

## STATE OF MINNESOTA

## EIGHTY-FOURTH SESSION — 2006

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 NINETY-EIGHTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 1, 2006

The House of Representatives convened at 10:00 a.m. and was called to order by Ron Abrams, Speaker pro tempore.

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

A quorum was present.

Mariani and Olson were excused.

Erhardt was excused until 10:30 a.m. Murphy was excused until 10:55 a.m. Blaine was excused until 11:15 a.m. Demmer and Mullery were excused until 11:40 a.m.

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

**REPORTS OF CHIEF CLERK**

S. F. No. 2437 and H. F. No. 2839, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Tingelstad moved that the rules be so far suspended that S. F. No. 2437 be substituted for H. F. No. 2839 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2883 and H. F. No. 2977, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Poppe moved that the rules be so far suspended that S. F. No. 2883 be substituted for H. F. No. 2977 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2983 and H. F. No. 3201, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Beard moved that the rules be so far suspended that S. F. No. 2983 be substituted for H. F. No. 3201 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3526 and H. F. No. 3805, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Vandever moved that the rules be so far suspended that S. F. No. 3526 be substituted for H. F. No. 3805 and that the House File be indefinitely postponed. The motion prevailed.

**PETITIONS AND COMMUNICATIONS**

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

April 27, 2006

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 Files:

H. F. No. 2998, relating to labor; providing that a certain provision on arbitrations for firefighters does not expire.

H. F. No. 680, relating to landlord and tenant; clarifying a provision relating to utility metering and billing.

H. F. No. 2645, relating to Swift County; increasing the size of the board of the rural development finance authority.

H. F. No. 3169, relating to local government; prohibiting units of local government from imposing certain fees related to students at postsecondary institutions.

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 2006 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 2006</i>	<i>Date Filed 2006</i>
	2998	182	9:25 a.m. April 27	April 27
	680	183	9:20 a.m. April 27	April 27
	2645	184	9:30 a.m. April 27	April 27
	3169	185	11:25 a.m. April 27	April 27

Sincerely,

MARY KIFFMEYER  
Secretary of State

## REPORTS OF STANDING COMMITTEES

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

H. F. No. 3441, A bill for an act relating to agriculture; providing for a checkoff for fertilizer, soil amendment, and plant amendment; establishing a Minnesota Agricultural Fertilizer Research and Education Council and program; exempting on-farm storage from fertilizer facility safeguarding and permitting; appropriating money; amending Minnesota Statutes 2004, section 18C.305, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 18C.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 18C.305, is amended by adding a subdivision to read:

Subd. 3. **Exemption.** A permit and safeguard is not required for a person who stores on the person's own property and for the person's own use no more than 6,000 gallons of liquid commercial fertilizer.

### Sec. 2. **[18C.70] MINNESOTA AGRICULTURAL FERTILIZER RESEARCH AND EDUCATION COUNCIL.**

Subdivision 1. **Establishment; membership.** (a) The Minnesota Agricultural Fertilizer Research and Education Council is established. The council is composed of 12 voting members as follows:

(1) two members of the Minnesota Crop Production Retailers;

(2) one member of the Minnesota Corn Growers Association;

(3) one member of the Minnesota Soybean Growers Association;

(4) one member of the sugar beet growers industry;

(5) one member of the Minnesota Association of Wheat Growers;

(6) one member of the potato growers industry;

(7) one member of the Minnesota Farm Bureau;

(8) one member of the Minnesota Farmers Union;

(9) one member from the Minnesota Irrigators Association;

(10) one member of the Minnesota Grain and Feed Association; and

(11) one member of the Minnesota Independent Crop Consultant Association or the Minnesota certified crop advisor program.

(b) Council members shall serve three-year terms. After the initial council is appointed, subsequent appointments must be staggered so that one-third of council membership is replaced each year. Council members must be nominated by their organizations and appointed by the commissioner. The council may add ex-officio members at its discretion. The council shall meet at least once per year, with all related expenses reimbursed by members' sponsoring organizations or by the members themselves.

Subd. 2. **Powers and duties.** The council shall review applications and select projects to receive agricultural fertilizer research and education program grants, as authorized in section 18C.71. The council shall establish a program to provide grants to research, education, and technology transfer projects related to agricultural fertilizer, soil amendments, and plant amendments. For the purpose of this section, "fertilizer" includes soil amendments and plant amendments, but does not include vegetable or animal manures that are not manipulated. The commissioner shall have authority over all deposits to and withdrawals from the program account authorized in subdivision 4, but after January 1, 2008, the council may select the commissioner or any other person it deems fit to perform all other administrative duties related to the program. The commissioner shall be responsible for all fiscal and administrative duties in the first year and may use up to eight percent of program revenue to offset costs incurred. No later than October 1, 2007, the commissioner shall provide the council with an estimate of the annual costs the Department of Agriculture would incur in administering the program.

Subd. 3. **Checkoff fees.** Any person, whether in Minnesota or elsewhere, that sells fertilizer to producers must collect a checkoff of 40 cents per ton of fertilizer sold and forward the checkoff funds at least semiannually to the commissioner along with forms provided by the commissioner. For the purposes of this section, a producer means any person who owns or operates an agricultural producing or growing facility for an agricultural commodity and shares in the profits and risk of loss from such operation and who grows, raises, feeds, or produces the agricultural commodity in Minnesota during the current or preceding calendar year.

Subd. 4. **Program account.** There is established in the state treasury an agricultural fertilizer research and education program account in the agricultural fund. The checkoff funds raised under this section must be deposited in the account. Money in the account, including interest earned, is appropriated to the commissioner to carry out the program and to refund checkoff funds as described in subdivision 5.

Subd. 5. **Refunds.** Any producer may, by use of forms provided by the commissioner, and upon presentation of such proof as the commissioner requires, have the checkoff fee refunded, provided the checkoff fee was remitted on a timely basis. The producer must submit refund requests to the commissioner by February 28 each year for checkoff fees paid in the previous calendar year. For checkoff fees paid between January 1, 2007, and January 1, 2008, refunds shall not be issued until January 15, 2008.

Subd. 6. **Rules.** The commissioner's duties under this section and section 18C.71 are not subject to the provisions of chapter 14.

Subd. 7. **Expiration.** This section expires on January 8, 2017.

**EFFECTIVE DATE.** This section is effective January 1, 2007.

Sec. 3. **[18C.71] MINNESOTA AGRICULTURAL FERTILIZER RESEARCH AND EDUCATION PROGRAM.**

Subdivision 1. **Eligible projects.** Eligible project activities include research, education, and technology transfer related to the production and application of fertilizer, soil amendments, and other plant amendments. Chosen projects must contain a component of outreach that achieves a timely dissemination of findings and their applicability to the production agricultural community.

Subd. 2. **Awarding grants.** Applications for program grants shall be submitted in the form prescribed by the Minnesota Agricultural Fertilizer Research and Education Council. Applications must be submitted on or before the deadline prescribed by the council. All applications are subject to a thorough in-state review by a peer committee established and approved by the council. Each project meeting the basic qualifications is subject to a yes or no vote by each council member. Projects chosen to receive funding must achieve an affirmative vote from at least eight of the 12 council members or two-thirds of voting members present. Projects awarded program funds must submit an annual progress report in the form prescribed by the council.

Subd. 3. **Annual audit.** The program must have an annual audit of financial activities, which the council must file with the commissioner on or before June 1 for the immediately preceding year ending December 31.

Subd. 4. **Expiration.** This section expires January 8, 2017.

**EFFECTIVE DATE.** This section is effective January 1, 2007."

With the recommendation that when so amended the bill pass.

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 8, H. F. No. 3441 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 3442, A bill for an act relating to agriculture; repealing regulation of beekeeping; amending Minnesota Statutes 2004, section 28A.15, subdivision 4; repealing Minnesota Statutes 2004, sections 19.50; 19.51; 19.52; 19.53; 19.55; 19.56; 19.561; 19.57; 19.58; 19.59; 19.61; 19.63; 19.65; Minnesota Statutes 2005 Supplement, section 19.64, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[17.445] INSPECTIONS AND SERVICES; FEES.**

Subdivision 1. **Definitions.** For the purposes of this section, the definitions in this subdivision have the meanings given them.

(a) "Apiary" means a place where a collection of one or more hives or colonies of bees or the nuclei of bees are kept.

(b) "Bee equipment" means hives, supers, frames, veils, gloves, and any apparatus, tool, machine, vehicle, or other device used in the handling, moving, or manipulating of bees, honey, wax, or hives, including containers of honey or wax, which may be used in an apiary or in transporting bees and their products and apiary supplies.

(c) "Bees" means any stage of the common honey bee, *Apis mellifera* (L).

(d) "Commissioner" means the commissioner of agriculture or the commissioner's designees or authorized agents.

Subd. 2. **Purpose.** To ensure continued access to foreign and domestic markets, the commissioner shall provide requested bee inspections and other necessary services.

Subd. 3. **Inspections and other services.** On request, the commissioner may make inspections for sale of bees, bee equipment, or appliances or perform other necessary services.

Subd. 4. **Fees.** The commissioner shall charge a fee or charge for expenses so as to recover the cost of performing the inspections and services in subdivision 3. If a person for whom these inspections or services are to be performed requests it, the commissioner shall provide to the person in advance an estimate of the fees or expenses that will be charged. All fees and charges collected under this section shall be deposited in the state treasury and credited to the general fund.

Sec. 2. Minnesota Statutes 2004, section 28A.15, subdivision 4, is amended to read:

Subd. 4. ~~Chapter 19 or 221 licensees permittees; warehouse operators. Any persons required to be licensed under chapter 19 or~~ Trucks operating under a certificate or permit issued pursuant to chapter 221 or warehouse operators, other than cold storage warehouse operators, offering storage or warehouse facilities for compensation.

Sec. 3. **REPEALER.**

Minnesota Statutes 2004, sections 19.50, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12a, 13, 14, 15, 17, and 18; 19.51, subdivisions 1 and 2; 19.52; 19.53; 19.55; 19.56; 19.561; 19.57; 19.58, subdivisions 1, 2, 4, 5, and 9; 19.59; 19.61, subdivision 1; 19.63; and 19.65, and Minnesota Statutes 2005 Supplement, section 19.64, subdivision 1, are repealed.

Sec. 4. **EFFECTIVE DATE.**

Sections 1 to 3 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; providing for certain inspections; repealing beekeeping regulation provisions; amending Minnesota Statutes 2004, section 28A.15, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 2004, sections 19.50, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12a, 13, 14, 15, 17, 18; 19.51, subdivisions 1, 2; 19.52; 19.53; 19.55; 19.56; 19.561; 19.57; 19.58, subdivisions 1, 2, 4, 5, 9; 19.59; 19.61, subdivision 1; 19.63; 19.65; Minnesota Statutes 2005 Supplement, section 19.64, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 8, H. F. No. 3442 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 3546, A bill for an act relating to agriculture; establishing a beef cattle diagnostic team pilot project in nine counties; appropriating money.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 3.737, subdivision 1, is amended to read:

Subdivision 1. **Compensation required.** (a) Notwithstanding section 3.736, subdivision 3, paragraph (e), or any other law, a livestock owner shall be compensated by the commissioner of agriculture for livestock that is destroyed by a gray wolf or is so crippled by a gray wolf that it must be destroyed. Except as provided in this section, the owner is entitled to the fair market value of the destroyed livestock as determined by the commissioner, upon recommendation of a university extension agent or a conservation officer. In any calendar year, a livestock owner may not be compensated for a destroyed animal claim that is less than \$100 in value and may be compensated up to \$20,000 per claim, as determined under this section. In any calendar year, the commissioner may provide compensation for claims filed pursuant to this section and section 3.7371 to a total of \$100,000 for both programs combined.

(b) Either the agent or the conservation officer must make a personal inspection of the site. The agent or the conservation officer must take into account factors in addition to a visual identification of a carcass when making a recommendation to the commissioner. The commissioner, upon recommendation of the agent or conservation officer, shall determine whether the livestock was destroyed by a gray wolf and any deficiencies in the owner's adoption of the best management practices developed in subdivision 5. The commissioner may authorize payment of claims only if the agent or the conservation officer has recommended payment. The owner shall file a claim on forms provided by the commissioner and available at the university extension agent's office.

Sec. 2. Minnesota Statutes 2004, section 3.7371, subdivision 3, is amended to read:

Subd. 3. **Compensation.** The crop owner is entitled to the target price or the market price, whichever is greater, of the damaged or destroyed crop plus adjustments for yield loss determined according to agricultural stabilization and conservation service programs for individual farms, adjusted annually, as determined by the commissioner, upon recommendation of the county extension agent for the owner's county. The commissioner, upon recommendation of the agent, shall determine whether the crop damage or destruction is caused by elk and, if so, the amount of the crop that is damaged or destroyed. In any calendar year, a crop owner may not be compensated for a damaged or destroyed crop that is less than \$100 in value and may be compensated up to \$20,000, as determined under this section, if normal harvest procedures for the area are followed. In any calendar year, the commissioner may provide compensation for claims filed pursuant to this section and section 3.737 to a total of \$100,000 for both programs combined.

Sec. 3. Minnesota Statutes 2005 Supplement, section 35.05, is amended to read:

### **35.05 AUTHORITY OF STATE BOARD.**

(a) The state board may quarantine or kill any domestic animal infected with, or which has been exposed to, a contagious or infectious dangerous disease if it is necessary to protect the health of the domestic animals of the state.



(b) The board may regulate or prohibit the arrival in and departure from the state of infected or exposed animals and, in case of violation of any rule or prohibition, may detain any animal at its owner's expense. The board may regulate or prohibit the importation of domestic animals which, in its opinion, may injure the health of Minnesota livestock.

(c) When the governor declares an emergency under section 35.0661, the board, through its executive director, may assume control of such resources within the University of Minnesota's Veterinary Diagnostic Laboratory as necessary to effectively address the disease outbreak. The director of the laboratory and other laboratory personnel must cooperate fully in performing necessary functions related to the outbreak or threatened outbreak.

(d) The board may test or require tests of any bovine or cervidae in the state when the board deems it necessary to achieve or maintain bovine tuberculosis accredited free state or zone status under the regulations and laws administered by the United States Department of Agriculture.

(e) Rules adopted by the board under authority of this chapter must be published in the State Register.

Sec. 4. Minnesota Statutes 2005 Supplement, section 327.201, is amended to read:

**327.201 STATE FAIR CAMPING AREA.**

Notwithstanding sections 327.14 to 327.28 or any rule adopted by the commissioner of health, the State Agricultural Society must operate and maintain a camping area on the State Fairgrounds during the State Fair and the Minnesota Street Rod Association's "Back to the 50s" event, subject to the following conditions:

(1) recreational camping vehicles and tents, including their attachments, must be separated from each other and from other structures by at least seven feet;

(2) a minimum area of 300 square feet per site must be provided and the total number of sites must not exceed one site for every 300 square feet of usable land area; and

(3) each site must face a driveway at least 16 feet in width and each driveway must have unobstructed access to a public roadway.

Sec. 5. **[604.17] PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT.**

Subdivision 1. Title. This section may be cited as the Personal Responsibility in Food Consumption Act.

Subd. 2. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Long-term consumption" means the cumulative effect of the consumption of food or nonalcoholic beverages, and not the effect of a single instance of consumption.

(c) "Party" means an individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

Subd. 3. Immunity from civil liability. A producer, grower, manufacturer, packer, distributor, carrier, holder, marketer, or seller of a food or nonalcoholic beverage intended for human consumption, or an association of one or more of such entities, shall not be subject to civil liability based on any individual's or group of individuals' purchase or consumption of food or nonalcoholic beverages in cases where liability arises from weight gain or obesity resulting from the individual's or group of individuals' long-term purchase or consumption of a food or nonalcoholic beverage.

Subd. 4. **Actions permitted.** Subdivision 3 does not apply to a claim of weight gain or obesity that is based on:

(1) a material violation of an adulteration or misbranding requirement prescribed by state or federal statute, rule, or regulation and the claimed injury was proximately caused by the violation; or

(2) any other material violation of federal or state law applicable to the manufacturing, marketing, distribution, advertising, labeling, or sale of food and the claimed injury was proximately caused by the violation.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to any action brought by any party on or after the effective date.

Sec. 6. **ENERGY AND CONSERVATION; STUDY.**

The commissioner of agriculture, in consultation with the Minnesota Resource Conservation and Development Council, the Board of Water and Soil Resources, and the commissioner of natural resources, shall study the feasibility of developing energy sources as they relate to land enrolled under federal farm programs or under state easement programs in Minnesota. The commissioner shall submit a report, with findings and recommendations, to the governor and the legislature by February 15, 2007.

Sec. 7. **UNIVERSITY OF MINNESOTA LICENSING AND MINNESOTA MARKET IMPACT STUDY.**

The University of Minnesota is requested to establish a task force to study the market impact on Minnesota producers of agricultural products from the University of Minnesota licensing germplasm and to make recommendations to the legislature and the Board of Regents on ways to mitigate any negative impacts on Minnesota businesses that arise from University of Minnesota license agreements. The task force must include a representative of the University of Minnesota Extension Service serving as the chair, and representatives of the Minnesota Farm Bureau, the Minnesota Farmers Union, agricultural commodity organizations, the Minnesota Apple Growers Association, the Minnesota Fruit and Vegetable Growers Association, the Minnesota Nursery Landscape Association, the Minnesota Department of Agriculture, and the Minnesota grown program. Members serve on the task force on a voluntary basis. The chair may also invite participation from other staff and faculty of the University of Minnesota as necessary to fulfill the purpose of the task force. The task force must report to the committees of the legislature with responsibility for higher education no later than January 15, 2007.

Sec. 8. **REPEALER.**

Minnesota Statutes 2004, section 17.10, is repealed."

Delete the title and insert:

"A bill for an act relating to agriculture; changing certain compensation requirements; authorizing certain testing; expanding a camping requirement; providing for personal responsibility in food consumption; requiring studies; eliminating a reporting requirement; amending Minnesota Statutes 2004, sections 3.737, subdivision 1; 3.7371, subdivision 3; Minnesota Statutes 2005 Supplement, sections 35.05; 327.201; proposing coding for new law in Minnesota Statutes, chapter 604; repealing Minnesota Statutes 2004, section 17.10."

With the recommendation that when so amended the bill pass.

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 8, H. F. No. 3546 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 3605, A bill for an act relating to natural resources; appropriating money for the Legislative Commission on Minnesota Resources or its successor.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35, is amended to read:

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

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

(16) member of the board of directors or president of Minnesota Technology, Inc.; ~~or~~

(17) member of the board of directors or executive director of the Minnesota State High School League; or

(18) a citizen member of the Legislative-Citizen Commission on Minnesota Resources.

Sec. 2. Minnesota Statutes 2004, section 84.085, subdivision 1, is amended to read:

Subdivision 1. **Authority.** (a) The commissioner of natural resources may accept for and on behalf of the state any gift, bequest, devise, or grants of lands or interest in lands or personal property of any kind or of money tendered to the state for any purpose pertaining to the activities of the department or any of its divisions. Any money so received is hereby appropriated and dedicated for the purpose for which it is granted. Lands and interests in lands so received may be sold or exchanged as provided in chapter 94.

(b) When the commissioner of natural resources accepts lands or interests in land, the commissioner may reimburse the donor for costs incurred to obtain an appraisal needed for tax reporting purposes. If the state pays the donor for a portion of the value of the lands or interests in lands that are donated, the reimbursement for appraisal costs shall not exceed \$1,500. If the donor receives no payment from the state for the lands or interests in lands that are donated, the reimbursement for appraisal costs shall not exceed \$5,000.

~~(b)~~ (c) The commissioner of natural resources, on behalf of the state, may accept and use grants of money or property from the United States or other grantors for conservation purposes not inconsistent with the laws of this state. Any money or property so received is hereby appropriated and dedicated for the purposes for which it is granted, and shall be expended or used solely for such purposes in accordance with the federal laws and regulations pertaining thereto, subject to applicable state laws and rules as to manner of expenditure or use providing that the commissioner may make subgrants of any money received to other agencies, units of local government, private individuals, private organizations, and private nonprofit corporations. Appropriate funds and accounts shall be maintained by the commissioner of finance to secure compliance with this section.

~~(c)~~ (d) The commissioner may accept for and on behalf of the permanent school fund a donation of lands, interest in lands, or improvements on lands. A donation so received shall become state property, be classified as school trust land as defined in section 92.025, and be managed consistent with section 127A.31.

Sec. 3. **[85.0145] ACQUISITION OF LAND FOR FACILITIES.**

The commissioner of natural resources may acquire interests in land by gift, purchase, or lease for facilities outside the boundaries of state parks, state recreation areas, or state waysides that are needed for the management of state parks, state recreation areas, or state waysides established under sections 85.012 and 85.013.

Sec. 4. Minnesota Statutes 2004, section 85.052, subdivision 4, is amended to read:

Subd. 4. **Deposit of fees.** (a) Fees paid for providing contracted products and services within a state park, state recreation area, or wayside, and for special state park uses under this section shall be deposited in the natural resources fund and credited to a state parks account.

(b) Gross receipts derived from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund lands, must be deposited in the state treasury and credited to the general fund.

(c) Notwithstanding paragraph (b), the gross receipts from the sale of stockpile materials, aggregate, or other earth materials from the Iron Range Off-Highway Vehicle Recreation Area shall be deposited in the dedicated accounts in the natural resources fund from which the purchase of the stockpile material was made.

Sec. 5. Minnesota Statutes 2005 Supplement, section 85.053, subdivision 2, is amended to read:

Subd. 2. **Requirement.** Except as provided in section 85.054, a motor vehicle may not enter a state park, state recreation area, or state wayside over 50 acres in area, without a state park permit issued under this section. Except for vehicles permitted under ~~subdivision~~ subdivisions 7, paragraph (a), clause (2), ~~and 8,~~ the state park permit must be affixed to the lower right corner windshield of the motor vehicle and must be completely affixed by its own adhesive to the windshield, or the commissioner may, by written order, provide an alternative means to display and validate annual permits.

**EFFECTIVE DATE.** This section is effective January 1, 2007.

Sec. 6. Minnesota Statutes 2004, section 85.053, is amended by adding a subdivision to read:

Subd. 8. **Towed vehicles.** The commissioner shall prescribe and issue a temporary permit for a vehicle that enters a park towed by a vehicle used for camping. The temporary permit shall be issued with the camping permit and allows the towed vehicle to be driven in state parks until the camping permit expires.

**EFFECTIVE DATE.** This section is effective January 1, 2007.

Sec. 7. Minnesota Statutes 2004, section 85.054, is amended by adding a subdivision to read:

Subd. 12. **Soudan Underground Mine State Park.** A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at the visitor parking area of Soudan Underground Mine State Park.

**EFFECTIVE DATE.** This section is effective January 1, 2007.

Sec. 8. Minnesota Statutes 2004, section 85.054, is amended by adding a subdivision to read:

Subd. 13. **Sunday church services.** A state park permit is not required and a fee may not be charged for motor vehicle entry to attend a Sunday church service held in a state park if the motor vehicle and occupants depart the park within two hours of entry.

**EFFECTIVE DATE.** This section is effective January 1, 2007.

Sec. 9. Minnesota Statutes 2005 Supplement, section 85.055, subdivision 1, is amended to read:

Subdivision 1. **Fees.** The fee for state park permits for:

- (1) an annual use of state parks is \$25;
- (2) a second vehicle state park permit is \$18;
- (3) a state park permit valid for one day is ~~\$7~~ \$5;
- (4) a daily vehicle state park permit for groups is ~~\$5~~ \$3;
- (5) an annual permit for motorcycles is \$20;

(6) an employee's state park permit is without charge; and

~~(6)~~ (7) a state park permit for ~~handicapped~~ disabled persons under section 85.053, subdivision 7, clauses (1) and (2), is \$12.

The fees specified in this subdivision include any sales tax required by state law.

**EFFECTIVE DATE.** This section is effective January 1, 2007.

Sec. 10. Minnesota Statutes 2004, section 88.79, subdivision 1, is amended to read:

Subdivision 1. **Employment of competent foresters; service to private owners.** The commissioner of natural resources may employ competent foresters to furnish owners of forest lands within the state of Minnesota ~~owning~~ respectively not exceeding who own not more than 1,000 acres of such forest land, forest management services consisting of:

(1) advice in management and protection of timber, including written stewardship and forest management plans;

(2) selection and marking of timber to be cut;

(3) measurement of products;

(4) aid in marketing harvested products;

(5) provision of tree-planting equipment; and

(6) such other services as the commissioner of natural resources deems necessary or advisable to promote maximum sustained yield of timber upon such forest lands.

Sec. 11. **[89.22] USES OF STATE FOREST LANDS; FEES.**

Subdivision 1. **Establishing fees.** Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish fees providing for the use of state forest lands, including motorcycle, snowmobile, and sports car rallies, races, or enduros; orienteering trials; group campouts that do not occur at designated group camps; dog sled races; dog trials; large horse trail rides; and commercial uses. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply.

Subd. 2. **Receipts to special revenue fund.** Fees collected under subdivision 1 shall be credited to the special revenue fund and are annually appropriated to the commissioner for costs incurred attributable to the uses for which the fees were imposed.

Sec. 12. Minnesota Statutes 2004, section 90.14, is amended to read:

**90.14 AUCTION SALE PROCEDURE.**

(a) All state timber shall be offered and sold by the same unit of measurement as it was appraised. ~~The sale shall be made to the person who (1) bids the highest price for all the several kinds of timber as advertised, or (2) if unsold at public auction, to the person who purchases at any subsequent sale authorized under section 90.101, subdivision 4.~~ No tract shall be sold to any person other than the purchaser in whose name the bid was made. The commissioner may refuse to approve any and all bids received and cancel a sale of state timber for good and sufficient reasons.

(b) The purchaser at any sale of timber shall, immediately upon the approval of the bid, or, if unsold at public auction, at the time of purchase at a subsequent sale under section 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the appraised value. In case any purchaser fails to make such payment, the purchaser shall be liable therefor to the state in a civil action, and the commissioner may reoffer the timber for sale as though no bid or sale under section 90.101, subdivision 1, therefor had been made.

(c) In lieu of the scaling of state timber required by this chapter, a purchaser of state timber may, at the time of payment by the purchaser to the commissioner of 15 percent of the appraised value, elect in writing on a form prescribed by the attorney general to purchase a permit based solely on the appraiser's estimate of the volume of timber described in the permit, provided that the commissioner has expressly designated the availability of such option for that tract on the list of tracts available for sale as required under section 90.101. A purchaser who elects in writing on a form prescribed by the attorney general to purchase a permit based solely on the appraiser's estimate of the volume of timber described on the permit does not have recourse to the provisions of section 90.281.

(d) In the case of a public auction sale conducted by a sealed bid process, tracts shall be awarded to the high bidder, who shall pay to the commissioner a down payment of 15 percent of the appraised value within ten business days of receiving a written award notice. If a purchaser fails to make the down payment, the purchaser is liable for the down payment to the state and the commissioner may offer the timber for sale to the next highest bidder as though no higher bid had been made.

(e) Except as otherwise provided by law, at the time the purchaser signs a permit issued under section 90.151, the purchaser shall make a bid guarantee payment to the commissioner in an amount equal to 15 percent of the total purchase price of the permit less the down payment amount required by paragraph (b). If the bid guarantee payment is not submitted with the signed permit, no harvesting may occur, the permit cancels, and the down payment for timber forfeits to the state. The bid guarantee payment forfeits to the state if the purchaser and successors in interest fail to execute an effective permit.

### Sec. 13. **[90.145] PURCHASER QUALIFICATIONS AND REGISTRATION.**

Subdivision 1. **Purchaser qualifications.** (a) In addition to any other requirements imposed by this chapter, the purchaser of a state timber permit issued under section 90.151 must meet the requirements in paragraphs (b) to (d).

(b) The purchaser and the purchaser's agents, employees, subcontractors, and assigns must comply with general industry safety standards for logging adopted by the commissioner of labor and industry under chapter 182. The commissioner of natural resources shall require a purchaser to provide proof of compliance with the general industry safety standards.

(c) The purchaser and the purchaser's agents, subcontractors, and assigns must comply with the mandatory insurance requirements of chapter 176. The commissioner shall require a purchaser to provide a copy of the proof of insurance required by section 176.130 before the start of harvesting operations on any permit.

(d) Before the start of harvesting operations on any permit, the purchaser must certify that a foreperson or other designated employee who has a current certificate of completion from the Minnesota logger education program (MLEP), the Wisconsin Forest Industry Safety and Training Alliance (FISTA), or any similar program acceptable to the commissioner, is supervising active logging operations.

Subd. 2. **Purchaser preregistration.** To facilitate the sale of permits issued under section 90.151, the commissioner may establish a purchaser preregistration system. Any system implemented by the commissioner shall be limited in scope to only that information that is required for the efficient administration of the purchaser qualification provisions of this chapter and shall conform with the requirements of chapter 13.

Sec. 14. Minnesota Statutes 2004, section 90.151, subdivision 1, is amended to read:

Subdivision 1. **Issuance; expiration.** (a) Following receipt of the down payment for state timber required under section 90.14 or 90.191, the commissioner shall issue a numbered permit to the purchaser, in a form approved by the attorney general, by the terms of which the purchaser shall be authorized to enter upon the land, and to cut and remove the timber therein described as designated for cutting in the report of the state appraiser, according to the provisions of this chapter. The permit shall be correctly dated and executed by the commissioner and signed by the purchaser. If a permit is not signed by the purchaser within 60 days from the date of purchase, the permit cancels and the down payment for timber required under section 90.14 forfeits to the state.

(b) The permit shall expire no later than five years after the date of sale as the commissioner shall specify or as specified under section 90.191, and the timber shall be cut within the time specified therein. All cut timber, equipment, and buildings not removed from the land within 90 days after expiration of the permit shall become the property of the state.

(c) The commissioner may grant an additional period of time not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of such request by the permit holder for good and sufficient reasons. The commissioner may grant a second period of time not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of a request by the permit holder for hardship reasons only.

~~(d) No permit shall be issued to any person other than the purchaser in whose name the bid was made.~~

Sec. 15. Minnesota Statutes 2004, section 90.151, subdivision 6, is amended to read:

Subd. 6. **Notice and approval required.** The permit shall provide that the permit holder shall not start cutting any state timber nor clear building sites nor logging roads until the commissioner has been notified and has given prior approval to such cutting operations. Approval shall not be granted until the permit holder has completed a presale conference with the state appraiser designated to supervise the cutting. The permit holder shall also give prior notice whenever permit operations are to be temporarily halted, whenever permit operations are to be resumed, and when permit operations are to be completed.

Sec. 16. Minnesota Statutes 2004, section 90.151, is amended by adding a subdivision to read:

Subd. 15. **Liquidated damages.** The permit may include a schedule of liquidated damage charges for breach of permit terms by the permit holder. The damage charges shall be limited to amounts that are reasonable in light of the anticipated or actual harm caused by the breach, the difficulties of proof of loss, and the inconvenience or nonfeasibility of otherwise obtaining an adequate remedy.

Sec. 17. Minnesota Statutes 2004, section 103I.005, subdivision 9, is amended to read:

Subd. 9. **Exploratory boring.** "Exploratory boring" means a surface drilling done to explore or prospect for oil, natural gas, apatite, diamonds, graphite, gemstones, kaolin clay, and metallic minerals, including iron, copper, zinc, lead, gold, silver, titanium, vanadium, nickel, cadmium, molybdenum, chromium, manganese, cobalt, zirconium, beryllium, thorium, uranium, aluminum, platinum, palladium, radium, tantalum, tin, and niobium, and a drilling or boring for petroleum.

Sec. 18. Minnesota Statutes 2004, section 116.07, subdivision 2a, is amended to read:

Subd. 2a. **Exemptions from standards.** No standards adopted by any state agency for limiting levels of noise in terms of sound pressure which may occur in the outdoor atmosphere shall apply to (1) segments of trunk highways constructed with federal interstate substitution money, provided that all reasonably available noise



mitigation measures are employed to abate noise, (2) an existing or newly constructed segment of a highway, provided that all reasonably available noise mitigation measures, as approved by the commissioners of the Department of Transportation and Pollution Control Agency, are employed to abate noise, (3) except for the cities of Minneapolis and St. Paul, an existing or newly constructed segment of a road, street, or highway under the jurisdiction of a road authority of a town, statutory or home rule charter city, or county, except for roadways for which full control of access has been acquired, (4) skeet, trap or shooting sports clubs, or (5) motor vehicle race events conducted at a facility specifically designed for that purpose that was in operation on or before July 1, ~~1983~~ 1996. Motor vehicle race events exempted from state standards under this subdivision are exempt from claims based on noise brought under section 561.01 and chapters 116B and 116D. Nothing herein shall prohibit a local unit of government or a public corporation with the power to make rules for the government of its real property from regulating the location and operation of skeet, trap or shooting sports clubs, or motor vehicle race events conducted at a facility specifically designed for that purpose that was in operation on or before July 1, ~~1983~~ 1996.

Sec. 19. Minnesota Statutes 2004, section 116P.02, subdivision 4, is amended to read:

Subd. 4. **Commission.** "Commission" means the ~~Legislative~~ Legislative-Citizen Commission on Minnesota Resources.

Sec. 20. Minnesota Statutes 2004, section 116P.03, is amended to read:

**116P.03 TRUST FUND NOT TO SUPPLANT EXISTING FUNDING; APPROPRIATIONS.**

(a) The trust fund may not be used as a substitute for traditional sources of funding environmental and natural resources activities, but the trust fund shall supplement the traditional sources, including those sources used to support the criteria in section 116P.08, subdivision 1. The trust fund must be used primarily to support activities whose benefits become available only over an extended period of time.

(b) The commission must determine the amount of the state budget spent from traditional sources to fund environmental and natural resources activities before and after the trust fund is established and include a comparison of the amount in the report under section 116P.09, subdivision 7.

(c) For the fiscal year beginning July 1, 2007, and each year thereafter, the amount of the environment and natural resources trust fund that is available for appropriation under the terms of the Minnesota Constitution, article XI, section 14, shall be appropriated by a law passed by the legislature and signed by the governor.

(d) The amount appropriated from the environment and natural resources trust fund may be spent only for the public purpose of protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources. Recommendations made by the commission under this chapter must be consistent with this chapter; the Minnesota Constitution, article XI, section 14; and the strategic plan adopted under section 116P.08, subdivision 3, and must demonstrate a direct benefit to the state's environment and natural resources.

Sec. 21. Minnesota Statutes 2004, section 116P.04, subdivision 5, is amended to read:

Subd. 5. **Audits required.** The legislative auditor shall audit trust fund expenditures to ensure that the money is spent for the purposes ~~provided in the commission's budget plan~~ for which the money was appropriated.

Sec. 22. Minnesota Statutes 2004, section 116P.05, as amended by Laws 2005, First Special Session chapter 1, article 2, section 135, is amended to read:

**116P.05 ~~LEGISLATIVE~~ LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES.**

Subdivision 1. **Membership.** (a) A ~~Legislative~~ Legislative-Citizen Commission on Minnesota Resources of ~~20~~ 17 members is created in the legislative branch, consisting of the chairs of the house and senate committees on environment and natural resources or designees appointed for the terms of the chairs, the chairs of the house and senate committees on environment and natural resources finance or designees appointed for the terms of the chairs, the chairs of the house Ways and Means and Senate Finance Committees or designees appointed for the terms of the chairs, seven ~~four~~ members of the senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration, and ~~seven~~ four members of the house appointed by the speaker.

At least ~~three~~ two members from the senate and ~~three~~ two members from the house must be from the minority caucus. Members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the commission.

Seven citizens are members of the commission, five appointed by the governor, one appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration, and one appointed by the speaker of the house. The governor's appointees must be confirmed with the advice and consent of the senate. The citizen members are selected and recommended to the appointing authorities according to subdivision 1a and must:

(1) have experience or expertise in the science, policy, or practice of the protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources;

(2) have strong knowledge in the state's environment and natural resource issues around the state; and

(3) have demonstrated ability to work in a collaborative environment.

(b) Members shall ~~appoint~~ develop procedures to elect a chair who that rotates between legislative and citizen members. The chair shall preside and convene meetings as often as necessary to conduct duties prescribed by this chapter.

(c) Appointed legislative members shall serve on the commission until their successors are appointed for two-year terms, beginning in January of each odd-numbered year and continuing through the end of December of the next even-numbered year. Citizen and legislative members continue to serve until their successors are appointed.

(d) A citizen member may be removed by an appointing authority for cause. Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out their duties, and vacancies shall be filled for the remainder of the term in the same manner under paragraph (a).

(e) Citizen members shall be initially appointed according to the following schedule of terms:

(1) two members appointed by the governor for a term ending the first Monday in January 2010;

(2) one member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2010 and one member appointed by the speaker of the house for a term ending the first Monday in January 2010;

(3) two members appointed by the governor for a term ending the first Monday in January 2009; and

(4) one member appointed by the governor for a term ending the first Monday in January 2008.

(f) Citizen members are entitled to per diem and reimbursement for expenses incurred in the services of the commission, as provided in section 15.059, subdivision 3.

Subd. 1a. **Citizen selection committee.** The governor shall appoint a trust fund citizen selection committee of five members who come from different regions of the state and who have knowledge and experience of state environment and natural resource issues.

The duties of the trust fund citizen selection committee shall be to:

(1) identify citizen candidates to be members of the commission as part of the open appointments process under section 15.0597;

(2) request and review citizen candidate applications to be members of the commission; and

(3) interview the citizen candidates and recommend an adequate pool of candidates to be selected for commission membership by the governor, the senate, and the house of representatives.

Members are entitled to travel expenses incurred to fulfill their duties under this subdivision as provided in section 15.059, subdivision 6.

Subd. 2. **Duties.** (a) The commission shall recommend ~~a budget plan~~ an annual legislative bill for ~~expenditures~~ appropriations from the environment and natural resources trust fund and shall adopt a strategic plan as provided in section 116P.08. Approval of the recommended legislative bill requires an affirmative vote of at least 12 members of the commission.

(b) The commission shall recommend expenditures to the legislature from the state land and water conservation account in the natural resources fund.

(c) It is a condition of acceptance of the appropriations made from the Minnesota environment and natural resources trust fund, and oil overcharge money under section 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit a work program and semiannual progress reports in the form determined by the ~~Legislative~~ Legislative-Citizen Commission on Minnesota Resources, and comply with applicable reporting requirements under section 116P.16. None of the money provided may be spent unless the commission has approved the pertinent work program.

(d) The peer review panel created under section 116P.08 must also review, comment, and report to the commission on research proposals applying for an appropriation from the oil overcharge money under section 4.071, subdivision 2.

(e) The commission may adopt operating procedures to fulfill its duties under chapter 116P.

(f) As part of the operating procedures, the commission shall:

(1) ensure that members' expectations are to participate in all meetings related to funding decision recommendations;

(2) recommend adequate funding for increased citizen outreach and communications for trust fund expenditure planning;

(3) allow administrative expenses as part of individual project expenditures based on need;

(4) provide for project outcome evaluation;

(5) keep the grant application, administration, and review process as simple as possible; and

(6) define and emphasize the leveraging of additional sources of money that project proposers should consider when making trust fund proposals.

Subd. 3. **Sunset.** This section expires June 30, 2016, unless extended by the legislature.

Sec. 23. Minnesota Statutes 2004, section 116P.07, is amended to read:

#### **116P.07 INFORMATION GATHERING.**

The commission may convene public forums or employ other methods to gather information for establishing priorities for funding.

Sec. 24. Minnesota Statutes 2004, section 116P.08, subdivision 3, is amended to read:

Subd. 3. **Strategic plan required.** (a) The commission shall adopt a strategic plan for making expenditures from the trust fund, including identifying the priority areas for funding for the next six years. The strategic plan must be updated reviewed every two years. ~~The plan is advisory only. The commission shall submit the plan, as a recommendation, to the house of representatives Ways and Means and senate Finance Committees by January 1 of each odd numbered year. The strategic plan must have clearly stated short- and long-term goals and strategies for trust fund expenditures, must provide measurable outcomes for expenditures, and must determine areas of emphasis for funding.~~

(b) ~~The commission may accept or modify the draft of the strategic plan submitted to it by the advisory committee before voting on the plan's adoption shall consider the long-term strategic plans of agencies with environment and natural resource programs and responsibilities and plans of conservation and environmental organizations during the development and review of the strategic plan.~~

Sec. 25. Minnesota Statutes 2004, section 116P.08, subdivision 4, is amended to read:

Subd. 4. **Budget plan Legislative recommendations.** (a) Funding may be provided only for those projects that meet the categories established in subdivision 1.

(b) ~~Projects submitted to the commission for funding may be referred to the advisory committee for recommendation.~~

(c) ~~The commission must adopt a budget plan~~ recommend an annual legislative bill to make ~~expenditures~~ appropriations from the trust fund for the purposes provided in subdivision 1. ~~The budget plan recommendations~~ must be submitted to the governor for inclusion in the biennial budget and supplemental budget submitted to the legislature.

(d) The commission may recommend regional block grants for a portion of trust fund expenditures to partner with existing regional organizations that have strong citizen involvement, to address unique local needs and capacity, and to leverage all available funding sources for projects.

(d) The commission may recommend the establishment of an annual emerging issues account in its annual legislative bill for funding emerging issues, which come up unexpectedly, but which still adhere to the commission's strategic plan, to be approved by the governor after initiation and recommendation by the commission.

~~(d)~~ (e) Money in the trust fund may not be spent except under an appropriation by law.

Sec. 26. Minnesota Statutes 2004, section 116P.08, subdivision 5, is amended to read:

Subd. 5. **Public meetings.** ~~All~~ Technical advisory committee and commission meetings must be open to the public. The commission shall attempt to meet ~~at least once in each of the state's congressional districts~~ throughout various regions of the state during each biennium.

Sec. 27. Minnesota Statutes 2004, section 116P.08, subdivision 6, is amended to read:

Subd. 6. **Peer review.** (a) Research proposals must include a stated purpose directly connected to the trust fund's constitutional mandate, this chapter, and the adopted strategic plan under subdivision 3, a timeline, potential outcomes, and an explanation of the need for the research. All research proposals must be reviewed by a peer review panel before receiving an appropriation.

