit electricity to Minnesota retail customers from generating facilities constructed to satisfy the renewable energy objectives, provided that the costs of the studies have not been recovered previously under existing tariffs and the utility has filed an application for a certificate of need for the new transmission facilities identified in the studies; or

(2) develop renewable energy sources from the account required in section 116C.779.

Sec. 3. Minnesota Statutes 2004, section 216B.2425, is amended by adding a subdivision to read:

Subd. 8. [PRIORITY TRANSMISSION PROJECTS.] (a) Until January 1, 2010, transmission projects determined by the commission to be necessary to support a utility's plan under section 216B.1691 to meet its obligations under that section must be certified as a priority electric transmission project, satisfying the requirements of section 216B.243. In determining that a proposed transmission project is necessary to support a utility's plan under section 216B.1691, the commission must find that the applicant has met the following factors:

(1) that the transmission facility is necessary to allow the delivery of power from renewable sources of energy to retail customers in Minnesota;

(2) that the applicant has signed or will sign power purchase agreements, subject to commission approval, for resources to meet the renewable energy objective that are dependent upon or will use the capacity of the transmission facility to serve retail customers in Minnesota;

(3) that the installation and commercial operation date of the renewable resources to satisfy the renewable energy objective will match the planned in-service date of the transmission facility; and

(4) that the proposed transmission facility is consistent with a least-cost solution to the utility's need for additional electricity.

(b) This subdivision expires January 1, 2010.

Sec. 4. Minnesota Statutes 2004, section 216B.243, subdivision 8, is amended to read:

Subd. 8. [EXEMPTIONS.] This section does not apply to:

(1) cogeneration or small power production facilities as defined in the Federal Power Act, United States Code, title 16, section 796, paragraph (17), subparagraph (A), and paragraph (18), subparagraph (A), and having a combined capacity at a single site of less than 80,000 kilowatts ~~or to~~; plants or facilities for the production of ethanol or fuel alcohol ~~not in~~; or any case where the commission ~~shall determine~~ has determined after being advised by the attorney general that its application has been preempted by federal law;

(2) a high-voltage transmission line proposed primarily to distribute electricity to serve the demand of a single customer at a single location, unless the applicant opts to request that the commission determine need under this section or section 216B.2425;

(3) the upgrade to a higher voltage of an existing transmission line that serves the demand of a single customer that primarily uses existing rights-of-way, unless the applicant opts to request that the commission determine need under this section or section 216B.2425;

(4) a high-voltage transmission line of one mile or less required to connect a new or upgraded substation to an existing, new, or upgraded high-voltage transmission line;

(5) conversion of the fuel source of an existing electric generating plant to using natural gas; ~~or~~

(6) the modification of an existing electric generating plant to increase efficiency, as long as the capacity of the plant is not increased more than ten percent or more than 100 megawatts, whichever is greater; ~~or~~

(7) a large energy facility that (i) generates electricity from wind energy conversion systems, (ii) will serve retail customers in Minnesota, (iii) is specifically intended to be used to meet the renewable energy objective under section 216B.1691 or addresses a resource need identified in a current commission-approved or commission-reviewed resource plan under section 216B.2422, and (iv) derives at least ten percent of the total nameplate capacity of the proposed project from one or more C-BED projects, as defined under section 216B.1612, subdivision 2, paragraph (f).

Sec. 5. [216C.053] [RENEWABLE ENERGY DEVELOPMENT.]

The Department of Commerce shall assist utilities, renewable energy developers, regulators, regional transmission grid managers, and the public on issues related to renewable energy development. The department shall work to ensure cost-effective renewable energy development throughout the state.

Sec. 6. [WIND INTEGRATION STUDY.]

The Public Utilities Commission shall order all electric utilities, as defined in Minnesota Statutes, section 216B.1691, subdivision 1, paragraph (b), to participate in a statewide wind integration study. Utilities subject to Minnesota Statutes, section 216B.1691, shall jointly contract with an independent firm selected by the reliability administrator to conduct an engineering study of the impacts on reliability and costs associated with increasing wind capacity to 20 percent of Minnesota retail electric energy sales by the year 2020, and to identify and develop options for utilities to use to manage the intermittent nature of wind resources. The contracting utilities shall cooperate with the firm conducting the study by providing data requested. The reliability administrator shall manage the study process and shall appoint a group of stakeholders with experience in engineering and expertise in power systems or wind energy to review the study's proposed methods and assumptions and preliminary data. The study must be completed by November 30, 2006. Using the study results, the contracting utilities shall provide the commissioner of commerce with estimates of the impact on their electric rates of increasing wind capacity to 20 percent, assuming no reduction in reliability. Electric utilities shall incorporate the study's findings into their utility integrated resource plans prepared under Minnesota Statutes, section 216B.2422. The costs of the study are recoverable under Minnesota Statutes, section 216C.052, subdivision 2, paragraph (c), clause (2).

Sec. 7. [LANDOWNER PAYMENTS WORKING GROUP.]

Subdivision 1. [MEMBERSHIP.] By June 15, 2005, the Legislative Electric Energy Task Force shall convene a Landowner Payments Working Group consisting of up to 12 members, including representatives from each of the following groups: transmission-owning investor-owned utilities, electric cooperatives, municipal power agencies, Farm Bureau, Farmers Union, county commissioners, real estate appraisers, and others with an interest and expertise in landowner rights and the market value of rural property.

Subd. 2. [APPOINTMENT.] The chairs of the Legislative Electric Energy Task Force and the chairs of the senate and house committees with primary jurisdiction over energy policy shall jointly appoint the working group members.

Subd. 3. [CHARGE.] (a) The Landowner Payments Working Group shall research alternative methods of remunerating landowners on whose land high-voltage transmission lines have been constructed.

(b) In developing its recommendations, the working group shall:

(1) examine different methods of landowner payments that operate in other states and countries;

(2) consider innovative alternatives to lump-sum payments that extend payments over the life of the transmission line and that run with the land if the land is conveyed to another owner; and

(3) consider alternative ways of structuring payments that are equitable to landowners and utilities.

Subd. 4. [EXPENSES.] Members of the working group must be reimbursed for expenses as provided in Minnesota Statutes, section 15.059, subdivision 6. Expenses of the Landowner Payments Working Group must not exceed \$10,000 without the approval of the chairs of the Legislative Electric Energy Task Force.

Subd. 5. [REPORT.] The Landowner Payments Working Group shall present its findings and recommendations, including legislative recommendations and model legislation, if any, in a report to the Legislative Electric Energy Task Force by January 15, 2006.

ARTICLE 3

TRANSFER OF SITING AND ROUTING AUTHORITY FOR LARGE ENERGY FACILITIES

Section 1. Minnesota Statutes 2004, section 116C.52, subdivision 2, is amended to read:

Subd. 2. [~~BOARD COMMISSION.~~] "~~Board~~" shall ~~mean the Minnesota Environmental Quality Board~~ "Commission" means the Public Utilities Commission.

Sec. 2. Minnesota Statutes 2004, section 116C.52, subdivision 4, is amended to read:

Subd. 4. [HIGH VOLTAGE TRANSMISSION LINE.] "High voltage transmission line" means a conductor of electric energy and associated facilities designed for and capable of operation at a nominal voltage of 100 kilovolts or more and is greater than 1,500 feet in length.

Sec. 3. Minnesota Statutes 2004, section 116C.53, subdivision 2, is amended to read:

Subd. 2. [JURISDICTION.] The ~~board~~ commission is ~~hereby~~ given the authority to provide for site and route selection for large electric power facilities. The ~~board~~ commission shall issue permits for large electric power facilities in a timely fashion. ~~When the Public Utilities Commission has determined the~~ and in a manner consistent with the overall determination of need for the project under section 216B.243 or 216B.2425. Questions of need, including size, type, and timing; alternative system configurations; and voltage ~~are not within the board's siting and routing authority and~~ must not be included in the scope of environmental review conducted under sections 116C.51 to 116C.69.

Sec. 4. Minnesota Statutes 2004, section 116C.57, subdivision 1, is amended to read:

Subdivision 1. [SITE PERMIT.] No person may construct a large electric generating plant without a site permit from the board commission. A large electric generating plant may be constructed only on a site approved by the board commission. The board commission must incorporate into one proceeding the route selection for a high voltage transmission line that is directly associated with and necessary to interconnect the large electric generating plant to the transmission system and whose need is certified ~~as part of the generating plant project by the Public Utilities Commission under section 216B.243.~~

Sec. 5. Minnesota Statutes 2004, section 116C.57, subdivision 2c, is amended to read:

Subd. 2c. [ENVIRONMENTAL REVIEW.] The ~~board commissioner of the Department of Commerce~~ shall prepare for the commission an environmental impact statement on each proposed large electric generating plant or high voltage transmission line for which a complete application has been submitted. ~~For any project that has obtained a certificate of need from the Public Utilities Commission, the board~~ The commissioner shall not consider whether or not the project is needed. No other state environmental review documents ~~shall be~~ are required. The ~~board commissioner~~ shall study and evaluate any site or route proposed by an applicant and any other site or route the board commission deems necessary that was proposed in a manner consistent with rules ~~adopted by the board~~ concerning the form, content, and timeliness of proposals for alternate sites or routes.

Sec. 6. Minnesota Statutes 2004, section 116C.57, is amended by adding a subdivision to read:

Subd. 9. [DEPARTMENT OF COMMERCE TO PROVIDE TECHNICAL EXPERTISE AND OTHER ASSISTANCE.] The commissioner of the Department of Commerce shall provide technical expertise and other assistance to the commission for activities and proceedings under this section, sections 116C.51 to 116C.697, and chapter 116I. The commissioner shall periodically report to the commission concerning the Department of Commerce's costs of providing assistance. The report must conform to the schedule and include the required contents specified by the commission. The commission shall include the costs of the assistance in assessments for activities and proceedings under those sections and reimburse the special revenue fund for those costs.

Sec. 7. Minnesota Statutes 2004, section 116C.575, subdivision 5, is amended to read:

Subd. 5. [ENVIRONMENTAL REVIEW.] For the projects identified in subdivision 2 and following these procedures, the ~~board commissioner of the Department of Commerce~~ shall prepare for the commission an environmental assessment. The environmental assessment shall contain information on the human and environmental impacts of the proposed project and other sites or routes identified by the board commission and shall address mitigating measures for all of the sites or routes considered. The environmental assessment shall be the only state environmental review document required to be prepared on the project.

Sec. 8. Minnesota Statutes 2004, section 116C.577, is amended to read:

116C.577 [EMERGENCY PERMIT.]

(a) Any utility whose electric power system requires the immediate construction of a large electric power generating plant or high voltage transmission line due to a major unforeseen event may apply to the ~~board commission~~ for an emergency permit after providing. The application must provide notice in writing to the Public Utilities Commission of the major unforeseen event and the need for immediate construction. The permit must be issued in a timely manner, no later than 195 days after the ~~board's~~ commission's acceptance of the application and

upon a finding by the ~~board~~ commission that (1) a demonstrable emergency exists, (2) the emergency requires immediate construction, and (3) adherence to the procedures and time schedules specified in section 116C.57 would jeopardize the utility's electric power system or would jeopardize the utility's ability to meet the electric needs of its customers in an orderly and timely manner.

(b) A public hearing to determine if an emergency exists must be held within 90 days of the application. The ~~board~~ commission, after notice and hearing, shall adopt rules specifying the criteria for emergency certification.

Sec. 9. Minnesota Statutes 2004, section 116C.58, is amended to read:

116C.58 [ANNUAL HEARING.]

The ~~board~~ commission shall hold an annual public hearing at a time and place prescribed by rule in order to afford interested persons an opportunity to be heard regarding any matters relating to the siting of large electric generating power plants and routing of high voltage transmission lines. At the meeting, the ~~board~~ commission shall advise the public of the permits issued by the ~~board~~ commission in the past year. The ~~board~~ commission shall provide at least ten days but no more than 45 days' notice of the annual meeting by mailing notice to those persons who have requested notice and by publication in the EQB Monitor and the commission's weekly calendar.

Sec. 10. Minnesota Statutes 2004, section 116C.69, subdivision 2, is amended to read:

Subd. 2. [SITE APPLICATION FEE.] Every applicant for a site permit shall pay to the ~~board~~ commission a fee ~~in an amount equal to \$500 for each \$1,000,000 of production plant investment in the proposed installation as defined in the Federal Power Commission Uniform System of Accounts. The board shall specify the time and manner of payment of the fee. If any single payment requested by the board is in excess of 25 percent of the total estimated fee, the board shall show that the excess is reasonably necessary. The applicant shall pay within 30 days of notification any additional fees reasonably necessary for completion of the site evaluation and designation process by the board. In no event shall the total fees required of the applicant under this subdivision exceed an amount equal to 0.001 of said production plant investment (\$1,000 for each \$1,000,000) to cover the necessary and reasonable costs incurred by the commission in acting on the permit application and carrying out the requirements of sections 116C.51 to 116C.69. The commission may adopt rules providing for the payment of the fee. Section 16A.1283 does not apply to establishment of this fee.~~ All money received pursuant to this subdivision shall be deposited in a special account. Money in the account is appropriated to the ~~board~~ commission to pay expenses incurred in processing applications for site permits in accordance with sections 116C.51 to 116C.69 and in the event the expenses are less than the fee paid, to refund the excess to the applicant.

Sec. 11. Minnesota Statutes 2004, section 116C.69, subdivision 2a, is amended to read:

Subd. 2a. [ROUTE APPLICATION FEE.] Every applicant for a transmission line route permit shall pay to the ~~board~~ commission a base fee of \$35,000 plus a fee in an amount equal to \$1,000 per mile length of the longest proposed route. ~~The board shall specify the time and manner of payment of the fee. If any single payment requested by the board is in excess of 25 percent of the total estimated fee, the board shall show that the excess is reasonably necessary. In the event the actual cost of processing an application up to the board's final decision to designate a route exceeds the above fee schedule, the board may assess the applicant any additional fees necessary to cover the actual costs, not to exceed an amount equal to \$500 per mile length of the longest proposed route fee to cover the necessary and reasonable costs incurred by the commission in acting on the permit application and carrying out the requirements of sections 116C.51 to 116C.69. The commission may adopt rules providing for the payment of the fee. Section 16A.1283 does not apply to the establishment of this fee.~~ All money received pursuant to this subdivision shall be deposited in a special account. Money in the account is appropriated to the ~~board~~ commission to pay expenses incurred in processing applications for route permits in accordance with sections 116C.51 to 116C.69 and in the event the expenses are less than the fee paid, to refund the excess to the applicant.

Sec. 12. Minnesota Statutes 2004, section 216B.243, subdivision 4, is amended to read:

Subd. 4. [APPLICATION FOR CERTIFICATE; HEARING.] Any person proposing to construct a large energy facility shall apply for a certificate of need ~~prior to applying~~ and for a site or route permit under sections 116C.51 to 116C.69 or construction of the facility. The application shall be on forms and in a manner established by the commission. In reviewing each application the commission shall hold at least one public hearing pursuant to chapter 14. The public hearing shall be held at a location and hour reasonably calculated to be convenient for the public. An objective of the public hearing shall be to obtain public opinion on the necessity of granting a certificate of need and, if a joint hearing is held, a site or route permit. The commission shall designate a commission employee whose duty shall be to facilitate citizen participation in the hearing process. ~~If Unless the commission and the Environmental Quality Board determine~~ determines that a joint hearing on siting and need under this subdivision and section 116C.57, subdivision 2d, is not feasible, or more efficient, and may further or otherwise not in the public interest, a joint hearing under those subdivisions ~~may~~ shall be held.

Sec. 13. Minnesota Statutes 2004, section 216B.243, subdivision 5, is amended to read:

Subd. 5. [APPROVAL, DENIAL, OR MODIFICATION.] Within ~~six~~ 12 months of the submission of an application, the commission shall approve or deny a certificate of need for the facility. Approval or denial of the certificate shall be accompanied by a statement of the reasons for the decision. Issuance of the certificate may be made contingent upon modifications required by the commission. If the commissioner has not issued an order on the application within the 12 months provided, the commission may extend the time period upon receiving the consent of the parties or on its own motion, for good cause, by issuing an order explaining the good cause justification for extension.

Sec. 14. Minnesota Statutes 2004, section 216C.052, is amended to read:

216C.052 [RELIABILITY ADMINISTRATOR.]

Subdivision 1. [RESPONSIBILITIES.] (a) There is established the position of reliability administrator in the ~~Department of Commerce~~ Public Utilities Commission. The administrator shall act as a source of independent expertise and a technical advisor to ~~the commissioner, the commission, and the public, and the Legislative Electric Energy Task Force~~ on issues related to the reliability of the electric system. In conducting its work, the administrator shall provide assistance to the commission in administering and implementing the commission's duties under sections 116C.51 to 116C.69; sections 116C.691 to 116C.697; chapter 116I; and rules associated with those sections. Subject to resource constraints, the reliability administrator may also:

(1) model and monitor the use and operation of the energy infrastructure in the state, including generation facilities, transmission lines, natural gas pipelines, and other energy infrastructure;

(2) develop and present to the commission and parties technical analyses of proposed infrastructure projects, and provide technical advice to the commission;

(3) present independent, factual, expert, and technical information on infrastructure proposals and reliability issues at public meetings hosted by the task force, the Environmental Quality Board, the department, or the commission.

(b) Upon request and subject to resource constraints, the administrator shall provide technical assistance regarding matters unrelated to applications for infrastructure improvements to the task force, the department, or the commission.

(c) The administrator may not advocate for any particular outcome in a commission proceeding, but may give technical advice to the commission as to the impact on the reliability of the energy system of a particular project or projects. ~~The administrator must not be considered a party or a participant in any proceeding before the commission.~~

Subd. 2. [ADMINISTRATIVE ISSUES.] (a) ~~The commissioner~~ commission may select the administrator who shall serve for a four-year term. The administrator may not have been a party or a participant in a commission energy proceeding for at least one year prior to selection by the ~~commissioner~~ commission. ~~The commissioner~~ commission shall oversee and direct the work of the administrator, annually review the expenses of the administrator, and annually approve the budget of the administrator. The administrator may hire staff and may contract for technical expertise in performing duties when existing state resources are required for other state responsibilities or when special expertise is required. The salary of the administrator is governed by section 15A.0815, subdivision 2.

(b) Costs relating to a specific proceeding, analysis, or project are not general administrative costs. For purposes of this section, "energy utility" means public utilities, generation and transmission cooperative electric associations, and municipal power agencies providing natural gas or electric service in the state.

(c) ~~The Department of Commerce~~ commission shall pay:

(1) the general administrative costs of the administrator, not to exceed \$1,000,000 in a fiscal year, and shall assess energy utilities for those administrative costs. These costs must be consistent with the budget approved by the ~~commissioner~~ commission under paragraph (a). ~~The department~~ commission shall apportion the costs among all energy utilities in proportion to their respective gross operating revenues from sales of gas or electric service within the state during the last calendar year, and shall then render a bill to each utility on a regular basis; and

(2) costs relating to a specific proceeding analysis or project and shall render a bill to the specific energy utility or utilities participating in the proceeding, analysis, or project directly, either at the conclusion of a particular proceeding, analysis, or project, or from time to time during the course of the proceeding, analysis, or project.

(d) For purposes of administrative efficiency, ~~the department~~ commission shall assess energy utilities and issue bills in accordance with the billing and assessment procedures provided in section 216B.62, to the extent that these procedures do not conflict with this subdivision. The amount of the bills rendered by the ~~department~~ commission under paragraph (c) must be paid by the energy utility into an account in the special revenue fund in the state treasury within 30 days from the date of billing and is appropriated to the ~~commissioner~~ commission for the purposes provided in this section. The commission shall approve or approve as modified a rate schedule providing for the automatic adjustment of charges to recover amounts paid by utilities under this section. All amounts assessed under this section are in addition to amounts appropriated to the commission ~~and the department~~ by other law.

Subd. 3. [ASSESSMENT AND APPROPRIATION.] In addition to the amount noted in subdivision 2, the ~~commissioner~~ commission may assess utilities, using the mechanism specified in that subdivision, up to an additional \$500,000 annually through June 30, 2006. The amounts assessed under this subdivision are appropriated to the ~~commissioner~~ commission, and some or all of the amounts assessed may be transferred to the commissioner of administration, for the purposes specified in section 16B.325 and Laws 2001, chapter 212, article 1, section 3, as needed to implement those sections.

Subd. 4. [EXPIRATION.] This section expires June 30, ~~2006~~ 2007.

Sec. 15. [TRANSFERRING POWER PLANT SITING RESPONSIBILITIES.]

All responsibilities, as defined in Minnesota Statutes, section 15.039, subdivision 1, held by the Environmental Quality Board relating to power plant siting and routing under Minnesota Statutes, sections 116C.51 to 116C.69; wind energy conversion systems under Minnesota Statutes, sections 116C.691 to 116C.697; pipelines under Minnesota Statutes, chapter 116I; and rules associated with those sections are transferred to the Public Utilities Commission under Minnesota Statutes, section 15.039, except that the responsibilities of the Environmental Quality Board under Minnesota Statutes, section 116C.83, subdivision 6, and Minnesota Rules, parts 4400.1700, 4400.2750, and 4410.7010 to 4410.7070, are transferred to the commissioner of the Department of Commerce. The power plant siting staff of the Environmental Quality Board are transferred to the Department of Commerce. The department's budget shall be adjusted to reflect the transfer.

Sec. 16. [TRANSFERRING RELIABILITY ADMINISTRATOR RESPONSIBILITIES.]

All responsibilities, as defined in Minnesota Statutes 2004, section 15.039, subdivision 1, held by the Minnesota Department of Commerce relating to the reliability administrator under Minnesota Statutes, section 216C.052, are transferred to the Minnesota Public Utilities Commission under Minnesota Statutes, section 15.039.

Sec. 17. [REVISOR'S INSTRUCTION.]

(a) The revisor of statutes shall change the words "Environmental Quality Board," "board," "chair of the board," "chair," "board's," and similar terms, when they refer to the Environmental Quality Board or chair of the Environmental Quality Board, to the term "Public Utilities Commission," "commission," or "commission's," as appropriate, where they appear in Minnesota Statutes, sections 13.741, subdivision 3, 116C.51 to 116C.697, and chapter 116I. The revisor shall also make those changes in Minnesota Rules, chapters 4400, 4401, and 4415, except as specified in paragraph (b).

(b) The revisor of statutes shall change the words "Environmental Quality Board," "board," "chair of the board," "chair," "board's," and similar terms, when they refer to the Environmental Quality Board or chair of the Environmental Quality Board, to the term "commissioner of the Department of Commerce," "commissioner," or "commissioner's," as appropriate, where they appear in Minnesota Statutes, section 116C.83, subdivision 6; and Minnesota Rules, parts 4400.1700, subparts 1 to 9, 11, and 12; 4400.2750; and 4410.7010 to 4410.7070.

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 16 are effective July 1, 2005.

ARTICLE 4

MISCELLANEOUS

Section 1. Minnesota Statutes 2004, section 216B.16, subdivision 6d, is amended to read:

Subd. 6d. [WIND ENERGY; PROPERTY TAX.] An owner of a wind energy conversion facility which is required to pay property taxes under section 272.02, subdivision 22, or production taxes under section 272.029, and any related or successor provisions, or a public utility regulated by the Public Utilities Commission which purchases the wind-generated electricity may petition the commission to include in any power purchase agreement between the owner of the facility and the public utility the amount of property taxes and production taxes paid by the owner of the facility. The Public Utilities Commission shall require the public utility to amend the power purchase agreement to include the property taxes and production taxes paid by the owner of the facility in the price paid by the utility for wind-generated electricity if the commission finds:

(1) the owner of the facility has paid the property taxes or production taxes required by this subdivision;

(2) the power purchase agreement between the public utility and the owner does not already require the utility to pay the amount of property taxes or production taxes the owner has paid under this subdivision, or, in the case of a power purchase agreement entered into prior to 1997, the amount of property or production taxes paid by the owner in any year of the power purchase agreement exceeds the amount of such property or production taxes included in the price paid by the utility to the owner, as reflected in the owner's bid documents; and

(3) the commission has approved a rate schedule containing provisions for the automatic adjustment of charges for utility service in direct relation to the charges ordered by the commission under section 272.02, subdivision 22, or 272.029.

Sec. 2. Minnesota Statutes 2004, section 216B.241, subdivision 1b, is amended to read:

Subd. 1b. [CONSERVATION IMPROVEMENT BY COOPERATIVE ASSOCIATION OR MUNICIPALITY.] (a) This subdivision applies to:

(1) a cooperative electric association that provides retail service to its members;

(2) a municipality that provides electric service to retail customers; and

(3) a municipality with gross operating revenues in excess of \$5,000,000 from sales of natural gas to retail customers.

(b) Each cooperative electric association and municipality subject to this subdivision shall spend and invest for energy conservation improvements under this subdivision the following amounts:

(1) for a municipality, 0.5 percent of its gross operating revenues from the sale of gas and 1.5 percent of its gross operating revenues from the sale of electricity, excluding gross operating revenues from electric and gas service provided in the state to large electric customer facilities; and

(2) for a cooperative electric association, 1.5 percent of its gross operating revenues from service provided in the state, excluding gross operating revenues from service provided in the state to large electric customer facilities indirectly through a distribution cooperative electric association.

(c) Each municipality and cooperative electric association subject to this subdivision shall identify and implement energy conservation improvement spending and investments that are appropriate for the municipality or association, except that a municipality or association may not spend or invest for energy conservation improvements that directly benefit a large electric customer facility for which the commissioner has issued an exemption under subdivision 1a, paragraph (b).

(d) Each municipality and cooperative electric association subject to this subdivision may spend and invest annually up to ten percent of the total amount required to be spent and invested on energy conservation improvements under this subdivision on research and development projects that meet the definition of energy conservation improvement in subdivision 1 and that are funded directly by the municipality or cooperative electric association.

(e) Load-management activities that do not reduce energy use but that increase the efficiency of the electric system may be used to meet ~~the following percentage~~ 50 percent of the conservation investment and spending requirements of this subdivision:

- (1) ~~2002—90 percent;~~
- (2) ~~2003—80 percent;~~
- (3) ~~2004—65 percent; and~~
- (4) ~~2005 and thereafter—50 percent.~~

(f) A generation and transmission cooperative electric association that provides energy services to cooperative electric associations that provide electric service at retail to consumers may invest in energy conservation improvements on behalf of the associations it serves and may fulfill the conservation, spending, reporting, and energy savings goals on an aggregate basis. A municipal power agency or other not-for-profit entity that provides energy service to municipal utilities that provide electric service at retail may invest in energy conservation improvements on behalf of the municipal utilities it serves and may fulfill the conservation, spending, reporting, and energy savings goals on an aggregate basis, under an agreement between the municipal power agency or not-for-profit entity and each municipal utility for funding the investments.

(g) At least every ~~two~~ four years, on a schedule determined by the commissioner, each municipality or cooperative shall file an overview of its conservation improvement plan with the commissioner. With this overview, the municipality or cooperative shall also provide an evaluation to the commissioner detailing its energy conservation improvement spending and investments for the previous period. The evaluation must briefly describe each conservation program and must specify the energy savings or increased efficiency in the use of energy within the service territory of the utility or association that is the result of the spending and investments. The evaluation must analyze the cost-effectiveness of the utility's or association's conservation programs, using a list of baseline energy and capacity savings assumptions developed in consultation with the department. The commissioner shall review each evaluation and make recommendations, where appropriate, to the municipality or association to increase the effectiveness of conservation improvement activities. Up to three percent of a utility's conservation spending obligation under this section may be used for program pre-evaluation, testing, and monitoring and program evaluation. The overview and evaluation filed by a municipality with less than 60,000,000 kilowatt hours in annual retail sales of electric service may consist of a letter from the governing board of the municipal utility to the department providing the amount of annual conservation spending required of that municipality and certifying that the required amount has been spent on conservation programs pursuant to this subdivision.

(h) The commissioner shall also review each evaluation for whether a portion of the money spent on residential conservation improvement programs is devoted to programs that directly address the needs of renters and low-income persons unless an insufficient number of appropriate programs are available. For the purposes of this subdivision and subdivision 2, "low-income" means an income at or below 50 percent of the state median income.

(i) As part of its spending for conservation improvement, a municipality or association may contribute to the energy and conservation account. A municipality or association may propose to the commissioner to designate that all or a portion of funds contributed to the account be used for research and development projects that can best be implemented on a statewide basis. Any amount contributed must be remitted to the commissioner by February 1 of each year.

(j) A municipality may spend up to 50 percent of its required spending under this section to refurbish an existing district heating or cooling system. This paragraph expires July 1, 2007.

Sec. 3. Minnesota Statutes 2004, section 216B.241, subdivision 2, is amended to read:

Subd. 2. [PROGRAMS.] (a) The commissioner may require public utilities to make investments and expenditures in energy conservation improvements, explicitly setting forth the interest rates, prices, and terms under which the improvements must be offered to the customers. The required programs must cover no more than a two-year ~~four-year~~ period. Public utilities shall file conservation improvement plans by June 1, on a schedule

determined by order of the commissioner, but at least every four years. Plans received by a public utility by June 1 must be approved or approved as modified by the commissioner by December 1 of that same year. The commissioner shall give special consideration and encouragement to programs that bring about significant net savings through the use of energy-efficient lighting. The commissioner shall evaluate the program on the basis of cost-effectiveness and the reliability of technologies employed. The commissioner's order must provide to the extent practicable for a free choice, by consumers participating in the program, of the device, method, material, or project constituting the energy conservation improvement and for a free choice of the seller, installer, or contractor of the energy conservation improvement, provided that the device, method, material, or project seller, installer, or contractor is duly licensed, certified, approved, or qualified, including under the residential conservation services program, where applicable.

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

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

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

(e) The commissioner may, by order, establish a list of programs that may be offered as energy conservation improvements by a public utility, municipal utility, cooperative electric association, or other entity providing conservation services pursuant to this section. The list of programs may include rebates for high-efficiency appliances, rebates or subsidies for high-efficiency lamps, small business energy audits, and building recommissioning. The commissioner may, by order, change this list to add or subtract programs as the commissioner determines is necessary to promote efficient and effective conservation programs.

(f) The commissioner shall ensure that a portion of the money spent on residential conservation improvement programs is devoted to programs that directly address the needs of renters and low-income persons, ~~in proportion to the amount the utility has historically spent on such programs based on the most recent three-year average relative to the utility's total conservation spending under this section.~~ The utility shall make a good faith effort to ensure that its conservation spending for the needs of renters and low-income persons increases and decreases in approximately the same proportion as the total increase or decrease in the utility's overall conservation spending, unless an insufficient number of appropriate programs are available.

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

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

(i) Up to three percent of a utility's conservation spending obligation under this section may be used for program pre-evaluation, testing, and monitoring and program audit and evaluation.

Sec. 4. Minnesota Statutes 2004, section 216B.243, subdivision 6, is amended to read:

Subd. 6. [APPLICATION FEES; RULES.] Any application for a certificate of need shall be accompanied by the application fee required pursuant to this subdivision. The application fee is to be applied toward the total costs reasonably necessary to complete the evaluation of need for the proposed facility. The maximum application fee shall be \$50,000, except for an application for an electric power generating plant as defined in section 216B.2421, subdivision 2, clause (1), or a high-voltage transmission line as defined in section 216B.2421, subdivision 2, clause (2), for which the maximum application fee shall be \$100,000. ~~The commission may require an additional fee to recover the costs of any rehearing. The fee for a rehearing shall not be greater than the actual cost of the rehearing or the maximum fee specified above, whichever is less.~~ Costs exceeding the application fee and reasonably necessary to complete the evaluation of need for the proposed facility shall be recovered from the applicant. If the applicant is a public utility, a cooperative electric association, a generation and transmission cooperative electric association, a municipal power agency, a municipal electric utility, or a transmission company, the recovery shall be made as provided under section 216B.62. The commission shall establish by rule pursuant to chapter 14 and sections 216C.05 to 216C.30 and this section, a schedule of fees based on the output or capacity of the facility and the difficulty of assessment of need. Money collected in this manner shall be credited to the general fund of the state treasury.

Sec. 5. Minnesota Statutes 2004, section 216B.62, subdivision 5, is amended to read:

Subd. 5. [ASSESSING COOPERATIVES AND MUNICIPALS.] The commission and department may charge cooperative electric associations, generation and transmission cooperative electric associations, municipal power agencies, and municipal electric utilities their proportionate share of the expenses incurred in the review and disposition of resource plans, adjudication of service area disputes, proceedings under section 216B.1691, 216B.2425, or 216B.243, and the costs incurred in the adjudication of complaints over service standards, practices, and rates. Cooperative electric associations electing to become subject to rate regulation by the commission pursuant to section 216B.026, subdivision 4, are also subject to this section. Neither a cooperative electric association nor a municipal electric utility is liable for costs and expenses in a calendar year in excess of the limitation on costs that may be assessed against public utilities under subdivision 2. A cooperative electric association, generation and transmission cooperative electric association, municipal power agency, or municipal electric utility may object to and appeal bills of the commission and department as provided in subdivision 4.

The department shall assess cooperatives and municipalities for the costs of alternative energy engineering activities under section 216C.261. Each cooperative and municipality shall be assessed in proportion that its gross operating revenues for the sale of gas and electric service within the state for the last calendar year bears to the total of those revenues for all public utilities, cooperatives, and municipalities.

Sec. 6. Minnesota Statutes 2004, section 216C.41, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Qualified hydroelectric facility" means a hydroelectric generating facility in this state that:

(1) is located at the site of a dam, if the dam was in existence as of March 31, 1994; and

(2) begins generating electricity after July 1, 1994, or generates electricity after substantial refurbishing of a facility that begins after July 1, 2001.

(c) "Qualified wind energy conversion facility" means a wind energy conversion system in this state that:

(1) produces two megawatts or less of electricity as measured by nameplate rating and begins generating electricity after December 31, 1996, and before July 1, 1999;

(2) begins generating electricity after June 30, 1999, produces two megawatts or less of electricity as measured by nameplate rating, and is:

(i) owned by a resident of Minnesota or an entity that is organized under the laws of this state, is not prohibited from owning agricultural land under section 500.24, and owns the land where the facility is sited;

(ii) owned by a Minnesota small business as defined in section 645.445;

(iii) owned by a Minnesota nonprofit organization;

(iv) owned by a tribal council if the facility is located within the boundaries of the reservation;

(v) owned by a Minnesota municipal utility or a Minnesota cooperative electric association; or

(vi) owned by a Minnesota political subdivision or local government, including, but not limited to, a county, statutory or home rule charter city, town, school district, or any other local or regional governmental organization such as a board, commission, or association; or

(3) begins generating electricity after June 30, 1999, produces seven megawatts or less of electricity as measured by nameplate rating, and:

(i) is owned by a cooperative organized under chapter 308A other than a Minnesota cooperative electric association; and

(ii) all shares and membership in the cooperative are held by an entity that is not prohibited from owning agricultural land under section 500.24.

(d) "Qualified on-farm biogas recovery facility" means an anaerobic digester system that:

(1) is located at the site of an agricultural operation; and

(2) is owned by an entity that is not prohibited from owning agricultural land under section 500.24 and that owns or rents the land where the facility is located; ~~and~~

~~(3) begins generating electricity after July 1, 2001.~~

(e) "Anaerobic digester system" means a system of components that processes animal waste based on the absence of oxygen and produces gas used to generate electricity.

Sec. 7. [LEGISLATIVE FINDINGS.]

The legislature finds that broad participation by the public and other interested and affected parties in proceedings of the Minnesota Public Utilities Commission serves the public interest. The utilization of the Internet by the commission and the Minnesota Department of Commerce, which maintains the commission's records, to allow electronic access to commission documents has expanded access to the commission's proceedings. E-filing, which will enable individuals to electronically file documents in ongoing proceedings via the Internet and permit the electronic retrieval of all documents filed, is an effective way to lower the costs and increase the ease and efficiency of participation.

Sec. 8. [ESTABLISHMENT OF E-FILING SYSTEM; ACCOUNT; APPROPRIATION.]

(a) The Public Utilities Commission's e-filing account is established. The commission shall make a onetime assessment to regulated utilities of \$315,000, which must be deposited in the account. Each public utility, municipal utility, electric cooperative association, and telecommunications carrier must be assessed in proportion to its respective gross operating revenues for retail sales of gas, electric, or telecommunications service in the state in the last calendar year.

(b) Revenue in the account is appropriated to the commission for the costs associated with establishing an e-filing system that allows documents to be filed and retrieved via the Internet. Revenue in the account remains available until expended.

(c) The e-filing system must be operational by September 30, 2005.

Sec. 9. [STUDY; BIODIESEL FUEL FOR HOME HEATING.]

(a) From the money available to the commissioner of commerce for purposes of studies and technical assistance by the reliability administrator under Minnesota Statutes, section 216C.052, and in conformity with the goals and directives of Minnesota Statutes, section 16B.325, the reliability administrator shall perform a comprehensive technical and economic analysis of the benefits to be derived from using biodiesel fuel as defined in Minnesota Statutes, section 239.77, subdivision 1, or biodiesel fuel blends, as a home heating fuel. The analysis must consider blends ranging from B2 to B100.

(b) Not later than March 15, 2007, the reliability administrator shall report the results of the study and analysis to the appropriate standing committees of the Minnesota senate and house of representatives."

Delete the title and insert:

"A bill for an act relating to utilities; modifying and adding provisions relating to alternative, clean, or renewable energy resource development; regulating public utilities, power transmission companies and facilities, and energy facilities; authorizing local power quality zones; authorizing community-based energy development tariff; transferring various siting authorities from Environmental Quality Board to Public Utilities Commission; providing for commission oversight of reliability administrator; modifying provisions relating to energy conservation; requiring commission to establish e-filing system; requiring creation of stakeholder and working groups; requiring studies and reports; making clarifying and technical changes; appropriating money; amending Minnesota Statutes

2004, sections 116C.52, subdivisions 2, 4; 116C.53, subdivision 2; 116C.57, subdivisions 1, 2c, by adding a subdivision; 116C.575, subdivision 5; 116C.577; 116C.58; 116C.69, subdivisions 2, 2a; 216B.02, by adding a subdivision; 216B.16, subdivision 6d, by adding subdivisions; 216B.1645, subdivision 1; 216B.241, subdivisions 1b, 2; 216B.2421, subdivision 2; 216B.2425, subdivision 2, by adding a subdivision; 216B.243, subdivisions 3, 4, 5, 6, 8; 216B.50, subdivision 1; 216B.62, subdivision 5, by adding a subdivision; 216B.79; 216C.052; 216C.41, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 216B; 216C."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1418, A bill for an act relating to children; requiring notification of noncustodial parents and the court of residence by custodial parent with certain convicted persons; proposing coding for new law in Minnesota Statutes, chapter 257.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 1529, A bill for an act relating to motor vehicles; excluding cost of air bag repair or replacement and related repair costs from motor vehicle damage calculations for salvage title and consumer disclosure purposes; amending Minnesota Statutes 2004, sections 168A.04, subdivision 4; 168A.151, subdivision 1; 325F.6641, subdivisions 1, 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Buesgens from the Committee on Education Policy and Reform to which was referred:

H. F. No. 1661, A bill for an act relating to education; promoting character development education; amending Minnesota Statutes 2004, sections 120B.23; 121A.03, subdivision 1; 121A.47, subdivision 14; 121A.55; 123A.06, subdivision 1; 126C.44; proposing coding for new law in Minnesota Statutes, chapter 120B.

Reported the same back with the following amendments:

Page 1, line 15, after the second comma, insert "respect for others, peacemaking," and after "are" insert "not limited to, but may"

Page 1, line 16, delete "encouraged to"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education Finance.

The report was adopted.

Buesgens from the Committee on Education Policy and Reform to which was referred:

H. F. No. 1856, A bill for an act relating to education; requiring a secondary school law enforcement teacher to be licensed as a peace officer; proposing coding for new law in Minnesota Statutes, chapter 122A.

Reported the same back with the following amendments:

Page 1, line 19, delete "but does not"

Page 1, line 20, delete "hold a secondary vocational teacher license."

Page 1, line 22, delete "this" and insert "the"

Page 1, after line 24, insert:

"Subd. 3. [EXCLUSIONS.] Teachers of law enforcement in community education programs and adult and continuing education programs are excluded from the requirements of this section."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education Finance.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 1872, A bill for an act relating to government data practices; clarifying the term preliminary draft; amending Minnesota Statutes 2004, section 13.605, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Ozment from the Committee on Agriculture, Environment and Natural Resources Finance to which was referred:

H. F. No. 1909, A bill for an act relating to natural resources; proposing an amendment to the Minnesota Constitution by adding a section to article XI; dedicating the sales and use tax receipts equal to a sales and use tax of one-fourth of one percent on taxable sales and uses for natural resource purposes; creating a game and fish heritage fund; creating a clean water fund; establishing a Clean Waters Council; amending Minnesota Statutes 2004, section 297A.94; proposing coding for new law in Minnesota Statutes, chapters 84; 103F.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Gunther from the Committee on Jobs and Economic Opportunity Policy and Finance to which was referred:

H. F. No. 1925, A bill for an act relating to human services; making changes to licensing provisions and background studies; amending Minnesota Statutes 2004, sections 13.46, subdivision 4; 245A.02, subdivision 17; 245A.03, subdivisions 2, 3; 245A.04, subdivisions 7, 13; 245A.07, subdivisions 1, 3; 245A.08, subdivisions 2a, 5; 245A.14, by adding subdivisions; 245A.144; 245A.16, subdivision 4; 245A.18; 245B.02, subdivision 10; 245B.055, subdivision 7; 245B.07, subdivision 8; 245C.03, subdivision 1; 245C.07; 245C.08, subdivisions 1, 2; 245C.15, subdivisions 1, 2, 3, 4; 245C.17, subdivision 2; 245C.21, subdivision 2; 245C.22, subdivisions 3, 4; 245C.24, subdivisions 2, 3; 245C.27, subdivision 1; 245C.28, subdivision 3; 245C.30, subdivision 2; 260B.163, subdivision 6; 260C.163, subdivision 5; 518.165, by adding subdivisions; 609A.03, subdivision 7; 626.556, subdivision 10i; 626.557, subdivision 9d.

Reported the same back with the following amendments:

Page 5, after line 20, insert:

"Sec. 2. Minnesota Statutes 2004, section 243.166, subdivision 7, is amended to read:

Subd. 7. ~~[USE OF INFORMATION DATA.]~~ Except as otherwise provided in subdivision 7a or sections 244.052 and 299C.093, the ~~information data~~ provided under this section is private data on individuals under section 13.02, subdivision 12. The ~~information data~~ may be used only for law enforcement and corrections purposes. State-operated services, as defined in section 246.014, is also authorized to have access to the data for the purposes described in section 246.13, subdivision 2, paragraph (b)."

Page 44, after line 27, insert:

"Sec. 37. Minnesota Statutes 2004, section 246.13, is amended to read:

246.13 ~~[RECORD RECORDS OF PATIENTS AND RESIDENTS IN RECEIVING STATE-OPERATED SERVICES.]~~

Subdivision 1. [POWERS, DUTIES, AND AUTHORITY OF COMMISSIONER.] (a) The commissioner of human services' office shall have, accessible only by consent of the commissioner or on the order of a judge or court of record, a record showing the residence, sex, age, nativity, occupation, civil condition, and date of entrance or commitment of every person, in the state-operated services facilities as defined under section 246.014 under exclusive control of the commissioner; the date of discharge and whether such discharge was final; the condition of the person when the person left the state-operated services facility; the vulnerable adult abuse prevention associated

with the person; and the date and cause of all deaths. The record shall state every transfer from one state-operated services facility to another, naming each state-operated services facility. This information shall be furnished to the commissioner of human services by each public agency, along with other obtainable facts as the commissioner may require. When a patient or resident in a state-operated services facility is discharged, transferred, or dies, the head of the state-operated services facility or designee shall inform the commissioner of human services of these events within ten days on forms furnished by the commissioner.

(b) The commissioner of human services shall cause to be devised, installed, and operated an adequate system of records and statistics which shall consist of all basic record forms, including patient personal records and medical record forms, and the manner of their use shall be precisely uniform throughout all state-operated services facilities.

Subd. 2. [DEFINITIONS; RISK ASSESSMENT AND MANAGEMENT.] (a) As used in this section:

(1) "appropriate and necessary medical and other records" includes patient medical records and other protected health information as defined by Code of Federal Regulations, title 45, section 164.501, relating to a patient in a state-operated services facility, including but not limited to the patient's treatment plan and abuse prevention plan that is pertinent to the patient's ongoing care, treatment, or placement in a community-based treatment facility or a health care facility that is not operated by state-operated services, and includes information describing the level of risk posed by a patient when the patient enters the facility;

(2) "community-based treatment" means the community support services listed in section 245.462, subdivision 6;

(3) "criminal history data" means those data maintained or used by the Departments of Corrections and Public Safety and by the supervisory authorities listed in section 13.84, subdivision 1, that relate to an individual's criminal history or propensity for violence; including data in the Corrections Offender Management System (COMS) and Statewide Supervision System (S3) maintained by the Department of Corrections and the Criminal Justice Information System (CJIS); the Predatory Offender Registration (POR) system maintained by the Department of Public Safety; and the CriMNet system;

(4) "designated agency" means the agency defined in section 253B.02, subdivision 5;

(5) "law enforcement agency" means the law enforcement agency having primary jurisdiction over the location where the offender expects to reside upon release;

(6) "predatory offender" and "offender" mean a person who is required to register as a predatory offender under section 243.166; and

(7) "treatment facility" means a facility as defined in section 253B.02, subdivision 19.

(b) To promote public safety and for the purposes and subject to the requirements below, the commissioner or the commissioner's designee shall have access to and review medical and criminal history data provided by this section, as necessary to comply with Minnesota Rules, part 1205.0400:

(1) to determine whether a patient is required under state law to register as a predatory offender according to section 243.166;

(2) to facilitate and expedite the responsibilities of the special review board and end-of-confinement review committees by corrections institutions and state treatment facilities;

(3) to prepare, amend, or revise the abuse prevention plans required under section 626.557, subdivision 14, and individual patient treatment plans required under section 253B.03, subdivision 7;

(4) to facilitate the custody, supervision, and transport of individuals transferred between the Department of Corrections and the Department of Human Services; or

(5) to facilitate the exchange of data between the Department of Corrections, the Department of Human Services, and the supervisory authorities listed in section 13.84, subdivision 1, regarding individuals under the authority of one or more of these entities.

(c) The commissioner may have access to the National Crime Information Center (NCIC) database, through the Department of Public Safety, in support of the law enforcement functions described in paragraph (b).

Subd. 3. [COMMUNITY-BASED TREATMENT AND MEDICAL TREATMENT.] (a) When a patient under the care and supervision of state-operated services is released to a community-based treatment facility or facility that provides health care services, state-operated services may disclose all appropriate and necessary health and other information relating to the patient.

(b) The information that must be provided to the designated agency, community-based treatment facility, or facility that provides health care services includes, but is not limited to, the patient's abuse prevention plan required under section 626.557, subdivision 14, paragraph (b).

Subd. 4. [PREDATORY OFFENDER REGISTRATION NOTIFICATION.] (a) When a state-operated facility determines that a patient is required under section 243.166, subdivision 1, to register as a predatory offender or, under section 243.166, subdivision 4a, to provide notice of a change in status, the facility shall provide written notice to the patient of the requirement.

(b) If the patient refuses, is unable, or lacks capacity to comply with the requirement described in paragraph (a) within five days after receiving the notification of the duty to comply, state-operated services staff shall obtain and disclose the necessary data to complete the registration form or change of status notification for the patient. The treatment facility shall also forward the registration or change of status data that it completes to the Bureau of Criminal Apprehension and, as applicable, the patient's corrections agent and the law enforcement agency in the community in which the patient currently resides. If, after providing notification, the patient refuses to comply with the requirements described in paragraph (a), the treatment facility shall also notify the county attorney in the county in which the patient is currently residing of the refusal.

(c) The duties of state-operated services described in this subdivision do not relieve the patient of the ongoing individual duty to comply with the requirements of section 243.166.

Subd. 5. [PROCEDURE FOR BLOODBORNE PATHOGENS.] Sections 246.71 to 246.722 apply to state-operated services facilities.

Sec. 38. Minnesota Statutes 2004, section 253B.18, subdivision 4a, is amended to read:

Subd. 4a. [RELEASE ON PASS; NOTIFICATION.] A patient who has been committed as a person who is mentally ill and dangerous and who is confined at a secure treatment facility or has been transferred out of a state-operated services facility according to section 253B.18, subdivision 6, shall not be released on a pass unless the pass is part of a pass plan that has been approved by the medical director of the secure treatment facility. The pass plan must have a specific therapeutic purpose consistent with the treatment plan, must be established for a specific period of time, and must have specific levels of liberty delineated. The county case manager must be invited to participate in the development of the pass plan. At least ten days prior to a determination on the plan, the medical director shall notify the designated agency, the committing court, the county attorney of the county of commitment, an interested person, the local law enforcement agency where the facility is located, the local law enforcement agency in the location where the pass is to occur, the petitioner, and the petitioner's counsel of the plan, the nature of the passes

proposed, and their right to object to the plan. If any notified person objects prior to the proposed date of implementation, the person shall have an opportunity to appear, personally or in writing, before the medical director, within ten days of the objection, to present grounds for opposing the plan. The pass plan shall not be implemented until the objecting person has been furnished that opportunity. Nothing in this subdivision shall be construed to give a patient an affirmative right to a pass plan."

Page 47, after line 34, insert:

"Sec. 41. Minnesota Statutes 2004, section 299C.093, is amended to read:

299C.093 [DATABASE OF REGISTERED PREDATORY OFFENDERS.]

The superintendent of the bureau of criminal apprehension shall maintain a computerized data system relating to individuals required to register as predatory offenders under section 243.166. To the degree feasible, the system must include the ~~information data~~ required to be provided under section 243.166, subdivisions 4 and 4a, and indicate the time period that the person is required to register. The superintendent shall maintain this ~~information data~~ in a manner that ensures that it is readily available to law enforcement agencies. This ~~information data~~ is private data on individuals under section 13.02, subdivision 12, but may be used for law enforcement and corrections purposes. State-operated services, as defined in section 246.014, is also authorized to have access to the data for the purposes described in section 246.13, subdivision 2, paragraph (b)."

Page 58, after line 12, insert:

"Sec. 48. Minnesota Statutes 2004, section 626.557, subdivision 14, is amended to read:

Subd. 14. [ABUSE PREVENTION PLANS.] (a) Each facility, except home health agencies and personal care attendant services providers, shall establish and enforce an ongoing written abuse prevention plan. The plan shall contain an assessment of the physical plant, its environment, and its population identifying factors which may encourage or permit abuse, and a statement of specific measures to be taken to minimize the risk of abuse. The plan shall comply with any rules governing the plan promulgated by the licensing agency.

(b) Each facility, including a home health care agency and personal care attendant services providers, shall develop an individual abuse prevention plan for each vulnerable adult residing there or receiving services from them. The plan shall contain an individualized assessment of both the person's susceptibility to abuse by other individuals, including other vulnerable adults, and the potential risks posed by the person to the other patients, to facility staff, and to others; and a statement of the specific measures to be taken to minimize the risk of abuse to that person and others. For the purposes of this clause, the term "abuse" includes self-abuse.

Sec. 49. [REPEALER.]

Minnesota Statutes 2004, section 246.017, subdivision 1, is repealed."

Reorder the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "changing provisions for state-operated services in access to data, records retention, sharing information, and assisting patients required to register as a predatory offender in completing registration forms; adding a notification provision for certain patients released on pass; adding a provision to abuse prevention plans;"

Page 1, line 5, after the first semicolon, insert "243.166, subdivision 7;"

Page 1, line 15, after the second semicolon, insert "246.13; 253B.18, subdivision 4a;"

Page 1, line 16, after the second semicolon, insert "299C.093;"

Page 1, line 18, delete "subdivision 9d" and insert "subdivisions 9d, 14; repealing Minnesota Statutes 2004, section 246.017, subdivision 1"

With the recommendation that when so amended the bill pass.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 1939, A bill for an act relating to local government; permitting a group health insurance arrangement of local governments to provide the same coverage to each participating governmental unit; amending Laws 1985, chapter 85, section 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 2019, A bill for an act relating to human services; allowing recovery of medical assistance from trusts and annuities; proposing coding for new law in Minnesota Statutes, chapter 501B.

Reported the same back with the following amendments:

Page 4, line 13, delete "and annuities"

Page 4, line 14, after "spouse," insert "to all annuities the recipient or a recipient's spouse own or have a beneficial interest in."

Page 4, delete line 36 and insert:

"(1) the unpaid principal and income of an annuity the recipient owns or has an interest in, whether annuitized or equal to the maximum amount payable to the recipient under the terms of the annuity determined as though the recipient had lived long enough to be entitled to receive them;"

Page 5, delete lines 1 to 5

Page 5, delete lines 20 to 27 and insert:

"(1) the unpaid principal and income of the annuity the surviving spouse owns or has an interest in, whether annuitized or not, equal to the maximum amount payable to the surviving spouse under the terms of the annuity determined as though the surviving spouse had lived long enough to be entitled to receive them; and"

Page 6, after line 28, insert:

"(b) As soon as practical after receiving notice of the death of any person who owned or had any beneficial interest in an annuity and who resided in this state at the time of the person's death, the administrator of the annuity shall apply for a clearance of medical assistance claims under this section. If the clearance states a claim for medical assistance for anyone named in the application, the administrator of the annuity shall pay the department or a county agency with an allowed claim under section 256B.15 the lesser of the amount of medical assistance stated in the clearance or the decedent's interest in the annuity as determined under this section. The administrator of the annuity shall pay the portion of the annuity due according to the terms of the annuity and as though the decedent or surviving spouse were still alive and entitled to receive payments under the annuity. The administrator may also settle the administrator's obligations under this section and section 256B.15 with the department or county agency upon mutually agreeable terms and conditions."

Page 6, line 29, delete "(b)" and insert "(c)"

Page 6, line 36, delete "(c)" and insert "(d)"

Page 13, after line 10, insert:

"Subd. 14. [DISCLOSURE.] (a) An annuity contract or trust instrument must contain a conspicuous disclosure on the front page of the existence and effects of this section, including subdivision 1, paragraph (c).

(b) An application for medical assistance or general assistance medical care must contain a conspicuous disclosure on the front page of the existence and effects of this section."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Health Policy and Finance.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 2023, A bill for an act relating to health; assessing health maintenance organizations for purposes of the insurance fraud prevention account; regulating certain rates, claims, filing, reporting, and information disclosure practices; eliminating expanded provider network requirements; amending Minnesota Statutes 2004, sections 45.0135, subdivision 7; 62D.145, subdivision 2; 62E.05, subdivision 2; 62L.08, subdivision 8; 62Q.75; 72A.201, subdivision 4; 72A.502, by adding a subdivision; 144.335, subdivision 3a; 256B.692, subdivision 2; 295.582; repealing Minnesota Statutes 2004, sections 62E.035; 62Q.095; 62Q.64.

Reported the same back with the following amendments:

Page 4, after line 29, insert:

"Sec. 5. Minnesota Statutes 2004, section 62Q.64, is amended to read:

62Q.64 [DISCLOSURE OF EXECUTIVE COMPENSATION.]

(a) Each health plan company doing business in this state shall annually file with the ~~Consumer Advisory Board created in section 62J.75:~~

(1) ~~a copy of the health plan company's form 990 filed with the federal Internal Revenue Service; or~~

(2) ~~if the health plan company did not file a form 990 with the federal Internal Revenue Service, commissioner of commerce~~ a list of the amount and recipients of the health plan company's five highest salaries, including all types of compensation, in excess of \$50,000.

(b) A filing under this section is public data under section 13.03."

Page 5, line 1, delete "but not limited to."

Page 7, line 3, reinstate the stricken language

Page 7, line 4, delete the new language

Page 8, line 5, reinstate the stricken language and delete the new language

Page 8, line 6, delete the new language

Page 8, line 7, after "a" insert "health" and delete "of accident and"

Page 8, line 8, delete "sickness insurance"

Page 8, line 9, delete everything after "62Q.75"

Page 8, delete line 10

Page 8, line 11, delete everything before the semicolon

Page 8, line 12, after "a" insert "health" and delete "of accident and"

Page 8, line 13, delete "sickness insurance"

Page 16, line 25, after the first semicolon, insert "and" and delete everything after "62Q.095"

Page 16, line 26, delete "62Q.64"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the third semicolon, insert "62Q.64;"

Page 1, line 13, delete "; 62Q.64"

With the recommendation that when so amended the bill pass.

The report was adopted.

Erhardt from the Committee on Transportation to which was referred:

H. F. No. 2063, A bill for an act relating to public safety; modifying motor vehicle, traffic regulation, and driver's license provisions relating to commercial motor vehicles; making technical and clarifying changes; modifying definitions of recreational vehicle, motor home, state, and tank vehicle; prohibiting issuance of identification card to holder of driving instruction permit; modifying driver's license classifications, restrictions, exceptions, and exemptions; modifying driver records provisions; incorporating federal regulations; amending Minnesota Statutes 2004, sections 168.011, subdivision 25; 169.01, subdivision 75; 169A.52, subdivision 3; 171.01, subdivisions 22, 47, by adding a subdivision; 171.02; 171.03; 171.04, subdivision 2; 171.09; 171.12, subdivision 3; 171.165, subdivisions 1, 2, 6; proposing coding for new law in Minnesota Statutes, chapter 171; repealing Minnesota Statutes 2004, sections 169.99, subdivision 1b; 171.12, subdivision 6; 171.165, subdivisions 3, 4, 4a, 4b; Minnesota Rules, part 7503.2400.

Reported the same back with the following amendments:

Page 4, after line 11, insert:

"Sec. 3. Minnesota Statutes 2004, section 169.01, subdivision 76, is amended to read:

Subd. 76. [HAZARDOUS MATERIALS.] "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, ~~part 172, subpart F~~ parts 100-185."

Page 5, after line 16, insert:

"Sec. 6. Minnesota Statutes 2004, section 171.01, subdivision 35, is amended to read:

Subd. 35. [HAZARDOUS MATERIALS.] "Hazardous materials" means those materials found to be hazardous for the purposes of the federal Hazardous Materials Transportation Act and that require the motor vehicle to be placarded under Code of Federal Regulations, title 49, ~~part 172, subpart F~~ parts 100-185."

Page 5, line 29, after "tank" insert ", as defined in Code of Federal Regulations, title 49, section 178.320, including a cargo tank or a portable tank as defined in Code of Federal Regulations, title 49, section 171.8,"

Page 7, delete lines 29 and 30 and insert:

"(6) towing vehicles if:

(i) the towed vehicles have a gross vehicle weight of 10,000 pounds or less; or

(ii) the towed vehicles have a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a gross vehicle weight of 26,000 pounds or less."

Page 16, delete lines 11 to 15 and insert:

"(2) the driver's record pertaining to violations of a driver or vehicle out-of-service order must be kept for a period of at least ten years; and

(3) the driver's record pertaining to felony convictions in the commission of which a motor vehicle was used, to the alcohol-related offenses and licensing actions listed in section 169A.03, subdivisions 20 and 21, and to violations of sections section 169.09, to violations of section 169A.31, and to violations of section 171.24, subdivision 5, shall must"

Page 18, delete lines 4 to 8 and insert:

"Subd. 6. [EXEMPTIONS.] (a) A disqualification shall not be imposed under this section on a recreational ~~equipment~~ vehicle operator, farmer, or firefighter authorized emergency vehicle operator operating a commercial motor vehicle within the scope of section 171.02, subdivision 2, paragraph (b).

(b) A conviction for a violation that occurred before August 1, 2005, while operating a vehicle that is not a commercial motor vehicle shall not be counted as a first or subsequent violation for purposes of determining the period for which a driver must be disqualified under this section."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, delete the second "subdivision" and insert "subdivisions"

Page 1, line 14, after "75" insert ", 76" and after "22," insert "35;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety Policy and Finance.

The report was adopted.

Bradley from the Committee on Health Policy and Finance to which was referred:

H. F. No. 2075, A bill for an act relating to human services; limiting a contracting agreement between health plans or pharmacy benefits manager and pharmacies; amending Minnesota Statutes 2004, section 295.582.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 2099, A bill for an act relating to elections; limiting vouching by an individual as part of election day registration; amending Minnesota Statutes 2004, section 201.061, subdivision 3.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Wilkin from the Committee on Commerce and Financial Institutions to which was referred:

H. F. No. 2121, A bill for an act relating to commerce; requiring businesses that possess personal data to notify persons whose personal information has been disclosed to unauthorized persons; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reported the same back with the following amendments:

Page 1, line 22, after "breach" insert ", identify the individuals affected."

Page 2, line 15, after the period, insert "Good faith acquisition of personal information by an employee or agent of the person or business for the purposes of the person or business is not a breach of the security system, provided that the personal information is not used or subject to further unauthorized disclosure."

Page 2, line 23, after "when" insert "either" and delete "and" and insert "or" and delete "are" and insert "is"

Page 3, line 1, after "notice" insert "to the most recent available address the person or business has in its records"

Page 3, after line 25, insert:

"Subd. 2. [COORDINATION WITH CONSUMER REPORTING AGENCIES.] If a person discovers circumstances requiring notification under this section of more than 1,000 persons at one time, the person shall also notify, without unreasonable delay, all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis, as defined by United States Code, title 15, section 1681a, of the timing, distribution, and content of the notices."

Page 3, line 26, delete "2" and insert "3"

Page 3, after line 28, insert:

"Subd. 4. [EXEMPTION.] This section does not apply to any "financial institution" as defined by United States Code, title 15, section 6809(3), and to entities subject to the federal privacy and security regulations adopted under the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191."

Page 3, line 29, delete "3" and insert "5" and delete "(a) Any person" and insert "The attorney general may enforce this section under section 8.31."

Page 3, delete lines 30 to 36

With the recommendation that when so amended the bill pass.

The report was adopted.

Buesgens from the Committee on Education Policy and Reform to which was referred:

H. F. No. 2132, A bill for an act relating to education; allowing students participating in Minnesota State High School League activities in another district during a teachers' strike to maintain their eligibility to play after the strike; amending Minnesota Statutes 2004, section 128C.02, by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 21, after the period, insert "Any student who transfers to another district under this subdivision continues to be fully eligible for all league activities."

With the recommendation that when so amended the bill pass.

The report was adopted.

Dauids from the Committee on Agriculture and Rural Development to which was referred:

H. F. No. 2146, A bill for an act relating to public safety; requiring the commissioner of health to study and make recommendations regarding use of an additive to anhydrous ammonia to prevent illicit use of amphetamine.

Reported the same back with the following amendments:

Page 1, line 16, delete the semicolon and insert a comma

Page 1, line 17, delete everything after "additives" and insert a comma

Page 1, delete lines 18 and 19

Page 1, line 20, delete everything before "and"

Page 1, line 23, after "2006," insert "or as soon as the study is complete, if earlier,"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Agriculture, Environment and Natural Resources Finance.

The report was adopted.

Johnson, J., from the Committee on Civil Law and Elections to which was referred:

H. F. No. 2153, A bill for an act relating to children; providing that husband of mother by assisted reproduction or artificial insemination is treated as biological father of resulting child in certain instances; amending Minnesota Statutes 2004, section 257.56, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 460, 806, 815, 1016, 1189, 1265, 1418, 1529, 1872, 1925, 1939, 2023, 2099, 2121, 2132 and 2153 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 370 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Bernardy, Goodwin and Moe introduced:

H. F. No. 2364, A bill for an act relating to education finance; modifying the calculation of revenue for transition revenue; amending Minnesota Statutes 2004, section 126C.10, subdivision 31.

The bill was read for the first time and referred to the Committee on Education Finance.

Latz and Simon introduced:

H. F. No. 2365, A bill for an act relating to retirement; Public Employees Retirement Association; providing survivor benefits to the spouse of a police officer killed while on active duty in Iraq.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Sykora introduced:

H. F. No. 2366, A bill for an act relating to education; providing tax credit for scholarship granting organizations; amending Minnesota Statutes 2004, section 290.01, subdivision 19c; proposing coding for new law in Minnesota Statutes, chapters 124D; 290.

The bill was read for the first time and referred to the Committee on Taxes.

Smith introduced:

H. F. No. 2367, A bill for an act relating to retirement; correctional state employees retirement plan of the Minnesota State Retirement System; establishing a process within the Department of Corrections for the evaluation and recommendation of potential additional inclusions in plan coverage; amending Minnesota Statutes 2004, section 352.91, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs.

Mariani and Greiling introduced:

H. F. No. 2368, A bill for an act relating to education; providing funding for college in the schools; appropriating money; amending Minnesota Statutes 2004, section 136A.101, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 124D.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

Vandevveer introduced:

H. F. No. 2369, A bill for an act relating to health; creating a presumption directing nutrition and hydration sufficient to sustain life; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health Policy and Finance.

Lenczewski and Greiling introduced:

H. F. No. 2370, A bill for an act relating to tax increment financing; prohibiting new tax increment financing districts or certain modifications of existing districts; proposing coding for new law in Minnesota Statutes, chapter 469.

The bill was read for the first time and referred to the Committee on Taxes.

Anderson, B.; Gazelka; Simon and Nelson, P., introduced:

H. F. No. 2371, A bill for an act relating to claims against the state; providing for settlement of various claims; increasing amount of allowable reimbursement for certain damage by inmates; appropriating money; amending Minnesota Statutes 2004, section 3.755.

The bill was read for the first time and referred to the Committee on Ways and Means.

Ruth introduced:

H. F. No. 2372, A bill for an act relating to taxation; property; providing that certain personal property of an electric generation facility is exempt; amending Minnesota Statutes 2004, section 272.02, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Zellers; Peppin; Carlson; Finstad; Abrams; Peterson, S.; Anderson, B.; Dean; Ellison; Hortman; Hilstrom; Hackbarth; Hausman; Nelson, M.; Powell; Johnson, J.; Dittrich; Thao; Loeffler; Hornstein; Samuelson; Wilkin and Sviggum introduced:

H. F. No. 2373, A bill for an act relating to health; providing an exception to the hospital construction moratorium; amending Minnesota Statutes 2004, section 144.551, subdivision 1.

The bill was read for the first time and referred to the Committee on Health Policy and Finance.

Clark introduced:

H. F. No. 2374, A bill for an act relating to the environment; requiring the commissioner of the Pollution Control Agency to seek funding for environmental justice mapping.

The bill was read for the first time and referred to the Committee on Agriculture, Environment and Natural Resources Finance.

Otremba, Marquart, Eken, Moe, Davids, Koenen, Lenczewski and Heidgerken introduced:

H. F. No. 2375, A bill for an act relating to taxation; property; requiring the county auditor to notify certain property owners of delinquent taxes; proposing coding for new law in Minnesota Statutes, chapter 280.

The bill was read for the first time and referred to the Committee on Taxes.

Hausman introduced:

H. F. No. 2376, A bill for an act relating to taxation; providing for a Metropolitan Council levy for transit and paratransit operating costs; transferring certain motor vehicle sales tax proceeds to greater Minnesota transit fund; amending Minnesota Statutes 2004, sections 297B.09, subdivision 1; 473.388, subdivision 4; 473.446, subdivision 1, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Larson, Erhardt and Hausman introduced:

H. F. No. 2377, A bill for an act relating to highways; reallocating proceeds from motor vehicle sales tax; amending Minnesota Statutes 2004, section 297B.09, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Dorn, Ruth, Lieder and Hausman introduced:

H. F. No. 2378, A bill for an act relating to transportation; authorizing issuance of trunk highway bonds for Mankato district headquarters building; appropriating money.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Abeler, Thao and Gunther introduced:

H. F. No. 2379, A bill for an act relating to human services; excluding certain participants in measuring MFIP work participation and the self-support index; amending Minnesota Statutes 2004, section 256J.751, subdivision 2.

The bill was read for the first time and referred to the Committee on Jobs and Economic Opportunity Policy and Finance.

Simon; Erhardt; Ruud; Peterson, S.; Scalze; Latz; Bernardy; Lillie; Carlson; Lenczewski; Newman; Cox and Olson introduced:

H. F. No. 2380, A bill for an act relating to highways; requiring reports by commissioner of transportation on major highway projects; proposing coding for new law in Minnesota Statutes, chapter 174.

The bill was read for the first time and referred to the Committee on Transportation.

CONSENT CALENDAR

H. F. No. 1951, A bill for an act relating to human services; changing long-term care provisions; amending Minnesota Statutes 2004, sections 144A.071, subdivision 1a; 256B.0913, subdivision 8; 256B.0915, subdivisions 1a, 6, 9.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilstrom	Latz	Otremba	Simon
Abrams	Dittrich	Hilty	Lenczewski	Ozment	Simpson
Anderson, B.	Dorn	Holberg	Lesch	Paulsen	Slawik
Anderson, I.	Eastlund	Hoppe	Liebling	Paymar	Smith
Atkins	Eken	Hornstein	Lieder	Pelowski	Solberg
Beard	Ellison	Hortman	Lillie	Penas	Sykora
Bernardy	Emmer	Hosch	Loeffler	Peppin	Thao
Blaine	Entenza	Howes	Magnus	Peterson, A.	Tingelstad
Bradley	Erhardt	Jaros	Mahoney	Peterson, N.	Urdahl
Brod	Erickson	Johnson, J.	Mariani	Peterson, S.	Vandever
Buesgens	Finstad	Johnson, R.	Marquart	Poppe	Wagenius
Carlson	Fritz	Johnson, S.	McNamara	Powell	Walker
Charron	Garofalo	Juhnke	Meslow	Rukavina	Wardlow
Clark	Gazelka	Kahn	Moe	Ruth	Welti
Cornish	Goodwin	Kelliher	Mullery	Ruud	Westerberg
Cox	Greiling	Klinzing	Murphy	Sailer	Westrom
Cybart	Gunther	Knoblach	Nelson, M.	Samuelson	Wilkin
Davids	Hackbarth	Koenen	Nelson, P.	Scalze	Zellers
Davnie	Hamilton	Kohls	Newman	Seifert	Spk. Sviggum
Dean	Hansen	Krinkie	Nornes	Sertich	
DeLaForest	Hausman	Lanning	Olson	Severson	
Demmer	Heidgerken	Larson	Opatz	Sieben	

The bill was passed and its title agreed to.

S. F. No. 692 was reported to the House.

Emmer moved that S. F. No. 692 be removed from the Consent Calendar and be placed on the General Register. The motion prevailed.

S. F. No. 1466, A bill for an act relating to transportation; clarifying seasonal load restrictions for utility vehicles; amending Minnesota Statutes 2004, section 169.87, subdivision 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilstrom	Latz	Otremba	Simon
Abrams	Dittrich	Hilty	Lenczewski	Ozment	Simpson
Anderson, B.	Dorn	Holberg	Lesch	Paulsen	Slawik
Anderson, I.	Eastlund	Hoppe	Liebling	Paymar	Smith
Atkins	Eken	Hornstein	Lieder	Pelowski	Soderstrom
Beard	Ellison	Hortman	Lillie	Penas	Solberg
Bernardy	Emmer	Hosch	Loeffler	Peppin	Sykora
Blaine	Entenza	Howes	Magnus	Peterson, A.	Thao
Bradley	Erhardt	Jaros	Mahoney	Peterson, N.	Tingelstad
Brod	Erickson	Johnson, J.	Mariani	Peterson, S.	Urdahl
Buesgens	Finstad	Johnson, R.	Marquart	Poppe	Wagenius
Carlson	Fritz	Johnson, S.	McNamara	Powell	Walker
Charron	Garofalo	Juhnke	Meslow	Rukavina	Wardlow
Clark	Gazelka	Kahn	Moe	Ruth	Welti
Cornish	Goodwin	Kelliher	Mullery	Ruud	Westerberg
Cox	Greiling	Klinzing	Murphy	Sailer	Westrom
Cybart	Gunther	Knoblach	Nelson, M.	Samuelson	Wilkin
Davids	Hackbarth	Koenen	Nelson, P.	Scalze	Zellers
Davnie	Hamilton	Kohls	Newman	Seifert	Spk. Sviggum
Dean	Hansen	Krinkie	Nornes	Sertich	
DeLaForest	Hausman	Lanning	Olson	Severson	
Demmer	Heidgerken	Larson	Opatz	Sieben	

Those who voted in the negative were:

Vandev eer

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Thursday, April 7, 2005:

S. F. No. 1254; H. F. Nos. 563, 588 and 1458; S. F. No. 171; H. F. No. 128; S. F. No. 451; H. F. Nos. 820 and 369; and S. F. No. 392.

CALENDAR FOR THE DAY

S. F. No. 1254, A bill for an act relating to veterans; designating the month of May each year as "Hire a Veteran Month" in Minnesota; proposing coding for new law in Minnesota Statutes, chapter 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilstrom	Latz	Otremba	Simon
Abrams	Dittrich	Hilty	Lenczewski	Ozment	Simpson
Anderson, B.	Dorn	Holberg	Lesch	Paulsen	Slawik
Anderson, I.	Eastlund	Hoppe	Liebling	Paymar	Smith
Atkins	Eken	Hornstein	Lieder	Pelowski	Soderstrom
Beard	Ellison	Hortman	Lillie	Penas	Solberg
Bernardy	Emmer	Hosch	Loeffler	Peppin	Sykora
Blaine	Entenza	Howes	Magnus	Peterson, A.	Thao
Bradley	Erhardt	Jaros	Mahoney	Peterson, N.	Tingelstad
Brod	Erickson	Johnson, J.	Mariani	Peterson, S.	Urdahl
Buesgens	Finstad	Johnson, R.	Marquart	Poppe	Vandever
Carlson	Fritz	Johnson, S.	McNamara	Powell	Wagenius
Charron	Garofalo	Juhnke	Meslow	Rukavina	Walker
Clark	Gazelka	Kahn	Moe	Ruth	Wardlow
Cornish	Goodwin	Kelliher	Mullery	Ruud	Walti
Cox	Greiling	Klinzing	Murphy	Sailer	Westerberg
Cybart	Gunther	Knoblach	Nelson, M.	Samuelson	Westrom
Davids	Hackbarth	Koenen	Nelson, P.	Scalze	Wilkin
Davnie	Hamilton	Kohls	Newman	Seifert	Zellers
Dean	Hansen	Krinkie	Nornes	Sertich	Spk. Sviggum
DeLaForest	Hausman	Lanning	Olson	Severson	
Demmer	Heidgerken	Larson	Opatz	Sieben	

The bill was passed and its title agreed to.

H. F. No. 563, A bill for an act relating to insurance; permitting service cooperatives to provide group health coverage to private employers; proposing coding for new law in Minnesota Statutes, chapter 123A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Cornish	Entenza	Heidgerken	Kelliher	Loeffler
Abrams	Cox	Erhardt	Hilstrom	Klinzing	Magnus
Anderson, B.	Cybart	Erickson	Hilty	Knoblach	Mahoney
Anderson, I.	Davnie	Finstad	Holberg	Koenen	Mariani
Atkins	Dean	Fritz	Hornstein	Kohls	Marquart
Beard	DeLaForest	Garofalo	Hortman	Krinkie	McNamara
Bernardy	Demmer	Gazelka	Hosch	Lanning	Meslow
Blaine	Dill	Goodwin	Howes	Larson	Moe
Bradley	Dittrich	Greiling	Jaros	Latz	Mullery
Brod	Dorn	Gunther	Johnson, J.	Lenczewski	Murphy
Buesgens	Eastlund	Hackbarth	Johnson, R.	Lesch	Nelson, M.
Carlson	Eken	Hamilton	Johnson, S.	Liebling	Nelson, P.
Charron	Ellison	Hansen	Juhnke	Lieder	Newman
Clark	Emmer	Hausman	Kahn	Lillie	Nornes

Olson	Peppin	Ruud	Simon	Tingelstad	Westrom
Opatz	Peterson, A.	Sailer	Simpson	Urdahl	Wilkin
Otremba	Peterson, N.	Samuelson	Slawik	Vandever	Zellers
Ozment	Peterson, S.	Scalze	Smith	Wagenius	Spk. Sviggum
Paulsen	Poppe	Seifert	Soderstrom	Walker	
Paymar	Powell	Sertich	Solberg	Wardlow	
Pelowski	Rukavina	Severson	Sykora	Walti	
Penas	Ruth	Sieben	Thao	Westerberg	

Those who voted in the negative were:

Davids Hoppe

The bill was passed and its title agreed to.

H. F. No. 588 was reported to the House.

Wilkin and Goodwin moved to amend H. F. No. 588, the first engrossment, as follows:

Page 2, line 20, after the period insert "The insurer must require that a copy of this written list be provided, prior to the effective date of the health benefit plan, to each employee who is eligible for health coverage under the employer's plan."

The motion prevailed and the amendment was adopted.

H. F. No. 588, A bill for an act relating to insurance; permitting flexible benefits plans for small employer group health coverage; proposing coding for new law in Minnesota Statutes, chapter 62L.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 90 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Abeler	Cybart	Erickson	Hoppe	Larson	Olson
Abrams	Davids	Finstad	Hortman	Latz	Opatz
Anderson, B.	Dean	Fritz	Hosch	Lenczewski	Ozment
Atkins	DeLaForest	Garofalo	Howes	Magnus	Paulsen
Beard	Demmer	Gazelka	Johnson, J.	Marquart	Pelowski
Blaine	Dill	Gunther	Johnson, R.	McNamara	Penas
Bradley	Dittrich	Hackbarth	Juhnke	Meslow	Peppin
Brod	Dorman	Hamilton	Klinzing	Moe	Peterson, N.
Buesgens	Dorn	Hansen	Knoblach	Murphy	Poppe
Charron	Eastlund	Heidgerken	Kohls	Nelson, P.	Powell
Cornish	Emmer	Hilstrom	Krinkie	Newman	Ruth
Cox	Erhardt	Holberg	Lanning	Nornes	Ruud

Samuelson	Simon	Soderstrom	Urdahl	Welti	Wilkin
Seifert	Simpson	Sykora	Vanderveer	Westerberg	Zellers
Severson	Smith	Tingelstad	Wardlow	Westrom	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Entenza	Johnson, S.	Lillie	Paymar	Sieben
Bernardy	Goodwin	Kahn	Loeffler	Peterson, A.	Slawik
Carlson	Greiling	Kelliher	Mahoney	Peterson, S.	Solberg
Clark	Hausman	Koenen	Mariani	Rukavina	Thao
Davnie	Hilty	Lesch	Mullery	Sailer	Wagenius
Eken	Hornstein	Liebling	Nelson, M.	Scalze	Walker
Ellison	Jaros	Lieder	Otremba	Sertich	

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

H. F. No. 1458, A bill for an act relating to state government; requiring the Minnesota Historical Society to request the continued display of specified portraits in the Capitol building.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Heidgerken	Larson	Opatz	Sieben
Abrams	Dittrich	Hilstrom	Latz	Otremba	Simon
Anderson, B.	Dorman	Hilty	Lenczewski	Ozment	Simpson
Anderson, I.	Dorn	Holberg	Lesch	Paulsen	Slawik
Atkins	Eastlund	Hoppe	Liebling	Paymar	Smith
Beard	Eken	Hornstein	Lieder	Pelowski	Soderstrom
Bernardy	Ellison	Hortman	Lillie	Penas	Solberg
Blaine	Emmer	Hosch	Loeffler	Peppin	Sykora
Bradley	Entenza	Howes	Magnus	Peterson, A.	Thao
Brod	Erhardt	Jaros	Mahoney	Peterson, N.	Tingelstad
Buesgens	Erickson	Johnson, J.	Mariani	Peterson, S.	Urdahl
Carlson	Finstad	Johnson, R.	Marquart	Poppe	Vanderveer
Charron	Fritz	Johnson, S.	McNamara	Powell	Wagenius
Clark	Garofalo	Juhnke	Meslow	Rukavina	Walker
Cornish	Gazelka	Kahn	Moe	Ruth	Wardlow
Cox	Goodwin	Kelliher	Mullery	Ruud	Welti
Cybart	Greiling	Klinzing	Murphy	Sailer	Westerberg
Davids	Gunther	Knoblach	Nelson, M.	Samuelson	Westrom
Davnie	Hackbarth	Koenen	Nelson, P.	Scalze	Wilkin
Dean	Hamilton	Kohls	Newman	Seifert	Zellers
DeLaForest	Hansen	Krinkie	Nornes	Sertich	Spk. Sviggum
Demmer	Hausman	Lanning	Olson	Severson	

The bill was passed and its title agreed to.

Paulsen moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Lenczewski moved that the name of Liebling be added as an author on H. F. No. 10. The motion prevailed.

Rukavina moved that the name of Loeffler be added as an author on H. F. No. 48. The motion prevailed.

Abeler moved that the name of Davids be added as an author on H. F. No. 586. The motion prevailed.

Paymar moved that his name be stricken as an author on H. F. No. 655. The motion prevailed.

Abeler moved that the name of Dorn be added as an author on H. F. No. 670. The motion prevailed.

Zellers moved that the name of Hortman be added as an author on H. F. No. 852. The motion prevailed.

Buesgens moved that the name of Klinzing be added as an author on H. F. No. 1229. The motion prevailed.

Bradley moved that the name of Klinzing be added as an author on H. F. No. 1312. The motion prevailed.

Slawik moved that the name of Bernardy be added as an author on H. F. No. 1329. The motion prevailed.

Westrom moved that the names of Dorn, Heidgerken and Ruth be added as authors on H. F. No. 1344. The motion prevailed.

Gunther moved that the name of Ruth be added as an author on H. F. No. 1389. The motion prevailed.

Nelson, P., moved that the name of Solberg be added as an author on H. F. No. 1400. The motion prevailed.

Krinkie moved that the name of Hausman be added as an author on H. F. No. 1713. The motion prevailed.

Davnie moved that the name of Bernardy be added as an author on H. F. No. 1943. The motion prevailed.

Charron moved that the names of Dean and Bernardy be added as authors on H. F. No. 2078. The motion prevailed.

Emmer moved that the name of Greiling be added as an author on H. F. No. 2116. The motion prevailed.

Tingelstad moved that the name of Nelson, M., be added as an author on H. F. No. 2143. The motion prevailed.

Krinkie moved that the name of Liebling be added as an author on H. F. No. 2178. The motion prevailed.

Nelson, P., moved that the name of Charron be added as an author on H. F. No. 2286. The motion prevailed.

Mullery moved that the name of Nelson, M., be added as an author on H. F. No. 2328. The motion prevailed.

Sailer moved that the name of Kahn be added as an author on H. F. No. 2332. The motion prevailed.

Lenczewski moved that the name of Moe be added as an author on H. F. No. 2339. The motion prevailed.

Eken moved that the name of Moe be added as an author on H. F. No. 2345. The motion prevailed.

Wagenius moved that the name of Kahn be added as an author on H. F. No. 2346. The motion prevailed.

Lanning moved that the name of Moe be added as an author on H. F. No. 2357. The motion prevailed.

Vandever moved that H. F. No. 1008 be recalled from the Committee on Jobs and Economic Opportunity Policy and Finance and be re-referred to the Committee on Public Safety Policy and Finance. The motion prevailed.

Ruud moved that H. F. No. 1210 be recalled from the Committee on Education Finance and be re-referred to the Committee on Governmental Operations and Veterans Affairs. The motion prevailed.

Brod moved that H. F. No. 1220 be recalled from the Committee on Civil Law and Elections and be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance. The motion prevailed.

Ruth moved that H. F. No. 1907 be recalled from the Committee on Taxes and be re-referred to the Committee on Transportation Finance. The motion prevailed.

Sykora moved that H. F. No. 2334 be recalled from the Committee on Education Policy and Reform and be re-referred to the Committee on Education Finance. The motion prevailed.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 3:30 p.m., Monday, April 11, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:30 p.m., Monday, April 11, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives