

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2006

 NINETY-FIFTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 25, 2006

The House of Representatives convened at 9:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

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

A quorum was present.

Mariani was excused.

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

IN MEMORIAM

The members of the House paused for a moment of silence in memory of former Representative Bernard J. Brinkman of Richmond, Minnesota, who passed away on Monday, April 24, 2006.

REPORTS OF STANDING COMMITTEES

Knoblach from the Committee on Ways and Means to which was referred:

H. F. No. 2480, A bill for an act relating to a ballpark for major league baseball; providing for the financing, construction, operation, and maintenance of the ballpark and related facilities; establishing the Minnesota Ballpark Authority; providing powers and duties of the authority; providing a community ownership option; authorizing Hennepin County to issue bonds and to contribute to ballpark costs and to engage in ballpark and related activities; authorizing local sales and use taxes and revenues; exempting Minnesota State High School League events from sales taxes; requiring the Minnesota State High School League to transfer tax savings to a foundation to promote extracurricular activities; exempting building materials used for certain local government projects from certain taxes; amending Minnesota Statutes 2004, sections 297A.70, subdivision 11; 297A.71, by adding subdivisions; Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35; repealing Minnesota Statutes 2004, sections 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06; 473I.07; 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; 473I.13.

Reported the same back with the following amendments:

Page 7, line 25, delete "may" and insert "shall enter into an agreement with the city of Minneapolis regarding traffic control for the ballpark."

Page 7, delete lines 26 to 28

Page 15, line 17, delete "13" and insert "14"

Page 18, after line 4, insert:

"Subd. 14. Agreement with major league baseball. The authority shall enter into an agreement with major league baseball guaranteeing the continuance of the Minnesota Twins in the area for the period of the agreements referred to in subdivision 4."

Page 18, delete section 14 and insert:

"Sec. 14. LOCAL TAXES.

No new or additional local sales or use tax shall be imposed on sales at the ballpark site unless the tax is applicable throughout the taxing jurisdiction. No new or additional local tax shall be imposed on sales of tickets and admissions to baseball events at the ballpark, notwithstanding any law or ordinance, unless the tax is applicable throughout the taxing jurisdiction. The admissions and amusements tax currently imposed by the city of Minneapolis pursuant to Laws 1969, chapter 1092, may apply to admissions for baseball events at the ballpark."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 2480 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Anderson, I.; Dill; Rukavina; Jaros; Sertich; Huntley; Solberg; Moe; Murphy and Sailer introduced:

H. F. No. 4163, A bill for an act relating to railroads; regulating remote-control operation of train over highway intersections and bridges and near international border; amending Minnesota Statutes 2004, section 219.383, by adding a subdivision.

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

Urdahl and Marquart introduced:

H. F. No. 4164, A bill for an act relating to education finance; reestablishing categorical funding for pupil transportation costs; amending Minnesota Statutes 2004, section 123B.92, by adding subdivisions; Minnesota Statutes 2005 Supplement, section 123B.92, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 123B.

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

Davids introduced:

H. F. No. 4165, A bill for an act relating to agriculture; providing tax incentives to encourage the establishment of ethanol plants powered primarily by biomass; amending Minnesota Statutes 2004, sections 272.02, by adding a subdivision; 297A.71, by adding a subdivision; Minnesota Statutes 2005 Supplement, sections 290.01, subdivision 19b; 290.091, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 290.

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development.

Paulsen moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 1480, A bill for an act relating to drainage; allowing an outlet fee to be charged for use of an established drainage system in Red Lake County as an outlet for drainage originating in Pennington County.

H. F. No. 3142, A bill for an act relating to Hennepin County; modifying regional park district provisions; amending Minnesota Statutes 2004, section 383B.79, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2745, A bill for an act relating to occupations and professions; modifying provisions for medical licenses; amending Minnesota Statutes 2004, sections 147.02, subdivision 1; 147.03, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2706, 2735 and 3023.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2706, A bill for an act relating to vocational rehabilitation; extending a pilot project; amending Laws 2004, chapter 188, section 1, as amended.

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

S. F. No. 2735, A bill for an act relating to legislature; regulating the Legislative Audit Commission; amending Minnesota Statutes 2004, section 3.97, subdivisions 2, 3a; repealing Minnesota Statutes 2004, sections 3.97, subdivision 3; 3.979, subdivision 5.

The bill was read for the first time.

Wilkin moved that S. F. No. 2735 and H. F. No. 3507, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3023, A bill for an act relating to state agencies; establishing timelines for agency action on certain environmental permits; amending Minnesota Statutes 2004, section 15.99.

The bill was read for the first time.

Beard moved that S. F. No. 3023 and H. F. No. 3391, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

CALENDAR FOR THE DAY

H. F. No. 3712 was reported to the House.

Hackbarth moved that H. F. No. 3712 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 2734 was reported to the House.

Ozment, Cornish, Hackbarth, Tingelstad and Charron moved to amend S. F. No. 2734, the third unofficial engrossment, as follows:

Pages 1 to 2, delete sections 1 and 2 and insert:

"Section 1. **CONSTITUTIONAL AMENDMENT.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section will be added to article XI, to read:

Sec. 15. Beginning July 1, 2009, the sales and use tax receipts equal to the state sales and use tax of 3/16 of one percent on sales and uses taxable under the general state sales and use tax law, plus penalties and interest and reduced by any refunds, are dedicated as follows: 63.5 percent of the receipts shall be deposited in the game and fish preservation fund and may be spent only to provide hunter and angler access and for conservation to improve, enhance, or protect game and fish habitat; 31.5 percent of the receipts shall be deposited in the clean water fund and may be spent only on protection and restoration of the state's lakes, rivers, streams, wetlands, and groundwater; and five percent of the receipts shall be deposited in the parks and trails fund and may be spent only on parks and trails in the state. A game and fish preservation fund, a parks and trails fund, and a clean water fund are created in the state treasury. The money dedicated under this section shall be appropriated by law. The money dedicated under this section shall not be used as a substitute for traditional funding sources for the purposes specified, but the dedicated money shall supplement traditional sources of funding for those purposes. Easements in land acquired with money deposited in the game and fish preservation fund under this section must be open to public taking of fish and game during the open season unless otherwise provided by law.

Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment shall be submitted to the people at the 2006 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2009, to provide hunter and angler access, and for conservation to improve, enhance, or protect the state's game and fish habitat; its lakes, rivers, streams, wetlands, and groundwater; and its parks and trails by dedicating the sales and use tax receipts by 3/16 of one percent on taxable sales?"

Yes

No"

Page 4, after line 32, insert:

"Sec. 5. Minnesota Statutes 2004, section 103C.501, subdivision 5, is amended to read:

Subd. 5. **Contracts by districts.** (a) A district board may contract on a cost-share basis to furnish financial aid to a land occupier or to a state agency for permanent systems for erosion or sedimentation control or water quality improvement that are consistent with the district's comprehensive and annual work plans.

(b) The duration of the contract ~~may~~ must, at a minimum, be the time required to complete the planned systems. A contract must specify that the land occupier is liable for monetary damages, ~~not to exceed the~~ and penalties in an amount of up to 150 percent of the financial assistance received from the district, for failure to complete the systems or practices in a timely manner or maintain the systems or practices as specified in the contract.

(c) A contract may provide for cooperation or funding with federal agencies. A land occupier or state agency may provide the cost-sharing portion of the contract through services in kind.

(d) The state board or the district board may not furnish any financial aid for practices designed only to increase land productivity.

(e) When a district board determines that long-term maintenance of a system or practice is desirable, the board may require that such maintenance be made a covenant upon the land for the effective life of the practice. A covenant under this subdivision shall be construed in the same manner as a conservation restriction under section 84.65.

Sec. 6. **[114D.05] CITATION.**

This chapter may be cited as the "Clean Water Legacy Act."

Sec. 7. **[114D.10] LEGISLATIVE PURPOSE AND FINDINGS.**

Subdivision 1. **Purpose.** The purpose of the Clean Water Legacy Act is to protect, restore, and preserve the quality of Minnesota's surface waters by providing authority, direction, and resources to achieve and maintain water quality standards for surface waters as required by section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313(d), and applicable federal regulations.

Subd. 2. **Findings.** The legislature finds that:

(1) there is a close link between protecting, restoring, and preserving the quality of Minnesota's surface waters and the ability to develop the state's economy, enhance its quality of life, and protect its human and natural resources;

(2) achieving the state's water quality goals will require long-term commitment and cooperation by all state and local agencies, and other public and private organizations and individuals, with responsibility and authority for water management, planning, and protection; and

(3) all persons and organizations whose activities affect the quality of waters, including point and nonpoint sources of pollution, have a responsibility to participate in and support efforts to achieve the state's water quality goals.

Sec. 8. **[114D.15] DEFINITIONS.**

Subdivision 1. **Application.** The definitions provided in this section apply to the terms used in this chapter.

Subd. 2. **Citizen monitoring.** "Citizen monitoring" means monitoring of surface water quality by individuals and nongovernmental organizations that is consistent with section 115.06, subdivision 4, and Pollution Control Agency guidance on monitoring procedures, quality assurance protocols, and data management.

Subd. 3. **Clean Water Council or council.** "Clean Water Council" or "council" means the Clean Water Council created pursuant to section 114D.30, subdivision 1.

Subd. 4. **Federal TMDL requirements.** "Federal TMDL requirements" means the requirements of section 303(d) of the Clean Water Act, United States Code, title 33, section 1313(d), and associated regulations and guidance.

Subd. 5. **Impaired water.** "Impaired water" means surface water that does not meet applicable water quality standards.

Subd. 6. **Public agencies.** "Public agencies" means all state agencies, political subdivisions, joint powers organizations, and special purpose units of government with authority, responsibility, or expertise in protecting, restoring, or preserving the quality of surface waters, managing or planning for surface waters and related lands, or financing waters-related projects. Public agencies includes the University of Minnesota and other public education institutions.

Subd. 7. **Restoration.** "Restoration" means actions, including effectiveness monitoring, that are taken to achieve and maintain water quality standards for impaired waters in accordance with a TMDL that has been approved by the United States Environmental Protection Agency under federal TMDL requirements.

Subd. 8. **Surface waters.** "Surface waters" means waters of the state as defined in section 115.01, subdivision 22, excluding groundwater as defined in section 115.01, subdivision 6.

Subd. 9. **Third-party TMDL.** "Third-party TMDL" means a TMDL by the Pollution Control Agency that is developed in whole or in part by a qualified public entity other than the Pollution Control Agency consistent with the goals, policies, and priorities in section 114D.20.

Subd. 10. **Total maximum daily load or TMDL.** "Total maximum daily load" or "TMDL" means a scientific study that contains a calculation of the maximum amount of a pollutant that may be introduced into a surface water and still ensure that applicable water quality standards for that water are restored and maintained. A TMDL also is the sum of the pollutant load allocations for all sources of the pollutant, including a wasteload allocation for point sources, a load allocation for nonpoint sources and natural background, an allocation for future growth of point and nonpoint sources, and a margin of safety to account for uncertainty about the relationship between pollutant loads and the quality of the receiving surface water. "Natural background" means characteristics of the water body resulting from the multiplicity of factors in nature, including climate and ecosystem dynamics, that affect the physical, chemical, or biological conditions in a water body, but does not include measurable and distinguishable pollution that is attributable to human activity or influence. A TMDL must take into account seasonal variations.

Subd. 11. **TMDL implementation plan.** "TMDL implementation plan" means a document detailing restoration activities needed to meet the approved TMDL's pollutant load allocations for point and nonpoint sources.

Subd. 12. **Water quality standards.** "Water quality standards" for Minnesota surface waters are found in Minnesota Rules, chapters 7050 and 7052.

Sec. 9. **[114D.20] IMPLEMENTATION; COORDINATION; GOALS; POLICIES; AND PRIORITIES.**

Subdivision 1. Coordination and cooperation. In implementing this chapter, public agencies and private entities shall take into consideration the relevant provisions of local and other applicable water management, conservation, land use, land management, and development plans and programs. Public agencies with authority for local water management, conservation, land use, land management, and development plans shall take into consideration the manner in which their plans affect the implementation of this chapter. Public agencies shall identify opportunities to participate and assist in the successful implementation of this chapter, including the funding or technical assistance needs, if any, that may be necessary. In implementing this chapter, public agencies shall endeavor to engage the cooperation of organizations and individuals whose activities affect the quality of surface waters, including point and nonpoint sources of pollution, and who have authority and responsibility for water management, planning, and protection. To the extent practicable, public agencies shall endeavor to enter into formal and informal agreements and arrangements with federal agencies and departments to jointly utilize staff and educational, technical, and financial resources to deliver programs or conduct activities to achieve the intent of this chapter, including efforts under the federal Clean Water Act and other federal farm and soil and water conservation programs. Nothing in this chapter affects the application of silvicultural exemptions under any federal, state, or local law or requires silvicultural practices more stringent than those recommended in the timber harvesting and forest management guidelines adopted by the Minnesota Forest Resources Council under section 89A.05.

Subd. 2. **Goals for implementation.** The following goals must guide the implementation of this chapter:

(1) to identify impaired waters in accordance with federal TMDL requirements within ten years after the effective date of this section and thereafter to ensure continuing evaluation of surface waters for impairments;

(2) to submit TMDL's to the United States Environmental Protection Agency for all impaired waters in a timely manner in accordance with federal TMDL requirements;

(3) to set a reasonable time for implementing restoration of each identified impaired water;

(4) to provide assistance and incentives to prevent waters from becoming impaired and to improve the quality of waters which are listed as impaired but have no approved TMDL addressing the impairment;

(5) to promptly seek the delisting of waters from the impaired waters list when those waters are shown to achieve the designated uses applicable to the waters; and

(6) to achieve compliance with federal Clean Water Act requirements in Minnesota.

Subd. 3. **Implementation policies.** The following policies must guide the implementation of this chapter:

(1) develop regional and watershed TMDL's and TMDL implementation plans, and TMDL's and TMDL implementation plans for multiple pollutants, where reasonable and feasible;

(2) maximize use of available organizational, technical, and financial resources to perform sampling, monitoring, and other activities to identify impaired waters, including use of citizen monitoring and citizen monitoring data used by the Pollution Control Agency in assessing water quality must meet the requirements in appendix D of the Volunteer Surface Water Monitoring Guide, Minnesota Pollution Control Agency (2003);

(3) maximize opportunities for restoration of impaired waters, by prioritizing and targeting of available programmatic, financial, and technical resources and by providing additional state resources to complement and leverage available resources;

(4) use existing regulatory authorities to achieve restoration for point and nonpoint sources of pollution where applicable, and promote the development and use of effective nonregulatory measures to address pollution sources for which regulations are not applicable;

(5) use restoration methods that have a demonstrated effectiveness in reducing impairments and provide the greatest long-term positive impact on water quality protection and improvement and related conservation benefits while incorporating innovative approaches on a case-by-case basis;

(6) identify for the legislature any innovative approaches that may strengthen or complement existing programs;

(7) identify and encourage implementation of measures to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but have no approved TMDL addressing the impairment using the best available data and technology, and establish and report outcome-based performance measures that monitor the progress and effectiveness of protection and restoration measures; and

(8) monitor and enforce cost-sharing contracts and impose monetary damages in an amount up to 150 percent of the financial assistance received for failure to comply.

Subd. 4. **Priorities for identifying impaired waters.** The Pollution Control Agency, in accordance with federal TMDL requirements, shall set priorities for identifying impaired waters, giving consideration to:

(1) waters where impairments would pose the greatest potential risk to human or aquatic health; and

(2) waters where data developed through public agency or citizen monitoring or other means, provides scientific evidence that an impaired condition exists.

Subd. 5. **Priorities for preparation of TMDL's.** The Clean Water Council shall recommend priorities for scheduling and preparing TMDL's and TMDL implementation plans, taking into account the severity of the impairment, the designated uses of those waters, and other applicable federal TMDL requirements. In recommending priorities, the council shall also give consideration to waters and watersheds:

(1) with impairments that pose the greatest potential risk to human health;

(2) with impairments that pose the greatest potential risk to threatened or endangered species;

(3) with impairments that pose the greatest potential risk to aquatic health;

(4) where other public agencies and participating organizations and individuals, especially local, basinwide, watershed, or regional agencies or organizations, have demonstrated readiness to assist in carrying out the responsibilities, including availability and organization of human, technical, and financial resources necessary to undertake the work; and

(5) where there is demonstrated coordination and cooperation among cities, counties, watershed districts, and soil and water conservation districts in planning and implementation of activities that will assist in carrying out the responsibilities.

Subd. 6. **Priorities for restoration of impaired waters.** In implementing restoration of impaired waters, in addition to the priority considerations in subdivision 5, the Clean Water Council shall give priority in its recommendations for restoration funding from the clean water legacy account to restoration projects that:

(1) coordinate with and utilize existing local authorities and infrastructure for implementation;

(2) can be implemented in whole or in part by providing support for existing or ongoing restoration efforts;

(3) most effectively leverage other sources of restoration funding, including federal, state, local, and private sources of funds;

(4) show a high potential for early restoration and delisting based upon scientific data developed through public agency or citizen monitoring or other means; and

(5) show a high potential for long-term water quality and related conservation benefits.

Subd. 7. **Priorities for funding prevention actions.** The Clean Water Council shall apply the priorities applicable under subdivision 6, as far as practicable, when recommending priorities for funding actions to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but have no approved TMDL.

Sec. 10. **[114D.25] ADMINISTRATION; POLLUTION CONTROL AGENCY.**

Subdivision 1. **General duties and authorities.** (a) The Pollution Control Agency, in accordance with federal TMDL requirements, shall:

(1) identify impaired waters and propose a list of the waters for review and approval by the United States Environmental Protection Agency;

(2) develop and approve TMDL's for listed impaired waters and submit the approved TMDL's to the United State Environmental Protection Agency for final approval; and

(3) propose to delist waters from the Environmental Protection Agency impaired waters list.

(b) A TMDL must include a statement of the facts and scientific data supporting the TMDL and a list of potential implementation options, including a range of estimates of the cost of implementation and individual wasteload data for any point sources addressed by the TMDL.

(c) The implementation information need not be sent to the United States Environmental Protection Agency for review and approval.

Subd. 2. **Administrative procedures for TMDL approval.** The approval of a TMDL by the Pollution Control Agency is a final decision of the agency for purposes of section 115.05, and is subject to the contested case procedures of sections 14.57 to 14.62 in accordance with agency procedural rules. The agency shall not submit an approved TMDL to the United States Environmental Protection Agency until the time for commencing judicial review has run or the judicial review process has been completed. A TMDL is not subject to the rulemaking requirements of chapter 14, including section 14.386.

Subd. 3. **TMDL submittal requirement.** Before submitting a TMDL to the United States Environmental Protection Agency, the Pollution Control Agency shall comply with the notice and procedure requirements of this section. If a contested case proceeding is not required for a proposed TMDL, the agency may submit the TMDL to the United States Environmental Protection Agency no earlier than 30 days after the notice required in subdivision 4. If a contested case proceeding is required for a TMDL, the TMDL may be submitted to the United States Environmental Protection Agency after the contested case proceeding and appeal process is completed.

Subd. 4. **TMDL notice; contents.** The Pollution Control Agency shall give notice of its intention to submit a TMDL to the United States Environmental Protection Agency. The notice must be given by publication in the State Register and by United States mail to persons who have registered their names with the agency. The notice must include either a copy of the proposed TMDL or an easily readable and understandable description of its nature and effect and an announcement of how free access to the proposed TMDL can be obtained. In addition, the agency shall make reasonable efforts to notify persons or classes of persons who may be significantly affected by the TMDL by giving notice of its intention in newsletters, newspapers, or other publications, or through other means of communication. The notice must include a statement informing the public:

(1) that the public has 30 days in which to submit comment in support of or in opposition to the proposed TMDL and that comment is encouraged;

(2) that each comment should identify the portion of the proposed TMDL addressed, the reason for the comment, and any change proposed;

(3) of the manner in which persons must request a contested case proceeding on the proposed TMDL;

(4) that the proposed TMDL may be modified if the modifications are supported by the data and views submitted; and

(5) the date on which the 30-day comment period ends.

Subd. 5. **Third-party TMDL development.** The Pollution Control Agency may enter into agreements with any qualified public agency setting forth the terms and conditions under which that entity is authorized to develop a third-party TMDL. In determining whether the public agency is qualified to develop a third-party TMDL, the Pollution Control Agency shall consider the technical and administrative qualifications of the public agency and cost, and shall avoid any potential organizational conflict of interest, as defined in section 16C.02, subdivision 10a, of the public agency with respect to the development of the third-party TMDL. A third-party TMDL is subject to modification and approval by the Pollution Control Agency, and must be approved by the Pollution Control Agency before it is submitted to the United States Environmental Protection Agency. The Pollution Control Agency shall only consider authorizing the development of third-party TMDL's consistent with the goals, policies, and priorities determined under section 116.384.

Sec. 11. **[114D.30] CLEAN WATER COUNCIL.**

Subdivision 1. **Creation; duties.** A Clean Water Council is created to advise the Pollution Control Agency and other implementing public agencies on the administration and implementation of this chapter, and foster coordination and cooperation as described in section 114D.20, subdivision 1. The council may also advise on the development of appropriate processes for expert scientific review as described in section 114D.35, subdivision 2. The Pollution Control Agency shall provide administrative support for the council with the support of other member agencies. The members of the council shall elect a chair from the nonagency members of the council.

Subd. 2. **Membership; appointment.** The governor must appoint the members of the council. The governor must appoint one person from each of the following agencies: the Department of Natural Resources, the Department of Agriculture, the Pollution Control Agency, and the Board of Water and Soil Resources. The governor must appoint 18 additional nonagency members of the council as follows:

- (1) two members representing statewide farm organizations;
- (2) two members representing business organizations;
- (3) two members representing environmental organizations;
- (4) one member representing soil and water conservation districts;
- (5) one member representing watershed districts;
- (6) one member representing nonprofit organizations focused on improvement of Minnesota lakes or streams;
- (7) two members representing organizations of county governments;
- (8) two members representing organizations of city governments;
- (9) one member representing the Metropolitan Council established under section 473.123;
- (10) one member representing an organization of township governments;
- (11) one member representing the interests of tribal governments; and
- (12) two members representing statewide hunting organizations.

In making appointments, the governor must attempt to provide for geographic balance.

Subd. 3. **Terms; compensation; removal.** The initial terms of members representing state agencies and the Metropolitan Council expire on the first Monday in January 2007. Thereafter, the terms of members representing the state agencies and the Metropolitan Council are four years and are coterminous with the governor. The terms of other members of the council shall be as provided in section 15.059, subdivision 2. Members may serve until their successors are appointed and qualify. Compensation and removal of council members is as provided in section 15.059, subdivisions 3 and 4. A vacancy on the council may be filled by the appointing authority provided in subdivision 1 for the remainder of the unexpired term.

Subd. 4. **Implementation plan.** The Clean Water Council shall prepare a plan for implementation of this chapter. The plan shall address general procedures and timeframes for implementing this chapter, and shall include a more specific implementation work plan for the next fiscal biennium and a framework for setting priorities to address impaired waters consistent with section 114D.45, subdivisions 2 to 7. The council shall issue the first implementation plan under this subdivision by December 1, 2006, and shall issue a revised work plan by December 1 of each even-numbered year thereafter.

Subd. 5. **Recommendations on appropriation of funds.** The Clean Water Council shall recommend to the governor the manner in which money from the clean water legacy account should be appropriated for the purposes identified in section 114D.45, subdivision 3. The council's recommendations must be consistent with the purposes, policies, goals, and priorities in sections 114D.05 to 114D.35, and shall allocate adequate support and resources to identify impaired waters, develop TMDL's, develop TMDL implementation plans, implement restoration of

impaired waters, and provide assistance and incentives to prevent waters from becoming impaired and improve the quality of waters which are listed as impaired but have no approved TMDL. The council must recommend methods of ensuring that awards of grants, loans, or other funds from the clean water legacy account specify the outcomes to be achieved as a result of the funding, and specify standards to hold the recipient accountable for achieving the desired outcomes.

Subd. 6. **Biennial report to legislature.** By December 1 of each even-numbered year, the council shall submit a report to the legislature on the activities for which money has been or will be spent for the current biennium, the activities for which money is recommended to be spent in the next biennium, and the impact on economic development of the implementation of the impaired waters program. The report due on December 1, 2014, must include an evaluation of the progress made through June 30, 2014, in implementing this chapter, the need for funding of future implementation of those sections, and recommendations for the sources of funding.

Sec. 12. **[114D.35] PUBLIC AND STAKEHOLDER PARTICIPATION; SCIENTIFIC REVIEW; EDUCATION.**

Subdivision 1. **Public and stakeholder participation.** Public agencies and private entities involved in the implementation of this chapter shall encourage participation by the public and stakeholders, including local citizens, landowners and managers, and public and private organizations, in the identification of impaired waters, in developing TMDL's, and in planning, priority setting, and implementing restoration of impaired waters. In particular, the Pollution Control Agency shall make reasonable efforts to provide timely information to the public and to stakeholders about impaired waters that have been identified by the agency. The agency shall seek broad and early public and stakeholder participation in scoping the activities necessary to develop a TMDL, including the scientific models, methods, and approaches to be used in TMDL development, and to implement restoration pursuant to section 114D.15, subdivision 7.

Subd. 2. **Expert scientific advice.** The Clean Water Council and public agencies and private entities shall make use of available public and private expertise from educational, research, and technical organizations, including the University of Minnesota and other higher education institutions, to provide appropriate independent expert advice on models, methods, and approaches used in identifying impaired waters, developing TMDL's, and implementing prevention and restoration.

Subd. 3. **Education.** The Clean Water Council shall develop strategies for informing, educating, and encouraging the participation of citizens, stakeholders, and others regarding the identification of impaired waters, development of TMDL's, development of TMDL implementation plans, and implementation of restoration for impaired waters. Public agencies shall be responsible for implementing the strategies.

Sec. 13. Minnesota Statutes 2005 Supplement, section 116.182, subdivision 2, is amended to read:

Subd. 2. **Applicability.** This section governs the commissioner's certification of projects seeking financial assistance under section 103F.725, subdivision 1a; 446A.07; 446A.072; ~~or~~ 446A.073; 446A.074; or 446A.075."

Page 6, after line 18, insert:

"Sec. 15. **[446A.074] CLEAN WATER LEGACY PHOSPHORUS REDUCTION GRANTS.**

Subdivision 1. **Creation of fund.** The authority shall establish a clean water legacy capital improvement fund and shall make grants from the fund as provided in this section.

Subd. 2. **Grants.** The authority shall award grants from the clean water legacy capital improvement fund to governmental units for the capital costs of wastewater treatment facility projects or a portion thereof that will reduce the discharge of total phosphorus from the facility to one milligram per liter or less. A project is eligible for a grant if it meets the following requirements:

(1) the applicable phosphorus discharge limit is incorporated in a permit issued by the agency for the wastewater treatment facility on or after March 28, 2000; the grantee agrees to comply with the applicable limit as a condition of receiving the grant; or the grantee made improvements to a wastewater treatment facility on or after March 28, 2000, that include infrastructure to reduce the discharge of total phosphorus to one milligram per liter or less;

(2) the governmental unit has submitted a facilities plan for the project to the agency and a grant application to the authority on a form prescribed by the authority; and

(3) the agency has approved the facilities plan, and certified the eligible costs for the project to the authority.

Subd. 3. **Eligible capital costs.** Eligible capital costs for phosphorus reduction grants under subdivision 4, paragraph (a), include the as-bid construction costs and engineering planning and design costs for phosphorus treatment. Eligible capital costs for phosphorus reduction grants under subdivision 4, paragraph (b), include the final, incurred construction, engineering, planning, and design costs for phosphorus treatment.

Subd. 4. **Grant amounts and priorities.** (a) Priority must be given to projects that start construction on or after July 1, 2006. If a facility's plan for a project is approved by the agency before July 1, 2010, the amount of the grant is 75 percent of the eligible capital cost of the project. If a facility's plan for a project is approved by the agency on or after July 1, 2010, the amount of the grant is 50 percent of the eligible capital cost of the project. Priority in awarding grants under this paragraph must be based on the date of approval of the facility's plan for the project.

(b) Projects that meet the eligibility requirements in subdivision 2 and have started construction before July 1, 2006, are eligible for grants to reimburse up to 75 percent of the eligible capital cost of the project, less any amounts previously received in grants from other sources. Application for a grant under this paragraph must be submitted to the authority no later than June 30, 2008. Priority for award of grants under this paragraph must be based on the date of agency approval of the facility plan.

(c) In each fiscal year that money is available for grants, the authority shall first award grants under paragraph (a) to projects that met the eligibility requirements of subdivision 2 by May 1 of that year. The authority shall use any remaining money available that year to award grants under paragraph (b). Grants that have been approved but not awarded in a previous fiscal year carry over and must be awarded in subsequent fiscal years in accordance with the priorities in this paragraph.

(d) Disbursements of grants under this section by the authority to recipients must be made for eligible project costs as incurred by the recipients, and must be made by the authority in accordance with the project financing agreement and applicable state law.

Subd. 5. **Fees.** The authority may charge the grant recipient a fee for its administrative costs not to exceed one-half of one percent of the grant amount, to be paid upon execution of the grant agreement.

Sec. 16. **[446A.075] SMALL COMMUNITY WASTEWATER TREATMENT PROGRAM.**

Subdivision 1. **Creation of fund.** The authority shall establish a small community wastewater treatment fund and shall make loans and grants from the fund as provided in this section. Money in the fund is annually appropriated to the authority and does not lapse. The fund shall be credited with all loan repayments and investment income from the fund, and servicing fees assessed under section 446A.04, subdivision 5. The authority shall manage and administer the small community wastewater treatment fund and, for these purposes, may exercise all powers provided in this chapter.

Subd. 2. **Loans and grants.** (a) The authority shall award loans as provided in paragraph (b) and grants as provided in paragraphs (c) and (d) to governmental units from the small community wastewater treatment fund for projects to replace noncomplying individual sewage treatment systems with a community wastewater treatment system or systems meeting the requirements of section 115.55. A governmental unit receiving a loan or loan and grant from the fund shall own the community wastewater treatment systems built under the program and shall be responsible, either directly or through a contract with a private vendor, for all inspections, maintenance, and repairs necessary to ensure proper operation of the systems.

(b) Loans may be awarded for up to 100 percent of eligible project costs as described in this section.

(c) When the area to be served by a project has a median household income below the state average median household income, the governmental unit may receive 50 percent of the funding provided under this section in the form of a grant. An applicant may submit income survey data collected by an independent party if it believes the most recent United States census does not accurately reflect the median household income of the area to be served.

(d) If requested, a governmental unit receiving funding under this section may receive a grant equal to ten percent of its first year's award, up to a maximum of \$30,000, to contract for technical assistance services from the University of Minnesota Extension Service to develop the technical, managerial, and financial capacity necessary to build, operate, and maintain the systems.

Subd. 3. **Project priority list.** Governmental units seeking loans or loans and grants from the small community wastewater treatment program shall first submit a project proposal to the agency on a form prescribed by the agency. A project proposal shall include the compliance status for all individual sewage treatment systems in the project area. The agency shall rank project proposals on its project priority list used for the water pollution control revolving fund under section 446A.07.

Subd. 4. **Applications.** Governmental units with projects on the project priority list shall submit applications to the authority on forms prescribed by the authority. The application shall include:

(1) a list of the individual sewage treatment systems proposed to be replaced over a period of up to three years;

(2) a project schedule and cost estimate for each year of the project;

(3) a financing plan for repayment of the loan; and

(4) a management plan providing for the inspection, maintenance, and repairs necessary to ensure proper operation of the systems.

Subd. 5. **Awards.** The authority shall award loans or loans and grants as provided in subdivision 2 to governmental units with approved applications based on their ranking on the agency's project priority list. The total amount awarded shall be based on the estimated project costs for the portion of the project expected to be completed within one year, up to an annual maximum of \$500,000. For projects expected to take more than one year to complete, the authority may make a multiyear commitment for a period not to exceed three years, contingent on the future availability of funds. Each year of a multiyear commitment must be funded by a separate loan or loan and grant agreement meeting the terms and conditions in subdivision 6. A governmental unit receiving a loan or loan and grant under a multiyear commitment shall have priority for additional loan and grant funds in subsequent years.

Subd. 6. **Loan terms and conditions.** Loans from the small community wastewater treatment fund shall comply with the following terms and conditions:

(1) principal and interest payments must begin no later than two years after the loan is awarded;

(2) loans shall carry an interest rate of one percent;

(3) loans shall be fully amortized within ten years of the first scheduled payment or, if the loan amount exceeds \$10,000 per household, shall be fully amortized within 20 years but not to exceed the expected design life of the system;

(4) a governmental unit receiving a loan must establish a dedicated source or sources of revenues for repayment of the loan and must issue a general obligation note to the authority for the full amount of the loan; and

(5) each property owner to be served by a community wastewater treatment system under this program must provide an easement to the governmental unit to allow access to the system for management and repairs.

Subd. 7. **Special assessment deferral.** (a) A governmental unit receiving a loan under this section that levies special assessments to repay the loan may defer payment of the assessments under the provisions of sections 435.193 to 435.195.

(b) A governmental unit that defers payment of special assessments for one or more properties under paragraph (a) may request deferral of that portion of the debt service on its loan, and the authority shall accept appropriate amendments to the general obligation note of the governmental unit. If special assessment payments are later received from properties that received a deferral, the funds received shall be paid to the authority with the next scheduled loan payment.

Subd. 8. **Eligible costs.** Eligible costs for small community wastewater treatment loans and grants shall include the costs of technical assistance as provided in subdivision 2, paragraph (d), planning, design, construction, legal fees, administration, and land acquisition.

Subd. 9. **Disbursements.** Loan and grant disbursements by the authority under this section must be made for eligible project costs as incurred by the recipients, and must be made in accordance with the project loan or grant and loan agreement and applicable state law.

Subd. 10. **Audits.** A governmental unit receiving a loan under this section must annually provide to the authority for the term of the loan a copy of its annual independent audit or, if the governmental unit is not required to prepare an independent audit, a copy of the annual financial reporting form it provides to the state auditor."

Page 6, delete section 6 and insert:

"Sec. 17. **EFFECTIVE DATE.**

Sections 1, 2, and 4 to 16 are effective July 1, 2009, if the constitutional amendment proposed in article 1 is adopted by the voters. Section 3 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Charron moved to amend the Ozment et al amendment to S. F. No. 2734, the third unofficial engrossment, as follows:

Page 1, line 10, delete "63.5" and insert "60"

Page 1, line 12, delete "31.5" and insert "30"

Page 1, line 14, delete the second "and"

Page 1, line 16, before the period, insert "; and five percent of the receipts shall be deposited in the arts and public broadcasting fund and may be spent only on arts and public broadcasting in the state"

Page 1, lines 16 to 17, delete "and a clean water fund" and insert "a clean water fund, and an arts and public broadcasting fund"

Page 1, line 17, after the period, insert:

"No noncommercial radio station eligible for grants under Minnesota Statutes, section 129D.14, who holds more than ten licenses to operate a noncommercial radio station issued by the Federal Communications Commission is eligible for funding under this section."

Page 2, delete lines 1 to 5 and insert:

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2009, for hunter and angler access; for conservation to improve, enhance, or protect the state's game and fish habitat, its lakes, rivers, streams, wetlands, and groundwater, and its parks and trails; and for arts and public broadcasting by dedicating the sales and use tax receipts equal to the state sales and use tax of 3/16 of one percent on taxable sales?"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 115 yeas and 16 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Buesgens	Garofalo	Hortman	Peppin	Zellers
Anderson, B.	DeLaForest	Goodwin	Knoblach	Powell	
Bradley	Dittrich	Holberg	Krinkie	Wilkin	

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

Paulsen moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

CALENDAR FOR THE DAY, Continued

Ozment requested that the Ozment et al amendment, as amended, to S. F. No. 2734, the third unofficial engrossment, be withdrawn. The request was granted.

Ozment moved to amend S. F. No. 2734, the third unofficial engrossment, as follows:

Pages 1 to 2, delete sections 1 and 2 and insert:

"Section 1. **CONSTITUTIONAL AMENDMENT.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section will be added to article XI, to read:

Sec 15. Beginning July 1, 2009, the sales and use tax receipts equal to the state sales and use tax of 3/16 of one percent on sales and uses taxable under the general state sales and use tax law, plus penalties and interest and reduced by any refunds, are dedicated as follows: 63.5 percent of the receipts shall be deposited in the game and fish preservation fund and may be spent only to provide hunter and angler access and for conservation to improve, enhance, or protect game and fish habitat; 31.5 percent of the receipts shall be deposited in the clean water fund and may be spent only on protection and restoration of the state's lakes, rivers, streams, wetlands, and groundwater; and five percent of the receipts shall be deposited in the parks and trails fund and may be spent only on parks and trails in the state. A game and fish preservation fund, a parks and trails fund, and a clean water fund are created in the state treasury. The money dedicated under this section shall be appropriated by law. The money dedicated under this section shall not be used as a substitute for traditional funding sources for the purposes specified, but the dedicated money shall supplement traditional sources of funding for those purposes. Easements in land acquired with money deposited in the game and fish preservation fund under this section must be open to public taking of fish and game during the open season unless otherwise provided by law.

Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment shall be submitted to the people at the 2006 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2009, to provide hunter and angler access, and for conservation to improve, enhance, or protect the state's game and fish habitat; its lakes, rivers, streams, wetlands, and groundwater; and its parks and trails by dedicating the sales and use tax receipts by 3/16 of one percent on taxable sales?"

Yes

No"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Charron moved to amend the Ozment amendment to S. F. No. 2734, the third unofficial engrossment, as follows:

Page 1, line 10, delete "63.5" and insert "60"

Page 1, line 12, delete "31.5" and insert "30"

Page 1, line 14, delete the second "and"

Page 1, line 16, before the period, insert "; and five percent of the receipts shall be deposited in the arts and public broadcasting fund and may be spent only on arts and public broadcasting in the state"

Page 1, lines 16 to 17, delete "and a clean water fund" and insert "a clean water fund, and an arts and public broadcasting fund"

Page 1, line 17, after the period, insert:

"No noncommercial radio station eligible for grants under Minnesota Statutes, section 129D.14, who holds more than ten licenses to operate a noncommercial radio station issued by the Federal Communications Commission is eligible for funding under this section."

Page 2, delete lines 1 to 5 and insert:

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2009, for hunter and angler access; for conservation to improve, enhance, or protect the state's game and fish habitat, its lakes, rivers, streams, wetlands, and groundwater, and its parks and trails; and for arts and public broadcasting by dedicating the sales and use tax receipts equal to the state sales and use tax of 3/16 of one percent on taxable sales?"

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

Sertich moved to amend the Ozment amendment, as amended by the Charron amendment, to S. F. No. 2734, the third unofficial engrossment, as follows:

Page 1, line 7, delete "2009," and insert "2007, until June 30, 2032," and delete everything after "tax" and insert "shall be increased by three-eighths"

Page 1, line 8, delete everything before "of"

Page 1, line 9, before the first comma, insert ". Receipts from the increase"

Page 1, line 10, delete "63.5" and insert "34" and delete "game and fish preservation" and insert "heritage enhancement"

Page 1, line 11, delete everything after the first "to"

Page 1, line 12, delete "game and fish habitat; 31.5" and insert "the state's fish and wildlife habitat and fish and wildlife tourism; 22 percent of the receipts shall be deposited in the parks and trails fund and may be spent only on parks, trails, and zoos in the state; 22"

Page 1, line 14, delete everything after the second "and"

Page 1, delete line 15

Page 1, line 16, delete everything before "parks" and insert "22 percent of the receipts shall be deposited in the arts, humanities, museum, and public broadcasting fund, and may be spent on arts, humanities, history, museums, and public broadcasting. An arts, humanities, museum, and public broadcasting fund; a heritage enhancement fund; a" and delete the comma and insert a semicolon

Page 1, line 18, after "section" insert "for fish and wildlife habitat and fish and wildlife tourism, parks, trails, zoos, protection and restoration of waters, arts, and history"

Page 1, line 20, delete everything after the period

Page 1, delete lines 21 to 23 and insert "Land acquired by fee with money deposited in the heritage enhancement fund under this section must be open to public taking of fish and game during the open season unless otherwise provided by law."

Delete page 1, line 24, to page 2, line 7 and insert:

"Sec. 2. **SUBMISSION TO VOTERS.**

The proposed amendment shall be submitted to the people at the 2006 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2007, to improve, enhance, or protect the state's fish, wildlife, habitat, and fish and wildlife tourism; its parks, trails, and zoos; its lakes, rivers, streams, wetlands, and groundwater; and its arts, humanities, history, museums, and public broadcasting by increasing the sales and use tax rate by three-eighths of one percent on taxable sales until the year 2032?"

Yes
No"

Sec. 3. Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35, is amended to read:

Subd. 35. **Public official.** "Public official" means any:

- (1) member of the legislature;
- (2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or attorney in the Office of Senate Counsel and Research or House Research;
- (3) constitutional officer in the executive branch and the officer's chief administrative deputy;
- (4) solicitor general or deputy, assistant, or special assistant attorney general;
- (5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06, or the state chief information officer;
- (6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;
- (7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;
- (8) executive director of the State Board of Investment;
- (9) deputy of any official listed in clauses (7) and (8);
- (10) judge of the Workers' Compensation Court of Appeals;
- (11) administrative law judge or compensation judge in the State Office of Administrative Hearings or referee in the Department of Employment and Economic Development;
- (12) member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council;
- (13) member or chief administrator of a metropolitan agency;
- (14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;
- (15) member or executive director of the Higher Education Facilities Authority;
- (16) member of the board of directors or president of Minnesota Technology, Inc.; ~~or~~
- (17) member of the board of directors or executive director of the Minnesota State High School League; or
- (18) member of the Heritage Enhancement Council.

EFFECTIVE DATE. This section is effective November 15, 2006, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 4. **[85.0195] PARKS AND TRAILS FUND; EXPENDITURES.**

Subdivision 1. **Fund.** The parks and trails fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the parks and trails fund must be credited to the fund.

Subd. 2. **Expenditures.** Money in the parks and trails fund may be spent only on state and regional parks, trails, and zoos. Subject to the appropriation by law, receipts to the fund must be allocated in separate accounts as follows:

(1) 38 percent of the receipts may be spent only for state park and recreation area purposes;

(2) 11 percent of the receipts may be spent only for state trail purposes;

(3) 36 percent of the receipts may be spent only for metropolitan area, as defined in section 473.121, regional park and trail grants;

(4) 12 percent of the receipts may be spent only for nonmetropolitan regional parks and trails, outdoor recreation grants, natural and scenic area grants, trail connection grants, regional trail grants, and grant-in-aid trails; and

(5) three percent of the receipts may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

EFFECTIVE DATE. This section is effective July 1, 2007, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 5. **[97A.056] HERITAGE ENHANCEMENT FUND; HERITAGE ENHANCEMENT COUNCIL.**

Subdivision 1. **Heritage enhancement fund.** The heritage enhancement fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the heritage enhancement fund must be credited to the fund. At least 97 percent of the money appropriated from the fund must be spent on specific fish, wildlife, habitat, and fish and wildlife tourism projects.

Subd. 2. **Heritage Enhancement Council.** (a) A Heritage Enhancement Council of 11 members is created, on November 15, 2006, consisting of:

(1) two members of the senate appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(2) two members of the house of representatives appointed by the speaker of the house;

(3) two public members representing hunting, fishing, and wildlife interests appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(4) two public members representing hunting, fishing, and wildlife interests appointed by the speaker of the house; and

(5) three public members representing hunting, fishing, and wildlife interests appointed by the governor.

(b) One member from the senate and one member from the house of representatives must be from the minority caucus. Legislative members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the council. The removal and, beginning July 1, 2007, the compensation of public members are as provided in section 15.0575.

(c) Members shall elect a chair, vice chair, secretary, and other officers as determined by the council. The chair may convene meetings as necessary to conduct the duties prescribed by this section.

(d) Membership terms are two years, except that members shall serve on the council until their successors are appointed.

(e) Vacancies occurring on the council do not affect the authority of the remaining members of the council to carry out their duties. Vacancies shall be filled in the same manner as under paragraph (a).

Subd. 3. **Duties of council.** (a) The council, in consultation with statewide and local fishing, forestry, hunting, and wildlife groups, shall develop a biennial budget plan for expenditures from the heritage enhancement fund. The biennial budget plan may include grants to statewide and local fishing, forestry, hunting, and wildlife groups to improve, enhance, or protect fish and wildlife resources.

(b) In the biennial budget submitted to the legislature, the governor shall submit separate budget detail for planned expenditures from the heritage enhancement fund as recommended by the council.

(c) As a condition of acceptance of an appropriation from the heritage enhancement fund, an agency or entity receiving an appropriation shall submit a work program and quarterly progress reports for appropriations from the heritage enhancement fund to the members of the Heritage Enhancement Council in the form determined by the council.

Subd. 4. **Council administration.** (a) The council may employ personnel and contract with consultants as necessary to carry out functions and duties of the council. Permanent employees shall be in the unclassified service. The council may request staff assistance, legal opinion, and data from agencies of state government as needed for the execution of the responsibilities of the council.

(b) Beginning July 1, 2007, the administrative expenses of the council shall be paid from the heritage enhancement fund.

(c) A council member or an employee of the council may not participate in or vote on a decision of the council relating to an organization in which the member or employee has either a direct or indirect personal financial interest. While serving on or employed by the council, a person shall avoid any potential conflict of interest.

Subd. 5. **Council meetings.** Meetings of the council and other groups the council may establish must be conducted in accordance with chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations.

EFFECTIVE DATE. This section is effective November 15, 2006, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 6. [103F.765] CLEAN WATER FUND; CLEAN WATER COUNCIL; EXPENDITURES.

Subdivision 1. **Fund.** The clean water fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the clean water fund must be credited to the fund.

Subd. 2. **Expenditures.** Subject to appropriation, money in the clean water fund may be spent only on:

(1) monitoring, investigations, and analysis of the quality of Minnesota's water resources;

(2) state and local activities to protect, preserve, and improve the quality of Minnesota's water resources; and

(3) assistance to individuals and organizations for water quality improvement projects.

Subd. 3. **Clean Water Council; membership; appointment.** A Clean Water Council of 21 members is created. The members of the council shall elect a chair from the nonagency members of the council. The commissioners of natural resources, agriculture, and the Pollution Control Agency, and the executive director of the Board of Water and Soil Resources, shall appoint one person from their respective agency to serve as a member of the council. Seventeen additional nonagency members of the council shall be appointed as follows:

(1) two members representing statewide farm organizations, appointed by the governor;

(2) one member representing business organizations, appointed by the governor;

(3) one member representing environmental organizations, appointed by the governor;

(4) one member representing soil and water conservation districts, appointed by the governor;

(5) one member representing watershed districts, appointed by the governor;

(6) one member representing organizations focused on improvement of Minnesota lakes or streams, appointed by the governor;

(7) two members representing an organization of county governments, one member representing the interests of rural counties, and one member representing the interests of counties in the seven-county metropolitan area, appointed by the governor;

(8) two members representing organizations of city governments, appointed by the governor;

(9) one member representing the Metropolitan Council established under section 473.123, appointed by the governor;

(10) one township officer, appointed by the governor;

(11) one member of the house of representatives, appointed by the speaker;

(12) one member of the senate, appointed by the majority leader;

(13) one member representing the University of Minnesota or a Minnesota state university, appointed by the governor; and

(14) one member representing the interests of tribal governments, appointed by the governor.

The members of the council appointed by the governor are subject to the advice and consent of the senate. At least six of the members appointed by the governor must reside in the seven-county metropolitan area. In making appointments, the governor must attempt to provide for geographic balance.

Subd. 4. **Terms; compensation; removal.** The terms of members representing the state agencies and the Metropolitan Council are four years and are coterminous with the governor. The terms of other members of the council shall be as provided in section 15.059, subdivision 2. Members may serve until their successors are appointed and qualify. Compensation and removal of council members is as provided in section 15.059, subdivisions 3 and 4. A vacancy on the council may be filled by the appointing authorities, as provided in subdivision 3, for the remainder of the unexpired term.

Subd. 5. **Recommendations on appropriation of funds.** The Clean Water Council shall recommend to the governor the manner in which money from the clean water fund should be appropriated for the purposes identified in subdivision 2.

Subd. 6. **Biennial report to legislature.** By December 1 of each even-numbered year, the council shall submit a report to the legislature on the activities for which money from the clean water fund has been or will be spent for the current biennium, and the activities for which money from the account is recommended to be spent in the next biennium.

Subd. 7. **Council meetings.** Meetings of the council and other groups the council may establish must be conducted in accordance with chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations.

EFFECTIVE DATE. This section is effective July 1, 2007, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 7. **[129D.17] ARTS, HUMANITIES, MUSEUM, AND PUBLIC BROADCASTING FUND; EXPENDITURES.**

Subdivision 1. **Fund.** The arts, humanities, museum, and public broadcasting fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the fund must be credited to the fund.

Subd. 2. **Expenditures.** Subject to appropriation, receipts in the fund must be allocated by the commissioner of finance as follows:

- (1) 43 percent to the Minnesota State Arts Board;
- (2) 23 percent to the Minnesota Historical Society;
- (3) 23 percent to public broadcasting;
- (4) four percent to the Science Museum of Minnesota;
- (5) 3.5 percent to the Humanities Commission;
- (6) 2.5 percent to the Minnesota Film Board; and
- (7) one percent to the Minnesota Children's Museum and the Duluth Children's Museum.

Money allocated to the Minnesota State Arts Board may not be used for administrative purposes. If one of the above entities ceases to exist, then the appropriated money must be allocated proportionally among the remaining entities.

EFFECTIVE DATE. This section is effective July 1, 2007, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 8. Minnesota Statutes 2004, section 297A.62, subdivision 1, is amended to read:

Subdivision 1. **Generally.** (a) Except as otherwise provided in subdivision 2 or 3 or in this chapter, a sales tax of 6.5 percent is imposed on the gross receipts from retail sales as defined in section 297A.61, subdivision 4, made in this state or to a destination in this state by a person who is required to have or voluntarily obtains a permit under section 297A.83, subdivision 1.

(b) The increased rate required under the Minnesota Constitution, article XI, section 15, shall be added to the rate imposed under paragraph (a).

EFFECTIVE DATE. This section is effective July 1, 2007, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 9. Minnesota Statutes 2004, section 297A.94, is amended to read:

297A.94 DEPOSIT OF REVENUES.

(a) Except as provided in this section and the Minnesota Constitution, article XI, section 15, the commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed by this chapter in the state treasury and credit them to the general fund.

(b) The commissioner shall deposit taxes in the Minnesota agricultural and economic account in the special revenue fund if:

(1) the taxes are derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(e) For fiscal year 2001, 97 percent; for fiscal years 2002 and 2003, 87 percent; and for fiscal year 2004 and thereafter, 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(f) The revenue dedicated under paragraph (e) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (e) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (e) must be allocated for field operations.

EFFECTIVE DATE. This section is effective July 1, 2007, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 10. Minnesota Statutes 2004, section 297B.02, subdivision 1, is amended to read:

Subdivision 1. **Rate.** There is imposed an excise tax at the rate provided in ~~chapter 297A, section 297A.62, subdivision 1, paragraph (a)~~ on the purchase price of any motor vehicle purchased or acquired, either in or outside of the state of Minnesota, which is required to be registered under the laws of this state.

The excise tax is also imposed on the purchase price of motor vehicles purchased or acquired on Indian reservations when the tribal council has entered into a sales tax on motor vehicles refund agreement with the state of Minnesota.

EFFECTIVE DATE. This section is effective July 1, 2007, if the constitutional amendment proposed in section 1 is adopted by the voters."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Sertich amendment to the Ozment amendment, as amended by the Charron amendment, and the roll was called. There were 65 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dill	Entenza	Haws	Huntley	Kelliher
Atkins	Dittrich	Fritz	Hilstrom	Jaros	Koenen
Bernardy	Dorman	Goodwin	Hilty	Johnson, R.	Larson
Carlson	Dorn	Greiling	Hornstein	Johnson, S.	Latz
Clark	Eken	Hansen	Hortman	Juhnke	Lenczewski
Davnie	Ellison	Hausman	Hosch	Kahn	Lesch

Liebling	Marquart	Otremba	Poppe	Sieben	Thissen
Lieder	Moe	Paymar	Rukavina	Simon	Wagenius
Lillie	Mullery	Pelowski	Sailer	Slawik	Walker
Loeffler	Murphy	Peterson, A.	Scalze	Solberg	Welti
Mahoney	Nelson, M.	Peterson, S.	Sertich	Thao	

Those who voted in the negative were:

Abeler	Davids	Gunther	Lanning	Powell	Vandev eer
Abrams	Dean	Hackbarth	Magnus	Ruth	Wardlow
Anderson, B.	DeLaForest	Hamilton	McNamara	Ruud	Westerberg
Beard	Demmer	Heidgerken	Meslow	Samuelson	Westrom
Blaine	Dempsey	Holberg	Nelson, P.	Seifert	Wilkin
Bradley	Eastlund	Hoppe	Newman	Severson	Zellers
Brod	Emmer	Howes	Nornes	Simpson	Spk. Sviggum
Buesgens	Erhardt	Johnson, J.	Ozment	Smith	
Charron	Erickson	Klinzing	Paulsen	Soderstrom	
Cornish	Finstad	Knoblach	Penas	Sykora	
Cox	Garofalo	Kohls	Peppin	Tingelstad	
Cybart	Gazelka	Krinkie	Peterson, N.	Urdahl	

The motion did not prevail and the amendment to the amendment, as amended, was not adopted.

MOTION FOR RECONSIDERATION

Vandev eer moved that the vote whereby the Sertich amendment to the Ozment amendment, as amended by the Charron amendment, to S. F. No. 2734, the third unofficial engrossment, was not adopted, be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Vandev eer motion and the roll was called. There were 66 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Eken	Hornstein	Larson	Mullery	Scalze
Anderson, I.	Ellison	Hortman	Latz	Nelson, M.	Sertich
Atkins	Entenza	Hosch	Lenczewski	Olson	Sieben
Bernardy	Fritz	Huntley	Lesch	Otremba	Simon
Carlson	Goodwin	Jaros	Liebling	Paymar	Slawik
Clark	Greiling	Johnson, R.	Lieder	Pelowski	Solberg
Davnie	Hansen	Johnson, S.	Lillie	Peterson, A.	Thao
Dill	Hausman	Juhnke	Loeffler	Peterson, S.	Vandev eer
Dittrich	Haws	Kahn	Mahoney	Poppe	Wagenius
Dorman	Hilstrom	Kelliher	Marquart	Rukavina	Walker
Dorn	Hilty	Koenen	Moe	Sailer	Welti

Those who voted in the negative were:

Abeler	Blaine	Buesgens	Cox	Dean	Dempsey
Abrams	Bradley	Charron	Cybart	DeLaForest	Eastlund
Beard	Brod	Cornish	Davids	Demmer	Emmer

Erhardt	Holberg	Magnus	Penas	Simpson	Westrom
Erickson	Hoppe	McNamara	Peppin	Smith	Wilkin
Finstad	Howes	Meslow	Peterson, N.	Soderstrom	Zellers
Garofalo	Johnson, J.	Murphy	Powell	Sykora	Spk. Sviggum
Gazelka	Klinzing	Nelson, P.	Ruth	Thissen	
Gunther	Knoblach	Newman	Ruud	Tingelstad	
Hackbarth	Kohls	Nornes	Samuelson	Urdahl	
Hamilton	Krinkie	Ozment	Seifert	Wardlow	
Heidgerken	Lanning	Paulsen	Severson	Westerberg	

The motion did not prevail.

The question recurred on the Ozment amendment, as amended by the Charron amendment, to S. F. No. 2734, the third unofficial engrossment. The motion prevailed and the amendment, as amended, was adopted.

Erhardt moved to amend S. F. No. 2734, the third unofficial engrossment, as amended, as follows:

Page 1, line 12, before "CONSTITUTIONAL" insert "SALES TAX"

Page 1, delete section 1 and insert:

"Section 1. **CONSTITUTIONAL AMENDMENT.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section will be added to article XI, to read:

Sec. 15. Beginning July 1, 2009, until June 30, 2032, the sales and use tax receipts equal to three-eighths of one percent on sales and uses taxable under the general state sales and use tax law, plus penalties and interest and reduced by any refunds, are dedicated as follows: 34 percent of the receipts shall be deposited in the heritage enhancement fund and may be spent only to improve, enhance, or protect the state's fish, wildlife, habitat, and fish and wildlife tourism; 22 percent of the receipts shall be deposited in the parks and trails fund and may be spent only on parks, trails, and zoos in the state; 29 percent of the receipts shall be deposited in the clean water fund and may be spent only on protection and restoration of the state's lakes, rivers, streams, wetlands, and groundwater; and 15 percent of the receipts shall be deposited in the arts, science, humanities, museum, and public broadcasting fund and may be spent only on arts, humanities, history, museums, and public broadcasting. An arts, science, humanities, museum, and public broadcasting fund; a heritage enhancement fund; a parks and trails fund; and a clean water fund are created in the state treasury. The money dedicated under this section shall be appropriated by law. The money dedicated under this section for fish, wildlife, habitat, fish and wildlife tourism, parks, trails, zoos, protection and restoration of waters, and history shall not be used as a substitute for traditional funding sources for the purposes specified, but the dedicated money shall supplement traditional sources of funding for those purposes. Land acquired by fee with money deposited in the heritage enhancement fund under this section must be open to public taking of fish and game during the open season unless otherwise provided by law."

Page 2, delete lines 3 to 6 and insert:

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2009, to improve, enhance, or protect the state's fish, wildlife, habitat, and fish and wildlife tourism; its parks, trails, and zoos; its lakes, rivers, streams, wetlands, and groundwater; and its arts, science, humanities, history, museums, and public broadcasting by dedicating the sales and use tax receipts equal to the state sales and use tax of three-eighths of one percent on taxable sales until the year 2032?"

Page 2, delete lines 9 to 31 and insert:

"Sec. 3. Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35, is amended to read:

Subd. 35. **Public official.** "Public official" means any:

- (1) member of the legislature;
- (2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or attorney in the Office of Senate Counsel and Research or House Research;
- (3) constitutional officer in the executive branch and the officer's chief administrative deputy;
- (4) solicitor general or deputy, assistant, or special assistant attorney general;
- (5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06, or the state chief information officer;
- (6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;
- (7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;
- (8) executive director of the State Board of Investment;
- (9) deputy of any official listed in clauses (7) and (8);
- (10) judge of the Workers' Compensation Court of Appeals;
- (11) administrative law judge or compensation judge in the State Office of Administrative Hearings or referee in the Department of Employment and Economic Development;
- (12) member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council;
- (13) member or chief administrator of a metropolitan agency;
- (14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;
- (15) member or executive director of the Higher Education Facilities Authority;
- (16) member of the board of directors or president of Minnesota Technology, Inc.; ~~or~~
- (17) member of the board of directors or executive director of the Minnesota State High School League; or
- (18) member of the Heritage Enhancement Council.

EFFECTIVE DATE. This section is effective November 15, 2008, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 4. **[85.0195] PARKS AND TRAILS FUND; EXPENDITURES.**

Subdivision 1. **Fund.** The parks and trails fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the parks and trails fund must be credited to the fund.

Subd. 2. **Expenditures.** Money in the parks and trails fund may be spent only on state and regional parks, trails, and zoos. Subject to the appropriation by law, receipts to the fund must be allocated in separate accounts as follows:

(1) 38 percent of the receipts may be spent only for state park and recreation area purposes;

(2) 11 percent of the receipts may be spent only for state trail purposes;

(3) 36 percent of the receipts may be spent only for metropolitan area, as defined in section 473.121, regional park and trail grants;

(4) 12 percent of the receipts may be spent only for nonmetropolitan regional parks and trails, outdoor recreation grants, natural and scenic area grants, trail connection grants, regional trail grants, and grant-in-aid trails; and

(5) three percent of the receipts may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 5. **[97A.056] HERITAGE ENHANCEMENT FUND; HERITAGE ENHANCEMENT COUNCIL.**

Subdivision 1. **Heritage enhancement fund.** The heritage enhancement fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the heritage enhancement fund must be credited to the fund. At least 97 percent of the money appropriated from the fund must be spent on specific fish, wildlife, habitat, and fish and wildlife tourism projects.

Subd. 2. **Heritage Enhancement Council.** (a) A Heritage Enhancement Council of 11 members is created, on November 15, 2008, consisting of:

(1) two members of the senate appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(2) two members of the house of representatives appointed by the speaker of the house;

(3) two public members representing hunting, fishing, and wildlife interests appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration;

(4) two public members representing hunting, fishing, and wildlife interests appointed by the speaker of the house; and

(5) three public members representing hunting, fishing, and wildlife interests appointed by the governor.

(b) Legislative members appointed under paragraph (a), clauses (1) and (2), serve as nonvoting members. One member from the senate and one member from the house of representatives must be from the minority caucus. Legislative members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the council. The removal and, beginning July 1, 2009, the compensation of public members are as provided in section 15.0575.

(c) Members shall elect a chair, vice chair, secretary, and other officers as determined by the council. The chair may convene meetings as necessary to conduct the duties prescribed by this section.

(d) Membership terms are two years, except that members shall serve on the council until their successors are appointed.

(e) Vacancies occurring on the council do not affect the authority of the remaining members of the council to carry out their duties. Vacancies shall be filled in the same manner as under paragraph (a).

Subd. 3. **Duties of council.** (a) The council, in consultation with statewide and local fishing, forestry, hunting, and wildlife groups, shall develop a biennial budget plan for expenditures from the heritage enhancement fund. The biennial budget plan may include grants to statewide and local fishing, forestry, hunting, and wildlife groups to improve, enhance, or protect fish and wildlife resources.

(b) In the biennial budget submitted to the legislature, the governor shall submit separate budget detail for planned expenditures from the heritage enhancement fund as recommended by the council.

(c) As a condition of acceptance of an appropriation from the heritage enhancement fund, an agency or entity receiving an appropriation shall submit a work program and quarterly progress reports for appropriations from the heritage enhancement fund to the members of the Heritage Enhancement Council in the form determined by the council.

Subd. 4. **Council administration.** (a) The council may employ personnel and contract with consultants as necessary to carry out functions and duties of the council. Permanent employees shall be in the unclassified service. The council may request staff assistance, legal opinion, and data from agencies of state government as needed for the execution of the responsibilities of the council.

(b) Beginning July 1, 2009, the administrative expenses of the council shall be paid from the heritage enhancement fund.

(c) A council member or an employee of the council may not participate in or vote on a decision of the council relating to an organization in which the member or employee has either a direct or indirect personal financial interest. While serving on or employed by the council, a person shall avoid any potential conflict of interest.

Subd. 5. **Council meetings.** Meetings of the council and other groups the council may establish must be conducted in accordance with chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations.

EFFECTIVE DATE. This section is effective November 15, 2008, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 6. [103F.765] CLEAN WATER FUND; CLEAN WATER COUNCIL; EXPENDITURES.

Subdivision 1. **Fund.** The clean water fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the clean water fund must be credited to the fund.

Subd. 2. **Expenditures.** Subject to appropriation, money in the clean water fund may be spent only on:

(1) monitoring, investigations, and analysis of the quality of Minnesota's water resources;

(2) state and local activities to protect, preserve, and improve the quality of Minnesota's water resources; and

(3) assistance to individuals and organizations for water quality improvement projects.

Subd. 3. **Clean Water Council; membership; appointment.** A Clean Water Council of 21 members is created. The members of the council shall elect a chair from the nonagency members of the council. The commissioners of natural resources, agriculture, and the Pollution Control Agency, and the executive director of the Board of Water and Soil Resources, shall appoint one person from their respective agency to serve as a member of the council. Seventeen additional nonagency members of the council shall be appointed as follows:

(1) two members representing statewide farm organizations, appointed by the governor;

(2) one member representing business organizations, appointed by the governor;

(3) one member representing environmental organizations, appointed by the governor;

(4) one member representing soil and water conservation districts, appointed by the governor;

(5) one member representing watershed districts, appointed by the governor;

(6) one member representing organizations focused on improvement of Minnesota lakes or streams, appointed by the governor;

(7) two members representing an organization of county governments, one member representing the interests of rural counties, and one member representing the interests of counties in the seven-county metropolitan area, appointed by the governor;

(8) two members representing organizations of city governments, appointed by the governor;

(9) one member representing the Metropolitan Council established under section 473.123, appointed by the governor;

(10) one township officer, appointed by the governor;

(11) one member of the house of representatives, appointed by the speaker;

(12) one member of the senate, appointed by the majority leader;

(13) one member representing the University of Minnesota or a Minnesota state university, appointed by the governor; and

(14) one member representing the interests of tribal governments, appointed by the governor.

The members of the council appointed by the governor are subject to the advice and consent of the senate. At least six of the members appointed by the governor must reside in the seven-county metropolitan area. In making appointments, the governor must attempt to provide for geographic balance.

Subd. 4. **Terms; compensation; removal.** The terms of members representing the state agencies and the Metropolitan Council are four years and are coterminous with the governor. The terms of other members of the council shall be as provided in section 15.059, subdivision 2. Members may serve until their successors are appointed and qualify. Compensation and removal of council members is as provided in section 15.059, subdivisions 3 and 4. A vacancy on the council may be filled by the appointing authorities, as provided in subdivision 3, for the remainder of the unexpired term.

Subd. 5. **Recommendations on appropriation of funds.** The Clean Water Council shall recommend to the governor the manner in which money from the clean water fund should be appropriated for the purposes identified in subdivision 2.

Subd. 6. **Biennial report to legislature.** By December 1 of each even-numbered year, the council shall submit a report to the legislature on the activities for which money from the clean water fund has been or will be spent for the current biennium, and the activities for which money from the account is recommended to be spent in the next biennium.

Subd. 7. **Council meetings.** Meetings of the council and other groups the council may establish must be conducted in accordance with chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters.

Sec. 7. **[129D.17] ARTS, SCIENCE, HUMANITIES, MUSEUM, AND PUBLIC BROADCASTING FUND; EXPENDITURES.**

Subdivision 1. **Fund.** The arts, science, humanities, museum, and public broadcasting fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the fund must be credited to the fund.

Subd. 2. **Expenditures.** Subject to appropriation, receipts in the fund must be allocated by the commissioner of finance as follows:

(1) 43 percent to the Minnesota State Arts Board;

(2) 23 percent to the Minnesota Historical Society;

(3) 23 percent to public broadcasting, except a radio broadcaster that holds more than five licenses issued by the Federal Communication Commission;

(4) four percent to the Science Museum of Minnesota;

(5) 3.5 percent to the Humanities Commission;

(6) 2.5 percent to the Minnesota Film Board; and

(7) one percent to the Minnesota Children's Museum and the Duluth Children's Museum.

Money allocated to the Minnesota State Arts Board, the Minnesota Historical Society, public broadcasting, the Science Museum of Minnesota, the Humanities Commission, the Minnesota Film Board, the Minnesota Children's Museum, and the Duluth Children's Museum may not be used for administrative purposes. If one of the above entities ceases to exist, then the appropriated money must be allocated proportionally among the remaining entities.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters."

Page 3, delete lines 1 to 34

Page 4, delete lines 1 to 32

Page 6, after line 18, insert:

"**EFFECTIVE DATE.** This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters."

Page 6, delete lines 19 to 22 and insert:

"Sec. 9. Minnesota Statutes 2004, section 297B.02, subdivision 1, is amended to read:

Subdivision 1. **Rate.** There is imposed an excise tax at the rate provided in ~~chapter 297A, section 297A.62, subdivision 1, paragraph (a)~~, on the purchase price of any motor vehicle purchased or acquired, either in or outside of the state of Minnesota, which is required to be registered under the laws of this state.

The excise tax is also imposed on the purchase price of motor vehicles purchased or acquired on Indian reservations when the tribal council has entered into a sales tax on motor vehicles refund agreement with the state of Minnesota.

"**EFFECTIVE DATE.** This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the voters."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Seifert moved to amend the Erhardt amendment to S. F. No. 2734, the third unofficial engrossment, as amended, as follows:

Page 1, line 8, delete "until June 30, 2032."

Page 1, line 13, delete everything after the semicolon

Page 1, line 14, delete everything before the semicolon

Page 1, line 16, delete "15" and insert "37 percent of the receipts shall be deposited in the transportation projects fund and may be spent only on highways, roads, and bridges."

Page 1, delete lines 17 to 23, and insert:

"A heritage enhancement fund, a transportation projects fund, and a clean water fund are created in the state treasury. The money dedicated under this section shall be appropriated by law. The money dedicated under this section for fish, wildlife, habitat, fish and wildlife tourism, protection and restoration of waters, highways, roads, and bridges shall not be"

Page 2, line 6, delete "its parks, trails, and zoos;"

Page 2, delete line 7, and insert "and its highways, roads, and bridges by dedicating"

Page 2, line 9, delete "until the year 2032"

Page 3, delete section 4

Page 7, delete section 7 and insert:

"Sec. 7. **[161.042] MAJOR PROJECTS ACCOUNT.**

Subdivision 1. **Account created.** A major projects account is created in the trunk highway fund. The account receives any money as specified by law.

Subd. 2. **Appropriations.** (a) \$1,200,000,000 is appropriated from the major projects account in the trunk highway fund to the commissioner of transportation for real property acquisition, preliminary engineering, design, construction, reconstruction, and improvement of major trunk highway projects.

(b) \$1,200,000 is appropriated from the major projects account in the trunk highway fund to the commissioner of finance for bond sale expenses under Minnesota Statutes, sections 16A.641, subdivision 8, and 167.50.

Subd. 3. **Project priority.** Nothing in this section supersedes the authority of the commissioner to develop statewide transportation priorities and schedule authorized improvements under section 174.03. The commissioner must complete all major trunk highway projects.

Subd. 4. **Major trunk highway projects.** For purposes of this section, "major trunk highway projects" means the following projects on the following marked trunk highways and, marked interstates:

- (1) reconstruction of T. H. 1 at intersection with T. H. 169 in Tower;
- (2) construction of passing lanes on T. H. 1 between Tower and Ely;
- (3) reconstruction of T. H. 2 in Grand Rapids;
- (4) construction of additional lanes on T. H. 3 between Faribault and Northfield;
- (5) construction of additional lanes on T. H. 5 from Stillwater to Stillwater Boulevard;
- (6) construction of additional lanes on T. H. 5 from T. H. 41 5 to Norwood-Young America;
- (7) construction of additional lanes and intersection improvements on T. H. 7 between Hutchinson and I-494;
- (8) construction of overpass on T. H. 10 at Fairoak Avenue;
- (9) construction of interchange on T. H. 10 at Thurston Avenue;
- (10) construction of additional lanes on T. H. 10 in Wadena;
- (11) construction of Big Lake bypass on T. H. 10;
- (12) construction of interchange and Royalton bypass on T. H. 10;
- (13) construction of interchange on T. H. 10 at T. H. 78;

- (14) construction of interchange on T. H. 10 at Hanson Boulevard;
- (15) construction of interchanges on T. H. 10 in Benton county;
- (16) construction of safety improvements on T. H. 11 between Roseau and Baudette;
- (17) construction of six-lane expressway on T. H. 13 between T. H. 801B and I-35W;
- (18) construction of additional lanes on T. H. 13 from I-494 to Yankee Doodle Road;
- (19) construction of new lanes on T. H. 14 between New Ulm and T. H. 52 in Rochester;
- (20) construction of new lanes on T. H. 19, between I-35 and Northfield;
- (21) reconstruction of T. H. 19 in Redwood Falls;
- (22) construction of additional lanes on T. H. 23 between Richmond and Paynesville, including Paynesville bypass on T. H. 52;
- (23) construction of additional lanes on T. H. 23 from I-90 to Willmar;
- (24) new river crossing on T. H. 24 between I-94 and T. H. 10;
- (25) reconstruction of T. H. 25 between C.S.A.H. 12 and H. 55 in Buffalo;
- (26) construction of shoulders on T. H. 29 between Alexandria and Parker's Prairie;
- (27) construction of additional lanes on T. H. 169 from T. H. 101 to Scott County State Aid Highway 83;
- (28) reconstruction of I-35E from University Avenue to Maryland Avenue, including reconstruction of the Cayuga bridge;
- (29) reconstruction of I-35W from the Minnesota River to I-94, including addition of a high-occupancy vehicle/transit lane from 46th Street to I-94;
- (30) reconstruction of the I-35 interchange at Mesaba Avenue in Duluth;
- (31) construction of interchange on I-35 at T. H. 95;
- (32) construction of interchanges on T. H. 36 at McKnight Road and Hadley Avenue;
- (33) widening of T. H. 40 between the Willmar airport and T. H. 12;
- (34) construction of interchange on T. H. 52 at T. H. 57/county road 8;
- (35) construction of passing lanes on T. H. 53 between Cook and International Falls;
- (36) reconstruction of T. H. 55 between Glenwood and Farwell;
- (37) construction of passing lanes on T. H. 59 between T. H. 1 and T. H. 2;

- (38) construction of new lanes on T. H. 60 from north of Bigelow to Worthington;
- (39) construction of additional lanes on T. H. 60 between Windom and St. James;
- (40) reconstruction of T. H. 61 at the Hastings bridge;
- (41) reconstruction of T. H. 61 between Two Harbors and Silver Cliff, between Gooseberry and Chamins, between St. Louis County highway 34 and the Cascade River, and from Beaver Bay to Silver Bay;
- (42) reconstruction of T. H. 61 between Tofte and C.S.A.H. 2;
- (43) reconstruction of T. H. 61 from three miles north of T. H. 1 to four miles north of the Cook county line;
- (44) construction of new lanes on T. H. 63 between Stewartville and T. H. 16;
- (45) construction of additional lanes on T. H. 63 between Rochester and T. H. 247;
- (46) construction of new interchange on T. H. 65 at T. H. 242;
- (47) reconstruction of T. H. 71 south of Willmar;
- (48) construction of three-lane expressway on T. H. 71 between C.S.A.H. 9 and T. H. 2;
- (49) reconstruction of T. H. 75 in Moorhead;
- (50) construction of bridge on I-90 at LaCrescent-Dresbach;
- (51) construction of interchange on I-94 and Radio Drive;
- (52) construction of new interchange on I-94 and 34th Street in Moorhead;
- (53) construction of Cambridge bypass on T. H. 95;
- (54) addition of two lanes to T. H. 100 between 36th Street and Cedar Lake Road;
- (55) reconstruction of T. H. 169 from Aitkin to north of its intersection with T. H. 210;
- (56) construction of new interchanges on T. H. 169 south of Mankato;
- (57) reconstruction of T. H. 169 from north of T. H. 53 to T. H. 1;
- (58) construction of intersection on T. H. 169 at Main Street in Elk River;
- (59) construction of interchange on T. H. 169 at T. H. 282;
- (60) construction of additional lanes on T. H. 212 from Chaska to Norwood-Young America;
- (61) reconstruction of T. H. 371 between T. H. 210 and Nisswa;
- (62) addition of two lanes to I-494 from T. H. 55 to I-94;

- (63) completion of construction of additional lanes on I-494 from T. H. 55 to I-94;
- (64) reconstruction of the intersection of I-494 and I-35W, including capacity addition;
- (65) construction of interchange on I-494 at T. H. 169;
- (66) completion of T. H. 610 as a four-lane freeway from T. H. 169 to I-94;
- (67) construction of additional lanes on I-694 to I-35W;
- (68) reconstruction of the bridge on T. H. 95 at I-35 in North Branch;
- (69) reconstruction of T. H. 60 from Zumbrota to Kenyon;
- (70) reconstruction of T. H. 22 from New Auburn to Gaylord;
- (71) reconstruction of an interchange on T. H. 59 at T. H. 28;
- (72) construction of additional lanes on T. H. 15 from St. Cloud to Fairmont;
- (73) construction of additional lanes on T. H. 10 from Egret to Round Lake in Coon Rapids;
- (74) construction of additional lanes on I-35E from T. H. 110 to T. H. 13;
- (75) reconstruction of T. H. 27 from Onamia to T. H. 25;
- (76) construction of additional lanes on T. H. 3 from St. Paul to Northfield;
- (77) construction of a bridge over the Crow River connecting Wright County State Aid Highway 17 to Wright County State Aid Highway 30;
- (78) reconstruction of T. H. 30 from Blooming Prairie to T. H. 63 in Rochester;
- (79) reconstruction of T. H. 56 from Hayfield to Dodge Center;
- (80) construction of additional lanes on T. H. 65 from Bunker Lake Blvd. to T. H. 95 in Cambridge;
- (81) construction of additional lanes on T. H. 61 from I-35E to Wheelock Parkway;
- (82) construction of additional lanes on from T. H. 610 to Hennepin County Road 116;
- (83) construction of new interchange on T. H. 27 at I-94 in Alexandria;
- (84) construction of an additional northbound lane on T. H. 77 from 140th Street to T. H. 13;
- (85) construction of a new overpass on T. H. 169 at County State Aid Highway 4 in Zimmerman;
- (86) reconstruction of an interchange on I-94 at Brockton Avenue between Maple Grove and Rogers;
- (87) reconstruction of T. H. 108 from I-94 to Pelican Rapids;

- (88) reconstruction of T. H. 61 from Red Wing to Wabasha;
- (89) construction of additional lanes on I-94 from St. Cloud to Maple Grove;
- (90) construction of an interchange on I-35E at Anoka County State Aid Highway 14;
- (91) construction of an interchange on I-35W at Anoka County State Aid Highway 14;
- (92) reconstruction of T. H. 13 from Albert Lea to Waseca;
- (93) reconstruction of T. H. 9 north of T. H. 10;
- (94) reconstruction of the interchange on I-35W at T. H. 62;
- (95) construction of additional lanes on T. H. 55 from Medina to Annandale;
- (96) construction of an interchange on T. H. 10 at Sherburne County State Aid Highway 11;
- (97) construction of additional lanes on T. H. 59 from I-94 to Lancaster;
- (98) construction of additional lanes on T. H. 169 from I-494 to I-94;
- (99) construction of additional lanes on I-35W from 95th Avenue in Blaine to I-694;
- (100) construction of additional lanes on I-35W from the intersection with I-35E to the Minnesota River;
- (101) reconstruction of T. H. 64 from Backus to Motley;
- (102) reconstruction of the interchange on I-35 at T. H. 70; and
- (103) construction of additional lanes on T. H. 169 from the Bloomington ferry bridge to Scott County State Aid Highway 18.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the people.

Sec. 8. Minnesota Statutes 2004, section 174.52, is amended by adding a subdivision to read:

Subd. 4b. Major projects account. (a) A major projects account is created in the local road improvement fund. The account receives any money as specified by law. Money in the account is annually appropriated to the commissioner of transportation for expenditure as specified in this section. Money in the account must be used as grants or loans to a road authority, as defined in section 160.04, subdivision 25, for real property acquisition, preliminary engineering, design, construction, reconstructions, and improvement of major projects.

(b) Nothing in this subdivision supersedes the authority of the commissioner to develop statewide transportation priorities and schedule authorized improvements under section 174.03. The commissioner must complete all major projects.

(c) For purposes of this subdivision, "major projects" means the following projects:

- (1) reconstruction of Pine County Road 104 from T. H. 361 to County State Aid Highway 2;

(2) construction of bridge in Sauk Rapids;

(3) reconstruction and grade separation on 20th Street South and 21st Street South in Moorhead;

(4) reconstruction of 175th Avenue from Liberty Street to Mahogany Street; and

(5) reconstruction of Hansen Boulevard in Coon Rapids.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the people.

Sec. 9. **[174.53] TRANSPORTATION PROJECTS FUND.**

Subdivision 1. **Fund.** A transportation projects fund is established within the state treasury, pursuant to article XI, section 15, of the Constitution. All money earned by the transportation projects fund must be credited to the fund.

Subd. 2. **Allocation.** Receipts to the fund must be allocated as follows:

(1) 95 percent must be deposited in the major projects account in the trunk highway fund; and

(2) 5 percent must be deposited in the major projects account in the local road improvement fund.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the people."

Page 8, after line 30, insert:

"Sec. 10. **BOND SALE AUTHORIZATION.**

To provide the money appropriated by section 7 from the major projects account in the trunk highway fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$1,201,200,000 in the manner, on the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts requested by the commissioner of transportation. The proceeds of the bonds, except accrued interest and any premium received on the sale of the bonds, must be credited to the major projects account in the trunk highway fund.

EFFECTIVE DATE. This section is effective July 1, 2009, if the constitutional amendment proposed in section 1 is adopted by the people."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Erhardt raised a point of order pursuant to rule 3.21 that the Seifert amendment to the Erhardt amendment was not in order. The Speaker ruled the point of order not well taken and the Seifert amendment to the Erhardt amendment in order.

Entenza appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 66 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Abeler	Cybart	Gazelka	Kohls	Paulsen	Soderstrom
Abrams	Davids	Gunther	Krinkie	Penas	Sykora
Anderson, B.	Dean	Hackbarth	Lanning	Peppin	Tingelstad
Beard	DeLaForest	Hamilton	Magnus	Peterson, N.	Urdahl
Blaine	Demmer	Heidgerken	McNamara	Powell	Vandever
Bradley	Dempsey	Holberg	Meslow	Ruth	Wardlow
Brod	Eastlund	Hoppe	Nelson, P.	Samuelson	Westerberg
Buesgens	Emmer	Howes	Newman	Seifert	Westrom
Charron	Erickson	Johnson, J.	Nornes	Severson	Wilkin
Cornish	Finstad	Klinzing	Olson	Simpson	Zellers
Cox	Garofalo	Knoblach	Ozment	Smith	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Entenza	Hortman	Latz	Nelson, M.	Sertich
Atkins	Erhardt	Hosch	Lenczewski	Otremba	Sieben
Bernardy	Fritz	Huntley	Lesch	Paymar	Simon
Carlson	Goodwin	Jaros	Liebling	Pelowski	Slawik
Clark	Greiling	Johnson, R.	Lieder	Peterson, A.	Solberg
Davnie	Hansen	Johnson, S.	Lillie	Peterson, S.	Thao
Dill	Hausman	Juhnke	Loeffler	Poppe	Thissen
Dittrich	Haws	Kahn	Mahoney	Rukavina	Wagenius
Dorn	Hilstrom	Kelliher	Marquart	Ruud	Walker
Eken	Hilty	Koenen	Moe	Sailer	Welti
Ellison	Hornstein	Larson	Mullery	Scalze	

So it was the judgment of the House that the decision of the Speaker should stand.

Erhardt requested that his amendment to S. F. No. 2734, the third unofficial engrossment, as amended, be withdrawn. The request was granted.

Vandever and Buesgens offered an amendment to S. F. No. 2734, the third unofficial engrossment, as amended.

POINT OF ORDER

Kelliher raised a point of order pursuant to rule 3.21 that the Vandever and Buesgens amendment was not in order. The Speaker ruled the point of order well taken and the Vandever and Buesgens amendment out of order.

Olson, Emmer, Severson and Erickson moved to amend S. F. No. 2734, the third unofficial engrossment, as amended, as follows:

Page 1, line 20, of the Ozment amendment, as amended, before the period, insert "without increasing any taxes or fees or imposing any new taxes or fees for a period of seven years following adoption of the constitutional amendment"

A roll call was requested and properly seconded.

The question was taken on the Olson et al amendment and the roll was called. There were 71 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Gunther	Kohls	Penas	Soderstrom
Abrams	Dean	Hackbarth	Krinkie	Peppin	Sykora
Anderson, B.	DeLaForest	Hamilton	Liebling	Peterson, S.	Tingelstad
Beard	Demmer	Haws	Magnus	Powell	Urdahl
Blaine	Dittrich	Heidgerken	McNamara	Rukavina	Vandever
Bradley	Eastlund	Holberg	Nelson, P.	Ruth	Wardlow
Brod	Emmer	Hoppe	Newman	Ruud	Westerberg
Buesgens	Erhardt	Hortman	Nornes	Samuelson	Westrom
Charron	Erickson	Howes	Olson	Seifert	Wilkin
Cornish	Finstad	Johnson, J.	Ozment	Severson	Zellers
Cox	Garofalo	Klinzing	Paulsen	Simpson	Spk. Sviggum
Cybart	Gazelka	Knoblach	Pelowski	Smith	

Those who voted in the negative were:

Anderson, I.	Eken	Hosch	Latz	Mullery	Sertich
Atkins	Ellison	Huntley	Lenczewski	Murphy	Sieben
Bernardy	Entenza	Jaros	Lesch	Nelson, M.	Simon
Carlson	Fritz	Johnson, R.	Lieder	Otremba	Slawik
Clark	Greiling	Johnson, S.	Lillie	Paymar	Solberg
Davnie	Hansen	Kahn	Loeffler	Peterson, A.	Thao
Dempsey	Hausman	Kelliher	Mahoney	Peterson, N.	Thissen
Dill	Hilstrom	Koenen	Marquart	Poppe	Wagenius
Dorman	Hilty	Lanning	Meslow	Sailer	Walker
Dorn	Hornstein	Larson	Moe	Scalze	Welti

The motion prevailed and the amendment was adopted.

S. F. No. 2734, A bill for an act relating to natural and cultural resources; proposing an amendment to the Minnesota Constitution, article XI; increasing the sales tax rate by three-eighths of one percent and dedicating the receipts for natural and cultural resource purposes; creating an arts, humanities, museum, and public broadcasting fund; creating a heritage enhancement fund; creating a parks and trails fund; creating a clean water fund; establishing a Heritage Enhancement Council; establishing a Clean Water Council; amending Minnesota Statutes 2004, sections 297A.62, subdivision 1; 297A.94; 297B.02, subdivision 1; Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103F; 129D.

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 78 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hansen	Koenen	Paulsen	Simpson
Anderson, I.	Dill	Haws	Kohls	Pelowski	Smith
Atkins	Dittrich	Heidgerken	Krinkie	Penas	Soderstrom
Bernardy	Dorn	Hilstrom	Lanning	Peppin	Solberg
Blaine	Eastlund	Holberg	Lieder	Poppe	Sykora
Brod	Eken	Hoppe	Marquart	Powell	Tingelstad
Charron	Entenza	Hortman	McNamara	Ruth	Urdahl
Cornish	Erhardt	Hosch	Meslow	Ruud	Wagenius
Cox	Garofalo	Howes	Moe	Sailer	Wardlow
Cybart	Gazelka	Johnson, J.	Nelson, P.	Samuelson	Westerberg
Davids	Gunther	Johnson, R.	Nornes	Scalze	Westrom
Dean	Hackbarth	Juhnke	Otremba	Severson	Zellers
DeLaForest	Hamilton	Kelliher	Ozment	Sieben	Spk. Sviggum

Those who voted in the negative were:

Abrams	Ellison	Huntley	Liebling	Paymar	Thissen
Anderson, B.	Emmer	Jaros	Lillie	Peterson, A.	Vandever
Beard	Erickson	Johnson, S.	Loeffler	Peterson, N.	Walker
Bradley	Finstad	Kahn	Magnus	Peterson, S.	Welti
Buesgens	Fritz	Klinzing	Mahoney	Rukavina	Wilkin
Carlson	Goodwin	Knoblach	Mullery	Seifert	
Clark	Greiling	Larson	Murphy	Sertich	
Davnie	Hausman	Latz	Nelson, M.	Simon	
Demmer	Hilty	Lenczewski	Newman	Slawik	
Dorman	Hornstein	Lesch	Olson	Thao	

The bill was passed, as amended, 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

Finstad moved that the name of Solberg be added as an author on H. F. No. 2480. The motion prevailed.

Seifert moved that the name of DeLaForest be added as an author on H. F. No. 2833. The motion prevailed.

Bradley moved that the name of Moe be added as an author on H. F. No. 3144. The motion prevailed.

Howes moved that the name of Moe be added as an author on H. F. No. 3551. The motion prevailed.

Tingelstad moved that the name of Ozment be added as chief author on H. F. No. 3605. The motion prevailed.

Abeler moved that H. F. No. 1862 be recalled from the Committee on Health Policy and Finance and be re-referred to the Committee on Ways and Means. The motion prevailed.

Bradley moved that H. F. No. 3144 be recalled from the Committee on Health Policy and Finance and be re-referred to the Committee on Ways and Means. The motion prevailed.

Ozment moved that H. F. No. 3810, now on the General Register, be re-referred to the Committee on Agriculture, Environment and Natural Resources Finance. The motion prevailed.

Gunther moved that H. F. No. 4062, now on the General Register, be re-referred to the Committee on Jobs and Economic Opportunity Policy and Finance. The motion prevailed.

Cox moved that S. F. No. 3319 be recalled from the Committee on Jobs and Economic Opportunity Policy and Finance and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Erickson introduced:

House Resolution No. 23, A House resolution recognizing May 4, 2006, as a Day of Prayer in Minnesota.

The resolution was referred to the Committee on Rules and Legislative Administration.

MOTION TO RECALL BILL AFTER DEADLINE

Hilty moved that the rules of the House be so far suspended that S. F. No. 2634 be recalled from the Committee on State Government Finance, be given its second and third readings and be placed upon its final passage.

A roll call was requested and properly seconded.

The question was taken on the Hilty motion and the roll was called. There were 68 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hansen	Huntley	Larson	Mahoney
Anderson, I.	Dorn	Hausman	Jaros	Latz	Marquart
Atkins	Eken	Haws	Johnson, R.	Lenczewski	Moe
Bernardy	Ellison	Hilstrom	Johnson, S.	Lesch	Mullery
Carlson	Entenza	Hilty	Juhnke	Liebling	Murphy
Clark	Fritz	Hornstein	Kahn	Lieder	Nelson, M.
Davnie	Goodwin	Hortman	Kelliher	Lillie	Otremba
Dill	Greiling	Hosch	Koenen	Loeffler	Ozment

Paymar	Poppe	Scalze	Slawik	Thissen
Pelowski	Rukavina	Sertich	Smith	Wagenius
Peterson, A.	Ruud	Sieben	Solberg	Walker
Peterson, S.	Sailer	Simon	Thao	Welti

Those who voted in the negative were:

Abrams	Davids	Gazelka	Kohls	Penas	Tingelstad
Anderson, B.	Dean	Gunther	Krinkie	Peppin	Urdahl
Beard	DeLaForest	Hackbarth	Lanning	Peterson, N.	Vandever
Blaine	Demmer	Hamilton	Magnus	Powell	Wardlow
Bradley	Dempsey	Heidgerken	McNamara	Ruth	Westerberg
Brod	Eastlund	Holberg	Meslow	Samuelson	Westrom
Buesgens	Emmer	Hoppe	Nelson, P.	Seifert	Wilkin
Charron	Erhardt	Howes	Newman	Severson	Zellers
Cornish	Erickson	Johnson, J.	Nornes	Simpson	Spk. Sviggum
Cox	Finstad	Klinzing	Olson	Soderstrom	
Cybart	Garofalo	Knoblach	Paulsen	Sykora	

Not having received the required two-thirds vote, the motion did not prevail.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 9:00 a.m., Wednesday, April 26, 2006. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Wednesday, April 26, 2006.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives