

## STATE OF MINNESOTA

## EIGHTY-FOURTH SESSION — 2005

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 FIFTY-NINTH DAY

SAINT PAUL, MINNESOTA, FRIDAY, MAY 13, 2005

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 Representative Mike Jaros, District 7B, Duluth, 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	Dempsey	Heidgerken	Larson	Otremba	Simon
Abrams	Dill	Hilstrom	Latz	Ozment	Simpson
Anderson, B.	Dittrich	Hilty	Lenczewski	Paulsen	Slawik
Anderson, I.	Dorman	Holberg	Lesch	Paymar	Smith
Atkins	Dorn	Hornstein	Liebling	Pelowski	Soderstrom
Beard	Eastlund	Hortman	Lieder	Penas	Solberg
Bernardy	Eken	Hosch	Lillie	Peppin	Sykora
Blaine	Ellison	Howes	Loeffler	Peterson, A.	Thao
Bradley	Emmer	Huntley	Magnus	Peterson, N.	Thissen
Brod	Entenza	Jaros	Mahoney	Peterson, S.	Tingelstad
Buesgens	Erhardt	Johnson, J.	Mariani	Poppe	Urdahl
Carlson	Erickson	Johnson, R.	Marquart	Powell	Vandever
Charron	Finstad	Johnson, S.	McNamara	Rukavina	Wagenius
Clark	Fritz	Juhnke	Meslow	Ruth	Walker
Cornish	Garofalo	Kahn	Moe	Ruud	Wardlow
Cox	Gazelka	Kelliher	Mullery	Sailer	Walti
Cybart	Greiling	Klinzing	Murphy	Samuelson	Westerberg
Davids	Gunther	Knoblach	Nelson, M.	Scalze	Westrom
Davnie	Hackbarth	Koenen	Nelson, P.	Seifert	Zellers
Dean	Hamilton	Kohls	Newman	Sertich	Spk. Sviggum
DeLaForest	Hansen	Krinkie	Nornes	Severson	
Demmer	Hausman	Lanning	Olson	Sieben	

A quorum was present.

Goodwin, Opatz and Wilkin were excused.

Hoppe was excused until 10:35 a.m.

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

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

May 9, 2005

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

Dear Speaker Sviggum:

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

H. F. No. 915, relating to transportation; modifying provisions relating to aeronautics; making clarifying changes.

Sincerely,

TIM PAWLENTY  
Governor

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

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

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

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2005</i>	<i>Date Filed 2005</i>
	915	41	10:45 p.m. May 9	May 10
2112		42	10:55 p.m. May 9	May 10
467		43	11:45 a.m. May 10	May 10

3	44	2:48 p.m. May 10	May 10
1056	45	11:05 p.m. May 9	May 10
1486	46	11:15 p.m. May 9	May 10
1841	47	7:55 a.m. May 10	May 10
1016	49	8:20 a.m. May 10	May 10
284	50	8:10 a.m. May 10	May 10
633	51	8:30 a.m. May 10	May 10
4	52	2:45 p.m. May 10	May 10

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. 826, A bill for an act relating to the environment; creating the Clean Water Legacy Act; providing authority, direction, and funding to achieve and maintain water quality standards for Minnesota's surface waters in accordance with section 303(d) of the federal Clean Water Act; creating a municipal grant program; appropriating money; amending Minnesota Statutes 2004, section 116.182, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 446A; proposing coding for new law as Minnesota Statutes, chapter 114D.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

### "ARTICLE 1

#### CLEAN WATER LEGACY

Section 1. Minnesota Statutes 2004, section 103C.501, subdivision 5, is amended to read:

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

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

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

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

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

Sec. 2. [114D.05] [CITATION.]

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

Sec. 3. [114D.10] [LEGISLATIVE PURPOSE.]

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

Sec. 4. [114D.15] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] The definitions provided in this section apply to the terms used in this chapter.

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

Subd. 3. [CLEAN WATER COUNCIL.] "Clean Water Council" or "council" means the Clean Water Council created pursuant to section 114D.30, subdivision 1.

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

Subd. 5. [IMPAIRED WATER.] "Impaired water" means surface water that does not meet applicable water quality standards.

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

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

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

Subd. 9. [THIRD-PARTY TMDL.] "Third-party TMDL" means a TMDL by the Pollution Control Agency that is developed in whole or in part cooperatively between representatives from local units of government where the TMDL is being completed and a qualified public or private nonprofit entity other than the Pollution Control Agency consistent with the goals, policies, and priorities in section 114D.20.

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

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

Subd. 12. [WATER QUALITY STANDARDS.] "Water quality standards" for Minnesota surface waters are found in Minnesota Rules, chapters 7050 and 7052.

Sec. 5. [114D.20] [IMPLEMENTATION; COORDINATION; GOALS; POLICIES; AND PRIORITIES.]

Subdivision 1. [COORDINATION AND COOPERATION.] In implementing this chapter, public agencies and private entities shall take into consideration the relevant provisions of local and other applicable water management, conservation, land use, land management, and development plans and programs. Public agencies with authority for local water management, conservation, land use, land management, and development plans shall take into consideration the manner in which their plans affect the implementation of this chapter. Public agencies shall identify opportunities to participate and assist in the successful implementation of this chapter, including the funding or technical assistance needs, if any, that may be necessary. In implementing this chapter, public agencies shall endeavor to engage the cooperation of organizations and individuals whose activities affect the quality of surface waters, including point and nonpoint sources of pollution, and who have authority and responsibility for water management, planning, and protection. To the extent practicable, public agencies shall endeavor to enter into formal and informal agreements and arrangements with federal agencies and departments to jointly utilize staff and educational, technical, and financial resources to deliver programs or conduct activities to achieve the intent of this chapter, including efforts under the federal Clean Water Act and other federal farm and soil and water conservation programs.

Subd. 2. [GOALS FOR IMPLEMENTATION.] The following goals must guide the implementation of this chapter:

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

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

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

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

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

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

Subd. 3. [IMPLEMENTATION POLICIES.] The following policies must guide the implementation of this chapter:

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

(2) maximize use of available organizational, technical, and financial resources to perform sampling, monitoring, and other activities to identify impaired waters, including use of citizen monitoring;

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

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

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

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

(7) identify and encourage implementation of measures to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but have no approved TMDL addressing the impairment; and

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

Subd. 4. [PRIORITIES FOR IDENTIFYING IMPAIRED WATERS.] The Pollution Control Agency, in accordance with federal TMDL requirements, shall set priorities for identifying impaired waters, giving consideration to:

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

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

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

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

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

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

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

Subd. 6. [PRIORITIES FOR RESTORATION OF IMPAIRED WATERS.] In implementing restoration of impaired waters, in addition to the priority considerations in subdivision 5 the Clean Water Council shall give priority in its recommendations for restoration funding from the clean water legacy account to restoration projects that:

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

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

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

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

Subd. 7. [PRIORITIES FOR FUNDING PREVENTION ACTIONS.] The Clean Water Council shall apply the priorities applicable under subdivision 6, as far as practicable, when recommending priorities for funding actions to prevent waters from becoming impaired and to improve the quality of waters which are listed as impaired but have no approved TMDL.

Sec. 6. [114D.25] [ADMINISTRATION; POLLUTION CONTROL AGENCY.]

Subdivision 1. [GENERAL DUTIES AND AUTHORITIES.] (a) The Pollution Control Agency, in accordance with federal TMDL requirements, shall: identify impaired waters and propose a list of the waters for review and approval by the United States Environmental Protection Agency; develop and approve TMDL's for listed impaired waters and submit the approved TMDL's to the United State Environmental Protection Agency for final approval; and propose to delist waters from the Environmental Protection Agency impaired waters list.

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

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

Subd. 2. [ADMINISTRATIVE PROCEDURES FOR TMDL APPROVAL.] The approval of a TMDL by the Pollution Control Agency is a final decision of the agency for purposes of section 115.05, and is subject to the contested case procedures of sections 14.57 to 14.62 in accordance with agency procedural rules. The agency shall

not submit an approved TMDL to the United States Environmental Protection Agency until the time for commencing judicial review has run or the judicial review process has been completed. A TMDL is not subject to the rulemaking requirements of chapter 14, including section 14.386.

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

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

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

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

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

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

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

Subd. 5. [THIRD-PARTY TMDL DEVELOPMENT.] The Pollution Control Agency may enter agreements with any qualified public or private nonprofit entity setting forth the terms and conditions under which that entity is authorized to develop a third-party TMDL. Before entering into an agreement with an entity to develop a third-party TMDL, the Pollution Control Agency must make reasonable efforts to notify cities, counties, townships, soil and water conservation districts, and watershed districts in the area that would be affected by the TMDL. An agreement with a private nonprofit entity must require active involvement in the process by the Pollution Control Agency and appointment of an advisory committee to provide oversight of the development of the TMDL. At least 60 percent of the members of the advisory committee must be representatives of local public agencies from the area affected by the TMDL. In determining whether an entity is qualified to develop a TMDL, the agency shall consider the technical and administrative qualifications of the entity and may not enter into an agreement with a third-party entity that has a conflict of interest with respect to the development of the third-party TMDL. A TMDL developed by a third party is subject to monitoring, modification, and approval by the Pollution Control Agency, and must be approved by the Pollution Control Agency before it is submitted to the United States Environmental Protection Agency. Before submitting a TMDL to the Environmental Protection Agency, the Pollution Control Agency must comply with the notice and procedure requirements of subdivision 3. Approval of a third-party TMDL by the Pollution Control Agency is subject to judicial review and contested case procedures in the same manner as approval of any other TMDL by the Pollution Control Agency. The Pollution Control Agency shall only consider authorizing the development of TMDL's consistent with the goals, policies, and priorities determined under this section.

## Sec. 7. [114D.30] [CLEAN WATER COUNCIL.]

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

Subd. 2. [MEMBERSHIP; APPOINTMENT.] The governor must appoint the members of the council. The governor must appoint one person from each of the following agencies: the Department of Natural Resources, the Department of Agriculture, the Pollution Control Agency, and the Board of Water and Soil Resources. The governor must appoint 14 additional nonagency members of the council as follows:

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

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

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

Subd. 4. [IMPLEMENTATION PLAN.] The Clean Water Council shall prepare a plan for implementation of this chapter. The plan shall address general procedures and timeframes for implementing this chapter, and shall include a more specific implementation work plan for the next fiscal biennium and a framework for setting priorities to address impaired waters consistent with section 114D.45, subdivisions 2 to 7. The council shall issue the first implementation plan under this subdivision by December 1, 2005, and shall issue a revised work plan by December 1 of each even-numbered year thereafter.

Subd. 5. [RECOMMENDATIONS ON APPROPRIATION OF FUNDS.] The Clean Water Council shall recommend to the governor the manner in which money from the clean water legacy account should be appropriated for the purposes identified in section 114D.45, subdivision 3. The council's recommendations must be consistent with the purposes, policies, goals, and priorities in sections 114D.05 to 114D.35, and shall allocate adequate support and resources to identify impaired waters, develop TMDL's, develop TMDL implementation plans, implement restoration of impaired waters, and provide assistance and incentives to prevent waters from becoming impaired and improve the quality of waters which are listed as impaired but have no approved TMDL. The council must recommend methods of ensuring that awards of grants, loans, or other funds from the clean water legacy account specify the outcomes to be achieved as a result of the funding, and specify standards to hold the recipient accountable for achieving the desired outcomes.

Subd. 6. [BIENNIAL REPORT TO LEGISLATURE.] By December 1 of each even-numbered year, the council shall submit a report to the legislature on the activities for which money from the clean water legacy account has been or will be spent for the current biennium, and the activities for which money from the account is recommended to be spent in the next biennium. The report due on December 1, 2014, must include an evaluation of the progress made through June 30, 2014, in implementing this chapter, the need for funding of future implementation of those sections, and recommendations for the sources of such funding.

Sec. 8. [114D.35] [PUBLIC AND STAKEHOLDER PARTICIPATION; SCIENTIFIC REVIEW; EDUCATION.]

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

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

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

Sec. 9. [114D.40] [CLEAN WATER FEES.]

Subdivision 1. [IMPOSITION.] A state clean water fee shall annually be imposed on all parcels of improved property within the state, as provided under this section, except that no fee shall be imposed on parcels containing improvements that are less than or equal to \$5,000 in value. The value determined by the assessor shall govern the proper amount of the fee, except for those properties that are valued and assessed by the commissioner of revenue, in which case the commissioner's value shall govern the proper amount of the fee.

Subd. 2. [AGRICULTURAL AND RESIDENTIAL PROPERTY.] For all improved property classified under section 273.13 as class 2 agricultural, class 1a or 1b residential homestead, class 4b or 4bb residential nonhomestead, or class 4c noncommercial seasonal residential recreational, the fee shall be \$18, if the value of the improvement is greater than \$5,000 but not greater than \$50,000; or \$36, if the value of the improvement is greater than \$50,000.

Subd. 3. [MULTIPLE-UNIT RESIDENTIAL HOUSING.] For all improved property classified under section 273.13 as class 4a apartment property, the fee shall be \$18 per unit of housing.

Subd. 4. [BUSINESS PROPERTY.] For all improved property classified under section 273.13 as class 3 commercial-industrial public utility, class 1c or class 4c commercial seasonal residential recreational, or class 5, the fee shall be:

(i) \$60, if the value of the improvement or improvements is greater than \$5,000 but not greater than \$50,000;

(ii) \$120, if the value of the improvement or improvements is greater than \$50,000 but not greater than \$500,000;

(iii) \$300, if the value of the improvement or improvements is greater than \$500,000 but less than \$1,000,000; or

(iv) \$600, if the value of the improvement or improvements is greater than \$1,000,000.

Subd. 5. [EXEMPT PROPERTY.] For all improved property that is exempt from property taxation, the fee is \$60.

Subd. 6. [ASSESSMENT AND COLLECTION OF FEE.] (a) For taxable parcels of property, the fee shall be extended against the property by the county on the tax lists for the current year. The fee shall be listed on the property tax statement on a separate line. It shall be collected at the same time and in the same manner as all other property taxes. The fee imposed under this section is a lien upon the property assessed to the same extent and for the same duration as the property taxes.

(b) For property exempt from property taxation, the fee shall be assessed by the county directly on the property owner and shall be collected and distributed in the same manner as special assessments under chapter 429 are collected and distributed.

Subd. 7. [SETTLEMENT.] The fee, less the cost to collect fees, shall be remitted to the state commissioner of revenue at the same time and in the same manner as the state general tax under section 275.025. The commissioner of revenue shall deposit the fees collected in the clean water legacy account under section 114D.45.

[EFFECTIVE DATE.] This section is effective for fees payable in 2006 through 2015, except that if the constitutional amendment proposed in article 2 is adopted at the 2006 general election, then no fees may be imposed under this section after fees payable in 2007.

Sec. 10. [114D.45] [CLEAN WATER LEGACY ACCOUNT.]

Subdivision 1. [CREATION.] The clean water legacy account is created as an account in the environmental fund. Money in the account must only be made available for the implementation of this chapter and sections 446A.073 and 446A.074, without supplanting or taking the place of any other funds which are currently available or may become available from any other source, whether federal, state, local, or private, for implementation of those sections.

Subd. 2. [SOURCES OF REVENUE.] The following revenues must be deposited in the clean water legacy account:

- (1) the revenue from the clean water fees collected under section 114D.40; and
- (2) interest accrued on the account.

Subd. 3. [USES OF ACCOUNT.] Subject to appropriation by the legislature, the clean water legacy account may only be used for the following purposes:

(1) to provide grants, loans, and technical assistance to public agencies and others who are participating in the process of identifying impaired waters, developing TMDL's and TMDL implementation plans, implementing restoration of impaired waters, and monitoring the effectiveness of restoration;

(2) to support measures to prevent waters from becoming impaired and to improve the quality of waters that are listed as impaired but have no approved TMDL addressing the impairment;

(3) to provide grants and loans for wastewater and stormwater treatment projects through the Public Facilities Authority;

(4) to support the efforts of public agencies associated with individual sewage treatment systems and financial assistance for upgrading and replacing the systems; and

(5) to provide funds to state agencies to carry out their responsibilities under this chapter.

Sec. 11. Minnesota Statutes 2004, section 115.06, subdivision 4, is amended to read:

Subd. 4. [CITIZEN MONITORING OF WATER QUALITY.] (a) The agency may encourage citizen monitoring of ambient water quality for public waters by:

- (1) providing technical assistance to citizen and local group water quality monitoring efforts;
- (2) integrating citizen monitoring data into water quality assessments and agency programs, provided that the data adheres to agency quality assurance and quality control protocols; and
- (3) seeking public and private funds to:
  - (i) collaboratively develop clear guidelines for water quality monitoring procedures and data management practices for specific data and information uses;
  - (ii) distribute the guidelines to citizens, local governments, and other interested parties;
  - (iii) improve and expand water quality monitoring activities carried out by the agency; and
  - (iv) continue to improve electronic and Web access to water quality data and information about public waters that have been either fully or partially assessed.
- (b) This subdivision does not authorize a citizen to enter onto private property for any purpose.
- (c) By January 15 of each odd-numbered year, the commissioner shall report to the senate and house of representatives committees with jurisdiction over environmental policy and finance on activities under this section.

~~(d) This subdivision shall sunset June 30, 2005.~~

Sec. 12. Minnesota Statutes 2004, section 116.182, subdivision 2, is amended to read:

Subd. 2. [APPLICABILITY.] This section governs the commissioner's certification of projects seeking financial assistance under section 103F.725, subdivision 1a, 446A.07, ~~or 446A.072,~~ or 446A.075.

Sec. 13. [446A.073] [CLEAN WATER LEGACY PHOSPHORUS REDUCTION GRANTS.]

Subdivision 1. [CREATION OF FUND.] The authority shall establish a clean water legacy capital improvement fund and shall make grants from the fund as provided in this section.

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

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

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

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

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

Subd. 4. [GRANT AMOUNTS AND PRIORITIES.] (a) Priority must be given to projects that start construction on or after July 1, 2005. If a facility's plan for a project is approved by the agency before July 1, 2009, the amount of the grant is 75 percent of the eligible capital cost of the project. If a facility's plan for a project is approved by the agency on or after July 1, 2009, the amount of the grant is 50 percent of the eligible capital cost of the project. Priority in awarding grants under this paragraph must be based on the date of approval of the facility's plan for the project.

(b) Projects that meet the eligibility requirements in subdivision 2 and have started construction before July 1, 2005, are eligible for grants to reimburse up to 75 percent of the eligible capital cost of the project, less any amounts previously received in grants from other sources. Application for a grant under this paragraph must be submitted to the authority no later than June 30, 2007. Priority for award of grants under this paragraph must be based on the date of agency approval of the facility plan.

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

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

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

Sec. 14. [446A.074] [SMALL COMMUNITY WASTEWATER TREATMENT PROGRAM.]

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

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

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

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

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

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

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

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

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

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

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

Subd. 6. [LOAN TERMS AND CONDITIONS.] Loans from the small community wastewater treatment fund shall comply with the following terms and conditions:

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

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

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

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

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

Subd. 7. [SPECIAL ASSESSMENT DEFERRAL.] (a) A governmental unit receiving a loan under this section that levies special assessments to repay the loan may defer payment of the assessments under the provisions of sections 435.193 to 435.195.

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

Subd. 8. [ELIGIBLE COSTS.] Eligible costs for small community wastewater treatment loans and grants shall include the costs of planning, design, construction, legal fees, administration, and land acquisition.

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

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

Sec. 15. [446A.075] [TOTAL MAXIMUM DAILY LOAD GRANTS.]

Subdivision 1. [PROGRAM ESTABLISHED.] When money is appropriated for grants under this program, the authority shall make grants to municipalities to cover up to one-half the cost of wastewater treatment or stormwater projects made necessary by wasteload reductions under total maximum daily load required by section 303(d) of the federal Clean Water Act, United States Code, title 33, section 1313(d).

Subd. 2. [GRANT APPLICATION.] Application for a grant shall be made to the authority on forms prescribed by the authority for the total maximum daily load grant program, with additional information as required by the authority, including a project schedule and cost estimate for the work necessary to comply with the point source wasteload allocation. In accordance with section 116.182, the Pollution Control Agency shall:

(1) calculate the essential project component percentage, which shall be multiplied by the total project cost to determine the eligible project cost; and

(2) review and certify approved projects to the authority.

Subd. 3. [PROJECT PRIORITIES.] When money is appropriated for grants under this program, the authority shall reserve money for projects expected to start construction in the next 12 months in the order that:

(1) their total maximum daily load was approved by the United States Environmental Protection Agency;

(2) their grant application is received by the authority; and

(3) have the greatest load reduction as determined by the Pollution Control Agency. The authority shall reserve money for projects in an amount based on their most recent cost estimates submitted to the authority or the as-bid costs, whichever is less.

Subd. 4. [GRANT APPROVAL.] The authority shall make a grant to a municipality, as defined in section 116.182, subdivision 1, only after:

(1) the commissioner of the Minnesota Pollution Control Agency has certified to the United States Environmental Protection Agency a total maximum daily load for identified waters of this state that includes a point source wasteload allocation;

(2) the Environmental Protection Agency has approved the total maximum daily load;

(3) a municipality for which money is reserved has submitted the as-bid costs for its wastewater treatment or stormwater projects to the authority;

(4) the Pollution Control Agency has reviewed and certified the project to the authority; and

(5) the authority has determined that the additional financing necessary to complete the project has been committed from other sources.

Subd. 5. [GRANT DISBURSEMENT.] Disbursement of a grant shall be made for eligible project costs as incurred by the municipality and in accordance with a project financing agreement and applicable state and federal laws and rules governing the payments.

Subd. 6. [FEES.] The authority may charge the grant recipient a fee for its administrative costs not to exceed one-half of one percent of the grant amount, to be paid upon execution of the grant agreement.

Sec. 16. Minnesota Statutes 2004, section 276.04, subdivision 2, is amended to read:

Subd. 2. [CONTENTS OF TAX STATEMENTS.] (a) The treasurer shall provide for the printing of the tax statements. The commissioner of revenue shall prescribe the form of the property tax statement and its contents. The statement must contain a tabulated statement of the dollar amount due to each taxing authority and the amount of the state tax from the parcel of real property for which a particular tax statement is prepared. The dollar amounts

attributable to the county, the state tax, the voter approved school tax, the other local school tax, the township or municipality, and the total of the metropolitan special taxing districts as defined in section 275.065, subdivision 3, paragraph (i), must be separately stated. The amounts due all other special taxing districts, if any, may be aggregated. If the county levy under this paragraph includes an amount for a lake improvement district as defined under sections 103B.501 to 103B.581, the amount attributable for that purpose must be separately stated from the remaining county levy amount. The amount of the tax on homesteads qualifying under the senior citizens' property tax deferral program under chapter 290B is the total amount of property tax before subtraction of the deferred property tax amount. The amount of the tax on contamination value imposed under sections 270.91 to 270.98, if any, must also be separately stated. The fee imposed under section 114D.40 must be listed on a separate line following the special assessment line on the statement. It shall be called the "State Clean Water Fee." The dollar amounts, including the dollar amount of any special assessments, may be rounded to the nearest even whole dollar. For purposes of this section whole odd-numbered dollars may be adjusted to the next higher even-numbered dollar. The amount of market value excluded under section 273.11, subdivision 16, if any, must also be listed on the tax statement.

(b) The property tax statements for manufactured homes and sectional structures taxed as personal property shall contain the same information that is required on the tax statements for real property.

(c) Real and personal property tax statements must contain the following information in the order given in this paragraph. The information must contain the current year tax information in the right column with the corresponding information for the previous year in a column on the left:

- (1) the property's estimated market value under section 273.11, subdivision 1;
- (2) the property's taxable market value after reductions under section 273.11, subdivisions 1a and 16;
- (3) the property's gross tax, calculated by adding the property's total property tax to the sum of the aids enumerated in clause (4);
- (4) a total of the following aids:
  - (i) education aids payable under chapters 122A, 123A, 123B, 124D, 125A, 126C, and 127A;
  - (ii) local government aids for cities, towns, and counties under chapter 477A; and
  - (iii) disparity reduction aid under section 273.1398;
- (5) for homestead residential and agricultural properties, the credits under section 273.1384;
- (6) any credits received under sections 273.119; 273.123; 273.135; 273.1391; 273.1398, subdivision 4; 469.171; and 473H.10, except that the amount of credit received under section 273.135 must be separately stated and identified as "taconite tax relief"; and
- (7) the net tax payable in the manner required in paragraph (a).

(d) If the county uses envelopes for mailing property tax statements and if the county agrees, a taxing district may include a notice with the property tax statement notifying taxpayers when the taxing district will begin its budget deliberations for the current year, and encouraging taxpayers to attend the hearings. If the county allows notices to be included in the envelope containing the property tax statement, and if more than one taxing district relative to a given property decides to include a notice with the tax statement, the county treasurer or auditor must coordinate the process and may combine the information on a single announcement.

The commissioner of revenue shall certify to the county auditor the actual or estimated aids enumerated in clause (4) that local governments will receive in the following year. The commissioner must certify this amount by January 1 of each year.

Sec. 17. Minnesota Statutes 2004, section 276.112, is amended to read:

276.112 [STATE PROPERTY TAXES; COUNTY TREASURER.]

On or before January 25 each year, for the period ending December 31 of the prior year, and on or before June 29 each year, for the period ending on the most recent settlement day determined in section 276.09, and on or before December 2 each year, for the period ending November 20, the county treasurer must make full settlement with the county auditor according to sections 276.09, 276.10, and 276.111 for all receipts of state property taxes levied under section 275.025, and the state-imposed fee under section 114D.40, and must transmit those receipts to the commissioner of revenue by electronic means.

Sec. 18. Minnesota Statutes 2004, section 290A.03, subdivision 11, is amended to read:

Subd. 11. [RENT CONSTITUTING PROPERTY TAXES.] "Rent constituting property taxes" means (i) 19 percent of the gross rent actually paid in cash, or its equivalent, or the portion of rent paid in lieu of property taxes, in any calendar year by a claimant for the right of occupancy of the claimant's Minnesota homestead in the calendar year, and which rent constitutes the basis, in the succeeding calendar year of a claim for relief under this chapter by the claimant; plus (ii) the amount of the state clean water fee imposed on the rental unit under section 114D.40, allocated to multiple renters, if appropriate, as prescribed under subdivision 8, paragraph (f).

[EFFECTIVE DATE.] This section is effective for claims in 2007 and thereafter based on rent and fees paid in 2006 and thereafter.

Sec. 19. Minnesota Statutes 2004, section 290A.03, subdivision 13, is amended to read:

Subd. 13. [PROPERTY TAXES PAYABLE.] "Property taxes payable" means the property tax plus the state clean water fee imposed under section 114D.40 exclusive of special assessments, penalties, and interest payable on a claimant's homestead after deductions made under sections 273.135, 273.1384, 273.1391, 273.42, subdivision 2, and any other state paid property tax credits in any calendar year, and after any refund claimed and allowable under section 290A.04, subdivision 2h, that is first payable in the year that the property tax is payable. In the case of a claimant who makes ground lease payments, "property taxes payable" includes the amount of the payments directly attributable to the property taxes assessed against the parcel on which the house is located. No apportionment or reduction of the "property taxes payable" shall be required for the use of a portion of the claimant's homestead for a business purpose if the claimant does not deduct any business depreciation expenses for the use of a portion of the homestead in the determination of federal adjusted gross income. For homesteads which are manufactured homes as defined in section 273.125, subdivision 8, and for homesteads which are park trailers taxed as manufactured homes under section 168.012, subdivision 9, "property taxes payable" shall also include 19 percent of the gross rent paid in the preceding year for the site on which the homestead is located. When a homestead is owned by two or more persons as joint tenants or tenants in common, such tenants shall determine between them which tenant may claim the property taxes payable on the homestead. If they are unable to agree, the matter shall be referred to the commissioner of revenue whose decision shall be final. Property taxes are considered payable in the year prescribed by law for payment of the taxes.

In the case of a claim relating to "property taxes payable," the claimant must have owned and occupied the homestead on January 2 of the year in which the tax is payable and (i) the property must have been classified as homestead property pursuant to section 273.124, on or before December 15 of the assessment year to which the

"property taxes payable" relate; or (ii) the claimant must provide documentation from the local assessor that application for homestead classification has been made on or before December 15 of the year in which the "property taxes payable" were payable and that the assessor has approved the application.

[EFFECTIVE DATE.] This section is effective for claims in 2006 and thereafter based on taxes payable in 2006 and thereafter.

Sec. 20. [APPROPRIATIONS.]

Subdivision 1. [GENERAL PROVISIONS.] The appropriations in this section are from the environmental fund and are available for the fiscal years ending June 30, 2006, and June 30, 2007. Unless otherwise specified in this section, these appropriations do not cancel and remain available until June 30, 2007. Appropriations in this section that are encumbered under contract, including grant contract, on or before June 30, 2007, are available until June 30, 2009.

Subd. 2. [DEPARTMENT OF REVENUE; FEE COLLECTION COSTS.] \$38,000 in fiscal year 2006 and \$31,000 in fiscal year 2007 are appropriated to the Department of Revenue to pay the costs of collection and administration of the clean water fees imposed in Minnesota Statutes, section 114D.40.

Subd. 3. [POLLUTION CONTROL AGENCY.] The following amounts are appropriated to the Pollution Control Agency for the purposes stated:

(1) \$1,000,000 in fiscal year 2006 is to assist counties in developing the list required under Minnesota Statutes, section 114D.40, subdivision 4, paragraph (e), of persons subject to clean water fees under Minnesota Statutes, section 114D.40, subdivision 3, paragraphs (f) and (g);

(2) \$1,860,000 in fiscal year 2006 and \$4,125,000 in fiscal year 2007 are for statewide assessment of surface water quality and trends; of these amounts, up to \$1,010,000 in fiscal year 2006 and \$1,960,000 in fiscal year 2007 are available for grants or contracts to support citizen monitoring of surface waters; and

(3) \$1,900,000 in fiscal year 2006 and \$3,290,000 in fiscal year 2007 are to develop TMDL's for waters listed on the United States Environmental Protection Agency approved 2004 impaired waters list; of this appropriation, up to \$390,000 in fiscal year 2006 and \$1,140,000 in fiscal year 2007 are available for grants or contracts to develop TMDL's.

Subd. 4. [AGRICULTURE DEPARTMENT.] The following amounts are appropriated to the Department of Agriculture for the purposes stated:

(1) \$250,000 in fiscal year 2006 and \$2,300,000 in fiscal year 2007 are for agricultural best management practices low-interest loans to producers and rural landowners and these funds remain available until expended; of these amounts, \$200,000 in fiscal year 2006 and \$2,100,000 in fiscal year 2007 are available for pass-through to local governments and lenders for low-interest loans;

(2) \$350,000 in fiscal year 2006 and \$800,000 in fiscal year 2007 are to expand technical assistance to producers and conservation professionals on nutrient and pasture management; target practices to sources of water impairments; coordinate federal and state farm conservation programs to fully utilize federal conservation funds; and expand conservation planning assistance for producers; of these amounts, \$50,000 in fiscal year 2006 and \$210,000 in fiscal year 2007 are available for grants or contracts to develop nutrient and conservation planning assistance information materials; and

(3) \$100,000 in fiscal year 2006 and \$800,000 in fiscal year 2007 are for research, evaluation, and effectiveness monitoring of agricultural practices in restoring impaired waters; of these amounts, \$600,000 in fiscal year 2007 is available for grants or contracts for research, evaluations, and effectiveness monitoring of agricultural practices in restoring impaired waters, including on-farm demonstrations.

Subd. 5. [BOARD OF WATER AND SOIL RESOURCES.] The following amounts are appropriated to the Board of Water and Soil Resources for restoration and prevention actions as described in Minnesota Statutes, section 114D.20, subdivisions 6 and 7:

(1) \$450,000 in fiscal year 2006 and \$5,750,000 in fiscal year 2007 are for targeted nonpoint restoration cost-share and incentive payments; of these amounts, up to \$450,000 in fiscal year 2006 and \$5,450,000 in fiscal year 2007 are available for grants to soil and water conservation districts through the state cost-share program authorized under Minnesota Statutes, section 103C.501;

(2) \$412,000 in fiscal year 2006 and \$3,450,000 in fiscal year 2007 are for targeted nonpoint restoration technical, compliance, and engineering assistance activities; of these amounts, up to \$412,000 in fiscal year 2006 and \$3,250,000 in fiscal year 2007 are available for grants to soil and water conservation districts, watershed management organizations, or counties to support nonpoint restoration implementation activities;

(3) \$200,000 in fiscal year 2007 is for reporting and evaluation of applied soil and water conservation practices;

(4) \$2,400,000 in fiscal year 2007 is for grants to counties for implementation of county individual sewage treatment systems programs through the local water resources protection and management program under Minnesota Statutes, section 103B.3369;

(5) \$300,000 in fiscal year 2006 and \$1,500,000 in fiscal year 2007 are for base and challenge grants to support nonpoint source protection activities related to lake and river protection and management through the local water resources protection and management program under Minnesota Statutes, section 103B.3369; and

(6) \$2,400,000 in fiscal year 2007 is for grants to soil and water conservation districts for streambank, stream channel, lakeshore, and roadside protection and restoration projects through the state cost-share program under Minnesota Statutes, section 103C.501.

Subd. 6. [DEPARTMENT OF NATURAL RESOURCES.] The following amounts are appropriated to the Department of Natural Resources for the purposes stated:

(1) \$280,000 in fiscal year 2006 and \$430,000 in fiscal year 2007 are for statewide assessment of surface water quality and trends; and

(2) \$100,000 in fiscal year 2006 and \$4,050,000 in fiscal year 2007 are for restoration of impaired waters and actions to prevent waters from becoming impaired; of these amounts, up to \$1,700,000 in fiscal year 2007 is available for grants and contracts for forest stewardship planning and implementation, and for research, compliance, and monitoring.

Subd. 7. [PUBLIC FACILITIES AUTHORITY.] \$4,400,000 in fiscal year 2006 and \$44,015,000 in fiscal year 2007 are appropriated to the Public Facilities Authority; of these amounts, \$4,400,000 in fiscal year 2006 and \$17,000,000 in fiscal year 2007 are to the clean water legacy capital improvements fund for grants under Minnesota Statutes, section 446A.073; \$4,582,000 in fiscal year 2007 is to the small community wastewater treatment fund for

loans and grants under Minnesota Statutes, section 446A.074; and \$22,433,000 in fiscal year 2007 is to the water pollution control revolving fund under Minnesota Statutes, section 446.07, for wastewater treatment and stormwater projects, and for total maximum daily load grants under Minnesota Statutes, section 446A.075. Funds appropriated under this subdivision do not cancel and are available until expended.

Sec. 21. [EFFECTIVE DATE.]

Sections 1 to 15 are effective the day following final enactment. Section 20 is effective July 1, 2005.

## ARTICLE 2

### CONSTITUTIONAL AMENDMENT

Section 1. [CONSTITUTIONAL AMENDMENT.]

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

Sec. 15. Beginning July 1, 2007, until June 30, 2016, the state sales and use tax receipts equal to the state sales and use tax of one-eighth of one percent on sales and uses taxable under the general state sales and use tax law, plus penalties and interest and reduced by any refunds, are dedicated to the assessment, protection and restoration of the state's lakes, rivers, streams, wetlands, and groundwater. The money dedicated under this section shall be appropriated by law.

Sec. 2. [SUBMISSION TO VOTERS.]

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

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2007, to protect and restore the state's lakes, rivers, streams, wetlands, and groundwater by dedicating additional sales and use tax receipts equal to the state sales and use tax of one-eighth of one percent on taxable sales until the year 2016?"

Yes .....  
No ....."

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 apply to sales and uses occurring after June 30, 2007.

## ARTICLE 3

### CONFORMING CHANGES

Section 1. [114D.45] [CLEAN WATER ACCOUNT.]

The clean water legacy account in the environmental fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the clean water legacy account must be credited to the account in the environmental fund.

Sec. 2. Minnesota Statutes 2004, section 297A.62, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] Except as otherwise provided in subdivision 2 or 3 or in this chapter, a sales tax of 6.5 percent is imposed on the gross receipts from retail sales as defined in section 297A.61, subdivision 4, made in this state or to a destination in this state by a person who is required to have or voluntarily obtains a permit under section 297A.83, subdivision 1. After June 30, 2007, an additional sales tax of 0.125 percent is imposed under article XI, section 15, of the Minnesota Constitution, for the purposes of clean water.

Sec. 3. Minnesota Statutes 2004, section 297A.94, is amended to read:

297A.94 [DEPOSIT OF REVENUES.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) The commissioner shall deposit the sales tax revenue collected under article XI, section 15, of the Minnesota Constitution, in the state treasury for deposit in the clean water legacy account.

Sec. 4. [EFFECTIVE DATE.]

This article is effective November 15, 2006, if the constitutional amendment proposed in article 2 is adopted by the voters."

Delete the title and insert:

"A bill for an act relating to the environment; proposing an amendment to the Minnesota Constitution, article XI; creating the Clean Water Legacy Act; providing authority, direction, and funding to achieve and maintain water quality standards for Minnesota's surface waters in accordance with section 303(d) of the federal Clean Water Act; modifying soil and water cost-share contract provisions; extending citizen water monitoring; creating a municipal grant program; appropriating money; amending Minnesota Statutes 2004, sections 103C.501, subdivision 5; 115.06, subdivision 4; 116.182, subdivision 2; 276.04, subdivision 2; 276.112; 290A.03, subdivisions 11, 13; 297A.62, subdivision 1; 297A.94; proposing coding for new law in Minnesota Statutes, chapter 446A; proposing coding for new law as Minnesota Statutes, chapter 114D."

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

The report was adopted.

Pursuant to Joint Rule 2.03, H. F. No. 826 was re-referred to the Committee on Rules and Legislative Administration.

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

H. F. No. 2448, A bill for an act relating to human services; making forecast adjustments for human services programs.

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.

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

The following House File was introduced:

Jaros and Howes introduced:

H. F. No. 2515, A bill for an act relating to tourism; requiring official highway signs showing place names of Native American derivation to provide meaning in English; making technical change; amending Minnesota Statutes 2004, sections 173.02, subdivision 6; 173.025.

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

### **MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 42, A bill for an act relating to firearms; authorizing the use of silencers to muffle discharges of firearms for natural resource wildlife control; amending Minnesota Statutes 2004, section 609.66, subdivisions 1h, 2.

The Senate has appointed as such committee:

Senators Marty, Koering and Saxhaug.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1420, A bill for an act relating to agriculture; appropriating money for agricultural purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; providing for the issuance of state bonds; amending Minnesota Statutes 2004, sections 13.643, by adding a subdivision; 17.03, subdivision 13; 17.117, subdivision 11, by adding a subdivision; 17.452, by adding a subdivision; 17.982, subdivision 1; 17.983, subdivisions 1, 3; 17B.03, subdivision 1; 18B.08, subdivision 4; 18B.26, subdivision 3; 18B.31, subdivision 5; 18B.315, subdivision 6; 18B.32, subdivision 6; 18B.33, subdivision 7; 18B.34, subdivision 5; 18C.141, subdivisions 1, 3, 5; 18C.425, subdivision 6; 18E.03, subdivision 2; 18G.03, subdivision 1; 18G.10, subdivisions 5, 7; 18H.02, subdivisions 21, 22, 23, 32, 34, by adding a subdivision; 18H.05; 18H.06; 18H.07, subdivisions 1, 2, 3; 18H.09; 18H.13, subdivision 1; 18H.15; 18H.18, subdivision 1; 19.64, subdivision 1; 25.341, subdivision 2; 25.39, subdivisions 1, 4; 31.94; 35.02, subdivision 1; 35.03; 35.05; 35.155; 38.01; 38.16; 41A.09, subdivisions 2a, 3a; 41B.046, subdivision 5; 41B.049, subdivisions 2, 4; 116.07, subdivision 7a; 174.52, subdivision 5; 223.17, subdivisions 3, 6; 231.08, by adding subdivisions; 231.09; 231.11; 231.16; 231.18, subdivisions 3, 5; 232.22, subdivision 3; 236.02, subdivision 4; 327.23, subdivision 2, by adding a subdivision; 394.25, subdivision 3c; 462.355, subdivision 4; 462.357, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 16C; 25; 35; 41B; 156; 231; 583; 604; repealing Minnesota Statutes 2004, sections 17.451; 17.452, subdivisions 6, 6a, 7, 10, 11, 12, 13, 13a, 14, 15, 16; 17.983, subdivision 2; 18B.065, subdivision 5; 18H.02, subdivisions 15, 19; 19.64, subdivision 4a; 35.0661, subdivision 4; 41B.046, subdivision 3; Laws 1986, chapter 398, article 1, section 18, as amended; Minnesota Rules, parts 1560.7700; 1560.7750; 1560.7800; 1560.7850; 1560.7900; 1560.8000; 1560.8100; 1560.8200; 1560.8300; 1560.8400; 1560.8500; 1560.8600; 1560.8700; 1560.8800.

PATRICK E. FLAHAVEN, Secretary of the Senate

Ozment moved that the House refuse to concur in the Senate amendments to H. F. No. 1420, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Mr. Speaker:

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

S. F. Nos. 1135, 1846, 1943, 1378, 1998, 885, 1738, 2160 and 540.

PATRICK E. FLAHAVEN, Secretary of the Senate

### **FIRST READING OF SENATE BILLS**

S. F. No. 1135, A bill for an act relating to Brown County; permitting the appointment of the county recorder.

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

S. F. No. 1846, A bill for an act relating to state government; establishing an energy savings program; authorizing the Department of Administration to use energy forward pricing mechanisms for budget risk reduction; amending Minnesota Statutes 2004, section 16C.144; proposing coding for new law in Minnesota Statutes, chapter 16C.

The bill was read for the first time.

Peterson, N., moved that S. F. No. 1846 and H. F. No. 1964, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1943, A bill for an act relating to corrections; creating discipline procedures for correctional officers; proposing coding for new law in Minnesota Statutes, chapter 241.

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

S. F. No. 1378, A bill for an act relating to health; modifying medical education funding provisions; amending Minnesota Statutes 2004, section 62J.692, subdivisions 3, 4, 7.

The bill was read for the first time.

Huntley moved that S. F. No. 1378 and H. F. No. 1556, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1998, A bill for an act relating to health; assessing health maintenance organizations for purposes of the insurance fraud prevention account; regulating certain rates, claims, filing, and reporting practices; eliminating expanded provider network requirements; amending Minnesota Statutes 2004, sections 45.0135, subdivision 7; 62E.05, subdivision 2; 62L.08, subdivision 8; 62Q.75; 72A.201, subdivision 4; 256B.692, subdivision 2; 295.582; repealing Minnesota Statutes 2004, sections 62E.035; 62Q.095.

The bill was read for the first time.

Wilkin moved that S. F. No. 1998 and H. F. No. 2023, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 885, A bill for an act relating to motor vehicles; authorizing additional deputy registrar of motor vehicles and driver's license agent in Minneapolis; appointing the auditor of Carver County as a deputy motor vehicle registrar and driver's license agent.

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

S. F. No. 1738, A bill for an act relating to waters; modifying water use permit provisions; amending Minnesota Statutes 2004, section 103G.271, subdivision 5.

The bill was read for the first time.

Ruth moved that S. F. No. 1738 and H. F. No. 1839, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2160, A bill for an act relating to claims against the state; providing for settlement of various claims; increasing amount of allowable reimbursement for certain damage by inmates; appropriating money; amending Minnesota Statutes 2004, section 3.755.

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

S. F. No. 540, A bill for an act relating to human services; authorizing a long-term care partnership program; modifying medical assistance eligibility requirements under certain circumstances; defining approved long-term care insurance policies; limiting medical assistance estate recovery under certain circumstances; providing implementation options; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

### CALENDAR FOR THE DAY

H. F. No. 2156, A bill for an act relating to civil law; changing certain powers and duties of conservators; amending Minnesota Statutes 2004, sections 524.5-417; 524.5-423.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Newman

The bill was passed and its title agreed to.

H. F. No. 868, A bill for an act relating to *Canis latrans*; providing a coyote conflict management option; proposing coding for new law in Minnesota Statutes, chapter 348.

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

The question was taken on the passage of the bill and the roll was called. There were 89 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dill	Hamilton	Latz	Paulsen	Simon
Anderson, I.	Dorman	Heidgerken	Lieder	Pelowski	Simpson
Beard	Dorn	Holberg	Lillie	Penas	Soderstrom
Blaine	Eastlund	Hortman	Magnus	Peppin	Solberg
Bradley	Eken	Hosch	Marquart	Peterson, A.	Sykora
Brod	Ellison	Howes	McNamara	Peterson, N.	Tingelstad
Buesgens	Emmer	Huntley	Meslow	Poppe	Urdahl
Carlson	Entenza	Johnson, J.	Moe	Powell	Vandever
Charron	Erickson	Johnson, R.	Murphy	Rukavina	Wardlow
Cornish	Finstad	Juhnke	Nelson, M.	Ruth	Welti
Cybart	Fritz	Klinzing	Newman	Sailer	Westerberg
Davids	Garofalo	Koenen	Nornes	Samuelson	Westrom
Dean	Gazelka	Kohls	Olson	Seifert	Zellers
Demmer	Gunther	Krinkie	Otremba	Sertich	Spk. Sviggum
Dempsey	Hackbarth	Lanning	Ozment	Severson	

Those who voted in the negative were:

Abeler	DeLaForest	Hilty	Knoblach	Mariani	Sieben
Abrams	Dittrich	Hoppe	Larson	Mullery	Slawik
Atkins	Erhardt	Hornstein	Lenczewski	Nelson, P.	Smith
Bernardy	Greiling	Jaros	Lesch	Paymar	Thao
Clark	Hansen	Johnson, S.	Liebling	Peterson, S.	Thissen
Cox	Hausman	Kahn	Loeffler	Ruud	Wagenius
Davnie	Hilstrom	Kelliher	Mahoney	Scalze	Walker

The bill was passed and its title agreed to.

H. F. No. 1109, A bill for an act relating to public safety; reviving and reenacting the board of firefighting training and education.

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

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

Those who voted in the affirmative were:

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

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

The bill was passed and its title agreed to.

H. F. No. 1748, A bill for an act relating to state employees; modifying grievance appeal procedures; eliminating a medical examination requirement; amending Minnesota Statutes 2004, sections 43A.33, subdivision 3; 43A.34, subdivision 3; repealing Minnesota Statutes 2004, section 43A.33, subdivision 4.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1507 was reported to the House.

Abeler moved to amend H. F. No. 1507, the fourth engrossment, as follows:

Page 4, line 14, reinstate the stricken "significantly"

The motion prevailed and the amendment was adopted.

Abeler moved that H. F. No. 1507, as amended, be temporarily laid over on the Calendar for the Day. The motion prevailed.

H. F. No. 1555 was reported to the House.

Powell moved to amend H. F. No. 1555, the third engrossment, as follows:

Page 8, line 13, after "organization" insert ", whether paid or volunteer,"

The motion prevailed and the amendment was adopted.

Powell moved to amend H. F. No. 1555, the third engrossment, as amended, as follows:

Page 4, line 10, after the period, insert "Nothing in this section limits the governor's authority over or command of the National Guard as described in the Military Code, chapters 190 to 192A, and required by the Minnesota Constitution, article V, section 3."

The motion prevailed and the amendment was adopted.

H. F. No. 1555, as amended, was read for the third time.

#### MOTION FOR RECONSIDERATION

Seifert moved that the action whereby H. F. No. 1555, the third engrossment, as amended, was given its third reading be now reconsidered. The motion prevailed.

Olson moved to amend H. F. No. 1555, the third engrossment, as amended, as follows:

Page 9, line 21, delete "August 1, 2005" and insert "July 1, 2009"

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

H. F. No. 1555, A bill for an act relating to health; modifying the Minnesota Emergency Health Powers Act; modifying authority of out-of-state license holders; amending Minnesota Statutes 2004, sections 12.03, subdivision 4d, by adding a subdivision; 12.22, subdivision 2a, by adding a subdivision; 12.31, subdivisions 1, 2; 12.32; 12.34, subdivision 1; 12.381; 12.39; 12.42; 13.3806, subdivision 1a; Laws 2002, chapter 402, section 21, as amended; proposing coding for new law in Minnesota Statutes, chapter 12.

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

The question was taken on the passage of the bill and the roll was called. There were 117 yeas and 14 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Emmer	Jaros	Mariani	Vandever
Buesgens	Hausman	Kahn	Rukavina	Walker
Ellison	Howes	Krinkie	Smith	

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

H. F. No. 1507, as amended, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

Ellison, Cornish, Abeler, Newman and Meslow moved to amend H. F. No. 1507, the fourth engrossment, as amended, as follows:

Page 3, line 25, after "use" delete "all necessary and lawful means" and insert "force as described by sections 609.06 and 609.066"

Page 5, line 15, after "use" delete "all necessary and lawful means" and insert "force as described by sections 609.06 and 609.066"

The motion prevailed and the amendment was adopted.

H. F. No. 1507, A bill for an act relating to health; modifying provisions for isolation and quarantine of persons exposed to or infected with a communicable disease; amending Minnesota Statutes 2004, sections 144.419, subdivision 1; 144.4195, subdivisions 1, 2, 5; Laws 2002, chapter 402, section 21, as amended; proposing coding for new law in Minnesota Statutes, chapter 144.

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 108 yeas and 23 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	DeLaForest	Garofalo	Howes	Klinzing	Penas
Buesgens	Ellison	Hausman	Johnson, J.	Krinkie	Walker
Charron	Emmer	Holberg	Kahn	Mariani	Zellers
Clark	Erickson	Hoppe	Kelliher	Olson	

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

S. F. No. 314 was reported to the House.

Mullery, Davids, Westerberg, Gazelka and Wilkin moved to amend S. F. No. 314 as follows:

Page 1, line 8, after the headnote, insert "(a)"

Page 1, delete lines 15 to 19 and insert:

"(b) Notwithstanding paragraph (a), on a policy issued by the Minnesota FAIR plan under section 65A.36, the Minnesota FAIR plan may contest the whole amount set forth in the policy in the case of a total loss. If the Minnesota FAIR plan takes the position that the value of the property was less than the whole amount set forth in the policy, the Minnesota FAIR plan has the burden of proving by clear and convincing evidence that the value was less than that set forth in the policy."

The motion prevailed and the amendment was adopted.

S. F. No. 314, A bill for an act relating to insurance; the Minnesota FAIR plan; regulating property and liability coverage; amending Minnesota Statutes 2004, section 65A.08, subdivision 2.

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 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 2133, A bill for an act relating to state government; authorizing lease of certain state property under specified conditions.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1355, A bill for an act relating to professions; extending the application period for power limited technicians; amending Minnesota Statutes 2004, section 326.242, subdivision 3d.

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

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Blaine	Cornish	Demmer	Eken	Garofalo
Abrams	Bradley	Cox	Dempsey	Ellison	Gazelka
Anderson, B.	Brod	Cybart	Dill	Entenza	Greiling
Anderson, I.	Buesgens	Davids	Dittrich	Erhardt	Gunther
Atkins	Carlson	Davnie	Dorman	Erickson	Hackbarth
Beard	Charron	Dean	Dorn	Finstad	Hamilton
Bernardy	Clark	DeLaForest	Eastlund	Fritz	Hansen

Hausman	Juhnke	Lillie	Olson	Ruud	Thao
Heidgerken	Kahn	Loeffler	Otremba	Sailer	Thissen
Hilstrom	Kelliher	Magnus	Ozment	Samuelson	Tingelstad
Hilty	Klinzing	Mahoney	Paulsen	Scalze	Urdahl
Holberg	Knoblach	Mariani	Paymar	Seifert	Vandever
Hoppe	Koenen	Marquart	Pelowski	Sertich	Wagenius
Hornstein	Kohls	McNamara	Penas	Severson	Walker
Hortman	Krinkie	Meslow	Peppin	Sieben	Wardlow
Hosch	Lanning	Moe	Peterson, A.	Simon	Welti
Howes	Larson	Mullery	Peterson, N.	Simpson	Westerberg
Huntley	Latz	Murphy	Peterson, S.	Slawik	Westrom
Jaros	Lenczewski	Nelson, M.	Poppe	Smith	Zellers
Johnson, J.	Lesch	Nelson, P.	Powell	Soderstrom	Spk. Sviggum
Johnson, R.	Liebling	Newman	Rukavina	Solberg	
Johnson, S.	Lieder	Nornes	Ruth	Sykora	

Those who voted in the negative were:

Emmer

The bill was passed and its title agreed to.

S. F. No. 1869, A bill for an act relating to local government; modifying a shared hospital or ambulance service purchasing provision; amending Minnesota Statutes 2004, section 471.345, subdivision 10.

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

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

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

### **REPORTS OF STANDING COMMITTEES**

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

H. F. No. 1391, A bill for an act relating to environment; providing for the recovery and recycling of waste electronic products; proposing coding for new law in Minnesota Statutes, chapter 116H.

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

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

The report was adopted.

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

H. F. No. 2243, A bill for an act relating to state government; creating the Office of Technology as a state agency; assigning duties; providing for a chief information officer; appropriating money; amending Minnesota Statutes 2004, sections 15.06, subdivision 1; 16B.04, subdivision 2; 16B.48, subdivisions 4, 5; 16E.01, subdivisions 1, 3; 16E.02; 16E.03, subdivisions 1, 2, 3, 7; 16E.04; 16E.0465, subdivisions 1, 2; 16E.055; 16E.07, subdivision 8; 43A.08, subdivision 1a; 204B.14, subdivision 5; 299C.65, subdivisions 1, 2; 403.36, subdivision 1; 414.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 16E; 414; repealing Minnesota Statutes 2004, sections 16B.48, subdivision 3; 16E.0465, subdivision 3.

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

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

The report was adopted.

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

H. F. No. 2480, A bill for an act relating to a ballpark for major league baseball; providing for the financing, construction, operation, and maintenance of the ballpark and related facilities; establishing the Minnesota Ballpark Authority; authorizing Hennepin County to issue bonds and to contribute to ballpark costs and to engage in ballpark and related activities; authorizing local sales and use taxes and revenues; authorizing expenditures of tax revenues for youth activities and amateur sports and the extension of library hours; requiring actions by the state, the city of Minneapolis, and the Hennepin County Regional Railroad Authority; amending Minnesota Statutes 2004, section

297A.71, by adding a subdivision; repealing Minnesota Statutes 2004, sections 473I.01; 473I.02; 473I.03; 473I.04; 473I.05; 473I.06; 473I.07; 473I.08; 473I.09; 473I.10; 473I.11; 473I.12; 473I.13.

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

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

The report was adopted.

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

S. F. No. 1940, A bill for an act relating to metropolitan government; requiring senate confirmation of the chair of the Metropolitan Airports Commission; providing a residency requirement and for terms of office for members of the Metropolitan Council and the Metropolitan Airports Commission; creating a nominating committee; modifying a reporting requirement; amending Minnesota Statutes 2004, sections 473.123, subdivisions 2a, 3; 473.604, subdivision 1; 473.621, subdivision 1b.

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. 13, A House resolution recognizing the week of May 15, 2005, as Police Week and May 15, 2005, as Peace Officers Memorial Day.

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

The report was adopted.

## **SECOND READING OF SENATE BILLS**

S. F. No. 1940 was read for the second time.

## **MESSAGES FROM THE SENATE**

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1976, A bill for an act relating to state government; appropriating money for jobs, economic development, and human services purposes; establishing and modifying certain programs; providing for accounts, assessments and fees; making changes to programs for children and families; requiring studies and reports; amending Minnesota Statutes 2004, sections 41A.09, subdivision 2a; 60A.14, subdivision 1; 60K.55, subdivision 2;

72A.20, by adding a subdivision; 72B.04, subdivision 10; 82B.05, subdivisions 1, 5; 82B.09, subdivision 1; 115C.07, subdivision 3; 115C.09, subdivision 3h; 115C.13; 116C.779, subdivision 2; 116J.551, subdivision 1; 116J.571; 116J.572; 116J.574; 116J.575, as amended; 116J.63, subdivision 2; 116J.8731, subdivision 5; 116J.8747, subdivision 2; 116J.994, subdivisions 7, 9; 116L.03, subdivision 2; 116L.05, by adding a subdivision; 116L.17, subdivision 1; 116L.20, subdivision 2; 119B.02, by adding a subdivision; 119B.13, subdivision 1, by adding a subdivision; 120A.40; 183.41, by adding a subdivision; 183.411, subdivisions 2a, 3; 183.42; 183.44, subdivision 1; 183.51, subdivision 2, by adding a subdivision; 183.545; 183.57; 216C.41, subdivisions 2, 5, 5a; 237.11; 237.295, subdivisions 1, 2; 239.011, subdivision 2; 239.05, subdivision 10b, by adding a subdivision; 239.09; 239.101, subdivision 3; 239.75, subdivisions 1, 5; 239.761; 239.77, by adding a subdivision; 239.79, subdivision 4; 239.791, subdivisions 1, 7, 8, 15; 239.792; 245A.023; 245A.10, subdivision 4; 254A.035, subdivision 2; 254A.04; 256.01, by adding subdivisions; 256.741, subdivision 4; 256B.0924, subdivision 3; 256B.093, subdivision 1; 256D.06, subdivisions 5, 7, by adding a subdivision; 256I.05, subdivision 1e; 256J.12, subdivision 1, by adding a subdivision; 256J.37, subdivision 3a; 256J.515; 256J.751, subdivision 2; 256J.95, by adding subdivisions; 256K.35, by adding a subdivision; 260.835; 268.19, subdivision 1; 296A.01, subdivisions 2, 7, 8, 14, 19, 20, 22, 23, 24, 25, 26, 28; 298.22, by adding a subdivision; 326.975, subdivision 1; 345.47, subdivisions 3, 3a; 373.40, subdivisions 1, 3; 462A.05, subdivision 3a; 462A.33, subdivision 2; 517.08, subdivisions 1b, 1c; Laws 1999, chapter 224, section 7, as amended; Laws 2003, chapter 128, article 1, section 172; proposing coding for new law in Minnesota Statutes, chapters 45; 116L; 237; 256K; 325F; proposing coding for new law as Minnesota Statutes, chapter 59B; repealing Minnesota Statutes 2004, sections 45.0295; 116J.573; 116J.58, subdivision 3; 116L.05, subdivision 4; 119B.074; 239.05, subdivisions 6a, 6b; 256D.54, subdivision 3; 462C.15; Laws 2003, First Special Session chapter 14, article 9, section 34; Minnesota Rules, parts 9500.1254; 9500.1256.

PATRICK E. FLAHAVEN, Secretary of the Senate

Garofalo moved that the House refuse to concur in the Senate amendments to H. F. No. 1976, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

### MOTIONS AND RESOLUTIONS

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

Urdahl moved that the name of Poppe be added as an author on H. F. No. 719. The motion prevailed.

Ruud moved that the name of Poppe be added as an author on H. F. No. 780. The motion prevailed.

Simon moved that the name of Poppe be added as an author on H. F. No. 1906. The motion prevailed.

### ADJOURNMENT

Seifert moved that when the House adjourns today it adjourn until 10:00 a.m., Monday, May 16, 2005. The motion prevailed.

Seifert moved that the House adjourn. The motion prevailed, and Speaker pro tempore Abrams declared the House stands adjourned until 10:00 a.m., Monday, May 16, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives