

STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2005

 FORTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 27, 2005

The House of Representatives convened at 12:00 noon and was called to order by Steve Sviggum, Speaker of the House.

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

A quorum was present.

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

Kohls was excused between the hours of 12:40 p.m. and 1:55 p.m.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 22, 2005

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House File:

H. F. No. 1650, relating to cosmetology; providing for the transfer of regulatory oversight; modifying regulatory provisions; providing conforming changes.

Sincerely,

TIM PAWLENTY
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2005 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2005</i>	<i>Date Filed 2005</i>
271		23	5:55 a.m. April 22	April 22
1535		24	5:40 a.m. April 22	April 22

171	25	6:05 a.m. April 22	April 22
392	26	5:45 a.m. April 22	April 22
1650	27	5:50 a.m. April 22	April 22

Sincerely,

MARY KIFFMEYER
Secretary of State

REPORTS OF STANDING COMMITTEES

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

H. F. No. 1, A bill for an act relating to public safety; appropriating money for the courts, Public Safety, and Corrections Departments, the Peace Officer Standards and Training Board, the Private Detective Board, Human Rights Department, and the Sentencing Guidelines Commission; making a standing appropriation for bond service for the 911 system; appropriating money for methamphetamine grants, homeless outreach grants, and youth intervention grants; requiring life without release sentences for certain egregious first degree criminal sexual conduct offenses; requiring indeterminate life sentences for certain sex offenses; increasing statutory maximum sentences for sex offenses; establishing the Minnesota Sex Offender Review Board and providing its responsibilities, including release decisions, access to data, expedited rulemaking, and the applicability to it of contested case proceedings and the Open Meeting Law; directing the Sentencing Guidelines Commission to modify the sentencing guidelines; providing criminal penalties; modifying predatory offender registration and community notification requirements; expanding Department of Human Services access to the predatory offender registry; modifying the human services criminal background check law; establishing an ongoing Sex Offender Policy Board to develop uniform supervision and professional standards; requesting the Supreme Court to study use of the court system as an alternative to the administrative process for discharge of persons committed as sexually dangerous persons or sexual psychopathic personalities; making miscellaneous technical and conforming amendments to the sex offender law; requiring level III sex offenders to submit to polygraphs as a condition of release; providing that computers are subject to forfeiture if used to commit designated offenses; amending fire marshal safety law; defining explosives for purposes of rules regulating storage and use of explosives; transferring the youth intervention program to the Department of Public Safety; amending the Emergency Communications Law by assessing fees and authorizing issuance of bonds for the third phase of the statewide public safety radio communication system; requiring a statewide human trafficking assessment and study; establishing a gang and drug oversight council and a financial crimes oversight council; requiring correctional facilities to provide the Bureau of Criminal Apprehension with certain fingerprint information; requiring law enforcement agencies to take biological specimens for DNA analysis for persons arrested for designated crimes in 2005 and further crimes in 2010; establishing correctional officers discipline procedures; increasing surcharges on criminal and traffic offenders; limiting public defender representation; authorizing public defender access to certain criminal justice data; requiring the revisor of statutes to publish a table containing cross-references to Minnesota Laws imposing collateral sanctions; requiring background checks for certain child care and placement situations; requiring the finder of fact to find a severe aggravating factor before imposing a sentence in excess of that provided by the Sentencing Guidelines; providing procedures where state intends to seek an aggravated durational departure; defining new crimes, amending crimes and imposing criminal penalties; prohibiting persons from operating motor vehicles containing traffic signal-override devices; requiring restraint of children under the age of seven; amending Minnesota Statutes 2004, sections 2.722, subdivision 1; 13.461, by adding subdivisions; 13.6905, subdivision 17; 13.82, by adding a subdivision; 13.851, subdivision 5, by adding a subdivision; 13.87, subdivision 3; 13.871, subdivision 5; 13D.05, subdivision 2; 84.362; 116L.30; 144.335, by adding a subdivision; 144A.135; 152.02, subdivisions 4, 5; 169.06, by adding a

subdivision; 169.685, subdivision 5; 169.71, subdivision 1; 169A.275, subdivision 1; 169A.52, subdivision 4; 169A.60, subdivisions 10, 11; 169A.63, subdivision 8; 169A.70, subdivision 3, by adding subdivisions; 171.20, subdivision 4; 171.26; 214.04, subdivision 1; 237.70, subdivision 7; 241.67, subdivision 3; 242.195, subdivision 1; 243.1606, subdivision 1; 243.166; 243.167; 243.24, subdivision 2; 244.05, subdivisions 4, 5, 6, 7; 244.052, subdivisions 3, 4, by adding subdivisions; 244.09, subdivision 5; 244.10, subdivision 2, by adding subdivisions; 244.18, subdivision 2; 245C.03, subdivision 1; 245C.13, subdivision 2; 245C.15, subdivisions 1, 2, 3, 4; 245C.17, subdivisions 1, 2, 3; 245C.21, subdivisions 3, 4; 245C.22, by adding a subdivision; 245C.23, subdivision 1; 245C.24, subdivisions 2, 3, 4, by adding a subdivision; 245C.30, subdivisions 1, 2; 246.13; 253B.18, subdivisions 4a, 5, by adding a subdivision; 259.11; 259.24, subdivisions 1, 2a, 5, 6a; 260C.201, subdivision 11; 260C.212, subdivision 4; 282.04, subdivision 2; 299A.38, subdivisions 2, 2a, 3; 299A.465, by adding subdivisions; 299C.03; 299C.08; 299C.093; 299C.095, subdivision 1; 299C.10, subdivision 1, by adding a subdivision; 299C.11; 299C.14; 299C.145, subdivision 3; 299C.155; 299C.21; 299C.65, subdivisions 1, 2, 5, by adding a subdivision; 299F.011, subdivision 7; 299F.014; 299F.05; 299F.051, subdivision 4; 299F.06, subdivision 1; 299F.19, subdivisions 1, 2; 299F.362, subdivisions 3, 4; 299F.391, subdivision 1; 299F.46, subdivisions 1, 3; 325F.04; 326.3382, by adding a subdivision; 326.3384, subdivision 1; 343.31; 357.021, subdivisions 6, 7; 357.18, subdivision 3; 403.02, subdivisions 7, 13, 17, by adding a subdivision; 403.025, subdivisions 3, 7; 403.05, subdivisions 1, 3; 403.07, subdivision 3; 403.08, subdivision 10; 403.11, subdivisions 1, 3, 3a; 403.113, subdivision 1; 403.27, subdivisions 3, 4, by adding subdivisions; 403.30, subdivisions 1, 3, by adding subdivisions; 508.82, subdivision 1; 508A.82, subdivision 1; 518B.01, by adding a subdivision; 590.01, subdivision 1, by adding a subdivision; 609.02, subdivision 16; 609.108, subdivisions 1, 3, 4, 6, 7; 609.109, subdivisions 3, 4, 5, 6, 7; 609.1095, subdivisions 2, 4; 609.117; 609.1351; 609.185; 609.2231, subdivision 3; 609.2242, subdivision 3; 609.229, subdivision 3, by adding a subdivision; 609.233, subdivision 1, by adding a subdivision; 609.321, subdivision 12; 609.341, subdivision 14, by adding subdivisions; 609.342, subdivisions 2, 3; 609.343, subdivisions 2, 3; 609.344, subdivisions 2, 3; 609.345, subdivisions 2, 3; 609.347; 609.3471; 609.348; 609.353; 609.378, subdivision 1; 609.485, subdivisions 2, 4; 609.487, by adding a subdivision; 609.50, subdivision 1; 609.505; 609.52, subdivision 2; 609.527, subdivisions 1, 3, 4, 6, by adding a subdivision; 609.531, subdivision 1; 609.5311, subdivisions 2, 3; 609.5312, subdivisions 1, 3, 4, by adding a subdivision; 609.5314, subdivision 1; 609.5317, subdivision 1; 609.5318, subdivision 1; 609.605, subdivisions 1, 4; 609.748, subdivisions 2, 3a, by adding a subdivision; 609.749, subdivision 2; 609.763, subdivision 3; 609.79, subdivision 2; 609.795, by adding a subdivision; 609A.02, subdivision 3; 609A.03, subdivision 7; 611.14; 611.16; 611.25, subdivision 1; 611.272; 611A.01; 611A.036; 611A.19; 611A.53, subdivision 1b; 617.23, subdivisions 2, 3; 624.22, subdivision 1; 626.04; 626.556, subdivision 3; 626.557, subdivisions 12b, 14; 631.045; 631.425, subdivision 4; 641.21; Laws 2004, chapter 201, section 22; proposing coding for new law in Minnesota Statutes, chapters 171; 241; 243; 244; 260C; 299A; 299C; 590; 609; 611; 629; proposing coding for new law as Minnesota Statutes, chapter 545A; repealing Minnesota Statutes 2004, sections 69.011, subdivision 5; 243.162; 243.166, subdivisions 1, 8; 244.10, subdivisions 2a, 3; 246.017, subdivision 1; 299A.64; 299A.65; 299A.66; 299A.68; 299C.65, subdivisions 3, 4, 6, 7, 8, 8a, 9; 299F.011, subdivision 4c; 299F.015; 299F.10; 299F.11; 299F.12; 299F.13; 299F.14; 299F.15; 299F.16; 299F.17; 299F.361; 299F.451; 299F.452; 403.025, subdivision 4; 403.30, subdivision 2; 609.108, subdivisions 2, 4, 5; 609.109, subdivisions 2, 4, 6; 609.119; 611.18; 624.04; Laws 2004, chapter 283, section 14.

Reported the same back with the following amendments:

Page 9, line 38, delete "\$1,250,000" and insert "\$250,000"

Page 9, line 39, delete "\$1,500,000" and insert "\$300,000"

Page 9, line 43, delete "\$1,250,000" and insert "\$250,000"

Page 9, line 44, delete "\$1,500,000" and insert "\$300,000"

Page 29, line 30, after "section" insert "609.109:"

Page 30, line 13, after "section" insert "609.109:"

Page 37, line 18, delete the first "or" and after "subdivision 3:" insert "or 609.3453:"

Page 74, line 10, delete "244.166" and insert "243.166"

Page 74, line 25, delete everything after "(d)"

Page 74, line 26, delete everything before the comma, and insert "If approved by the United States Department of Justice, the commissioner may have access to national criminal history information"

Page 74, line 28, after the period, insert "If approval of the United States Department of Justice is not obtained by the commissioner before July 1, 2007, the authorization in this paragraph sunsets on that date."

Page 82, line 11, before "609.352" insert "609.3453 (criminal sexual predatory conduct):"

Page 103, line 2, delete "609.2471" and insert "609.3471"

Page 131, after line 30, insert:

"Sec. 5. Minnesota Statutes 2004, section 216D.08, subdivision 1, is amended to read:

Subdivision 1. [~~PENALTY~~ PENALTIES.] A person who is engaged in excavation for remuneration or an operator other than an operator subject to section 299F.59, subdivision 1, who violates sections 216D.01 to 216D.07 is subject to a civil penalty to be imposed by the commissioner not to exceed \$1,000 for each violation per day of violation. The district court may hear, try, and determine actions commenced under this section. Trials under this section must be to the court sitting without a jury. If the fine exceeds the maximum limit for conciliation court, the person appealing the fine may request the commissioner to conduct an administrative hearing under chapter 14.

[EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 6. Minnesota Statutes 2004, section 216D.08, subdivision 2, is amended to read:

Subd. 2. [~~SETTLEMENT~~.] The commissioner may negotiate a compromise settlement of a civil penalty. In determining the amount of the penalty, or the amount of the compromise settlement, the commissioner shall consider the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation. Unless the commissioner chooses to proceed in district court under subdivision 1, the contested case and judicial review provisions of chapter 14 apply to the orders of the commissioner imposing a penalty under sections 216D.01 to 216D.07. The amount of the penalty, when finally determined, may be deducted from sums owing by the state of Minnesota to the person charged.

[EFFECTIVE DATE.] This section is effective July 1, 2005."

Page 157, line 3, delete the new language

Page 157, line 20, delete everything after "(b)"

Page 157, delete lines 21 to 31

Page 157, line 32, delete "(c)"

Page 157, line 36, reinstate the stricken language

Page 158, lines 1 and 2, reinstate the stricken language

Pages 166 and 167, delete section 8

Page 169, lines 17, 24, and 28, delete the new language and reinstate the stricken language

Page 171, line 24, delete the new language and reinstate the stricken language

Page 172, after line 1, insert:

"Sec. 15. Minnesota Statutes 2004, section 403.21, subdivision 8, is amended to read:

Subd. 8. [SUBSYSTEMS.] "Subsystems" or "public safety radio subsystems" means systems identified in the plan or a plan developed under section 403.36 as subsystems interconnected by the system backbone ~~in subsequent phases~~ and operated by the Metropolitan Radio Board, a regional radio board, or local government units for their own internal operations.

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

Page 172, line 10, after "system" insert "within the southeast district of the State Patrol and the counties of Benton, Sherburne, Stearns, and Wright"

Page 172, line 16, delete "; and" and insert "within the southeast district of the State Patrol and the counties of Benton, Sherburne, Stearns, and Wright;

(3) provide money for assistance to a local government for up to 50 percent of the cost of building a subsystem within the southeast district of the State Patrol and the counties of Benton, Sherburne, Stearns, and Wright; and"

Page 172, line 17, delete "(3)" and insert "(4)"

Page 173, after line 31, insert:

"(d) In addition to the amount authorized under paragraphs (a) through (c), the commissioner of finance may issue bonds under subdivision 1a in a principal amount of up to \$9,500,000, plus the amount the commissioner of finance determines necessary to pay the costs of issuance, fund reserves, debt service, and any bond insurance or other credit enhancement. The proceeds of bonds issued under this paragraph are appropriated to the commissioner of public safety for the purpose of subdivision 1a, clause (3), provided that the proceeds may not be used to finance portable or subscriber radio sets."

Page 186, line 1, delete "The"

Page 186, line 2, delete "current commander shall be reappointed."

Page 204, line 31, before "Minnesota" insert "(a)"

Page 204, line 32, before "299A.66" insert "and" and delete the first semicolon and insert ", are repealed."

(b) Minnesota Statutes 2004, sections"

Page 204, line 34, delete "This section" and insert "Paragraph (b)" and after the period, insert "Paragraph (a) is effective January 1, 2006."

Page 240, after line 5, insert:

"Sec. 10. Minnesota Statutes 2004, section 609.115, is amended by adding a subdivision to read:

Subd. 2a. [SENTENCING WORKSHEET; SENTENCING GUIDELINES COMMISSION.] If the defendant has been convicted of a felony, including a felony for which a mandatory life sentence is required by law, the court shall cause a sentencing worksheet as provided in subdivision 1 to be completed and forwarded to the Sentencing Guidelines Commission.

For the purpose of this section, "mandatory life sentence" means a sentence under section 609.106, subdivision 2; 609.109, subdivision 3; 609.185; 609.342, subdivision 2; 609.343, subdivision 2; 609.344, subdivision 2; 609.345, subdivision 2; 609.3453, subdivision 2; or 609.385, subdivision 2, and governed by section 244.05.

[**EFFECTIVE DATE.**] This section is effective July 1, 2005."

Pages 307 and 308, delete section 2

Renumber the sections in sequence

Adjust amounts accordingly

Amend the title as follows:

Page 2, line 32, delete "169.685, subdivision 5;"

Page 2, line 36, after "1;" insert "216D.08, subdivisions 1, 2;"

Page 2, line 66, delete "subdivisions 1," and insert "subdivision"

Page 2, line 68, after "1;" insert "403.21, subdivision 8;"

Page 3, line 4, after "4;" insert "609.115, by adding a subdivision;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 400, A bill for an act relating to unemployment insurance; making an eligibility exception permanent for certain school food service workers; amending Minnesota Statutes 2004, section 268.085, subdivision 8.

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

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 813, A bill for an act relating to natural resources; providing for evaluation of construction aggregate located on school trust lands; appropriating money; amending Minnesota Statutes 2004, section 16A.125, subdivision 5, by adding a subdivision.

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

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 814, A bill for an act relating to public lands; modifying acquisition, use, and designation provisions for scientific and natural areas; authorizing public and private sales and conveyances of certain state lands; allowing Itasca County to acquire land for a public access with money from the Itasca County environmental trust fund; deleting land from Mississippi River Recreational Land Use Districts; amending Minnesota Statutes 2004, sections 84.033, by adding a subdivision; 97A.093; repealing Minnesota Statutes 2004, section 84.033, subdivision 2.

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

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 874, A bill for an act relating to elections; providing for approval and purpose of certain voting equipment; appropriating money; amending Minnesota Statutes 2004, sections 201.022, by adding a subdivision; 206.80; proposing coding for new law in Minnesota Statutes, chapter 206.

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

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 898, A bill for an act relating to unemployment insurance; conforming various provisions to federal requirements; making technical and housekeeping changes; modifying appeal procedures; amending Minnesota Statutes 2004, sections 268.03, subdivision 1; 268.035, subdivisions 9, 13, 14, 20, 21, 26; 268.042, subdivision 1; 268.043; 268.044, subdivisions 1, 2, 3; 268.045, subdivision 1; 268.051, subdivisions 1, 4, 6, 7, by adding a subdivision; 268.052, subdivision 2; 268.053, subdivision 1; 268.057, subdivision 7; 268.065, subdivision 2; 268.069, subdivision 1; 268.07, subdivision 3b; 268.085, subdivisions 1, 2, 3, 5, 12; 268.086, subdivisions 2, 3; 268.095, subdivisions 1, 4, 7, 8, 10, 11; 268.101, subdivisions 1, 2, 3a; 268.103, subdivision 2; 268.105; 268.145,

subdivision 1; 268.18, subdivisions 1, 2, 2b; 268.182, subdivision 2; 268.184, subdivisions 1, 2, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 2004, sections 268.045, subdivisions 2, 3, 4; 268.086, subdivision 4; Laws 1997, chapter 66, section 64, subdivision 1; Minnesota Rules, parts 3310.2926; 3310.5000; 3315.0910, subpart 9; 3315.1020; 3315.1301; 3315.1315, subparts 1, 2, 3; 3315.1650; 3315.2210; 3315.3210; 3315.3220.

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

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 952, A bill for an act relating to health; providing for grants related to positive abortion alternatives; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

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

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 987, A bill for an act relating to child safety; prohibiting the sale and commercial use of certain cribs; providing enforcement; proposing coding for new law in Minnesota Statutes, chapters 245A; 325F.

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

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1081, A bill for an act relating to natural resources; modifying commercial fishing restrictions in infested waters; modifying state park permit exemptions; providing for a water recreation account; modifying expiration of certain committees; modifying disposition of certain revenue and unrefunded tax receipts; modifying terms of certain reports; eliminating commissioner approval of county expenditures of county timber receipts; modifying zoning requirements in floodplain areas; amending Minnesota Statutes 2004, sections 84D.03, subdivision 4; 85.053, subdivision 1; 85.054, by adding a subdivision; 97A.055, subdivision 4b; 97A.4742, subdivision 4; 103G.615, subdivision 2; 282.08; 282.38, subdivision 1; 296A.18, subdivision 2; 462.357, subdivision 1e; proposing coding for new law in Minnesota Statutes, chapter 86B.

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

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1344, A bill for an act relating to utilities; modifying and adding provisions relating to alternative, clean, or renewable energy resource development; regulating public utilities, power transmission companies and facilities, and energy facilities; authorizing local power quality zones; authorizing community-based energy development tariff; transferring various siting authorities from Environmental Quality Board to Public Utilities Commission; providing for commission oversight of reliability administrator; modifying provisions relating to energy conservation; requiring commission to establish e-filing system; requiring creation of stakeholder and working groups; regulating gas infrastructure cost recovery; requiring studies and reports; making clarifying and technical changes; appropriating money; amending Minnesota Statutes 2004, sections 116C.52, subdivisions 2, 4; 116C.53, subdivision 2; 116C.57, subdivisions 1, 2c, by adding a subdivision; 116C.575, subdivision 5; 116C.577; 116C.58; 116C.61, subdivision 3; 116C.69, subdivisions 2, 2a; 216B.02, by adding a subdivision; 216B.16, subdivision 6d, by adding subdivisions; 216B.1645, subdivision 1; 216B.241, subdivisions 1b, 2; 216B.2421, subdivision 2; 216B.2425, subdivision 2, by adding a subdivision; 216B.243, subdivisions 3, 4, 5, 6, 7, 8; 216B.50, subdivision 1; 216B.62, subdivision 5, by adding a subdivision; 216B.79; 216C.052; 216C.41, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 216B; 216C; repealing Laws 1999, chapter 125, section 4, as amended.

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

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1521, A bill for an act relating to professions; extending the application period for power limited technicians; amending Minnesota Statutes 2004, section 326.242, subdivision 3d.

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

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1732, A bill for an act relating to agriculture; changing certain loan provisions; establishing a loan program; changing certain livestock zoning regulations; amending Minnesota Statutes 2004, sections 41B.046, subdivision 5; 41B.049, subdivision 2; 174.52, subdivision 5; 394.25, subdivision 3c; 462.355, subdivision 4; 462.357, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 41B; repealing Minnesota Statutes 2004, section 41B.046, subdivision 3.

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

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1964, A bill for an act relating to state government; establishing an energy savings program; authorizing the Department of Administration to use energy forward pricing mechanisms for budget risk reduction; amending Minnesota Statutes 2004, section 16C.144; proposing coding for new law in Minnesota Statutes, chapter 16C.

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

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2092, A bill for an act relating to retirement; various public pension plans; clarifying and revising various plan provisions; eliminating obsolete provisions; defining final average salary; modifying the definition of allowable service to include time on strike; permitting judges to purchase service credit for an authorized leave; requiring specified payments; clarifying references to actuarial services in determining actuarial equivalence; defining covered salary to include certain employer contributions to supplemental retirement plans; specifying itemized detail of plan administrative expenses in annual financial reporting; excluding police officers of the University of Minnesota from the public employees police and fire fund; clarifying collection procedures relating to charter schools; adding a uniform nonassignment and legal process exemption provision; adding employees of Bridges Medical Services, Hutchinson Area Health Care, and Northfield Hospital to privatization coverage; extending date for filing special law approval with the secretary of state for the RenVilla Nursing Home; requiring the privatization periodic filing of updated copies of articles of incorporation and bylaws; modifying a higher education individual retirement account plan investment option provision; implementing the recommendations of the Volunteer Firefighter Relief Association working group of the state auditor; modifying the trigger date for filing financial reports; revising the per firefighter financing requirements for monthly benefit service pensions; modifying the options for crediting interest on deferred service pensions; clarifying the deferred service pension options available to defined contribution plans; providing for the crediting of service during military service leaves; requiring the amortization of experience losses; clarifying the compliance requirements for the qualification for fire state aid; modifying a limit on mutual fund investments; clarifying corporate stock and exchange traded funds investment authority; modifying the municipal representation requirements on relief association governing boards; clarifying exemptions from process and taxation; providing that certain laws do not apply to the consolidation of specified volunteer firefighter relief associations; providing an ad hoc postretirement adjustment to Eveleth police and fire trust fund benefit recipients; authorizing the Maplewood Firefighters Relief Association to transfer assets to the Oakdale Firefighters Relief Association to cover service credits earned by certain individuals; appropriating money; amending Minnesota Statutes 2004, sections 3A.01, subdivisions 1, 2, 6, 8, by adding subdivisions; 3A.011; 3A.02, subdivisions 1, 1b, 3, 4, 5; 3A.03, subdivisions 1, 2; 3A.04, subdivisions 1, 2, 3, 4, by adding a subdivision; 3A.05; 3A.07; 3A.10, subdivision 1; 3A.12; 3A.13; 69.011, subdivision 2b, by adding a subdivision; 69.021, subdivisions 5, 11; 69.051, subdivisions 1, 1a; 69.33; 69.771; 69.772, subdivisions 3, 4; 69.773, subdivisions 4, 5; 69.775; 352.01, subdivisions 2a, 4, 5, 12, 21, 23, by adding a subdivision; 352.021, subdivisions 1, 2, 3, 4; 352.04, subdivisions 1, 12; 352.041, subdivisions 1, 2, 3, 5; 352.115, subdivisions 2, 3; 352.15, subdivisions 1, 3, 4; 352.22, subdivision 10; 352.87, subdivision 3; 352.91, by adding a subdivision; 352.93, subdivision 1; 352B.01, subdivisions 1, 2, 3; 352B.02, subdivision 1e; 352B.071; 352C.021, by adding a subdivision; 352C.091, subdivision 1; 352D.01; 352D.015, subdivisions 3, 4; 352D.03; 352D.05, subdivision 4; 352D.085, subdivision 1; 352D.09, subdivision 5; 352D.12; 353.01, subdivisions 6, 10, 14, 32, 33, by adding a subdivision; 353.025; 353.026; 353.027; 353.028; 353.14; 353.15, subdivisions 1, 3; 353.27, subdivision 11; 353.271; 353.28, subdivisions 5, 6; 353.29,

subdivision 3; 353.31, subdivision 1c; 353.32, subdivision 9; 353.33, subdivisions 3, 12; 353.64, by adding a subdivision; 353.651, subdivision 3; 353.656, subdivision 1; 353F.02, subdivision 4; 354.05, subdivision 7, by adding a subdivision; 354.091; 354.10, subdivisions 1, 3, 4; 354.33, subdivision 5; 354.39; 354.41, subdivision 2; 354.42, by adding a subdivision; 354.44, subdivisions 2, 6; 354A.011, subdivision 3a, by adding a subdivision; 354A.021, subdivision 5, by adding a subdivision; 354A.097, subdivision 1; 354A.31, subdivisions 4, 4a, 5; 354B.25, subdivision 2; 356.20, subdivision 4; 356.215, subdivision 8; 356.216; 356.24, subdivision 1; 356.551; 356A.06, subdivision 7; 422A.01, subdivisions 6, 11, by adding a subdivision; 422A.06, subdivision 7; 422A.10, subdivisions 1, 2; 422A.15, subdivision 1; 422A.16, subdivision 9; 422A.22, subdivisions 1, 3, 4, 6; 422A.231; 422A.24; 423B.17; 423C.09; 424A.02, subdivisions 3, 4, 7; 424A.04, subdivision 1; 424B.10, subdivision 1; 490.121, subdivisions 1, 4, 6, 7, 13, 14, 15, 20, 21, 22, by adding subdivisions; 490.122; 490.123, subdivisions 1, 1a, 1b, 1c, 2, 3; 490.124, subdivisions 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13; 490.125, subdivision 1; 490.126; 490.133; Laws 1999, chapter 222, article 16, section 16, as amended; Laws 2000, chapter 461, article 4, section 4, as amended; Laws 2004, chapter 267, article 12, section 4; proposing coding for new law in Minnesota Statutes, chapters 352C; 356; 424A; proposing coding for new law as Minnesota Statutes, chapter 490A; repealing Minnesota Statutes 2004, sections 3A.01, subdivisions 3, 4, 6a, 7; 3A.02, subdivision 2; 3A.04, subdivision 1; 3A.09; 352.119, subdivision 1; 352.15, subdivision 1a; 352C.01; 352C.011; 352C.021; 352C.031; 352C.033; 352C.04; 352C.051; 352C.09; 352C.091, subdivisions 2, 3; 353.15, subdivision 2; 353.29, subdivision 2; 353.34, subdivision 3b; 353.36, subdivisions 2, 2a, 2b, 2c; 353.46, subdivision 4; 353.651, subdivision 2; 353.663; 353.74; 353.75; 354.10, subdivision 2; 354.59; 422A.22, subdivisions 2, 5; 422A.221; 490.021; 490.025, subdivisions 1, 2, 3, 4, 6; 490.101; 490.102; 490.103; 490.105; 490.106; 490.107; 490.108; 490.109; 490.1091; 490.12; 490.121, subdivisions 2, 3, 5, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20.

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

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2335, A bill for an act relating to education finance; making forecast adjustments to education appropriations; amending Laws 2003, First Special Session chapter 9, article 1, section 53, subdivisions 2, as amended, 3, as amended, 11, as amended, 12, as amended; Laws 2003, First Special Session chapter 9, article 2, section 55, subdivisions 2, as amended, 5, as amended, 9, as amended, 12, as amended; Laws 2003, First Special Session chapter 9, article 3, section 20, subdivisions 2, 4, as amended, 5, as amended, 6, as amended, 8, as amended, 9, as amended; Laws 2003, First Special Session chapter 9, article 4, section 31, subdivisions 2, as amended, 3, as amended, 4; Laws 2003, First Special Session chapter 9, article 5, section 35, subdivision 3, as amended; Laws 2003, First Special Session chapter 9, article 6, section 4, as amended; Laws 2003, First Special Session chapter 9, article 7, section 11, subdivisions 2, 4; Laws 2003, First Special Session chapter 9, article 8, section 7, subdivisions 2, as amended, 3, 5, as amended; Laws 2003, First Special Session chapter 9, article 9, section 9, subdivision 2, as amended.

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

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2358, A bill for an act relating to human services; prohibiting certain purchases with MFIP cash grant funds; amending Minnesota Statutes 2004, section 256J.39, by adding a subdivision.

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

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

Dorman from the Committee on Capital Investment to which was referred:

H. F. No. 2454, A bill for an act relating to capital improvements; correcting an error in an appropriation for the Mesabi Trail; amending Laws 2005, chapter 20, article 1, section 7, subdivision 15.

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

The report was adopted.

Dorman from the Committee on Capital Investment to which was referred:

H. F. No. 2461, A bill for an act relating to appropriations; appropriating money for transportation, Metropolitan Council, and public safety activities; authorizing issuance of trunk highway bonds; providing for general contingent accounts and tort claims; modifying provision for handling state mail; providing for repayment of money advanced for highways; modifying vehicle registration plate, tax, and fee provisions and providing for definitions; modifying motor vehicle, traffic regulation, driver's license, and driving record provisions relating to commercial motor vehicles; proposing amendment to Minnesota Constitution to allocate proceeds of tax on sale of motor vehicles; increasing or modifying fees for motor vehicle transfers and driver and vehicle services; allowing state transportation funds to be used for design and preliminary engineering of bridges in smaller cities; authorizing billing for highway sign program and establishing special account; modifying apportionments for county state-aid highways; increasing amount deductible from county state-aid highway fund for administrative costs; modifying traffic regulation relating to unimpeded vision from inside vehicles; redefining recreational vehicle combination to include certain combinations hauling horse trailers and related vehicles; increasing maximum gross weight for certain vehicles and combinations hauling livestock on noninterstate trunk highways; extending exemption for milk truck weight limit; modifying driver's license and permit provisions; allowing driver's license suspension for paying license fees with dishonored check; providing a bidding exception for certain federally subsidized transit facilities; abolishing provision regulating unlawful gasoline sales; providing for metropolitan transit operations and funding; abolishing bus fare policy provision; permitting development of bus rapid transit in Cedar Avenue transit corridor; providing for speed limits; providing for wetland replacement near city of Cologne; modifying employment status of public safety radio communications operators; requiring discontinuance of insurance verification sampling program until modified and providing remedies for charged violations; establishing accounts; setting maximum speed for trains in city of Orr; abolishing statewide bicycle registration program; requiring studies and reports; making technical and clarifying revisions; amending Minnesota Statutes 2004, sections 16B.49; 115A.908, subdivision 1; 161.04, by adding a subdivision; 161.361, subdivision 2; 162.06, subdivision 2; 162.07, subdivision 1, by adding a subdivision; 162.08, subdivision 3; 168.011, subdivisions 3, 4, 5, 5a, 6, 7, 25, by adding subdivisions; 168.013, subdivisions 1a, 8; 168.09, subdivision 7; 168.091, subdivision 1; 168.10, subdivision 1c; 168.105, subdivisions 2, 3, 5; 168.12; 168.123; 168.1235; 168.124; 168.125; 168.1255; 168.127, subdivision 6; 168.128; 168.129; 168.1291;

168.1293; 168.1296; 168.1297; 168.15, subdivision 1; 168.16; 168.27, subdivision 11; 168.31, subdivision 5; 168.33; 168.345, subdivisions 1, 2; 168.381; 168.54, subdivisions 4, 5; 168A.152, subdivision 2; 168A.29; 168A.31; 169.01, subdivisions 75, 76, 78; 169.09, subdivision 13; 169.14, by adding a subdivision; 169.71, subdivision 1; 169.81, subdivision 3c; 169.824, subdivision 2; 169.851, subdivision 5; 169.86, subdivision 5; 169.87, subdivision 4; 169.99, subdivision 1b; 169A.52, subdivision 3; 169A.60, subdivision 16; 171.01, subdivisions 22, 35, 47, by adding a subdivision; 171.02; 171.03; 171.04, subdivision 2; 171.05, subdivisions 1, 2; 171.055, subdivision 2; 171.06, subdivisions 2, 2a; 171.061, subdivision 4; 171.07, subdivision 11; 171.09; 171.12, subdivisions 3, 6; 171.13, subdivisions 2, 6, by adding a subdivision; 171.165, subdivisions 1, 2, 6; 171.18, subdivision 1; 171.20, subdivision 4; 171.26; 171.29, subdivision 2; 171.36; 174.50, by adding a subdivision; 179A.03, subdivision 7; 179A.10, subdivision 2; 297B.09, subdivision 1; 469.015, subdivision 4; 473.446, subdivision 3; 473.4461; 473F.08, subdivision 3b; 609.855, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 160; 168; 169; 171; 190; 299A; repealing Minnesota Statutes 2004, sections 168.011, subdivision 19; 168.012, subdivision 12; 168.041, subdivision 11; 168.105, subdivision 6; 168.15, subdivision 2; 168.231; 168.345, subdivisions 3, 4; 168C.01; 168C.02; 168C.03; 168C.04; 168C.05; 168C.06; 168C.07; 168C.08; 168C.09; 168C.10; 168C.11; 168C.12; 168C.13; 170.23; 171.12, subdivision 8; 171.165, subdivisions 3, 4, 4a, 4b; 171.185; 325D.71; 473.408, subdivision 1; Minnesota Rules, parts 7407.0100; 7407.0200; 7407.0300; 7407.0400; 7407.0500; 7407.0600; 7407.0700; 7407.0800; 7407.0900; 7407.1000; 7407.1100; 7407.1200; 7407.1300; 7503.2400; 7800.0600; 7800.3200, subpart 1; 7805.0700; 8850.6900, subpart 20; 8855.0500, subpart 1.

Reported the same back with the following amendments:

Page 7, line 14, delete "63,112,000" and insert "51,769,000" and delete "109,191,000" and insert "73,889,000"

Page 61, line 1, after "(1)," insert "by the department."

Page 61, line 11, after the second comma, insert "by the department."

Pages 71 and 72, delete section 38

Page 85, delete lines 28 to 30 and insert:

"(1) \$100,000,000 in each of fiscal years 2006 and 2007;

(2) \$275,000,000 in each of fiscal years 2008 and 2009;

(3) \$300,000,000 in each of fiscal years 2010 through 2013; and

(4) \$275,000,000 in each of fiscal years 2014 and 2015."

Page 85, delete lines 33 to 35 and insert:

"(1) \$100,000,000 in each of fiscal years 2006 and 2007;

(2) \$150,000,000 in each of fiscal years 2008 through 2010; and

(3) \$50,000,000 in each of fiscal years 2011 through 2015."

Page 86, line 8, delete "\$2,750,000,000" and insert "\$2,500,000,000"

Page 86, line 10, delete "\$1,575,000,000" and insert "\$900,000,000"

Pages 86 and 87, delete section 1

Page 88, line 8, delete "44.625" and insert "40.5"

Page 88, line 9, delete "17.85" and insert "21.85"

Page 88, line 10, delete "1.275" and insert "1.4"

Page 88, line 12, delete "51.625" and insert "48.75"

Page 88, line 13, delete "20.65" and insert "23.45"

Page 88, line 14, delete "1.475" and insert "1.55"

Page 88, line 16, delete "58.625" and insert "57"

Page 88, line 17, delete "23.45" and insert "25.05"

Page 88, line 18, delete "1.675" and insert "1.7"

Page 88, line 20, delete "65.625" and insert "65.25"

Page 88, line 21, delete "26.25" and insert "26.65"

Page 88, line 22, delete "1.875" and insert "1.85"

Page 113, after line 8, insert:

"Sec. 32. Minnesota Statutes 2004, section 169.18, subdivision 5, is amended to read:

Subd. 5. [DRIVING LEFT OF ROADWAY CENTER; EXCEPTION.] (a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction;

(b) Except on a one-way roadway or as provided in paragraph (c), no vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left half of the roadway under the following conditions:

(1) when approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 700 feet;

(2) when approaching within 100 feet of any underpass or tunnel, railroad grade crossing, intersection within a city, or intersection outside of a city if the presence of the intersection is marked by warning signs; or

(3) where official signs are in place prohibiting passing, or a distinctive centerline is marked, which distinctive line also so prohibits passing, as declared in the Manual on Uniform Traffic Control Devices adopted by the commissioner.

(c) Paragraph (b) does not apply to a self-propelled or towed implement of husbandry that (1) is escorted at the front by a registered motor vehicle that is displaying vehicular hazard warning lights visible to the front and rear in normal sunlight, and (2) does not extend into the left half of the roadway to any greater extent than made necessary by the total width of the right half of the roadway together with any adjacent shoulder that is suitable for travel.

(d) Paragraph (b) does not apply to a self-propelled or towed implement of husbandry that is operated to the left half of the roadway if such operation is not to a greater extent than is necessary to avoid collision with a parked vehicle, sign, or other stationary object located on the highway right-of-way.

Page 141, line 23, delete "a deputy registrar" and insert "the state or a driver's license agent"

Page 147, line 5, delete "68 to 74" and insert "69 to 75"

Page 147, line 34, delete "69" and insert "70"

Page 148, line 9, delete "67" and insert "68"

Page 148, line 30, delete "68 and 70" and insert "69 and 71"

Page 148, line 32, delete "68" and insert "69"

Page 148, line 33, delete "70" and insert "71"

Page 149, line 28, delete "67 to 74" and insert "68 to 75"

Adjust fund totals accordingly

Renumber the sections in sequence

Amend the title as follows:

Page 2, lines 4 and 5, delete "161.04, by adding a subdivision;"

Page 2, line 19, after the second semicolon, insert "169.18, subdivision 5;"

Page 2, line 27, delete "subdivisions 2, 2a" and insert "subdivision 2"

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

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 1621, A bill for an act relating to the military; providing for rental of certain facilities at Camp Ripley; amending Minnesota Statutes 2004, section 190.16, by adding a subdivision.

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

The report was adopted.

Paulsen from the Committee on Rules and Legislative Administration to which was referred:

House Resolution No. 11, A House resolution declaring Minnesota's own Take Our Daughters and Sons to Work Day 2005.

Reported the same back with the recommendation that the resolution be adopted.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1, 400, 814, 898, 952, 987, 1521, 1964, 2335 and 2454 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 1621 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clark, Mahoney, Walker and Sertich introduced:

H. F. No. 2483, A bill for an act relating to employment; mandating employer disclosure of terms of probationary employment and opportunities for permanent employment in written agreements of hire; requiring employers to provide written agreements of hire to casual employees temporarily hired; specifying the burden permitting civil actions against employers who fail to provide employees with adequate written agreements of hire; amending Minnesota Statutes 2004, sections 181.55; 181.56; 181.57; proposing coding for new law in Minnesota Statutes, chapter 181.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

Lenczewski introduced:

H. F. No. 2484, A bill for an act relating to taxation; allowing partial refund of certain sales taxes imposed to fund sports facilities; appropriating money; amending Minnesota Statutes 2004, section 290.06, by adding a subdivision.

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

Cox, Hackbarth and McNamara introduced:

H. F. No. 2485, A bill for an act relating to the building code; enhancing fee revenue; providing for the certification of private building inspectors; providing the method for inspection of certain residential buildings; permitting exemption from certain boiler inspection requirements; amending Minnesota Statutes 2004, section 183.57; proposing coding for new law in Minnesota Statutes, chapter 16B.

The bill was read for the first time and referred to the Committee on Commerce and Financial Institutions.

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. 1189, A bill for an act relating to traffic regulations; removing an expiration date on an exception to seasonal weight limits for certain recycling and garbage trucks; amending Minnesota Statutes 2004, section 169.87, subdivision 6.

H. F. No. 2126, A bill for an act relating to the military; clarifying the pay differential law for state employees who are ordered to active military service; amending Minnesota Statutes 2004, sections 43A.183; 192.261, subdivision 1.

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. 2112, 284, 467 and 1368.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2112, A bill for an act relating to local government; providing for meetings of county boards at locations other than the county seat; amending Minnesota Statutes 2004, section 375.07.

The bill was read for the first time.

Dempsey moved that S. F. No. 2112 and H. F. No. 2318, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 284, A bill for an act relating to health; authorizing the limited use of zero-depth public swimming pools without a lifeguard; amending Minnesota Statutes 2004, section 144.1222, by adding a subdivision.

The bill was read for the first time.

Peterson, S., moved that S. F. No. 284 and H. F. No. 604, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 467, A bill for an act relating to Washington County; providing conditions for the Disabled Veterans Rest Camp on Big Marine Lake; providing a property tax exemption for certain recreational property; amending Minnesota Statutes 2004, section 272.02, by adding a subdivision.

The bill was read for the first time.

Vandever moved that S. F. No. 467 and H. F. No. 34, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1368, A bill for an act relating to energy; providing for expedited cost recovery for certain transmission investments; authorizing and regulating transmission companies; permitting the transfer of transmission assets and operation to transmission companies; providing for expedited regulatory approval of transmission projects related to renewable generation; providing new criteria to analyze the need for transmission projects; establishing the framework for a wind energy tariff related to community development; requiring a wind integration study; transferring generation plant siting and transmission line routing authority from the Minnesota Environmental Quality Board to the Public Utilities Commission; providing for technical corrections to the energy assistance program; providing for a sustainably managed woody biomass generation project to satisfy the biomass mandate; providing for an electronic mail filing system at the Public Utilities Commission and Department of Commerce; making changes to the conservation investment program recommended by the legislative auditor; authorizing the creation of energy quality zones; regulating eligibility of biogas projects for the renewable energy production incentive; providing for the recovery of certain infrastructure investments by gas utilities; requiring a study of compensation of landowners for transmission easements; promoting the use of soy-diesel; providing for the adjustment of power purchase agreements to account for production tax payments; promoting the use of hydrogen as an energy source; requiring study of using biodiesel fuel to heat homes; expanding authority of city of Alexandria to enter into telecommunications-related joint ventures; appropriating money; amending Minnesota Statutes 2004, sections 13.681, by adding a subdivision; 116C.52, subdivisions 2, 4; 116C.53, subdivision 2; 116C.57, subdivisions 1, 2c, by adding a subdivision; 116C.575, subdivision 5; 116C.577; 116C.58; 116C.61, subdivision 3; 116C.69, subdivisions 2, 2a; 119A.15, subdivision 5a; 216B.02, by adding a subdivision; 216B.16, subdivision 6d, by adding subdivisions; 216B.1645, subdivision 1; 216B.2421, subdivision 2; 216B.2424, subdivisions 1, 2, 5a, 6, 8, by adding a subdivision; 216B.2425, subdivisions 2, 7; 216B.243, subdivisions 3, 4, 5, 6, 7, 8; 216B.50, subdivision 1; 216B.62, subdivision 5, by adding a subdivision; 216B.79; 216C.052; 216C.09; 216C.41, subdivision 1; 462A.05, subdivisions 21, 23; Laws 2002, chapter 329, section 5; proposing coding for new law in Minnesota Statutes, chapters 216B; 216C.

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

CALENDAR FOR THE DAY

S. F. No. 1252, A bill for an act relating to water; providing for the consumptive use of groundwater.

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

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Emmer	Holberg	Krinkie	Olson
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The bill was passed and its title agreed to.

H. F. No. 847 was reported to the House.

Hoppe moved to amend H. F. No. 847, the third engrossment, as follows:

Page 7, delete section 12 and insert:

"Sec. 12. Minnesota Statutes 2004, section 97A.451, subdivision 5, is amended to read:

Subd. 5. [NONRESIDENTS UNDER AGE 16.] (a) A nonresident under the age of 16 may take fish by angling without a license if a parent or guardian has a fishing license. Fish taken by a nonresident under the age of 16 without a license must be included in the limit of the parent or guardian.

(b) A nonresident under age 16 may purchase a ~~nonresident~~ fishing license at the resident fee or be included under a nonresident family license, take fish by angling, and possess a limit of fish.

[EFFECTIVE DATE.] This section is effective March 1, 2006."

Page 8, delete line 10 and insert "family for one or both parents and dependent children under the age of 16, \$46;"

Page 8, after line 16, insert:

"Sec. 14. Minnesota Statutes 2004, section 97A.475, subdivision 16, is amended to read:

Subd. 16. [RESIDENT HUNTING GUIDES.] The ~~fees~~ fee for ~~the following~~ a resident ~~guide licenses are:~~

~~(1) license to guide bear hunters; is \$82.50; and~~

~~(2) to guide turkey hunters, \$22.~~

Sec. 15. Minnesota Statutes 2004, section 97A.485, subdivision 9, is amended to read:

Subd. 9. [CERTAIN LICENSES NOT TO BE ISSUED AFTER SEASON OPENS.] ~~The following licenses~~ A license to guide bear hunters may not be issued after the day before the opening of the related firearms season:

~~(1) to guide bear hunters; and~~

~~(2) to guide turkey hunters."~~

Pages 14 and 15, delete section 29 and insert:

"Sec. 31. Minnesota Statutes 2004, section 97B.811, subdivision 4a, is amended to read:

Subd. 4a. [RESTRICTIONS ON ~~CERTAIN~~ MOTORIZED DECOYS.] ~~From the opening day of the duck season through the Saturday nearest October 8,~~ A person may not use a motorized decoy ~~on public waters with visible, moving parts that are above the water surface to take migratory waterfowl; other than geese.~~

Page 16, after line 6, insert:

"Sec. 32. Minnesota Statutes 2004, section 97C.345, subdivision 2, is amended to read:

Subd. 2. [POSSESSION.] (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.

(b) A person may possess spears, dip nets, bows and arrows, and spear guns allowed under section 97C.381 on or near waters between sunrise and sunset from May 1 to the ~~third~~ last Sunday in February, or as otherwise prescribed by the commissioner."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Paulsen moved to amend H. F. No. 847, the third engrossment, as amended, as follows:

Page 13, after line 36, insert:

"Sec. 26. [97B.115] [COMPUTER-ASSISTED REMOTE HUNTING PROHIBITION.]

No person shall operate, provide, sell, use, or offer to operate, provide, sell, or use any computer software or service that allows a person not physically present at the hunt site to remotely control a weapon that could be used to take a wild animal by remote operation, including, but not limited to, weapons or devices set up to fire through the use of the Internet or through a remote control device.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Davids to the Chair.

McNamara moved to amend H. F. No. 847, the third engrossment, as amended, as follows:

Page 12, line 34, before "Any" insert "(a)"

Page 12, after line 35, insert:

"(b) Any permanent stand or blind on public land must not have a permanent roof or permanent walls.

[EFFECTIVE DATE.] This section is effective August 1, 2006."

A roll call was requested and properly seconded.

The question was taken on the McNamara amendment and the roll was called. There were 69 yeas and 63 nays as follows:

Those who voted in the affirmative were:

Abeler	Cybart	Goodwin	Hortman	Liebling	Nornes
Abrams	DeLaForest	Greiling	Huntley	Loeffler	Olson
Atkins	Dittrich	Gunther	Jaros	Mahoney	Ozment
Beard	Dorman	Hackbarth	Johnson, R.	McNamara	Paulsen
Bernardy	Dorn	Hansen	Johnson, S.	Meslow	Paymar
Carlson	Ellison	Hausman	Kahn	Moe	Penas
Clark	Entenza	Hilty	Kelliher	Mullery	Peterson, N.
Cornish	Erhardt	Hoppe	Knoblach	Murphy	Peterson, S.
Cox	Finstad	Hornstein	Lanning	Nelson, P.	Poppe

Powell	Samuelson	Slawik	Thao	Wagenius
Ruud	Scalze	Soderstrom	Thissen	Wardlow
Sailer	Simpson	Sykora	Tingelstad	Westerberg

Those who voted in the negative were:

Anderson, B.	Dempsey	Hilstrom	Lenczewski	Pelowski	Solberg
Anderson, I.	Dill	Holberg	Lesch	Peppin	Urdahl
Blaine	Eastlund	Hosch	Lieder	Peterson, A.	Vandever
Bradley	Eken	Howes	Lillie	Rukavina	Welti
Brod	Emmer	Johnson, J.	Magnus	Ruth	Westrom
Buesgens	Erickson	Juhnke	Mariani	Seifert	Wilkin
Charron	Fritz	Klinzing	Marquart	Sertich	Zellers
Davids	Garofalo	Koenen	Nelson, M.	Severson	Spk. Sviggum
Davnie	Gazelka	Krinkie	Newman	Sieben	
Dean	Hamilton	Larson	Opatz	Simon	
Demmer	Heidgerken	Latz	Otremba	Smith	

The motion prevailed and the amendment was adopted.

Wagenius, Cornish and McNamara moved to amend H. F. No. 847, the third engrossment, as amended, as follows:

Page 1, after line 36, insert:

"Section 1. Minnesota Statutes 2004, section 17.4984, subdivision 1, is amended to read:

Subdivision 1. [LICENSE REQUIRED.] (a) A person or entity may not operate an aquatic farm without first obtaining an aquatic farm license from the commissioner.

(b) Applications for an aquatic farm license must be made on forms provided by the commissioner.

(c) The person or entity requesting the license for an aquatic farm in waters of the state must submit for each body of water a management plan that is designed to ensure that the ecological value for that water for waterfowl and other native aquatic wildlife will be maintained or restored.

(d) Before issuing a license, the commissioner must determine that the implementation of the management plan will ensure that the ecological value of the water will be maintained or restored.

(e) Licenses are valid for five years and are transferable upon notification to the commissioner.

(f) A license based on a management plan must not be renewed until the commissioner determines that the ecological value of a licensed water body has been maintained or restored.

~~(d)~~ (g) The commissioner shall issue an aquatic farm license on payment of the required license fee under section 17.4988 and compliance with this section.

~~(e) (h)~~ A license issued by the commissioner is not a determination of private property rights, ~~but is only based on a determination that the licensee does not have a significant detrimental impact on the public resource.~~"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker resumed the Chair.

Hackbarth moved to amend the Wagenius et al amendment to H. F. No. 847, the third engrossment, as amended, as follows:

Page 2, after line 7, insert:

"**[EFFECTIVE DATE.]** This section is effective August 1, 2008."

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 69 yeas and 65 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Ellison	Hosch	Lesch	Nelson, M.	Sertich
Abrams	Entenza	Huntley	Liebling	Newman	Sieben
Anderson, I.	Fritz	Jaros	Lieder	Opatz	Simon
Atkins	Goodwin	Johnson, R.	Lillie	Paymar	Slawik
Bernardy	Greiling	Johnson, S.	Loeffler	Pelowski	Solberg
Carlson	Hansen	Kahn	Mahoney	Peterson, A.	Thao
Clark	Hausman	Kelliher	Mariani	Peterson, S.	Thissen
Davnie	Hilstrom	Koenen	Meslow	Poppe	Wagenius
Dittrich	Hilty	Larson	Moe	Ruud	Walker
Dorn	Hornstein	Latz	Mullery	Sailer	Walti
Eken	Hortman	Lenczewski	Murphy	Scalze	

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

Wagenius requested that the Wagenius et al amendment, as amended, to H. F. No. 847, the third engrossment, as amended, be withdrawn. The request was granted.

Heidgerken moved to amend H. F. No. 847, the third engrossment, as amended, as follows:

Page 4, after line 11, insert:

"Sec. 5. Minnesota Statutes 2004, section 97A.045, is amended by adding a subdivision to read:

Subd. 12. [TERMINOLOGY.] The commissioner must not use the word "privilege" on the game and fish licenses or permits themselves.

[EFFECTIVE DATE.] This section is effective March 1, 2006."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Rukavina moved to amend H. F. No. 847, the third engrossment, as amended, as follows:

Page 1, after line 36, insert:

"Section 1. Minnesota Statutes 2004, section 84.025, subdivision 10, is amended to read:

Subd. 10. [RECREATIONAL VEHICLES AND BOATS USED FOR PUBLIC PURPOSES.] All snowmobiles and outboard motors that are purchased by the commissioner of natural resources must be of the four-stroke engine model, except that the commissioner may purchase models with two-stroke engines that the commissioner determines to be as environmentally efficient. The commissioner shall give preference to engine models manufactured in the United States. All all-terrain vehicles purchased by the commissioner must be manufactured in the state of Minnesota."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 847, A bill for an act relating to game and fish; modifying purchasing requirements; modifying certain definitions; providing for special fish management tags; specifying status of and regulating stands and blinds on public lands; modifying authority to take animals causing damage; modifying use of scopes and laser sights by visually impaired hunters; modifying certain license requirements; modifying restrictions on taking waterfowl and big game; authorizing rulemaking; modifying requirements for field training hunting dogs; modifying certain seasons; modifying trapping provisions; modifying period for treeing raccoons; prohibiting computer-assisted remote hunting; modifying restrictions on decoys; modifying disposition of state hatchery products; permitting use of silencers for wildlife control; modifying fishing and commercial fishing provisions; repealing authority for the Mississippi River Fish Refuge; repealing authority to issue certain orders; amending Minnesota Statutes 2004, sections 84.025, subdivision 10; 84.027, subdivision 13; 97A.015, subdivisions 29, 49; 97A.045, subdivision 1, by

adding a subdivision; 97A.401, subdivision 5; 97A.405, subdivision 4, by adding a subdivision; 97A.435, subdivisions 2, 4; 97A.441, subdivision 7; 97A.451, subdivisions 3, 5; 97A.475, subdivisions 7, 16; 97A.485, subdivision 9; 97A.551, by adding a subdivision; 97B.005, subdivisions 1, 3; 97B.025; 97B.031, subdivisions 1, 5; 97B.111, subdivision 2; 97B.621, subdivision 2; 97B.655, subdivision 2; 97B.711, subdivision 1; 97B.803; 97B.805, subdivision 1; 97B.811, subdivisions 3, 4a; 97C.203; 97C.327; 97C.345, subdivision 2; 97C.395, subdivision 1; 97C.401, subdivision 2; 97C.825, subdivision 5; 609.66, subdivisions 1h, 2; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825, subdivisions 6, 7, 8, 9.

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 117 yeas and 16 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Clark	Greiling	Kahn	Loeffler	Sieben	Walker
Davnie	Hornstein	Lenczewski	Mariani	Thissen	
Ellison	Johnson, S.	Lesch	Paymar	Wagenius	

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

H. F. No. 473, A bill for an act relating to creditors' remedies; exempting certain jewelry from attachment, garnishment, or sale; amending Minnesota Statutes 2004, section 550.37, subdivision 4.

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

The question was taken on the passage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 4 was reported to the House.

Davids moved to amend S. F. No. 4, the fifth unofficial engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 239.791, subdivision 1, is amended to read:

Subdivision 1. [MINIMUM ETHANOL CONTENT REQUIRED.] (a) Except as provided in subdivisions 10 to 14, a person responsible for the product shall ensure that all gasoline sold or offered for sale in Minnesota must contain at least 10.0 percent denatured ethanol by volume.

(b) For purposes of enforcing the minimum ethanol requirement of paragraph (a), a gasoline/ethanol blend will be construed to be in compliance if the ethanol content, exclusive of denaturants and permitted contaminants, comprises not less than 9.2 percent by volume and not more than 10.0 percent by volume of the blend as determined by an appropriate United States Environmental Protection Agency or American Society of Testing Materials standard method of analysis of alcohol/ether content in motor fuels.

(c) The provisions of this subdivision are suspended during any period of time that subdivision 1a, paragraph (a), is in effect.

Sec. 2. Minnesota Statutes 2004, section 239.791, is amended by adding a subdivision to read:

Subd. 1a. [MINIMUM ETHANOL CONTENT REQUIRED.] (a) Except as provided in subdivisions 10 to 14, on August 30, 2013, and thereafter, a person responsible for the product shall ensure that all gasoline sold or offered for sale in Minnesota must contain at least 20 percent denatured ethanol by volume.

(b) For purposes of enforcing the minimum ethanol requirement of paragraph (a), a gasoline/ethanol blend will be construed to be in compliance if the ethanol content, exclusive of denaturants and permitted contaminants, comprises not less than 18.4 percent by volume and not more than 20 percent by volume of the blend as determined by an appropriate United States Environmental Protection Agency or American Society of Testing Materials standard method of analysis of alcohol content in motor fuels.

(c) No motor fuel shall be deemed to be a defective product by virtue of the fact that the motor fuel is formulated or blended pursuant to the requirements of paragraph (a) and no person shall be liable under any theory of liability in manufacturing, distributing, or retailing a fuel formulated or blended pursuant to the requirements of paragraph (a). Fuels formulated in compliance with this subdivision do not require special notification or warning to handlers or end users as to its proper use or handling. Nothing in this paragraph shall be construed to affect the liability of any person who actually spills or discharges any gasoline for damages resulting from such spill or discharge.

(d) This subdivision expires on December 31, 2010, if by that date:

(1) the commissioner of agriculture certifies and publishes the certification in the State Register that at least 20 percent of the volume of gasoline sold in the state is denatured ethanol; or

(2) federal approval has not been granted for the use of E20 as gasoline.

Sec. 3. [239.7911] [PETROLEUM REPLACEMENT PROMOTION.]

Subdivision 1. [PETROLEUM REPLACEMENT GOAL.] The petroleum replacement goal of the state of Minnesota is that at least 20 percent of the liquid fuel sold in the state is derived from renewable sources by December 31, 2015.

Subd. 2. [PROMOTION OF RENEWABLE LIQUID FUELS.] (a) The commissioner of agriculture, in consultation with the commissioners of commerce and the Pollution Control Agency, shall identify and implement activities necessary for the widespread use of renewable liquid fuels in the state. Beginning November 1, 2005, and continuing through 2015, the commissioners, or their designees, shall work with representatives from the renewable fuels industry, petroleum retailers, refiners, automakers, small engine manufacturers, and other interested groups, to develop annual recommendations for administrative and legislative action.

(b) The activities of the commissioners under this subdivision shall include, but not be limited to:

(1) developing recommendations for incentives for retailers to install equipment necessary for dispensing renewable liquid fuels to the public;

(2) obtaining federal approval for the use of E20 as gasoline;

(3) developing recommendations for ensuring that motor vehicles and small engine equipment have access to an adequate supply of fuel;

(4) working with the owners and operators of large corporate automotive fleets in the state to increase their use of renewable fuels; and

(5) working to maintain an affordable retail price for liquid fuels.

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

Sec. 4. [REPORT ON E20 FUEL.]

The commissioner of agriculture, in consultation with the commissioners of employment and economic development and the Pollution Control Agency, shall review the information and data collected in the evaluation of any federal waiver request for the use of E20 fuel in Minnesota. The commissioner shall use existing budgetary and staff resources in conducting the review. The review must include:

(1) issues involving the use of E20 fuel if such fuel is mandated in Minnesota;

(2) effects of E20 on development of Minnesota's ethanol industry; and

(3) effects of E20 on Minnesota consumers.

The commissioner shall present an initial report to the legislative committees having jurisdiction over agriculture and environment policy and finance on the findings of the review to the legislature by January 15, 2009, and present an updated report to those committees on January 15, 2011."

Amend the title accordingly

Dauids, Juhnke, Holberg and Otremba moved to amend the Davids amendment to S. F. No. 4, the fifth unofficial engrossment, as follows:

Page 2, line 34, after the period insert "The United States Environmental Protection Agency's failure to act on an application shall not be deemed approval of the use of E20, or a waiver under section 211(f)(4) of the Clean Air Act, United States Code, title 42, section 7545, subsection (f), paragraph (4)."

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

The question recurred on the Davids amendment, as amended, to S. F. No. 4, the fifth unofficial engrossment. The motion prevailed and the amendment, as amended, was adopted.

The Speaker called Abrams to the Chair.

Hornstein, Cox and Peterson, A., moved to amend S. F. No. 4, the fifth unofficial engrossment, as amended, as follows:

Page 4, after line 13, insert:

"Sec. 5. Minnesota Statutes 2004, section 116D.04, subdivision 2a, is amended to read:

Subd. 2a. [WHEN PREPARED.] Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible governmental unit. The environmental impact statement shall be an analytical rather than an encyclopedic document which describes the proposed action in detail, analyzes its significant environmental

impacts, discusses appropriate alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement shall also analyze those economic, employment and sociological effects that cannot be avoided should the action be implemented. To ensure its use in the decision-making process, the environmental impact statement shall be prepared as early as practical in the formulation of an action. No mandatory environmental impact statement may be required for an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than 125,000,000 gallons of ethanol annually and is located outside of the seven-county metropolitan area, except that an environmental impact statement is mandatory for an ethanol plant that is fueled by a coal-fired boiler, except for a plant that has a permit application pending before the Pollution Control Agency on April 1, 2005.

(a) The board shall by rule establish categories of actions for which environmental impact statements and for which environmental assessment worksheets shall be prepared as well as categories of actions for which no environmental review is required under this section.

(b) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet in a manner to be determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30 day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit's decision on the need for an environmental impact statement shall be based on the environmental assessment worksheet and the comments received during the comment period, and shall be made within 15 days after the close of the comment period. The board's chair may extend the 15 day period by not more than 15 additional days upon the request of the responsible governmental unit.

(c) An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 25 individuals, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects. Petitions requesting the preparation of an environmental assessment worksheet shall be submitted to the board. The chair of the board shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet shall be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chair may extend the 15 day period by not more than 15 additional days upon request of the responsible governmental unit.

(d) Except in an environmentally sensitive location where Minnesota Rules, part 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental review under this chapter and rules of the board, if:

(1) the proposed action is:

(i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

(ii) an expansion of an existing animal feedlot facility with a total cumulative capacity of less than 1,000 animal units;

(2) the application for the animal feedlot facility includes a written commitment by the proposer to design, construct, and operate the facility in full compliance with Pollution Control Agency feedlot rules; and

(3) the county board holds a public meeting for citizen input at least ten business days prior to the Pollution Control Agency or county issuing a feedlot permit for the animal feedlot facility unless another public meeting for citizen input has been held with regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition to other exemptions provided under other law and rules of the board.

(e) The board may, prior to final approval of a proposed project, require preparation of an environmental assessment worksheet by a responsible governmental unit selected by the board for any action where environmental review under this section has not been specifically provided for by rule or otherwise initiated.

(f) An early and open process shall be utilized to limit the scope of the environmental impact statement to a discussion of those impacts, which, because of the nature or location of the project, have the potential for significant environmental effects. The same process shall be utilized to determine the form, content and level of detail of the statement as well as the alternatives which are appropriate for consideration in the statement. In addition, the permits which will be required for the proposed action shall be identified during the scoping process. Further, the process shall identify those permits for which information will be developed concurrently with the environmental impact statement. The board shall provide in its rules for the expeditious completion of the scoping process. The determinations reached in the process shall be incorporated into the order requiring the preparation of an environmental impact statement.

(g) Whenever practical, information needed by a governmental unit for making final decisions on permits or other actions required for a proposed project shall be developed in conjunction with the preparation of an environmental impact statement.

(h) An environmental impact statement shall be prepared and its adequacy determined within 280 days after notice of its preparation unless the time is extended by consent of the parties or by the governor for good cause. The responsible governmental unit shall determine the adequacy of an environmental impact statement, unless within 60 days after notice is published that an environmental impact statement will be prepared, the board chooses to determine the adequacy of an environmental impact statement. If an environmental impact statement is found to be inadequate, the responsible governmental unit shall have 60 days to prepare an adequate environmental impact statement."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hornstein et al amendment and the roll was called. There were 60 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abeler	Ellison	Holberg	Latz	Murphy	Sailer
Anderson, B.	Entenza	Hornstein	Lenczewski	Nelson, M.	Scalze
Atkins	Erhardt	Hortman	Lesch	Olson	Sieben
Bernardy	Fritz	Huntley	Liebling	Opatz	Simon
Carlson	Goodwin	Jaros	Lieder	Otremba	Slawik
Clark	Greiling	Johnson, S.	Lillie	Paymar	Smith
Cox	Hansen	Kahn	Loeffler	Pelowski	Thao
Davnie	Hausman	Kelliher	Mariani	Peterson, A.	Thissen
Dittrich	Hilstrom	Koenen	Moe	Peterson, S.	Wagenius
Dorn	Hilty	Larson	Mullery	Ruud	Walker

Those who voted in the negative were:

Anderson, I.	Dempsey	Heidgerken	Mahoney	Powell	Vandever
Beard	Dill	Hoppe	Marquart	Rukavina	Wardlow
Blaine	Dorman	Hosch	McNamara	Ruth	Walti
Bradley	Eastlund	Howes	Meslow	Samuelson	Westerberg
Brod	Eken	Johnson, J.	Nelson, P.	Seifert	Westrom
Buesgens	Emmer	Johnson, R.	Newman	Sertich	Wilkin
Charron	Erickson	Juhnke	Nornes	Severson	Zellers
Cornish	Finstad	Klinzing	Ozment	Simpson	Spk. Sviggum
Cybart	Garofalo	Knoblach	Paulsen	Soderstrom	
Dauids	Gazelka	Kohls	Penas	Solberg	
Dean	Gunther	Krinkie	Peppin	Sykora	
DeLaForest	Hackbarth	Lanning	Peterson, N.	Tingelstad	
Demmer	Hamilton	Magnus	Poppe	Urdahl	

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

The Speaker resumed the Chair.

Anderson, B., moved to amend S. F. No. 4, the fifth unofficial engrossment, as amended, as follows:

Page 2, after line 34, insert:

"(e) Not later than December 31, 2005, the governor shall petition the United States Consumer Product Safety Commission to solicit information from national experts and stakeholders and issue an advisory opinion under Code of Federal Regulations, title 16, section 1000.7, as to whether E20 gasoline, when used in existing motorcycles, outboard engines, snowmobiles, lawn and garden products, and other consumer equipment powered by small spark ignited engines, is likely to create a "substantial product hazard" or an "unreasonable risk of injury" such as fuel leaks, increased engine temperature, the gumming and sticking of throttles, governors or ignition shut-off switches, or the unintended engagement of cutting blades. This subdivision expires on December 31, 2010, unless by that date, the United States Consumer Product Safety Commission has issued an advisory opinion that the use of E20 fuels will not increase the risk of hazards to consumers operating existing off-road consumer products."

A roll call was requested and properly seconded.

The question was taken on the Anderson, B., amendment and the roll was called. There were 92 yeas and 41 nays as follows:

Those who voted in the affirmative were:

Abrams	Cox	Eken	Hilstrom	Klinzing	Lillie
Anderson, B.	Cybart	Ellison	Hilty	Knoblach	Loeffler
Anderson, I.	Davnie	Entenza	Holberg	Kohls	Mahoney
Atkins	Dean	Erhardt	Hoppe	Krinkie	Mariani
Beard	DeLaForest	Erickson	Hornstein	Larson	McNamara
Bernardy	Dempsey	Goodwin	Hortman	Latz	Moe
Buesgens	Dill	Greiling	Johnson, J.	Lenczewski	Mullery
Carlson	Dittrich	Hansen	Johnson, S.	Lesch	Murphy
Charron	Dorn	Hausman	Kahn	Liebling	Nelson, M.
Clark	Eastlund	Heidgerken	Kelliher	Lieder	Nelson, P.

Olson	Peppin	Scalze	Soderstrom	Wagenius	Zellers
Opatz	Peterson, N.	Sertich	Solberg	Walker	Spk. Sviggum
Paulsen	Peterson, S.	Sieben	Sykora	Wardlow	
Paymar	Powell	Simon	Thao	Welti	
Pelowski	Ruud	Slawik	Thissen	Westerberg	
Penas	Sailer	Smith	Vanderveer	Wilkin	

Those who voted in the negative were:

Abeler	Emmer	Hamilton	Koenen	Otremba	Seifert
Blaine	Finstad	Hosch	Lanning	Ozment	Severson
Bradley	Fritz	Howes	Magnus	Peterson, A.	Simpson
Brod	Garofalo	Huntley	Marquart	Poppe	Tingelstad
Cornish	Gazelka	Jaros	Meslow	Rukavina	Urdahl
Davids	Gunther	Johnson, R.	Newman	Ruth	Westrom
Demmer	Hackbarth	Juhnke	Nornes	Samuelson	

The motion prevailed and the amendment was adopted.

Knoblach moved to amend S. F. No. 4, the fifth unofficial engrossment, as amended, as follows:

Page 2, line 2, after "in" insert "paragraph (e) and in"

Page 2, after line 34, insert:

"(e) Upon the effective date of a requirement that gasoline sold or offered for sale in Minnesota must contain at least 20 percent denatured ethanol by volume, a person responsible for the product may offer for sale, sell, and dispense in Minnesota gasoline that is unleaded gasoline containing ten percent ethanol by volume for use in any vehicle make, model, and year that is not warrantied by its manufacturer for fuel with 20 percent ethanol by volume."

A roll call was requested and properly seconded.

The question was taken on the Knoblach amendment and the roll was called. There were 59 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abrams	Dean	Holberg	Larson	Olson	Sieben
Anderson, B.	DeLaForest	Hoppe	Lenczewski	Opatz	Smith
Atkins	Dittrich	Hornstein	Lesch	Paulsen	Thao
Bernardy	Ellison	Johnson, J.	Loeffler	Paymar	Thissen
Bradley	Emmer	Johnson, S.	Mahoney	Peppin	Vanderveer
Brod	Erhardt	Kahn	Mariani	Peterson, N.	Wagenius
Carlson	Erickson	Kelliher	McNamara	Peterson, S.	Walker
Charron	Greiling	Klinzing	Meslow	Ruud	Wardlow
Cox	Hansen	Knoblach	Mullery	Scalze	Wilkin
Davnie	Hilstrom	Krinkie	Nelson, M.	Severson	

Those who voted in the negative were:

Abeler	Eastlund	Hortman	Lillie	Poppe	Sykora
Anderson, I.	Eken	Hosch	Magnus	Powell	Tingelstad
Beard	Entenza	Howes	Marquart	Rukavina	Urdahl
Blaine	Finstad	Huntley	Moe	Ruth	Welti
Buesgens	Fritz	Jaros	Murphy	Sailer	Westerberg
Cornish	Garofalo	Johnson, R.	Nelson, P.	Samuelson	Westrom
Cybart	Gazelka	Juhnke	Newman	Seifert	Zellers
Davids	Goodwin	Koenen	Nornes	Sertich	Spk. Sviggum
Demmer	Gunther	Kohls	Otremba	Simon	
Dempsey	Hackbarth	Lanning	Ozment	Simpson	
Dill	Hamilton	Latz	Pelowski	Slawik	
Dorman	Heidgerken	Liebling	Penas	Soderstrom	
Dorn	Hilty	Lieder	Peterson, A.	Solberg	

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

Erhardt moved to amend S. F. No. 4, the fifth unofficial engrossment, as amended, as follows:

Delete everything after the enacting clause and insert:

"Section 1. [16C.137] [MINIMIZING ENERGY USE; RENEWABLE FUELS.]

Subdivision 1. [GOALS AND ACTIONS.] (a) Using 2005 as a baseline, the state of Minnesota shall reduce the use of gasoline by on-road vehicles owned by state departments by 25 percent by 2010 and 50 percent by 2015 and reduce the use of petroleum-based diesel fuel in diesel-fueled vehicles by ten percent by 2010 and 25 percent by 2015.

(b) To meet the goals established in paragraph (a), each state department will, whenever legally, technically, and economically feasible, subject to the specific needs of the department and responsible management of agency finances:

(1) ensure that at least 75 percent of purchases of new on-road vehicles, excluding emergency and law enforcement vehicles:

(i) use "cleaner fuels" as that term is defined in section 16C.135, subdivision 1, clauses (1), (3), and (4); or

(ii) have fuel efficiency ratings that exceed 30 miles per gallon for city usage or 35 miles per gallon for highway usage, including but not limited to hybrid electric cars and hydrogen-powered vehicles;

(2) increase its use of renewable transportation fuels, including ethanol, biodiesel, and hydrogen, from agricultural products; and

(3) increase its use of Web-based Internet applications and other electronic information technologies to enhance the access to and delivery of government information and services to the public, and reduce the reliance on the department's fleet for the delivery of the information and services.

Subd. 2. [SMARTFLEET COMMITTEE.] (a) The commissioner of administration, or the commissioner's designee, shall chair a SmartFleet Committee consisting of representatives designated by the commissioners of the Pollution Control Agency, the Departments of Agriculture, Transportation, and Commerce, and other state

departments that wish to participate. To ensure effective and efficient state participation, the SmartFleet Committee must assist state departments in implementing the requirements of this section, including providing information, guidance, sample policies and procedures, and technical and planning assistance.

(b) The SmartFleet Committee must evaluate the goals and directives established in this section by December 2006 and periodically thereafter. The committee must make recommendations to the governor and appropriate committees of the legislature on February 1 of each year for new or adjusted goals and directives, in light of the progress the state has made implementing this section, and of the availability of new or improved technologies.

(c) For the systematic and efficient monitoring of progress in implementing this section by the SmartFleet Committee, the Department of Administration shall implement a fleet reporting and information management system. Each department will use this management system to demonstrate its progress in complying with this section.

Subd. 3. [EXCLUSION.] Petroleum-based diesel fuel used in a vehicle that a department has retrofit to use ultra low sulfur diesel fuel and to add additional emissions control technologies is excluded when evaluating progress toward the reduction goals established in subdivision 1. This exclusion applies only to vehicles purchased before the model year in which the federal Environmental Protection Agency's new clean diesel emission reduction rules take effect.

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

Sec. 2. Minnesota Statutes 2004, section 41A.09, subdivision 2a, is amended to read:

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

(a) "Ethanol" means fermentation ethyl alcohol derived from agricultural products, including potatoes, cereal grains, cheese whey, and sugar beets; forest products; or other renewable resources, including residue and waste generated from the production, processing, and marketing of agricultural products, forest products, and other renewable resources, that:

(1) meets all of the specifications in ASTM specification D4806-01; and

(2) is denatured as specified in Code of Federal Regulations, title 27, parts 20 and 21.

(b) "Ethanol plant" means a plant at which ethanol is produced.

(c) "Commissioner" means the commissioner of agriculture.

(d) "E85 fuel handling and dispensing equipment" means capital investments made primarily for the receipt, storage, handling, pumping, and delivery of E85 petroleum products as defined in section 296A.01, subdivision 19.

Sec. 3. Minnesota Statutes 2004, section 41A.09, subdivision 3a, is amended to read:

Subd. 3a. [ETHANOL PRODUCER PAYMENTS.] (a) The commissioner shall make cash payments to producers of ethanol located in the state that have begun production by June 30, 2000. For the purpose of this subdivision, an entity that holds a controlling interest in more than one ethanol plant is considered a single producer. The amount of the payment for each producer's annual production, except as provided in paragraph (c), is 20 cents per gallon for each gallon of ethanol produced on or before June 30, 2000, or ten years after the start of production,

whichever is later. Annually, within 90 days of the end of its fiscal year, an ethanol producer receiving payments under this subdivision must file a disclosure statement on a form provided by the commissioner. The initial disclosure statement must include a summary description of the organization of the business structure of the claimant, a listing of the percentages of ownership by any person or other entity with an ownership interest of five percent or greater, and a copy of its annual audited financial statements, including the auditor's report and footnotes. The disclosure statement must include information demonstrating what percentage of the entity receiving payments under this section is owned by farmers or other entities eligible to farm or own agricultural land in Minnesota under the provisions of section 500.24. Subsequent annual reports must reflect noncumulative changes in ownership of ten percent or more of the entity. The report need not disclose the identity of the persons or entities eligible to farm or own agricultural land with ownership interests, individuals residing within 30 miles of the plant, or of any other entity with less than ten percent ownership interest, but the claimant must retain information within its files confirming the accuracy of the data provided. This data must be made available to the commissioner upon request. Not later than the 15th day of February in each year the commissioner shall deliver to the chairs of the standing committees of the senate and the house of representatives that deal with agricultural policy and agricultural finance issues an annual report summarizing aggregated data from plants receiving payments under this section during the preceding calendar year. Audited financial statements and notes and disclosure statements submitted to the commissioner are nonpublic data under section 13.02, subdivision 9. Notwithstanding the provisions of chapter 13 relating to nonpublic data, summaries of the submitted audited financial reports and notes and disclosure statements will be contained in the report to the committee chairs and will be public data.

(b) No payments shall be made for ethanol production that occurs after June 30, 2010.

(c) If the level of production at an ethanol plant increases due to an increase in the production capacity of the plant, the payment under paragraph (a) applies to the additional increment of production until ten years after the increased production began. Once a plant's production capacity reaches 15,000,000 gallons per year, no additional increment will qualify for the payment.

(d) Total payments under paragraphs (a) and (c) to a producer in a fiscal year may not exceed \$3,000,000.

(e) By the last day of October, January, April, and July, each producer shall file a claim for payment for ethanol production during the preceding three calendar months. A producer that files a claim under this subdivision shall include a statement of the producer's total ethanol production in Minnesota during the quarter covered by the claim. For each claim and statement of total ethanol production filed under this subdivision, the volume of ethanol production must be examined by an independent certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants.

(f) Payments shall be made November 15, February 15, May 15, and August 15. A separate payment shall be made for each claim filed. Except as provided in paragraph (g), the total quarterly payment to a producer under this paragraph may not exceed \$750,000.

(g) Notwithstanding the quarterly payment limits of paragraph (f), the commissioner shall make an additional payment in the fourth quarter of each fiscal year to ethanol producers for the lesser of: (1) 20 cents per gallon of production in the fourth quarter of the year that is greater than 3,750,000 gallons; or (2) the total amount of payments lost during the first three quarters of the fiscal year due to plant outages, repair, or major maintenance. Total payments to an ethanol producer in a fiscal year, including any payment under this paragraph, must not exceed the total amount the producer is eligible to receive based on the producer's approved production capacity. The provisions of this paragraph apply only to production losses that occur in quarters beginning after December 31, 1999.

(h) The commissioner shall reimburse ethanol producers for any deficiency in payments during earlier quarters if the deficiency occurred because of unallotment or because appropriated money was insufficient to make timely payments in the full amount provided in paragraph (a). Notwithstanding the quarterly or annual payment limitations

in this subdivision, the commissioner shall begin making payments for earlier deficiencies in each fiscal year that appropriations for ethanol payments exceed the amount required to make eligible scheduled payments. Payments for earlier deficiencies must continue until the deficiencies for each producer are paid in full.

(i) If, in any calendar year beginning after December 31, 2007, the appropriation for value-added agricultural products under this section is in excess of the amount required to make scheduled ethanol producer payments and deficiency payments for payments delayed because of unallotment or because appropriated funds in earlier fiscal years were insufficient, the commissioner may make grants in amounts not exceeding \$15,000 per grant to distributors and retailers of motor fuels as defined in section 296A.01, subdivision 33, for up to 50 percent of the cost incurred for the installation of E85 fuel handling or dispensing equipment.

Sec. 4. Minnesota Statutes 2004, section 116D.04, subdivision 2a, is amended to read:

Subd. 2a. [WHEN PREPARED.] Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible governmental unit. The environmental impact statement shall be an analytical rather than an encyclopedic document which describes the proposed action in detail, analyzes its significant environmental impacts, discusses appropriate alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement shall also analyze those economic, employment and sociological effects that cannot be avoided should the action be implemented. To ensure its use in the decision-making process, the environmental impact statement shall be prepared as early as practical in the formulation of an action. No mandatory environmental impact statement may be required for an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than 125,000,000 gallons of ethanol annually and is located outside of the seven-county metropolitan area, except that an environmental impact statement is mandatory for an ethanol plant that is fueled by a coal-fired boiler, except for a plant that has a permit application pending before the Pollution Control Agency on April 1, 2005.

(a) The board shall by rule establish categories of actions for which environmental impact statements and for which environmental assessment worksheets shall be prepared as well as categories of actions for which no environmental review is required under this section.

(b) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet in a manner to be determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30 day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit's decision on the need for an environmental impact statement shall be based on the environmental assessment worksheet and the comments received during the comment period, and shall be made within 15 days after the close of the comment period. The board's chair may extend the 15 day period by not more than 15 additional days upon the request of the responsible governmental unit.

(c) An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 25 individuals, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects. Petitions requesting the preparation of an environmental assessment worksheet shall be submitted to the board. The chair of the board shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet shall be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chair may extend the 15 day period by not more than 15 additional days upon request of the responsible governmental unit.

(d) Except in an environmentally sensitive location where Minnesota Rules, part 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental review under this chapter and rules of the board, if:

(1) the proposed action is:

(i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

(ii) an expansion of an existing animal feedlot facility with a total cumulative capacity of less than 1,000 animal units;

(2) the application for the animal feedlot facility includes a written commitment by the proposer to design, construct, and operate the facility in full compliance with Pollution Control Agency feedlot rules; and

(3) the county board holds a public meeting for citizen input at least ten business days prior to the Pollution Control Agency or county issuing a feedlot permit for the animal feedlot facility unless another public meeting for citizen input has been held with regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition to other exemptions provided under other law and rules of the board.

(e) The board may, prior to final approval of a proposed project, require preparation of an environmental assessment worksheet by a responsible governmental unit selected by the board for any action where environmental review under this section has not been specifically provided for by rule or otherwise initiated.

(f) An early and open process shall be utilized to limit the scope of the environmental impact statement to a discussion of those impacts, which, because of the nature or location of the project, have the potential for significant environmental effects. The same process shall be utilized to determine the form, content and level of detail of the statement as well as the alternatives which are appropriate for consideration in the statement. In addition, the permits which will be required for the proposed action shall be identified during the scoping process. Further, the process shall identify those permits for which information will be developed concurrently with the environmental impact statement. The board shall provide in its rules for the expeditious completion of the scoping process. The determinations reached in the process shall be incorporated into the order requiring the preparation of an environmental impact statement.

(g) Whenever practical, information needed by a governmental unit for making final decisions on permits or other actions required for a proposed project shall be developed in conjunction with the preparation of an environmental impact statement.

(h) An environmental impact statement shall be prepared and its adequacy determined within 280 days after notice of its preparation unless the time is extended by consent of the parties or by the governor for good cause. The responsible governmental unit shall determine the adequacy of an environmental impact statement, unless within 60 days after notice is published that an environmental impact statement will be prepared, the board chooses to determine the adequacy of an environmental impact statement. If an environmental impact statement is found to be inadequate, the responsible governmental unit shall have 60 days to prepare an adequate environmental impact statement.

Sec. 5. Minnesota Statutes 2004, section 239.791, subdivision 1, is amended to read:

Subdivision 1. [MINIMUM ETHANOL CONTENT REQUIRED.] (a) Except as provided in subdivisions 10 to 14, a person responsible for the product shall ensure that all gasoline sold or offered for sale in Minnesota must contain at least 10.0 percent denatured ethanol by volume.

(b) For purposes of enforcing the minimum ethanol requirement of paragraph (a), a gasoline/ethanol blend will be construed to be in compliance if the ethanol content, exclusive of denaturants and permitted contaminants, comprises not less than 9.2 percent by volume and not more than 10.0 percent by volume of the blend as determined by an appropriate United States Environmental Protection Agency or American Society of Testing Materials standard method of analysis of alcohol/ether content in motor fuels.

(c) This subdivision expires on the effective date of section 6.

Sec. 6. Minnesota Statutes 2004, section 239.791, is amended by adding a subdivision to read:

Subd. 1a. [MINIMUM ETHANOL CONTENT REQUIRED.] (a) Except as provided in subdivisions 10 to 14, a person responsible for the product shall ensure that all gasoline sold or offered for sale in Minnesota must contain at least 20 percent denatured ethanol by volume.

(b) For purposes of enforcing the minimum ethanol requirement of paragraph (a), a gasoline/ethanol blend will be construed to be in compliance if the ethanol content, exclusive of denaturants and permitted contaminants, comprises not less than 18.4 percent by volume and not more than 20 percent by volume of the blend as determined by an appropriate United States Environmental Protection Agency or American Society of Testing Materials standard method of analysis of alcohol content in motor fuels.

(c) No motor fuel shall be deemed to be a defective product by virtue of the fact that the motor fuel is formulated or blended pursuant to the requirements of paragraph (a) under any theory of liability except for negligence. This paragraph does not preclude an action for negligent acts. This paragraph does not affect a person whose liability arises under chapter 115, water pollution control; 115A, waste management; 115B, environmental response and liability; 115C, leaking underground storage tanks; or 299J, pipeline safety; under public nuisance law for damage to the environment or the public health; under any other environmental or public health law; or under any environmental or public health ordinance or program of a municipality as defined in section 466.01.

(d) This subdivision is effective ten years following express action on the application by the United States Environmental Protection Agency required by this subdivision, or 60 days after the governor publishes notice in the State Register that at least 60 percent of new model motor vehicles offered for sale in Minnesota are warranted for fuel with 20 percent ethanol by volume, whichever occurs first.

(e) Except as provided in paragraph (f), this subdivision expires on December 31, 2010, if by that date the commissioner of agriculture certifies and publishes the certification in the State Register that at least 20 percent of the volume of gasoline sold in the state is denatured ethanol.

(f) This subdivision expires on December 31, 2008, if by that date the United States Environmental Protection Agency has not acted on an application submitted under United States Code, title 42, section 7545(f)(4), by issuing an express determination that E20 gasoline:

(1) will not cause or contribute to the failure of any emission control device or system on vehicles, engines, fuel tanks, or off-road equipment to achieve compliance with the standards to which those vehicles, components, or equipment were certified under federal law over the useful life of the vehicles, components, or equipment;

(2) will not cause vehicle emissions and toxic emission to increase;

(3) will not cause or contribute to a degradation of vehicle, engine, fuel tank, or off-road equipment performance;

(4) is compatible with the materials used in in-use vehicles, engines, fuel tanks, or off-road equipment and with materials reasonably anticipated to be used in vehicles, engines, fuel tanks, or off-road equipment sold in the future; and

(5) will not require vehicle or off-road engine or equipment manufacturers to produce or distribute for Minnesota special products with unique features or special fuel calibrations that differ from products sold in other states.

For purposes of this subdivision, the United States Environmental Protection Agency's failure to act on an application shall not be deemed a waiver under section 211(f)(4) of the Clean Air Act, United States Code, title 42, section 7545, subsection (f), paragraph (4).

(g) The minimum percentage of denatured ethanol that must be contained in gasoline sold or offered for sale in Minnesota under paragraph (a) is ten percent effective 90 days after the effective date of any federal law relating to (1) the federal excise tax rate on gasoline-ethanol blends, or (2) the deposit of revenues from the federal excise tax on gasoline-ethanol blends, that in the determination of the commissioner of transportation will result in a loss of federal transportation funds to Minnesota that is directly attributable to requiring a minimum of 20 percent denatured ethanol in gasoline sold or offered for sale in Minnesota.

(h) Not later than December 31, 2005, the governor shall petition the United States Consumer Product Safety Commission to solicit information from national experts and stakeholders and issue an advisory opinion under Code of Federal Regulations, title 16, section 1000.7, as to whether E20 gasoline, when used in existing motorcycles, outboard engines, snowmobiles, lawn and garden products, and other consumer equipment powered by small spark ignited engines, is likely to create a "substantial product hazard" or an "unreasonable risk of injury" such as fuel leaks, increased engine temperature, the gumming and sticking of throttles, governors or ignition shut-off switches, or the unintended engagement of cutting blades. This subdivision expires on December 31, 2010, unless by that date, the United States Consumer Product Safety Commission has issued an advisory opinion that the use of E20 fuels will not increase the risk of hazards to consumers operating existing off-road consumer products.

Sec. 7. [239.7911] [PETROLEUM REPLACEMENT PROMOTION.]

Subdivision 1. [PETROLEUM REPLACEMENT GOAL.] The petroleum replacement goal of the state of Minnesota is that at least 20 percent of the liquid fuel sold in the state is derived from renewable sources by December 31, 2015, subject to the provisions of section 239.791, subdivision 1a, paragraph (g).

Subd. 2. [PROMOTION OF RENEWABLE LIQUID FUELS.] (a) The commissioner of agriculture, in consultation with the commissioners of commerce and the Pollution Control Agency, shall identify and implement activities necessary for the widespread use of renewable liquid fuels in the state. Beginning November 1, 2005, and continuing through 2015, the commissioners, or their designees, shall work with representatives from the renewable fuels industry, petroleum retailers, refiners, automakers, small engine manufacturers, and other interested groups, to develop annual recommendations for administrative and legislative action.

(b) The activities of the commissioners under this subdivision shall include, but not be limited to:

(1) developing recommendations for incentives for retailers to install equipment necessary for dispensing renewable liquid fuels to the public;

(2) obtaining federal approval for the use of E20 as gasoline;

(3) developing recommendations for ensuring that motor vehicles and small engine equipment have access to an adequate supply of fuel;

(4) working with the owners and operators of large corporate automotive fleets in the state to increase their use of renewable fuels; and

(5) working to maintain an affordable retail price for liquid fuels.

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

Sec. 8. [REPORT ON E20 FUEL.]

The commissioner of agriculture, in consultation with the commissioners of employment and economic development and the Pollution Control Agency, shall review the information and data collected in the evaluation of any federal waiver request for the use of E20 fuel in Minnesota. The commissioner shall use existing budgetary and staff resources in conducting the review. The review must include:

(1) issues involving the use of E20 fuel if such fuel is mandated in Minnesota;

(2) effects of E20 on development of Minnesota's ethanol industry; and

(3) effects of E20 on Minnesota consumers.

The commissioner shall present an initial report to the legislative committees having jurisdiction over agriculture and environment policy and finance on the findings of the review to the legislature by January 15, 2009, and present an updated report to those committees on January 15, 2011.

Sec. 9. [STATE VEHICLE FLEET FUEL REPORTS.]

Subdivision 1. [REPORTS TO DEPARTMENT OF ADMINISTRATION.] Each state agency, as defined in Minnesota Statutes, section 16D.02, subdivision 7, must report annually to the Department of Administration, in a manner and at a time prescribed by the commissioner of administration, for the 12 months preceding the date of the report:

(1) the number of motor vehicles purchased or leased by the agency and the number that are capable of being propelled by cleaner fuels as defined in Minnesota Statutes, section 16C.135, subdivision 1; and

(2) total volume of fuel purchased for vehicles owned or leased by the agency and the total volume of each fuel that is a cleaner fuel.

Subd. 2. [REPORT TO LEGISLATURE.] The commissioner of administration shall report on January 15, 2007, and each January 15 in odd-numbered years thereafter, on total purchases and leases of motor vehicles by all state agencies and the number of such vehicles that are capable of being propelled by cleaner fuels, and total volume of fuel purchased by all state agencies and the total volume of cleaner fuels. The report must be made to the chairs of legislative committees having jurisdiction over government operations, state government finance, environmental policy and finance, natural resources policy and finance, and transportation policy and finance."

Delete the title and insert:

"A bill for an act relating to agriculture; modifying provisions relating to ethanol and other motor fuels; requiring reports; amending Minnesota Statutes 2004, sections 41A.09, subdivisions 2a, 3a; 116D.04, subdivision 2a; 239.791, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 16C; 239."

A roll call was requested and properly seconded.

Hamilton moved to amend the Erhardt amendment to S. F. No. 4, the fifth unofficial engrossment, as amended, as follows:

Pages 6 to 10, delete section 4

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

The question recurred on the Erhardt amendment, as amended, and the roll was called. There were 60 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abrams	Eastlund	Holberg	Latz	Murphy	Scalze
Anderson, B.	Ellison	Hoppe	Lenczewski	Nelson, M.	Sieben
Atkins	Entenza	Hornstein	Lesch	Nelson, P.	Simon
Bernardy	Erhardt	Hortman	Liebling	Olson	Slawik
Carlson	Goodwin	Jaros	Lillie	Opatz	Thao
Charron	Greiling	Johnson, S.	Loeffler	Pelowski	Thissen
Clark	Hansen	Kahn	Mahoney	Peterson, N.	Wagenius
Cox	Hausman	Kelliher	Mariani	Peterson, S.	Walker
Davnie	Hilstrom	Klinzing	Moe	Powell	Wardlow
Dittrich	Hilty	Larson	Mullery	Ruud	Wilkin

Those who voted in the negative were:

Abeler	Dempsey	Hamilton	Lieder	Poppe	Tingelstad
Anderson, I.	Dill	Heidgerken	Magnus	Rukavina	Urdahl
Beard	Dorman	Hosch	Marquart	Ruth	Vandever
Blaine	Dorn	Howes	McNamara	Sailer	Welti
Bradley	Eken	Huntley	Meslow	Samuelson	Westerberg
Brod	Emmer	Johnson, J.	Newman	Seifert	Westrom
Buesgens	Erickson	Johnson, R.	Nornes	Sertich	Zellers
Cornish	Finstad	Juhnke	Otremba	Severson	Spk. Sviggum
Cybart	Fritz	Knoblach	Ozment	Simpson	
Davids	Garofalo	Koenen	Paulsen	Smith	
Dean	Gazelka	Kohls	Penas	Soderstrom	
DeLaForest	Gunther	Krinkie	Peppin	Solberg	
Demmer	Hackbarth	Lanning	Peterson, A.	Sykora	

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

Atkins moved to amend S. F. No. 4, the fifth unofficial engrossment, as amended, as follows:

Page 2, delete lines 15 to 26 and insert:

"(c) No motor fuel shall be deemed to be a defective product by virtue of the fact that the motor fuel is formulated or blended pursuant to the requirements of paragraph (a) under any theory of liability except for negligence. This paragraph does not preclude an action for negligent acts. This paragraph does not affect a person whose liability arises under chapter 115, water pollution control; 115A, waste management; 115B, environmental

response and liability; 115C, leaking underground storage tanks; or 299J, pipeline safety; under public nuisance law for damage to the environment or the public health; under any other environmental or public health law; or under any environmental or public health ordinance or program of a municipality as defined in section 466.01."

The motion prevailed and the amendment was adopted.

Olson moved to amend S. F. No. 4, the fifth unofficial engrossment, as amended, as follows:

Page 2, after line 34, insert:

"[EFFECTIVE DATE.] Notwithstanding the provisions of paragraphs (b) to (d), the requirements of paragraph (a) are effective after the commissioners of agriculture and commerce publishes in the State Register a determination that the energy value of ethanol produced in Minnesota is, on average, at least equal to or greater than the energy value of all fuels and other inputs required to grow and transport crops, and produce the ethanol."

A roll call was requested and properly seconded.

The question was taken on the Olson amendment and the roll was called. There were 29 yeas and 104 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Hilty	Kahn	Lenczewski	Paymar	Thao
Clark	Hornstein	Klinzing	Mariani	Peterson, S.	Thissen
Ellison	Jaros	Krinkie	Murphy	Rukavina	Vandever
Emmer	Johnson, J.	Larson	Olson	Ruud	Wilkin
Greiling	Johnson, S.	Latz	Paulsen	Sieben	

Those who voted in the negative were:

Abeler	DeLaForest	Hackbarth	Lesch	Ozment	Smith
Abrams	Demmer	Hamilton	Liebling	Pelowski	Soderstrom
Anderson, I.	Dempsey	Hansen	Lieder	Penas	Solberg
Atkins	Dill	Hausman	Lillie	Peppin	Sykora
Beard	Dittrich	Heidgerken	Loeffler	Peterson, A.	Tingelstad
Bernardy	Dorman	Hilstrom	Magnus	Peterson, N.	Urdahl
Blaine	Dorn	Hoppe	Mahoney	Poppe	Wagenius
Bradley	Eastlund	Hortman	Marquart	Powell	Walker
Brod	Eken	Hosch	McNamara	Ruth	Wardlow
Buesgens	Entenza	Howes	Meslow	Sailer	Welti
Carlson	Erhardt	Huntley	Moe	Samuelson	Westerberg
Charron	Erickson	Johnson, R.	Mullery	Scalze	Westrom
Cornish	Finstad	Juhnke	Nelson, M.	Seifert	Zellers
Cox	Fritz	Kelliher	Nelson, P.	Sertich	Spk. Sviggum
Cybart	Garofalo	Knoblach	Newman	Severson	
Davids	Gazelka	Koenen	Nornes	Simon	
Davnie	Goodwin	Kohls	Opatz	Simpson	
Dean	Gunther	Lanning	Otremba	Slawik	

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

S. F. No. 4, A bill for an act relating to agriculture; increasing minimum ethanol content required for gasoline sold in the state; establishing a petroleum replacement goal; amending Minnesota Statutes 2004, section 239.791, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 239.

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 91 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Hansen	Liebling	Penas	Solberg
Anderson, I.	Eastlund	Heidgerken	Lieder	Peterson, A.	Sykora
Atkins	Eken	Hilty	Lillie	Peterson, N.	Thao
Beard	Ellison	Hortman	Magnus	Peterson, S.	Thissen
Bernardy	Emmer	Hosch	Marquart	Poppe	Tingelstad
Blaine	Entenza	Howes	McNamara	Rukavina	Urdahl
Bradley	Erhardt	Huntley	Meslow	Ruth	Welti
Brod	Erickson	Jaros	Moe	Sailer	Westerberg
Cornish	Finstad	Johnson, R.	Murphy	Samuelson	Westrom
Cox	Fritz	Juhnke	Nelson, P.	Seifert	Zellers
Davids	Garofalo	Kelliher	Newman	Sertich	Spk. Sviggum
Dean	Gazelka	Knoblach	Nornes	Severson	
Demmer	Goodwin	Koenen	Opatz	Simon	
Dempsey	Gunther	Kohls	Otremba	Simpson	
Dill	Hackbarth	Lanning	Ozment	Slawik	
Dorman	Hamilton	Latz	Pelowski	Soderstrom	

Those who voted in the negative were:

Abrams	DeLaForest	Johnson, J.	Loeffler	Peppin	Walker
Anderson, B.	Dittrich	Johnson, S.	Mahoney	Powell	Wardlow
Buesgens	Greiling	Kahn	Mariani	Ruud	Wilkin
Carlson	Hausman	Klinzing	Mullery	Scalze	
Charron	Hilstrom	Krinkie	Nelson, M.	Sieben	
Clark	Holberg	Larson	Olson	Smith	
Cybart	Hoppe	Lenczewski	Paulsen	Vandever	
Davnie	Hornstein	Lesch	Paymar	Wagenius	

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

The Speaker called Davids to the Chair.

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

NOTICE TO PLACE A BILL ON THE CALENDAR FOR THE DAY

Pursuant to House Rule 1.21, Rukavina gave notice of his intent to make a motion placing S. F. No. 3, A bill for an act relating to employment; increasing the minimum wage; amending Minnesota Statutes 2004, section 177.24, subdivision 1, on the Calendar for the Day.

MOTIONS AND RESOLUTIONS

Abrams moved that the name of Dean be added as an author on H. F. No. 711. The motion prevailed.

Beard moved that the name of Liebling be added as an author on H. F. No. 914. The motion prevailed.

Abeler moved that his name be stricken as an author on H. F. No. 1389. The motion prevailed.

Sykora moved that the names of Scalze, Sailer and Latz be added as authors on H. F. No. 1419. The motion prevailed.

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

Knoblach moved that H. F. No. 1420 be recalled from the Committee on Ways and Means and be re-referred to the Committee on Capital Investment. The motion prevailed.

Klinzing moved that H. F. No. 1929 be recalled from the Committee on State Government Finance and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Knoblach announced his intention to place H. F. No. 1 on the Fiscal Calendar for Thursday, April 28, 2005.

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 11:00 a.m., Thursday, April 28, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Davids declared the House stands adjourned until 11:00 a.m., Thursday, April 28, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