(b) In conducting research proposal reviews, the peer review panel shall:

(1) comment on the methodology proposed and whether it can be expected to yield appropriate and useful information and data;

(2) comment on the need for the research and about similar existing information available, if any; and

(3) report to the commission ~~and advisory committee~~ on clauses (1) and (2).

(c) The peer review panel also must review completed research proposals that have received an appropriation and comment and report upon whether the project reached the intended goals.

Sec. 28. Minnesota Statutes 2004, section 116P.09, subdivision 1, is amended to read:

Subdivision 1. **Administrative authority.** The commission may appoint legal and other personnel and consultants necessary to carry out functions and duties of the commission. Permanent employees shall be in the unclassified service. In addition, the commission may request staff assistance and data from any other agency of state government as needed for the execution of the responsibilities of the commission ~~and advisory committee~~ and an agency must promptly furnish it.

Sec. 29. Minnesota Statutes 2004, section 116P.09, subdivision 6, is amended to read:

Subd. 6. **Conflict of interest.** A commission member, a technical advisory committee member, a peer review panelist, or an employee of the commission may not participate in or vote on a decision of the commission, advisory committee, or peer review panel relating to an organization in which the member, panelist, or employee has either a direct or indirect personal financial interest. While serving on the ~~legislative~~ commission, technical advisory committee, or peer review panel, or being an employee of the commission, a person shall avoid any potential conflict of interest.

Sec. 30. Minnesota Statutes 2004, section 116P.09, is amended by adding a subdivision to read:

Subd. 8. **Technical advisory committees.** The commission shall make use of available public and private expertise on environment and natural resource issues by appointing necessary technical advisory committees to review funding proposals and evaluate project outcomes. Compensation for technical advisory committee members is governed by section 15.059, subdivision 6.

Sec. 31. Minnesota Statutes 2004, section 116P.11, is amended to read:

**116P.11 AVAILABILITY OF FUNDS FOR DISBURSEMENT.**

(a) The amount ~~biennially~~ annually available from the trust fund for the ~~budget plan~~ legislative bill developed by the commission is as defined in the Minnesota Constitution, article XI, section 14.

(b) Any appropriated funds not encumbered in the biennium in which they are appropriated cancel and must be credited to the principal of the trust fund.

Sec. 32. Laws 2003, chapter 128, article 1, section 165, is amended to read:

**Sec. 165. ISTS PILOT PROGRAM.**

The Pollution Control Agency shall, in conjunction with the association of Minnesota counties, designate three cooperating counties with waterbodies listed as impaired by fecal coliform bacteria, and within designated counties shall:

(1) by July 1, ~~2007~~ 2008, complete an inventory of properties with individual sewage treatment systems that are an imminent threat to public health or safety due to surface water discharges of untreated sewage, and the inventory of properties may be phased over the period of the pilot project; and

(2) require compliance under the applicable requirements of this section by May 1, ~~2008~~ 2009. The pollution control agency may utilize cooperative agreements with the three pilot counties to meet the requirements of clauses (1) and (2).

Sec. 33. **CONTINUITY.**

(a) The Legislative Commission on Minnesota Resources shall continue to operate until the full membership of the Legislative-Citizen Commission on Minnesota Resources is appointed under section 22, but no later than August 15, 2006.

(b) The staff of the Legislative Commission on Minnesota Resources shall provide administrative and professional services to the Legislative-Citizen Commission on Minnesota Resources, as provided in Minnesota Statutes, section 15.039, subdivision 7.

Sec. 34. **TRANSITION PROVISIONS FOR LEGISLATIVE MEMBERS.**

Legislative members initially appointed to the Legislative-Citizen Commission on Minnesota Resources serve through January 2, 2007, or for those who are still legislators in January 2007, until their successors are appointed.

Sec. 35. **LOWER MINNESOTA RIVER WATERSHED DISTRICT; AUTHORITY TO ACQUIRE, MAINTAIN, OPERATE, IMPROVE, AND ENLARGE DREDGE MATERIAL SITE.**

Subdivision 1. **Definitions.** The definitions in this subdivision apply to this section:

(1) "district" means the Lower Minnesota River Watershed District, a district established under Minnesota Statutes, chapter 103D;

(2) "governing body" means the managers of the district as defined in Minnesota Statutes, section 103D.011, subdivision 15; and

(3) "dredge material site" means a site at which public agencies or private customers may deposit material from dredging activities conducted on the Minnesota River.

Subd. 2. **Authorization; authority to own and operate.** The district may own and operate a dredge material site for its own needs, the needs of other public agencies, the needs of private customers, or any combination of these. The district may acquire, construct, and install all facilities needed for that purpose and may lease, purchase, or acquire by exercise of the power of eminent domain any existing properties so needed. The district may sell the dredge material to any person or entity. If the governing body determines that the dredge material has no value, the district may convey the dredge material for no consideration to any person or entity. The district may hire all personnel the governing body deems necessary and may make all necessary rules and regulations for the operation and maintenance of the dredge material site.

Subd. 3. **Charges; net revenues.** (a) To pay for the acquisition, maintenance, operation, improvement, and enlargement of the dredge material site and to obtain and comply with permits required by law for the dredge material site, the governing body may impose charges for permitting private customers to deposit dredge material at the dredge material site and make contracts for the charges as provided in this section.

(b) The amount of the charges imposed shall be established at the discretion of the governing body. In determining the amount of the charges to be imposed, the governing body may give consideration to all costs of the operation and maintenance of the dredge material site, the costs of depreciation and replacement of structures and equipment, the costs of improvements and enlargements, the cost of reimbursing the district for special assessment revenues expended for the benefit of persons or entities not subject to special assessment levies by the district, the amount of the principal and interest to become due on obligations issued or to be issued, the costs of obtaining and complying with permits required by law, the price charged for similar services by other providers of dredge material sites in similar markets, and all other factors the governing body deems relevant.

(c) At its discretion, the governing body may impose a surcharge on private customers using the dredge material site in addition to the charges allowed under paragraph (a). The surcharge shall be for the purpose of paying for the removal of dredge material from the dredging site if the governing body determines it necessary. If the governing body later determines that there is no need to pay for the removal of the dredge material from the dredge material site, the governing body shall rebate all surcharges paid by private customers.

Sec. 36. **APPLICATION OF STORM WATER RULES TO COUNTIES.**

Until the Pollution Control Agency storm water rules are amended, the provisions of Minnesota Rules, part 7090.1010, subpart 1, item B, subitems (2) and (3), only, shall not apply to counties.

Sec. 37. **TERRESTRIAL SEQUESTRATION; REPORT.**

The commissioners of agriculture, commerce, natural resources, and the Pollution Control Agency shall review the phase 1 report from the Minnesota Terrestrial Carbon Sequestration Project and report to the Minnesota Environmental Quality Board and the members of the house and senate committees with jurisdiction over agriculture, energy, environment, and natural resource issues by June 30, 2007, on existing scientific information on carbon stocks in Minnesota's major ecosystems, the economics of various carbon enhancing practices, and alternative carbon trading systems and their potential application in Minnesota.

Sec. 38. **GREENHOUSE GAS EMISSIONS; REPORT.**

The Pollution Control Agency, in collaboration with the Minnesota Clean Energy Environment Partnership, shall report to the Minnesota Environmental Quality Board and the members of the house and senate committees with jurisdiction over agriculture, energy, environment, and natural resource issues by June 30, 2007, on strategies for mitigating, reducing, and sequestering state greenhouse gas emissions.

Sec. 39. **DISPOSITION OF LAND SALE RECEIPTS.**

Notwithstanding Laws 2005, chapter 156, article 2, section 45, or any other law to the contrary, during fiscal year 2006 and fiscal year 2007, all receipts from the sale of land under the control of the commissioner of natural resources shall be credited according to Minnesota Statutes, section 94.16.

Sec. 40. **REVISOR'S INSTRUCTION.**

The revisor of statutes shall change the term "Legislative Commission on Minnesota Resources" to "Legislative-Citizen Commission on Minnesota Resources" wherever it appears in Minnesota Statutes and Minnesota Rules.

Sec. 41. **REPEALER.**

(a) Minnesota Statutes 2004, sections 116P.02, subdivision 2; and 116P.06, and Laws 2005, First Special Session chapter 1, article 2, section 156, subdivision 2, are repealed.

(b) Minnesota Statutes 2004, section 89.011, subdivisions 1, 2, 3, and 6, are repealed.

Sec. 42. **EFFECTIVE DATE.**

Sections 1; 19 to 21; 22, subdivisions 1, 2, and 3; 23 to 31; 33; 34; 40; and 41, paragraph (a), are effective June 1, 2006. Section 22, subdivision 1a, is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; reorganizing and renaming the Legislative Commission on Minnesota Resources; providing for land donor appraisal reimbursement; providing for acquisition of land for certain facilities; providing for disposition of certain receipts; modifying state park permit provisions; modifying forest services provided to private owners; granting authority to establish state forest user fees; modifying the State Timber Act; modifying certain definitions; modifying noise standard exemptions; extending certain pilot programs; granting certain authority to the Lower Minnesota River Watershed District; exempting counties from certain rules; requiring reports; eliminating the requirement for a comprehensive forest resource management plan; appropriating money; amending Minnesota Statutes 2004, sections 84.085, subdivision 1; 85.052, subdivision 4; 85.053, by adding a subdivision; 85.054, by adding subdivisions; 88.79, subdivision 1; 90.14; 90.151, subdivisions 1, 6, by adding a subdivision; 103I.005, subdivision 9; 116.07, subdivision 2a; 116P.02, subdivision 4; 116P.03; 116P.04, subdivision



5; 116P.05, as amended; 116P.07; 116P.08, subdivisions 3, 4, 5, 6; 116P.09, subdivisions 1, 6, by adding a subdivision; 116P.11; Minnesota Statutes 2005 Supplement, sections 10A.01, subdivision 35; 85.053, subdivision 2; 85.055, subdivision 1; Laws 2003, chapter 128, article 1, section 165; proposing coding for new law in Minnesota Statutes, chapters 85; 89; 90; repealing Minnesota Statutes 2004, sections 89.011, subdivisions 1, 2, 3, 6; 116P.02, subdivision 2; 116P.06; Laws 2005, First Special Session chapter 1, article 2, section 156, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 8, H. F. No. 3605 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 4142, A bill for an act relating to taxation; providing a property tax rebate.

Reported the same back with the following amendments:

Page 1, line 9, delete "ten" and insert "nine"

Page 3, delete subdivision 11

Page 3, line 17, delete "12" and insert "11" and delete "\$307,300,000" and insert "\$276,570,000"

Page 3, line 24, delete "13" and insert "12"

Page 3, line 31, delete "this section and" and delete "2" and insert "3"

Page 3, after line 32, insert:

"Sec. 2. **SALE OF STATE LAND.**

Subdivision 1. **State land sales.** The commissioner of administration shall coordinate with the head of each department or agency having control of state-owned land to identify and sell at least \$1,260,000 of state-owned land. This amount is in addition to land sales required in Laws 2005, chapter 156, article 2, section 45, or under any other law. Sales should be completed according to law and as provided in this section as soon as practicable but no later than June 30, 2007. Notwithstanding Minnesota Statutes, sections 16B.281, 16B.282, 94.09, and 94.10, or any other law to the contrary, the commissioner may offer land for public sale by only providing notice of lands or an offer of sale of lands to state departments or agencies, the University of Minnesota, cities, counties, towns, school districts, or other public entities.

Subd. 2. **Anticipated savings.** Notwithstanding Minnesota Statutes, section 94.16, subdivision 3, or other law to the contrary, the amount of the proceeds from the sale of land under this section that exceeds the actual expenses of selling the land must be deposited in the general fund, except as otherwise provided by the commissioner of finance. Notwithstanding Minnesota Statutes, section 16B.283 or 94.11, the commissioner of finance may establish the timing of payments for land purchased under this section. If the total of all money deposited into the general

fund from the proceeds of the sale of land under this section is anticipated to be less than \$1,260,000, the governor must allocate the amount of the difference as reductions to general fund operating expenditures for other executive agencies for the biennium ending June 30, 2007.

Subd. 3. **Sale of state lands revolving loan fund.** \$55,000 is appropriated from the general fund in fiscal year 2007 to the commissioner of administration for purposes of paying the actual expenses of selling state-owned lands to achieve the anticipated savings required in this section. From the gross proceeds of land sales under this section, the commissioner of administration must cancel the amount of the appropriation in this subdivision to the general fund by June 30, 2007."

Page 4, line 1, delete "\$....." and insert "\$1,069,650"

Page 4, line 8, delete "\$....." and insert "\$186,000"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after "rebate" insert "; providing for the sale of certain state lands to offset administrative costs of the rebate; appropriating money"

With the recommendation that when so amended the bill pass.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. No. 4142 was read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. Nos. 2437, 2883, 2983 and 3526 were read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Samuelson introduced:

H. F. No. 4177, A bill for an act relating to tax increment financing; allowing a tax increment financing district in the city of New Brighton to expend certain tax increments outside the district; exempting the district from other requirements.

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

Lenczewski; Peterson, N., and Larson introduced:

H. F. No. 4178, A bill for an act relating to tax increment financing; authorizing the city of Bloomington to extend the duration of two districts.

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

Eken introduced:

H. F. No. 4179, A bill for an act proposing an amendment to the Minnesota Constitution, article VII, by adding a section; providing for certain officers to be elected by a majority of the votes cast at the general election for the office.

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

The following Conference Committee Report was received:

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 2985

A bill for an act relating to funerals; prohibiting the disruption of a funeral, burial service, or memorial service; creating penalties and providing civil remedy; proposing coding for new law in Minnesota Statutes, chapter 609.

April 27, 2006

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

We, the undersigned conferees for H. F. No. 2985, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2985 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. **[609.501] FUNERAL OR BURIAL SERVICE; PROHIBITED ACTS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Family or household" has the meaning given to family or household member in section 518B.01, subdivision 2.

(c) "Funeral ceremony" has the meaning given in section 149A.02, subdivision 18.

(d) "Funeral procession" means two or more motor vehicles that identify themselves by using regular lights and by keeping themselves in close formation, one of which contains the body of a deceased person, enroute to or from a funeral ceremony or a graveside service.

(e) "Graveside service" has the meaning given in section 149A.02, subdivision 24.

(f) "Memorial service" has the meaning given in section 149A.02, subdivision 28.

(g) "Targeted residential picketing" has the meaning given in section 609.748, subdivision 1, paragraph (c), but does not require more than one act or that acts be committed on more than one occasion.

Subd. 2. **Crime to disrupt.** (a) Whoever does any of the following is guilty of a misdemeanor:

(1) with intent to disrupt a funeral ceremony, graveside service, or memorial service, protests or pickets within 500 feet of the burial site or the entrance to a facility or location being used for the service or ceremony, within one hour prior to, during, or one hour following the service or ceremony;

(2) with intent to disrupt a funeral procession, impedes or attempts to impede a vehicle that is part of the procession;

(3) intentionally blocks or attempts to block access to a funeral ceremony, graveside service, or memorial service; or

(4) knowingly engages in targeted residential picketing at the home or domicile of any surviving member of the deceased person's family or household on the date of the funeral ceremony, graveside service, or memorial service.

(b) Whoever is convicted of a violation of paragraph (a) following a previous conviction for a violation of paragraph (a) or a similar statute from another state or the United States is guilty of a gross misdemeanor.

Subd. 3. **Civil remedy.** A person who violates subdivision 2 is liable to a surviving member of the deceased person's family or household for damages caused by the violation. A surviving member of the deceased person's family or household may also bring an action for injunctive relief and other appropriate relief or remedial compensation. In an action brought under this subdivision, a prevailing plaintiff may recover attorney fees.

**EFFECTIVE DATE.** This section is effective the day following final enactment, and applies to acts committed on or after that date."

We request the adoption of this report and repassage of the bill.

House Conferees: STEVE SMITH, MARTY SEIFERT AND MARY MURPHY.

Senate Conferees: DON BETZOLD, WESLEY J. SKOGLUND AND THOMAS M. NEUVILLE.

Smith moved that the report of the Conference Committee on H. F. No. 2985 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2985, A bill for an act relating to funerals; prohibiting the disruption of a funeral, burial service, or memorial service; creating penalties and providing civil remedy; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler                      Jaros

The bill was repassed, as amended by Conference, and its title agreed to.

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

RECESS

RECONVENED

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

### FISCAL CALENDAR

Pursuant to rule 1.22, Knoblach requested immediate consideration of H. F. No. 4162.

H. F. No. 4162 was reported to the House.

Westerberg and Knoblach moved to amend H. F. No. 4162, the first engrossment, as follows:

Page 34, line 11, delete "with \$25"

Page 34, line 12, delete "deductible and"

The motion prevailed and the amendment was adopted.

Pelowski; Ellison; Johnson, R.; Mahoney; Davnie; Sieben; Peterson, S.; Kelliher; Juhnke; Murphy; Hilstrom; Hosch; Fritz; Liebling; Hornstein; Sertich; Carlson; Rukavina; Dorn; Kahn; Hansen; Sailer; Clark; Hilty; Moe; Latz; Marquart; Paymar; Eken; Johnson, S.; Haws; Lieder; Larson; Lenczewski; Otremba; Scalze; Dill; Poppe; Wagenius; Greiling; Welti; Loeffler; Dittrich; Nelson, M., and Peterson, A., offered an amendment to H. F. No. 4162, the first engrossment, as amended.

### POINT OF ORDER

Knoblach raised a point of order pursuant to rule 3.21 that the Pelowski et al amendment was not in order. The Speaker ruled the point of order well taken and the Pelowski et al amendment out of order.

Pelowski appealed the decision of the Speaker.

A roll call was requested and properly seconded.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Huntley; Johnson, R.; Liebling; Fritz; Kelliher; Sailer; Thissen; Peterson, S.; Thao; Lieder; Otremba; Paymar; Greiling; Goodwin; Larson; Eken; Kahn; Scalze and Wagenius offered an amendment to H. F. No. 4162, the first engrossment, as amended.

#### POINT OF ORDER

Bradley raised a point of order pursuant to rule 3.21 that the Huntley et al amendment was not in order. The Speaker ruled the point of order well taken and the Huntley et al amendment out of order.

Entenza, Knoblach and Solberg moved to amend H. F. No. 4162, the first engrossment, as amended, as follows:

Page 34, after line 27, insert:

"Sec. 52. **RESIDENTIAL ACADEMIES.**

A grant recipient under Laws 1998, chapter 398, article 5, section 46, as amended by Laws 2000, chapter 489, article 6, section 41, that uses the grant proceeds to acquire and operate a residential academy and then subsequently closes the academy and sells the real property it acquired for the academy may use the proceeds from the sale of the real property to provide programs that serve at-risk children and youth.

**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.

Lesch and Hansen offered an amendment to H. F. No. 4162, the first engrossment, as amended.

#### POINT OF ORDER

Knoblach raised a point of order pursuant to rule 3.21 that the Lesch and Hansen amendment was not in order. The Speaker ruled the point of order well taken and the Lesch and Hansen amendment out of order.

Lesch appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 65 yeas and 64 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Otremba and Davids moved to amend H. F. No. 4162, the first engrossment, as amended, as follows:

Page 10, line 12, delete "1,000,000" and insert "1,116,000"



Page 10, after line 12, insert:

"Subd. 2. **Policy Quality and Compliance**

General	-0-	<u>116,000</u>
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**ABORTION REPORTING.** In fiscal year 2007, \$116,000 is appropriated from the general fund to the commissioner of health for the abortion reporting requirements in Minnesota Statutes, section 144.3431. The base for this activity is decreased by \$20,000 in fiscal year 2009."

Page 10, line 13, delete "Subd. 2" and insert "Subd. 3"

Page 20, after line 23, insert:

"Sec. 23. Minnesota Statutes 2004, section 13.3806, is amended by adding a subdivision to read:

Subd. 21. **Abortion notification data.** Classification of data in abortion notification reports is governed by section 144.3431."

Page 24, after line 31, insert:

"Sec. 31. **[144.3431] ABORTION NOTIFICATION DATA.**

Subdivision 1. **Reporting form.** (a) Within 90 days of the effective date of this section, the commissioner of health shall prepare a reporting form for use by physicians and facilities performing abortions under the circumstances specified in paragraph (b).

(b) The form shall require the following information:

(1) the number of minors or women for whom a guardian has been appointed under sections 524.5-301 to 524.5-317 because of a finding of incompetency for whom the physician or an agent of the physician provided the notice described in section 144.343, subdivision 2; of that number, the number of notices provided personally as described in section 144.343, subdivision 2, paragraph (a), and the number of notices provided by mail as described in section 144.343, subdivision 2, paragraph (b); and of each of those numbers, the number who, to the best of the reporting physician's or reporting facility's information and belief, went on to obtain the abortion from the reporting physician or reporting physician's facility, or from the reporting facility;

(2) the number of minors or women for whom a guardian has been appointed under sections 524.5-301 to 524.5-317 because of a finding of incompetency upon whom the physician performed an abortion without providing the notice described in section 144.343, subdivision 2; and of that number, the number who were emancipated minors, and the number for whom section 144.343, subdivision 4, was applicable, itemized by each of the limitations identified in paragraphs (a), (b), and (c) of that subdivision;

(3) the number of abortions performed by the physician for which judicial authorization was received and for which the notification described in section 144.343, subdivision 2, was not provided;

(4) the county the female resides in; the county where the abortion was performed, if different from the female's residence; and, if a judicial bypass was obtained, the judicial district it was obtained in;

(5) the age of the female;

(6) the race of the female;

(7) the process the physician or the physician's agent used to inform the minor female, or a woman for whom a guardian has been appointed under sections 524.5-301 to 524.5-317 because of a finding of incompetency, of the judicial bypass; whether court forms were provided to her; and whether the physician or the physician's agent made the court arrangement for the minor female, or a woman for whom a guardian has been appointed under sections 524.5-301 to 524.5-317 because of a finding of incompetency; and

(8) how soon after visiting the abortion facility the minor female, or a woman for whom a guardian has been appointed under section 524.5-301 to 524.5-317 because of a finding of incompetency, went to court to obtain a judicial bypass.

**Subd. 2. Forms to physicians and facilities.** Physicians and facilities required to report under subdivision 3 shall obtain reporting forms from the commissioner.

**Subd. 3. Submission.** (a) The following physicians or facilities must submit the forms to the commissioner no later than April 1 for abortions performed on minors or women for whom a guardian has been appointed in the previous calendar year:

(1) a physician who provides, or whose agent provides, the notice described in section 144.343, subdivision 2, or the facility at which the notice is provided; and

(2) a physician who knowingly performs an abortion upon a minor, or a woman for whom a guardian has been appointed under sections 524.5-301 to 524.5-317 because of a finding of incompetency, or a facility at which such an abortion is performed.

(b) The commissioner shall maintain as confidential data which alone or in combination may constitute information that would reasonably lead, using epidemiologic principles, to the identification of:

(1) an individual who has had an abortion, who has received judicial authorization for an abortion, or to whom the notice described in section 144.343, subdivision 2, has been provided; or

(2) a physician or facility required to report under paragraph (a).

**Subd. 4. Failure to report as required.** (a) Reports that are not submitted more than 30 days following the due date shall be subject to a late fee of \$500 for each additional 30-day period or portion of a 30-day period overdue. If a physician or facility required to report under this section has not submitted a report, or has submitted only an incomplete report, more than one year following the due date, the commissioner of health shall bring an action in a court of competent jurisdiction for an order directing the physician or facility to submit a complete report within a period stated by court order or be subject to sanctions. If the commissioner brings such an action for an order directing a physician or facility to submit a complete report, the court may assess reasonable attorney fees and costs against the noncomplying party.

(b) Notwithstanding section 13.39, data related to actions taken by the commissioner to enforce any provision of this section is private data if the data, alone or in combination, may constitute information that would reasonably lead, using epidemiologic principles, to the identification of:

(1) an individual who has had an abortion, who has received judicial authorization for an abortion, or to whom the notice described in section 144.343, subdivision 2, has been provided; or

(2) a physician or facility required to report under subdivision 3.

Subd. 5. **Public records.** (a) By September 30 of each year, the commissioner of health shall issue a public report providing statistics for each item listed in subdivision 1 for the previous calendar year compiled from reports submitted according to this section. The report shall also include statistics, which shall be obtained from court administrators, that include:

(1) the total number of petitions or motions filed under section 144.343, subdivision 6, paragraph (c), clause (i);

(2) the number of cases in which the court appointed a guardian ad litem;

(3) the number of cases in which the court appointed counsel;

(4) the number of cases in which the judge issued an order authorizing an abortion without notification, including:

(i) the number of petitions or motions granted by the court because of a finding of maturity and the basis for that finding; and

(ii) the number of petitions or motions granted because of a finding that the abortion would be in the best interest of the minor and the basis for that finding;

(5) the number of denials from which an appeal was filed;

(6) the number of appeals that resulted in a denial being affirmed; and

(7) the number of appeals that resulted in reversal of a denial.

(b) The report shall provide the statistics for all previous calendar years for which a public report was required to be issued, adjusted to reflect any additional information from late or corrected reports.

(c) The commissioner shall ensure that all statistical information included in the public reports are presented so that the data cannot reasonably lead, using epidemiologic principles, to the identification of:

(1) an individual who has had an abortion, who has received judicial authorization for an abortion, or to whom the notice described in section 144.343, subdivision 2, has been provided; or

(2) a physician or facility who has submitted a form to the commissioner under subdivision 3.

Subd. 6. **Modification of requirements.** The commissioner of health may, by administrative rule, alter the dates established in subdivisions 3 and 5, consolidate the forms created according to subdivision 1 with the reporting form created according to section 145.4131, or consolidate reports to achieve administrative convenience or fiscal savings, to allow physicians and facilities to submit all information collected by the commissioner regarding abortions at one time, or to reduce the burden of the data collection, so long as the report described in subdivision 5 is issued at least once a year.

Subd. 7. **Suit to compel statistical report.** If the commissioner of health fails to issue the public report required under subdivision 5, any group of ten or more citizens of the state may seek an injunction in a court of competent jurisdiction against the commissioner, requiring that a complete report be issued within a period stated by court order. Failure to abide by the injunction shall subject the commissioner to sanctions for civil contempt.

Subd. 8. **Attorney fees.** If judgment is rendered in favor of the plaintiff in any action described in this section, the court shall also render judgment for a reasonable attorney fee in favor of the plaintiff against the defendant. If the judgment is rendered in favor of the defendant and the court finds that plaintiff's suit was frivolous and brought in bad faith, the court shall render judgment for a reasonable attorney fee in favor of the defendant against the plaintiff.

Subd. 9. **Severability.** If any one or more provision, section, subdivision, sentence, clause, phrase, or word of this section or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this section shall remain effective notwithstanding such unconstitutionality. The legislature intends that it would have passed this section, and each provision, section, subdivision, sentence, clause, phrase, or word thereof irrespective of the fact that any one provision, section, subdivision, sentence, clause, phrase, or word be declared unconstitutional.

Subd. 10. **Supreme Court jurisdiction.** The Minnesota Supreme Court has original jurisdiction over an action challenging the constitutionality of this section and shall expedite the resolution of the action."

Page 36, after line 19, insert:

"Sec. 56. **PROHIBITION ON USE OF STATE FUNDS.**

Subdivision 1. **Use of funds.** Funding for state-sponsored health programs shall not be used for funding abortions, except to the extent necessary for continued participation in a federal program. For purposes of this section, abortion has the meaning given in Minnesota Statutes, section 144.343, subdivision 3.

Subd. 2. **Severability.** If any one or more provision, section, subdivision, sentence, clause, phrase, or word of this section or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this section shall remain effective notwithstanding such unconstitutionality. The legislature intends that it would have passed this section, and each provision, section, subdivision, sentence, clause, phrase, or word thereof irrespective of the fact that any one provision, section, subdivision, sentence, clause, phrase, or word be declared unconstitutional.

Subd. 3. **Supreme Court jurisdiction.** The Minnesota Supreme Court has original jurisdiction over an action challenging the constitutionality of this section and shall expedite the resolution of the action."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

#### POINT OF ORDER

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

Dittrich requested a division of the Otremba and Davids amendment to H. F. No. 4162, the first engrossment, as amended.

Dittrich further requested that the second portion of the divided Otremba and Davids amendment be voted on first.

The second portion of the Otremba and Davids amendment to H. F. No. 4162, the first engrossment, as amended, reads as follows:

Page 36, after line 19, insert:

"Sec. 56. **PROHIBITION ON USE OF STATE FUNDS.**

Subdivision 1. **Use of funds.** Funding for state-sponsored health programs shall not be used for funding abortions, except to the extent necessary for continued participation in a federal program. For purposes of this section, abortion has the meaning given in Minnesota Statutes, section 144.343, subdivision 3.

Subd. 2. **Severability.** If any one or more provision, section, subdivision, sentence, clause, phrase, or word of this section or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this section shall remain effective notwithstanding such unconstitutionality. The legislature intends that it would have passed this section, and each provision, section, subdivision, sentence, clause, phrase, or word thereof irrespective of the fact that any one provision, section, subdivision, sentence, clause, phrase, or word be declared unconstitutional.

Subd. 3. **Supreme Court jurisdiction.** The Minnesota Supreme Court has original jurisdiction over an action challenging the constitutionality of this section and shall expedite the resolution of the action."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the second portion of the Otremba and Davids amendment and the roll was called. There were 84 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Gazelka	Koenen	Nornes	Simpson
Anderson, B.	Demmer	Gunther	Kohls	Otremba	Smith
Anderson, I.	Dempsey	Hackbarth	Krinkie	Ozment	Soderstrom
Beard	Dill	Hamilton	Lanning	Paulsen	Sykora
Blaine	Dittrich	Haws	Lenczewski	Pelowski	Tingelstad
Bradley	Dorman	Heidgerken	Lieder	Penas	Urdahl
Brod	Dorn	Holberg	Magnus	Peppin	Vandever
Buesgens	Eastlund	Hoppe	Marquart	Peterson, N.	Wardlow
Charron	Eken	Hosch	McNamara	Powell	Welti
Cornish	Emmer	Howes	Meslow	Ruth	Westerberg
Cox	Erickson	Johnson, J.	Moe	Samuelson	Westrom
Cybart	Finstad	Juhnke	Murphy	Scalze	Wilkin
Davids	Fritz	Klinzing	Nelson, P.	Seifert	Zellers
Dean	Garofalo	Knoblach	Newman	Severson	Spk. Sviggum

Those who voted in the negative were:

Abrams	Erhardt	Hortman	Latz	Paymar	Simon
Atkins	Goodwin	Huntley	Lesch	Peterson, A.	Slawik
Bernardy	Greiling	Jaros	Liebling	Poppe	Thao
Carlson	Hansen	Johnson, R.	Lillie	Rukavina	Thissen
Clark	Hausman	Johnson, S.	Loeffler	Ruud	Wagenius
Davnie	Hilstrom	Kahn	Mahoney	Sailer	Walker
Ellison	Hilty	Kelliher	Mullery	Sertich	
Entenza	Hornstein	Larson	Nelson, M.	Sieben	

The motion prevailed and the second portion of the Otremba and Davids amendment was adopted.

The first portion of the Otremba and Davids amendment to H. F. No. 4162, the first engrossment, as amended, reads as follows:

Page 10, line 12, delete "1,000,000" and insert "1,116,000"

Page 10, after line 12, insert:

**"Subd. 2. Policy Quality and Compliance**

<u>General</u>	<u>-0-</u>	<u>116,000</u>
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**ABORTION REPORTING.** In fiscal year 2007, \$116,000 is appropriated from the general fund to the commissioner of health for the abortion reporting requirements in Minnesota Statutes, section 144.3431. The base for this activity is decreased by \$20,000 in fiscal year 2009.

Page 10, line 13, delete "Subd. 2" and insert "Subd. 3"

Page 20, after line 23, insert:

"Sec. 23. Minnesota Statutes 2004, section 13.3806, is amended by adding a subdivision to read:

Subd. 21. **Abortion notification data.** Classification of data in abortion notification reports is governed by section 144.3431.

Page 24, after line 31, insert:

"Sec. 31. **[144.3431] ABORTION NOTIFICATION DATA.**

Subdivision 1. **Reporting form.** (a) Within 90 days of the effective date of this section, the commissioner of health shall prepare a reporting form for use by physicians and facilities performing abortions under the circumstances specified in paragraph (b).

(b) The form shall require the following information:

(1) the number of minors or women for whom a guardian has been appointed under sections 524.5-301 to 524.5-317 because of a finding of incompetency for whom the physician or an agent of the physician provided the notice described in section 144.343, subdivision 2; of that number, the number of notices provided personally as described in section 144.343, subdivision 2, paragraph (a), and the number of notices provided by mail as described in section 144.343, subdivision 2, paragraph (b); and of each of those numbers, the number who, to the best of the reporting physician's or reporting facility's information and belief, went on to obtain the abortion from the reporting physician or reporting physician's facility, or from the reporting facility;

(2) the number of minors or women for whom a guardian has been appointed under sections 524.5-301 to 524.5-317 because of a finding of incompetency upon whom the physician performed an abortion without providing the notice described in section 144.343, subdivision 2; and of that number, the number who were emancipated minors, and the number for whom section 144.343, subdivision 4, was applicable, itemized by each of the limitations identified in paragraphs (a), (b), and (c) of that subdivision;

(3) the number of abortions performed by the physician for which judicial authorization was received and for which the notification described in section 144.343, subdivision 2, was not provided;

(4) the county the female resides in; the county where the abortion was performed, if different from the female's residence; and, if a judicial bypass was obtained, the judicial district it was obtained in;

(5) the age of the female;

(6) the race of the female;

(7) the process the physician or the physician's agent used to inform the minor female, or a woman for whom a guardian has been appointed under sections 524.5-301 to 524.5-317 because of a finding of incompetency, of the judicial bypass; whether court forms were provided to her; and whether the physician or the physician's agent made the court arrangement for the minor female, or a woman for whom a guardian has been appointed under sections 524.5-301 to 524.5-317 because of a finding of incompetency; and

(8) how soon after visiting the abortion facility the minor female, or a woman for whom a guardian has been appointed under section 524.5-301 to 524.5-317 because of a finding of incompetency, went to court to obtain a judicial bypass.

Subd. 2. **Forms to physicians and facilities.** Physicians and facilities required to report under subdivision 3 shall obtain reporting forms from the commissioner.

Subd. 3. **Submission.** (a) The following physicians or facilities must submit the forms to the commissioner no later than April 1 for abortions performed on minors or women for whom a guardian has been appointed in the previous calendar year:

(1) a physician who provides, or whose agent provides, the notice described in section 144.343, subdivision 2, or the facility at which the notice is provided; and

(2) a physician who knowingly performs an abortion upon a minor, or a woman for whom a guardian has been appointed under sections 524.5-301 to 524.5-317 because of a finding of incompetency, or a facility at which such an abortion is performed.

(b) The commissioner shall maintain as confidential data which alone or in combination may constitute information that would reasonably lead, using epidemiologic principles, to the identification of:

(1) an individual who has had an abortion, who has received judicial authorization for an abortion, or to whom the notice described in section 144.343, subdivision 2, has been provided; or

(2) a physician or facility required to report under paragraph (a).

**Subd. 4. Failure to report as required.** (a) Reports that are not submitted more than 30 days following the due date shall be subject to a late fee of \$500 for each additional 30-day period or portion of a 30-day period overdue. If a physician or facility required to report under this section has not submitted a report, or has submitted only an incomplete report, more than one year following the due date, the commissioner of health shall bring an action in a court of competent jurisdiction for an order directing the physician or facility to submit a complete report within a period stated by court order or be subject to sanctions. If the commissioner brings such an action for an order directing a physician or facility to submit a complete report, the court may assess reasonable attorney fees and costs against the noncomplying party.

(b) Notwithstanding section 13.39, data related to actions taken by the commissioner to enforce any provision of this section is private data if the data, alone or in combination, may constitute information that would reasonably lead, using epidemiologic principles, to the identification of:

(1) an individual who has had an abortion, who has received judicial authorization for an abortion, or to whom the notice described in section 144.343, subdivision 2, has been provided; or

(2) a physician or facility required to report under subdivision 3.

**Subd. 5. Public records.** (a) By September 30 of each year, the commissioner of health shall issue a public report providing statistics for each item listed in subdivision 1 for the previous calendar year compiled from reports submitted according to this section. The report shall also include statistics, which shall be obtained from court administrators, that include:

(1) the total number of petitions or motions filed under section 144.343, subdivision 6, paragraph (c), clause (i);

(2) the number of cases in which the court appointed a guardian ad litem;

(3) the number of cases in which the court appointed counsel;

(4) the number of cases in which the judge issued an order authorizing an abortion without notification, including:

(i) the number of petitions or motions granted by the court because of a finding of maturity and the basis for that finding; and

(ii) the number of petitions or motions granted because of a finding that the abortion would be in the best interest of the minor and the basis for that finding;

(5) the number of denials from which an appeal was filed;

(6) the number of appeals that resulted in a denial being affirmed; and

(7) the number of appeals that resulted in reversal of a denial.



(b) The report shall provide the statistics for all previous calendar years for which a public report was required to be issued, adjusted to reflect any additional information from late or corrected reports.

(c) The commissioner shall ensure that all statistical information included in the public reports are presented so that the data cannot reasonably lead, using epidemiologic principles, to the identification of:

(1) an individual who has had an abortion, who has received judicial authorization for an abortion, or to whom the notice described in section 144.343, subdivision 2, has been provided; or

(2) a physician or facility who has submitted a form to the commissioner under subdivision 3.

Subd. 6. **Modification of requirements.** The commissioner of health may, by administrative rule, alter the dates established in subdivisions 3 and 5, consolidate the forms created according to subdivision 1 with the reporting form created according to section 145.4131, or consolidate reports to achieve administrative convenience or fiscal savings, to allow physicians and facilities to submit all information collected by the commissioner regarding abortions at one time, or to reduce the burden of the data collection, so long as the report described in subdivision 5 is issued at least once a year.

Subd. 7. **Suit to compel statistical report.** If the commissioner of health fails to issue the public report required under subdivision 5, any group of ten or more citizens of the state may seek an injunction in a court of competent jurisdiction against the commissioner, requiring that a complete report be issued within a period stated by court order. Failure to abide by the injunction shall subject the commissioner to sanctions for civil contempt.

Subd. 8. **Attorney fees.** If judgment is rendered in favor of the plaintiff in any action described in this section, the court shall also render judgment for a reasonable attorney fee in favor of the plaintiff against the defendant. If the judgment is rendered in favor of the defendant and the court finds that plaintiff's suit was frivolous and brought in bad faith, the court shall render judgment for a reasonable attorney fee in favor of the defendant against the plaintiff.

Subd. 9. **Severability.** If any one or more provision, section, subdivision, sentence, clause, phrase, or word of this section or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this section shall remain effective notwithstanding such unconstitutionality. The legislature intends that it would have passed this section, and each provision, section, subdivision, sentence, clause, phrase, or word thereof irrespective of the fact that any one provision, section, subdivision, sentence, clause, phrase, or word be declared unconstitutional.

Subd. 10. **Supreme Court jurisdiction.** The Minnesota Supreme Court has original jurisdiction over an action challenging the constitutionality of this section and shall expedite the resolution of the action."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the first portion of the Otremba and Davids amendment and the roll was called. There were 78 yeas and 53 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Ellison	Hornstein	Latz	Paymar	Sieben
Atkins	Entenza	Hortman	Lesch	Peterson, A.	Simon
Bernardy	Erhardt	Huntley	Liebling	Peterson, S.	Slawik
Carlson	Goodwin	Jaros	Lillie	Poppe	Thao
Clark	Greiling	Johnson, R.	Loeffler	Rukavina	Thissen
Davnie	Hansen	Johnson, S.	Mahoney	Ruud	Wagenius
Dittrich	Hausman	Kahn	Moe	Sailer	Walker
Dorman	Hilstrom	Kelliher	Mullery	Scalze	Welti
Dorn	Hilty	Larson	Nelson, M.	Sertich	

The motion prevailed and the first portion of the Otremba and Davids amendment was adopted.

Knoblach moved to amend H. F. No. 4162, the first engrossment, as amended, as follows:

Page 8, line 14, delete "\$2,317,000" and insert "\$2,273,000"

Page 8, line 15, delete "\$1,027,000" and insert "\$983,000"

Page 9, line 9, delete "(22,444,000)" and insert "(22,400,000)"

Page 9, line 10, delete "22,444,000" and insert "22,400,000"

Page 9, line 12, delete "\$22,444,000" and insert "\$22,400,000"

Page 9, line 30, delete "\$22,444,000" and insert "\$22,400,000"

Page 9, line 33, delete "\$22,444,000" and insert "\$22,400,000"

Page 9, line 34, delete "\$22,444,000" and insert "\$22,400,000"

Page 10, after line 10, insert:

"The general fund appropriation for the Minnesota food assistance program is increased by \$30,000 in fiscal year 2007 for the added program cost of the food stamp asset limit changes under Minnesota Statutes, section 256D.0515. The general fund base for the Minnesota food assistance program is increased by \$31,000 in fiscal year 2008 and \$31,000 in fiscal year 2009.

**Subd. 3. Children and economic assistance management.**

Summary by Fund

<u>General</u>	<u>-0-</u>	<u>16,000</u>
<u>Federal TANF</u>	<u>-0-</u>	<u>44,000</u>

**FOOD STAMP ASSET LIMIT.** \$16,000 in fiscal year 2007 is appropriated from the general fund to the commissioner of human services for the systems cost of implementing the food stamp asset limit changes included under Minnesota Statutes, section 256D.0515. This is a onetime appropriation.

**DOMESTIC VIOLENCE INFORMATIONAL BROCHURE.** \$44,000 in fiscal year 2007 is appropriated from federal TANF funds to the commissioner of human services for producing the domestic violence informational brochure under Minnesota Statutes, section 256.029. This appropriation is added to the agency's base."

Page 26, after line 11, insert:

"Sec. 33. **[256.029] DOMESTIC VIOLENCE INFORMATIONAL BROCHURE.**

(a) The commissioner shall provide a domestic violence informational brochure that provides information about the existence of domestic violence waivers for eligible public assistance applicants to all applicants of general assistance, general assistance medical care, Minnesota family investment program, medical assistance, and MinnesotaCare. The brochure must explain that eligible applicants may be temporarily waived from certain program requirements due to domestic violence. The brochure must provide information about services and other programs to help victims of domestic violence.

(b) The brochure must be funded with TANF funds.

**EFFECTIVE DATE.** This section is effective upon federal approval."

Page 26, after line 23, insert:

"Sec. 35. **[256D.0515] ASSET LIMITATIONS FOR FOOD STAMP HOUSEHOLDS.**

All food stamp households must be determined eligible for the benefit discussed under section 256.029. Food stamp households must demonstrate that:

(1) their gross income meets the federal Food Stamp requirements under United States Code, title 7, section 2014(c); and

(2) they have financial resources, excluding vehicles, of less than \$7,000.

**EFFECTIVE DATE.** This section is effective upon federal approval."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Adjust fund totals accordingly

The motion prevailed and the amendment was adopted.

Kahn moved to amend H. F. No. 4162, the first engrossment, as amended, as follows:

Page 18, line 32, delete "275,000" and insert "550,000"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Ellison offered an amendment to H. F. No. 4162, the first engrossment, as amended.

#### POINT OF ORDER

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

The Speaker called Abrams to the Chair.

Dorn moved to amend H. F. No. 4162, the first engrossment, as amended, as follows:

Page 24, line 25, reinstate the stricken language

Page 24, line 26, reinstate the stricken language before the stricken "Therefore"

Amend the title accordingly

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

H. F. No. 4162, A bill for an act relating to the financing of state government; making supplemental appropriations; regulating government operations; providing for and modifying certain programs; regulating abortion funding and notification; providing for a Rochester campus of the University of Minnesota; creating the Boxing Commission and regulating boxing; ratifying certain labor agreements and compensation plans; providing criminal penalties; appropriating money; amending Minnesota Statutes 2004, sections 3.737, subdivision 1; 3.7371, subdivision 3; 13.3806, by adding a subdivision; 16A.152, subdivision 1b; 137.022, subdivision 4; 137.17, subdivisions 1, 3; 256.01, subdivision 18, by adding a subdivision; 256B.431, by adding a subdivision; 256J.021; 256J.626, subdivision 2; Minnesota Statutes 2005 Supplement, sections 16A.152, subdivision 2; 35.05; 119B.13, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 4; 144; 197; 256; 256D; 341; repealing Minnesota Statutes 2004, sections 62J.694; 144.395.

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 103 yeas and 29 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Dorn	Greiling	Kelliher	Mullery	Thao
Anderson, I.	Ellison	Hausman	Larson	Paymar	Thissen
Clark	Entenza	Hornstein	Lesch	Pelowski	Wagenius
Davnie	Erhardt	Jaros	Loeffler	Rukavina	Walker
Dorman	Goodwin	Johnson, S.	Mahoney	Sertich	

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

#### REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Paulsen from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Supplemental Calendar for the Day for Monday, May 1, 2006:

S. F. No. 3246; H. F. Nos. 3991, 2688, 3855, 3454, 3438 and 3045; and S. F. Nos. 1039 and 2883.

## CALENDAR FOR THE DAY

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

Hackbarth, Ozment, Kelliher, Westrom and Wagenius moved to amend H. F. No. 3712, the second engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. **TITLE.**

This act may be cited as the Mercury Emissions Reduction Act of 2006.

Sec. 2. Minnesota Statutes 2004, section 116.92, is amended by adding a subdivision to read:

Subd. 7a. **Fluorescent lamps; residential applications.** Any information regarding fluorescent lamps containing mercury that is sent by a utility to a customer, present on a utility's Web site, or contained in a utility's print, radio, or video advertisement, must (1) state that the lamps contain mercury that is harmful to the environment and that it is illegal to place them in garbage and (2) provide a toll-free telephone number or Web site that customers can access to learn how to lawfully dispose of the lamps.

**EFFECTIVE DATE.** This section is effective October 1, 2006.

Sec. 3. **[216B.105] CUSTOMER SHARE OF MERCURY CONTROL COSTS.**

A utility selling electricity at retail shall report in a biannual bill insert the amount of the customer's total bill that represents the utility's capital and operating costs to control mercury emissions to the atmosphere as required under sections 216B.68 to 216B.688.

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

Sec. 4. Minnesota Statutes 2004, section 216B.1692, subdivision 8, is amended to read:

Subd. 8. **Sunset.** This section is effective until ~~June 30, 2006~~ December 31, 2013, and applies to plans, projects, and riders approved before that date and modifications made to them after that date.

Sec. 5. **[216B.68] DEFINITIONS; MERCURY EMISSIONS REDUCTION.**

Subdivision 1. **Scope.** Terms used in sections 216B.68 to 216B.688 have the meanings given them in this section and section 216B.02.

Subd. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subd. 3. **Dry scrubbed unit.** "Dry scrubbed unit" means a targeted unit at which pollution control technology that uses a spray dryer and fabric filter system to remove pollutants from air emissions is installed or will be installed by December 31, 2007.

Subd. 4. **Federal mercury regulations.** "Federal mercury regulations" means the federal clean air mercury rule as of January 1, 2006, published in Code of Federal Regulations, title 40, parts 60, 63, 70, and 72.

Subd. 5. **Mercury emissions reduction.** "Mercury emissions reduction" means the amount of mercury reduced from the emissions of a targeted or supplemental unit, relative to the emissions baseline from that unit established under section 216B.681, expressed as a percentage.

Subd. 6. **Qualifying facility.** "Qualifying facility" means an electric generating power plant in Minnesota that, as of January 1, 2006, had a total net dependable capacity in excess of 500 megawatts from all coal-fired electric generating units at the power plant.

Subd. 7. **Startup period.** "Startup period" means a period of one year after the date mercury control equipment is installed at a targeted unit under an approved mercury emissions reduction plan, or such longer period as the commission may approve after consultation with the Pollution Control Agency, if a longer period is necessary to optimize equipment performance for mercury reduction.

Subd. 8. **Targeted unit.** "Targeted unit" means a coal-fired electric generation unit greater than 100 megawatts at a qualifying facility.

Subd. 9. **Wet scrubbed unit .** "Wet scrubbed unit" means a targeted unit at which pollution control technology that uses water or solutions to remove pollutants from air emissions is installed.

Sec. 6. **[216B.681] MONITORING.**

By July 1, 2007, a public utility that owns or operates a qualifying facility shall install, maintain, and operate continuous mercury emission monitoring systems or other method of monitoring approved by the agency on each targeted unit and, where applicable, on each supplemental unit pursuant to section 216B.6851. The monitoring systems must use methods set forth in federal mercury regulations or such other methods as may be approved by the agency. The public utility shall report to the agency as public data the quality assured data produced from monitoring implemented pursuant to this section on a quarterly basis in a form prescribed by the agency. The data from at least six months' monitoring must be used to establish a baseline for mercury emissions reductions under sections 216B.68 to 216B.688.

Sec. 7. **[216B.682] MERCURY EMISSIONS REDUCTION PLANS.**

Subdivision 1. **Dry scrubbed units.** (a) By December 31, 2007, a public utility that owns a dry scrubbed unit at a qualifying facility shall develop and submit to the agency and the commission a plan for mercury emissions reduction at each such unit. At each dry scrubbed unit owned and operated by the utility, the plan must propose to employ the available technology for mercury removal that is most likely to result in the removal of at least 90 percent of the mercury emitted from the unit.

(b) A plan submitted under this subdivision must provide for mercury emissions reduction at each dry scrubbed unit to be implemented by December 31, 2010. A public utility that owns two dry scrubbed targeted units must submit a plan that provides for implementation at one unit by December 31, 2009, and at the other unit by December 31, 2010.

Subd. 2. **Wet scrubbed units.** (a) By December 31, 2009, a public utility that owns a wet scrubbed unit at a qualifying facility shall develop and submit to the agency and the commission a plan for mercury emissions reduction at each such unit. At each wet scrubbed unit owned by the utility, the plan must propose to employ the available technology for mercury removal that is most likely to result in the removal of at least 90 percent of the mercury emitted from the unit.

(b) A plan submitted under this subdivision must provide for mercury emissions reduction at each wet scrubbed unit to be implemented by December 31, 2014.

Subd. 3. **Mercury emissions plans generally.** (a) In each plan submitted under this section, a utility shall present information assessing that plan's ability to optimize human health benefits and achieve cost efficiencies. Each plan must provide the cost, technical feasibility, and mercury emissions reduction expected for the utility's preferred technology option and each alternative considered. The utility shall demonstrate that it has considered achieving the mercury emissions reduction required under this section through multiple pollutant control technology.

(b) A plan submitted under this section may also:

(1) provide measures to reduce the cost and maximize the flexibility of each option proposed or considered; and

(2) specify permit targets or conditions proposed by the public utility for each mercury emission control option proposed or considered, including, but not limited to, numeric emission targets, percent removal expectations, emission control technology installation and operation requirements or work practice standards, and potential changes in the performance of the mercury emissions reduction technology over time.

(c) The utility may submit an emissions rate rider to the commission under section 216B.683 to recover the costs associated with plans filed under this section.

Sec. 8. **[216B.683] COST RECOVERY AND FINANCIAL INCENTIVES.**

Subdivision 1. **Emissions reduction riders.** (a) A public utility required to file a mercury emissions reduction plan under sections 216B.68 to 216B.688 may also file for approval of emissions reduction rate riders pursuant to section 216B.1692, subdivision 3, for its mercury control and other environmental improvement initiatives under sections 216B.68 to 216B.688.

(b) In addition to the cost recovery provided by section 216B.1692, subdivision 3, the emissions reduction rate riders may include recovery of costs associated with (1) the purchase and installation of continuous mercury emission monitoring systems, (2) costs associated with the purchase and installation of emission reduction equipment, (3) construction work in progress, (4) ongoing operation and maintenance costs associated with the utility's emission control initiatives, including, but not limited to, the cost of any sorbent or emission control reagent injected into the unit, (5) any project costs incurred before plan approval that are demonstrated to the commission's satisfaction to be part of the plan, and (6) any studies undertaken by the utility in support of the emissions reduction plan.

(c) The utility may propose to phase in the emissions reduction riders to recover these costs over the development and life of the projects.

Subd. 2. **Performance-based incentives.** A mercury emissions reduction rider approved by the commission may include performance-based financial incentives if the commission determines that the incentives will increase the likelihood that the utility will exceed 90 percent mercury emissions reductions, provided the incentives do not impose excessive costs on the utility's consumers when added to the costs recovered under subdivision 1. These incentives may include increased returns on investments or other performance-based incentives. The commission may structure the financial incentives to escalate for each additional increment of mercury emissions reduction achieved by the utility above the 90 percent mercury emissions reduction.

Subd. 3. **Other provisions.** (a) Section 216B.1692 applies to plans and emissions control riders proposed under sections 216B.68 to 216B.688, except that:

(1) projects included in a plan approved under sections 216B.68 to 216B.688 are deemed to be qualifying projects for the purposes of section 216B.1692; and



(2) section 216B.1692, subdivisions 5, paragraph (c), and 6, do not apply to plans or riders submitted under sections 216B.68 to 216B.688.

(b) Commission approval of an emissions reduction plan under this section includes approval of an emissions reduction rider associated with that plan if submitted by the utility.

Sec. 9. **[216B.684] ENVIRONMENTAL ASSESSMENT.**

The Pollution Control Agency shall evaluate a utility's mercury emissions reduction plans filed under sections 216B.682 and 216B.6851 and submit its evaluation to the Public Utilities Commission within 180 days of the date the plan is filed with the agency and commission. In its review, the agency shall (1) assess whether the utility's plan meets the requirements of section 216B.682 or 216B.6851, as applicable, (2) evaluate the environmental and public health benefits of each option proposed or considered by the utility, including benefits associated with reductions in pollutants other than mercury, (3) assess the technical feasibility and cost-effectiveness of technologies proposed or considered by the utility for achieving mercury emissions reduction, and (4) advise the commission of the appropriateness of the utility's plan. In preparing its assessment, the agency may request additional information from the utility, especially with regard to alternative technologies or configurations applicable to the specific unit, and the estimated costs of those alternatives.

Sec. 10. **[216B.685] COMMISSION APPROVAL.**

Subdivision 1. **Commission review and evaluation.** The Public Utilities Commission shall review and evaluate a utility's mercury emissions reduction plans and associated emissions reduction riders submitted under section 216B.682 or pursuant to subdivision 2, paragraph (b). In its review, the commission shall consider the environmental and public health benefits, the agency's assessment of technical feasibility, competitiveness of customer rates, and cost-effectiveness of the utility's proposed mercury control initiatives in light of the Pollution Control Agency's report under section 216B.684.

Subd. 2. **Commission approval.** (a) Within 180 days of receiving the agency's report on a utility's plan filed under section 216B.682, subdivision 1 or 2, the commission shall order the implementation of a utility's mercury emissions reduction plan and associated emissions reduction rider that complies with the requirements of the applicable subdivision of section 216B.682, unless the commission determines that the plan as proposed fails to provide for increased environmental and health benefits or would impose excessive costs on the utility's customers.

(b) If the commission is unable to approve the utility's plan and associated emissions reduction riders as proposed, it shall direct the utility to amend and resubmit its proposed plan in light of the record developed on the proposed plan or, at the utility's option, to file a new plan consistent with the requirements of the applicable subdivision of section 216B.682.

Subd. 3. **Technical issues.** The commission shall give due consideration to the assessment of the Pollution Control Agency on compliance issues under sections 216B.68 to 216B.688, technical feasibility of emission control technology, and environmental and public health benefits associated with emissions reductions.

Subd. 4. **Other provisions.** (a) Unless the utility proposes to do so, the commission may not require the replacement of existing pollution control equipment at a targeted or supplemental unit as a condition for approving a plan pursuant to this section or section 216B.6851.

(b) The commission may allow a utility up to two extensions of any deadline established under sections 216B.68 to 216B.688 or commission order under those sections, if the utility demonstrates the unavailability of necessary equipment or other extraordinary circumstances. An extension under this paragraph may last no longer than 12 months. The commission may not extend a deadline for final installation of pollution control equipment for longer than 12 months.

Subd. 5. **Equipment optimization required.** A commission order under this section must require the utility to optimize the operation of equipment installed under a plan approved under this section to obtain maximum mercury reductions and to report the utility's efforts and results annually to the Pollution Control Agency, until such time as the agency determines the reports to be no longer necessary.

Sec. 11. **[216B.6851] UTILITY OPTION.**

Subdivision 1. **Election.** A public utility with less than 200,000 customers subject to sections 216B.68 to 216B.688 that owns two wet scrubbed units at a qualifying facility may opt to be regulated under this section for those units in lieu of section 216B.682. Plans under this section are subject to section 216B.682, subdivision 3. Except where otherwise provided, all other provisions of sections 216B.68 to 216B.688 apply.

Subd. 2. **Supplemental unit.** "Supplemental unit" means a coal-fired electric generation unit at an electric generating power plant in Minnesota at which mercury emissions reduction measures are taken as part of an emissions reduction plan under this section.

Subd. 3. **Plan for 90 percent reduction required.** A public utility that elects to be regulated under this section must file a mercury emissions reduction plan that is designed to achieve total mercury reduction at targeted and supplemental units owned by the utility equivalent to a goal of 90 percent reduction of mercury emissions at the utility's targeted units by December 31, 2014.

Subd. 4. **Alternative plans.** The utility shall also submit one or more alternatives to the 90 percent reduction plan required under subdivision 3. Alternative plans must be designed to come as near as technically possible to achieving the goal established in subdivision 3 without imposing excessive costs on the utility's customers.

Subd. 5. **Early action; wet scrubbed units.** The utility electing for regulation under this section shall file an initial plan for mercury emissions reduction at one of its two wet scrubbed units on or before December 31, 2007. The plan must provide for mercury emissions reduction to be implemented at that unit by December 31, 2010. If the plan is approved by the commission, and implemented by the utility, the utility may have until July 1, 2011, to file its plans for reduction at its other wet scrubbed unit at the qualifying facility, and may have until December 31, 2014, to implement mercury emissions reduction at that unit.

Subd. 6. **Agency review and commission approval.** (a) The agency shall review the utility's plans as provided in section 216B.684.

(b) The Public Utilities Commission shall review and evaluate a utility's mercury emissions reduction plans submitted under this section. In its review, the commission shall consider the environmental and public health benefits, the agency's determination of technical feasibility, competitiveness of customer rates, and cost-effectiveness of the utility's proposed mercury control initiatives in light of the Pollution Control Agency's review under paragraph (a). Within 180 days of receiving the agency's report, the commission shall approve a utility's mercury emissions reduction plan that the commission reasonably expects will come closest to achieving total mercury reductions at targeted and supplemental units owned by the utility equivalent to a goal of 90 percent reduction of mercury emissions at the utility's targeted units by December 31, 2014, in a manner that provides for increased environmental and public health benefits without imposing excessive costs on the utility's customers. If the commission is unable to approve the utility's 90 percent reduction plan filed under subdivision 3, the commission, in consultation with the Pollution Control Agency, shall order the utility to implement the most stringent mercury control alternative proposed by the utility under this section that provides for increased environmental and public health benefits without imposing excessive costs on the utility's customers.

(c) At each targeted and supplemental unit included in a plan under this section, a utility shall propose to implement mercury emissions control measures that will result in the greatest reduction of mercury emitted from that unit that is technically feasible without imposing excessive costs.

Sec. 12. **[216B.686] OTHER ENVIRONMENTAL IMPROVEMENT PLANS.**

Subdivision 1. **Utility filing.** (a) In order to encourage a utility to address multiple pollutants, a utility required to submit mercury reduction plans under sections 216B.68 to 216B.688 may also propose plans for investments and related expenses in pollution control equipment to be installed at facilities in Minnesota needed to comply with state or federal emission control statutes or regulations that became effective after December 31, 2004.

(b) For each plan, the utility must show that the investments in pollution control equipment to be installed at facilities in Minnesota under the plan will provide for increased environmental and public health benefits, do not impose excessive costs on the utility's customers, and will achieve at least the pollution control required by applicable state or federal regulations.

Subd. 2. **Emission reduction riders.** A public utility that files a plan under this section may also file for approval of an emissions reduction rate rider under section 216B.683, subdivision 1.

Subd. 3. **Agency review.** (a) The Pollution Control Agency shall evaluate a utility's plans filed under this section and, within 180 days of receiving the filing, provide the commission with:

(1) verification that the emissions reduction project qualifies under subdivision 1;

(2) a description of the projected environmental benefits of the proposed project; and

(3) its assessment of the appropriateness of the proposed plans.

(b) In preparing its review under this subdivision, the agency may request additional information from the utility, especially with regard to alternative technologies or configurations applicable to a specific unit, and the estimated costs of those alternatives.

Subd. 4. **Commission approval.** The commission shall review and evaluate a utility's plans and associated emissions reduction riders for other environmental improvement initiatives submitted under this section. The commission shall consider the overall environmental and public health benefits, total costs, and competitiveness of customer rates. Within 180 days of receiving the agency's report prepared under subdivision 3, the commission shall approve the plan and associated emissions reduction rider if the commission finds that it meets the requirements of subdivision 1, paragraph (b).

Sec. 13. **[216B.687] IMPLEMENTATION AND OPERATION.**

Subdivision 1. **Permit conditions for mercury reductions.** The agency shall establish the mercury emissions reduction for each targeted unit included in a plan approved under section 216B.685, or where applicable, for each targeted and supplemental unit included in a plan approved under section 216B.6851.

Subd. 2. **Enforcement by the agency.** (a) Except as required by federal regulation, any mercury reduction incorporated into the permit for a targeted unit as established under a plan approved under section 216B.685, or where applicable, for each targeted and supplemental unit included in a plan approved under section 216B.6851, must be a state-only condition of the permit and will not be enforced by the agency during the startup period.

(b) After the startup period ends, the Pollution Control Agency shall incorporate into the permit the mercury reduction reasonably expected to be achieved at each unit or facility as an enforceable state-only reduction. For a qualifying facility with multiple units that has one or more units included in approved plans, the agency may establish the mercury emissions reduction for the facility covering all targeted and supplemental units at that facility after the startup periods for all units have concluded, and the actual mercury emissions for the units have been determined. In setting the reduction, the agency shall give due consideration to the results of monitoring before implementation of the plan, the results of monitoring during the startup period, and any factors that may impact the performance of the unit for the next five years.

Subd. 3. **Equipment optimization required.** The agency shall revise the unit's air permit every five years to ensure optimal mercury emissions reduction by equipment installed under an approved plan, in light of technical and operational advances made since the date of plan approval. In revising the unit's air permit, the agency may recommend, but shall not require, additional investments in pollution control equipment, or the removal of equipment installed pursuant to an approved plan. The utility may seek commission review of the costs associated with a permit requirement or request for equipment optimization proposed by the agency and, if review is requested, the revision is not effective until approved by the commission. The commission shall approve the revision unless the utility or other party shows that it will impose excessive consumer costs.

Sec. 14. **[216B.688] RELATIONSHIP TO STATE REGULATION.**

Except as otherwise provided for equipment optimization as specified in section 216B.687, a public utility implementing an approved mercury emissions reduction plan is not required to undertake additional investments or incur additional operating or maintenance costs to reduce mercury at a unit included in a plan approved under section 216B.685 or 216B.6851."

Delete the title and insert:

"A bill for an act relating to the environment; requiring disclosure regarding disposal of fluorescent lamps containing mercury; requiring mercury emissions reduction by public utilities; amending Minnesota Statutes 2004, sections 116.92, by adding a subdivision; 216B.1692, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 216B."

The motion prevailed and the amendment was adopted.

H. F. No. 3712, A bill for an act relating to the environment; requiring disclosure regarding disposal of fluorescent lamps containing mercury; requiring mercury emissions reduction by public utilities; amending Minnesota Statutes 2004, sections 116.92, by adding a subdivision; 216B.1692, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 216B.

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 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, I.	Bernardy	Brod	Charron	Cox
Abrams	Atkins	Blaine	Buesgens	Clark	Cybart
Anderson, B.	Beard	Bradley	Carlson	Cornish	Dauids

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

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

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

#### FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Knoblach announced his intention to place H. F. No. 4142 on the Fiscal Calendar for Tuesday, May 2, 2006.

There being no objection, the order of business reverted to Reports of Standing Committees.

#### REPORTS OF STANDING COMMITTEES

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

H. F. No. 2862, A bill for an act relating to elections; moving the state primary from September to August and making conforming changes; amending Minnesota Statutes 2004, sections 10A.31, subdivision 6; 10A.321; 10A.322, subdivision 1; 10A.323; 204B.33; 204D.03, subdivision 1; 205.065, subdivision 1; 205A.03, subdivision 2.

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

The report was adopted.

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

H. F. No. 2916, A bill for an act relating to public safety; establishing the fire safety account from revenues on fire premiums and assessments; modifying the fire insurance tax; establishing a fire insurance policyholder surcharge; amending Minnesota Statutes 2004, section 297I.30, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 297I; 299F; repealing Minnesota Statutes 2004, section 297I.05, subdivision 6.

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. 3179, A bill for an act relating to education; providing for early childhood and family and kindergarten through grade 12 education including general education revenue, education excellence, special programs, accounting, self-sufficiency and lifelong learning, and pupil transportation; establishing task forces; requiring reports; providing for rulemaking; amending Minnesota Statutes 2004, sections 120A.20, subdivision 1; 120A.22, subdivision 3; 120B.023; 120B.024; 120B.36, subdivision 1; 121A.035; 123A.06, subdivision 2; 123B.10, subdivision 1; 123B.77, subdivision 3, by adding a subdivision; 123B.79, by adding a subdivision; 123B.90, subdivision 2; 123B.91, by adding a subdivision; 124D.02, subdivisions 2, 4; 124D.10, subdivision 16; 124D.518, subdivision 4; 124D.52, subdivision 1; 124D.61; 124D.68, subdivision 3; 125A.02, subdivision 1; 125A.27, subdivision 11; 125A.29; 125A.30; 125A.32; 125A.33; 125A.48; 125A.515, subdivisions 1, 3, 5, 6, 7, 9, 10; 125A.63, subdivision 4; 125A.65, subdivisions 3, 4, 6, 8, 10; 125A.69, subdivision 3; 125A.75, subdivision 1; 125A.76, by adding a subdivision; 126C.05, subdivision 1; 126C.10, subdivision 6; 126C.44; 127A.41, subdivision 2; 169.01, subdivision 6; 169.447, subdivision 2; 169.4501, subdivisions 1, 2; 169.4502, subdivision 5; 169.4503, subdivision 20; 171.321, subdivision 4; 299F.30; Minnesota Statutes 2005 Supplement, sections 120B.131, subdivision 2; 122A.415, subdivisions 1, 3; 123B.76, subdivision 3; 123B.92, subdivision 1; 124D.095, subdivision 4; 124D.68, subdivision 2; 125A.11, subdivision 1; 125A.79, subdivision 1; 126C.10, subdivision 34; 126C.43, subdivision 2; 127A.45, subdivision 10; Laws 2005, First Special Session chapter 5, article 1, section 47; article 2, section 84, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 121A; repealing Minnesota Statutes 2004, sections 120A.20, subdivision 3; 125A.10; 125A.515, subdivision 2; 169.4502, subdivision 15; 169.4503, subdivisions 17, 18, 26.

Reported the same back with the following amendments:

Page 24, delete section 12

Renumber the sections in sequence and correct internal references

Correct the title numbers accordingly

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

The report was adopted.

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

H. F. No. 3538, A bill for an act relating to human services; modifying crib safety requirements; amending Minnesota Statutes 2005 Supplement, section 245A.146, subdivision 3.

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. 3764, A bill for an act relating to state government; modifying procurement provisions; amending Minnesota Statutes 2004, sections 16C.02, subdivisions 4, 12, 14, by adding subdivisions; 16C.03, subdivisions 3, 4, 8, 13, 16; 16C.05, subdivisions 1, 2; 16C.08, subdivision 2, by adding a subdivision; Minnesota Statutes 2005 Supplement, sections 16C.09; 16C.10, subdivision 7.

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. 3988, A bill for an act relating to health; modifying provision in the Women's Right To Know Act; amending Minnesota Statutes 2004, section 145.4241, by adding subdivisions; Minnesota Statutes 2005 Supplement, section 145.4242.

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. 23, A House resolution recognizing May 4, 2006, as a Day of Prayer in Minnesota.

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

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 2916, 3538, 3764 and 3988 were read for the second time.

**MOTIONS AND RESOLUTIONS**

Thissen moved that the name of Sieben be added as an author on H. F. No. 132. The motion prevailed.

Vandever moved that the name of Olson be added as an author on H. F. No. 2469. The motion prevailed.

Hackbarth moved that the name of Moe be added as an author on H. F. No. 3712. The motion prevailed.

Simpson moved that the name of Haws be added as an author on H. F. No. 3960. The motion prevailed.

Sykora moved that the names of Ruth; Latz; Peterson, S.; Wardlow; Ruud and Lillie be added as authors on H. F. No. 4173. The motion prevailed.

Lenczewski moved that the name of Peterson, S., be added as an author on H. F. No. 4174. The motion prevailed.

Bernardy moved that the name of Lillie be added as an author on H. F. No. 4175. The motion prevailed.

McNamara moved that the name of Tingelstad be added as an author on H. F. No. 4176. The motion prevailed.

Eastlund moved that H. F. No. 4112 be recalled from the Committee on Public Safety Policy and Finance and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Severson moved that S. F. No. 3260 be recalled from the Committee on Jobs and Economic Opportunity Policy and Finance and be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

**ADJOURNMENT**

Paulsen moved that when the House adjourns today it adjourn until 10:00 a.m., Tuesday, May 2, 2006. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 10:00 a.m., Tuesday, May 2, 2006.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives