

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2008

 ONE HUNDRED SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, APRIL 24, 2008

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

Prayer was offered by Pastor Matt Morrell, Chisago Lakes Baptist Church, Chisago City, Minnesota.

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

The roll was called and the following members were present:

Abeler	Dill	Hausman	Lanning	Norton	Slawik
Anderson, B.	Dittrich	Haws	Liebling	Olin	Slocum
Anderson, S.	Dominguez	Heidgerken	Lieder	Otremba	Smith
Anzelc	Doty	Hilstrom	Lillie	Ozment	Solberg
Atkins	Drazkowski	Hilty	Loeffler	Paulsen	Swails
Benson	Eastlund	Holberg	Madore	Paymar	Thao
Berns	Eken	Hornstein	Magnus	Pelowski	Tillberry
Bigham	Emmer	Hortman	Mahoney	Peppin	Tschumper
Bly	Erhardt	Hosch	Mariani	Peterson, N.	Urdahl
Brod	Erickson	Howes	Marquart	Peterson, S.	Wagenius
Brown	Faust	Huntley	Masin	Poppe	Ward
Brynaert	Finstad	Jaros	McFarlane	Rukavina	Wardlow
Buesgens	Fritz	Johnson	McNamara	Ruth	Welti
Bunn	Gardner	Juhnke	Moe	Sailer	Westrom
Carlson	Garofalo	Kahn	Morgan	Scalze	Winkler
Clark	Gottwalt	Kalin	Morrow	Seifert	Wollschlager
Cornish	Greiling	Knuth	Mullery	Sertich	Zellers
Davnie	Gunther	Koenen	Murphy, E.	Severson	Spk. Kelliher
Dean	Hackbarth	Kohls	Murphy, M.	Shimanski	
Demmer	Hamilton	Kranz	Nelson	Simon	
Dettmer	Hansen	Laine	Nornes	Simpson	

A quorum was present.

Beard, Lesch, Thissen, Tingelstad and Walker were excused.

Lenczewski, Olson and Peterson, A., were excused until 10:05 a.m. Hoppe was excused until 10:20 a.m. Ruud was excused until 10:50 a.m. DeLaForest was excused until 12:05 p.m.

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

REPORTS OF CHIEF CLERK

S. F. No. 3363 and H. F. No. 3587, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Solberg moved that the rules be so far suspended that S. F. No. 3363 be substituted for H. F. No. 3587 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3370 and H. F. No. 3702, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Kalin moved that S. F. No. 3370 be substituted for H. F. No. 3702 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Lenczewski from the Committee on Taxes to which was referred:

H. F. No. 3590, A bill for an act relating to waters; establishing a ground water monitoring charge; amending Minnesota Statutes 2006, section 103G.271, subdivision 6.

Reported the same back with the following amendments:

Page 3, line 17, delete "state" and insert "counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright"

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

The report was adopted.

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

H. F. No. 4164, A bill for an act relating to natural resources; providing for wildlife disease management; providing civil penalties; amending Minnesota Statutes 2006, section 97A.045, subdivision 11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 97A.045, subdivision 11, is amended to read:

Subd. 11. **Power to prevent or control wildlife disease.** (a) If the commissioner determines that action is necessary to prevent or control a wildlife disease, the commissioner may prevent or control wildlife disease in a species of wild animal in addition to the protection provided by the game and fish laws by further limiting, closing,

expanding, or opening seasons or areas of the state; by reducing or increasing limits in areas of the state; by establishing disease management zones; by authorizing free licenses; by allowing shooting from motor vehicles by persons designated by the commissioner; by issuing replacement licenses for sick animals; by requiring sample collection from hunter-harvested animals; by limiting wild animal possession, transportation, and disposition; and by restricting wildlife feeding.

(b) The commissioner shall restrict wildlife feeding within a 15-mile radius of a cattle herd that is infected with bovine tuberculosis, the modified accredited bovine tuberculosis zone proposed by the Board of Animal Health until the zone is upgraded by the United States Department of Agriculture to a bovine tuberculosis status of modified accredited advanced or better. In addition to any other penalties provided by law, a person who violates wildlife feeding restrictions required under this paragraph may not obtain a hunting license to take a wild animal for two years after the date of conviction.

The following restrictions on wildlife feeding activities are in effect within the modified accredited bovine tuberculosis zone:

(1) except as provided in clauses (2) and (3), a person may not place or distribute feed in an area frequented by deer or elk or knowingly allow another person to place or distribute feed on property under the person's ownership or lease. For purposes of this paragraph, "feed" means grains, fruits, vegetables, nuts, hay, or other food that is capable of attracting or enticing deer or elk. Liquid scents are not feed;

(2) unless otherwise prescribed by the commissioner, wildlife feeding is allowed if the feed is placed in such a manner as to exclude access to deer and elk or the feed is placed at least six feet above the ground; and

(3) the prohibition in clause (1) does not apply to feed that is present solely as a result of normal agriculture, forest management, or wildlife feed planting practices. It also does not apply to feed that is for agricultural or livestock purposes if the feed is:

(i) placed for domestic livestock that are present and actively consuming the feed on a daily basis;

(ii) covered to deter deer or elk from gaining access to the feed; or

(iii) stored consistently with normal agricultural practices.

(c) The commissioner may prevent or control wildlife disease in a species of wild animal in the state by emergency rule adopted under section 84.027, subdivision 13."

Delete the title and insert:

"A bill for an act relating to natural resources; providing for bovine tuberculosis management; providing civil penalties; amending Minnesota Statutes 2006, section 97A.045, subdivision 11."

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

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 3363 and 3370 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Gottwalt; Severson; Thissen; Marquart; DeLaForest; Murphy, E.; Hausman; Rukavina; Thao; Dittrich; Garofalo; Masin; Nelson; Ruud; Clark; Simon; Lieder; Gunther; Smith; Simpson; Peterson, N.; Mahoney; Lanning; Beard; Hackbarth; Bunn; Tillberry; Koenen; Tingelstad; Tschumper; Benson; Carlson; Eastlund; Anderson, B., and Olson introduced:

H. F. No. 4212, A bill for an act relating to education; allowing charter school students to participate in extracurricular activities in their resident school district; amending Minnesota Statutes 2006, sections 123B.36, subdivision 1; 123B.49, subdivision 4; 124D.10, subdivision 8.

The bill was read for the first time and referred to the Committee on E-12 Education.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam 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. 2904, A bill for an act relating to state government operations; establishing procedures for state agencies to assist communities to recover from a natural disaster; proposing coding for new law as Minnesota Statutes, chapter 12A.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Pelowski moved that the House concur in the Senate amendments to H. F. No. 2904 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2904, A bill for an act relating to state government operations; establishing procedures for state agencies to assist communities to recover from a natural disaster; proposing coding for new law as Minnesota Statutes, chapter 12A.

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

The question was taken on the repassage of the bill and the roll was called. There were 116 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Hilstrom	Lieder	Olin	Smith
Anderson, S.	Dominguez	Hilty	Lillie	Otremba	Solberg
Anzelc	Doty	Holberg	Loeffler	Ozment	Swails
Atkins	Drazkowski	Hornstein	Madore	Paulsen	Thao
Benson	Eastlund	Hortman	Magnus	Paymar	Tillberry
Berns	Eken	Hosch	Mahoney	Pelowski	Tschumper
Bigham	Erickson	Howes	Mariani	Peterson, N.	Urdahl
Bly	Faust	Huntley	Marquart	Peterson, S.	Wagenius
Brod	Finstad	Jaros	Masin	Poppe	Ward
Brown	Fritz	Johnson	McFarlane	Rukavina	Wardlow
Brynaert	Gardner	Juhnke	McNamara	Ruth	Welti
Bunn	Garofalo	Kahn	Moe	Sailer	Westrom
Carlson	Gottwalt	Kalin	Morgan	Scalze	Winkler
Clark	Greiling	Knuth	Morrow	Seifert	Wollschlager
Cornish	Gunther	Koenen	Mullery	Sertich	Zellers
Davnie	Hamilton	Kohls	Murphy, E.	Severson	Spk. Kelliher
Dean	Hansen	Kranz	Murphy, M.	Simon	
Demmer	Hausman	Laine	Nelson	Simpson	
Dettmer	Haws	Lanning	Nornes	Slawik	
Dill	Heidgerken	Liebling	Norton	Slocum	

Those who voted in the negative were:

Anderson, B.	Buesgens	Emmer	Hackbarth	Peppin	Shimanski
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The bill was repassed, as amended by the Senate, and its title agreed to.

Madam 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. 3569, A bill for an act relating to workers' health; directing the University of Minnesota to study workers' health including lung health; appropriating money.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

CONCURRENCE AND REPASSAGE

Rukavina moved that the House concur in the Senate amendments to H. F. No. 3569 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3569, A bill for an act relating to workers' health; directing the University of Minnesota to study workers' health including lung health; appropriating money.

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

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Dittrich	Heidgerken	Lieder	Otremba	Smith
Anderson, B.	Dominguez	Hilstrom	Lillie	Ozment	Solberg
Anderson, S.	Doty	Hilty	Loeffler	Paulsen	Swails
Anzelc	Drazkowski	Holberg	Madore	Paymar	Thao
Atkins	Eastlund	Hornstein	Magnus	Pelowski	Tillberry
Benson	Eken	Hortman	Mahoney	Peppin	Tschumper
Berns	Erhardt	Hosch	Mariani	Peterson, N.	Urdahl
Bigham	Erickson	Howes	Marquart	Peterson, S.	Wagenius
Bly	Faust	Huntley	Masin	Poppe	Ward
Brod	Finstad	Jaros	McFarlane	Rukavina	Wardlow
Brown	Fritz	Johnson	McNamara	Ruth	Welti
Brynaert	Gardner	Juhnke	Moe	Sailer	Westrom
Bunn	Garofalo	Kahn	Morgan	Scalze	Winkler
Carlson	Gottwalt	Kalin	Morrow	Seifert	Wollschlager
Clark	Greiling	Knuth	Mullery	Sertich	Zellers
Cornish	Gunther	Koenen	Murphy, E.	Severson	Spk. Kelliher
Davnie	Hackbarth	Kohls	Murphy, M.	Shimanski	
Dean	Hamilton	Kranz	Nelson	Simon	
Demmer	Hansen	Laine	Nornes	Simpson	
Dettmer	Hausman	Lanning	Norton	Slawik	
Dill	Haws	Liebling	Olin	Slocum	

Those who voted in the negative were:

Buesgens

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

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2379, A bill for an act relating to eminent domain; amending provisions concerning reestablishment costs limit; amending Minnesota Statutes 2006, sections 117.51; 117.52, subdivision 1a.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Bakk, Murphy and Ortman.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Dill moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2379. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2605, A bill for an act relating to the Metropolitan Council; providing for staggered terms of Metropolitan Council members; amending Minnesota Statutes 2006, section 473.123, subdivision 2a.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Saltzman, Bonoff and Gerlach.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Peterson, S., moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2605. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2876, A bill for an act relating to animals; changing provisions regulating dangerous dogs and dogs at certain establishments; imposing penalties; amending Minnesota Statutes 2006, sections 347.50, by adding a subdivision; 347.51, subdivisions 2, 2a, 3, 4, 7, 9; 347.52; 347.53; 347.54, subdivisions 1, 3; 347.55; 347.56; proposing coding for new law in Minnesota Statutes, chapters 157; 347.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Anderson, Dibble and Limmer.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Paymar moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2876. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2881, A bill for an act relating to commerce; regulating contracts for deed, rates of interest on certain contracts, and mortgage lending; providing verification of the borrower's reasonable ability to repay a mortgage loan; providing penalties and remedies for a mortgage broker's failure to comply with the broker's duties of agency; amending Minnesota Statutes 2006, sections 47.20, subdivision 2; 334.01, subdivision 2; Minnesota Statutes 2007 Supplement, sections 58.13, subdivision 1; 58.18, subdivisions 1, 2.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Scheid, Sparks and Vandever.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Davnie moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2881. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3138, A bill for an act relating to health; changing provisions for handling genetic information; amending Minnesota Statutes 2006, sections 13.386, subdivision 3; 144.05, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 144.125, subdivision 3.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Lynch, Rosen and Moua.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Kahn moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3138. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3303, A bill for an act relating to the city of Minneapolis; authorizing the creation of a nonprofit riverfront revitalization corporation; requiring a report.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Higgins, Dibble and Senjem.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Loeffler moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3303. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3492, A bill for an act relating to public safety; extending the duration of orders for protection and restraining orders after multiple violations or continued threats; amending Minnesota Statutes 2006, sections 518B.01, subdivisions 6, 6a, 11, 18; 609.748, subdivisions 3, 5, 8.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Clark; Olson, M., and Ingebrigtsen.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Hosch moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3492. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3563, A bill for an act relating to human services; making changes to continuing care provisions; clarifying licensing fines; clarifying senior nutrition appropriations; amending local certification requirements;

amending Minnesota Statutes 2007 Supplement, sections 245A.07, subdivision 3; 256B.49, subdivision 16a; Laws 2007, chapter 147, article 19, section 3, subdivision 8.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Erickson Ropes, Fischbach and Olson, M.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Norton moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3563. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3674, A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2006, sections 13.202, subdivision 3; 13.322, subdivision 1; 13.3806, subdivision 1; 13.635, subdivision 1; 13.681, subdivision 1; 13.712, subdivision 1; 13.83, subdivision 10; 13.871, subdivisions 1, 6; 17.117, subdivision 3; 46.044, subdivision 1; 72A.20, subdivision 11; 103F.725, subdivision 1a; 103I.005, subdivision 22; 103I.311, subdivision 3; 115A.554; 123B.88, subdivision 19; 124D.59, subdivision 3; 126C.17, subdivision 9; 144.396, subdivision 9; 144.581, subdivision 1; 144A.461; 145B.02, subdivision 5; 148.736, subdivisions 2, 3; 169.01, subdivision 4b; 169.421, subdivision 5; 169.448, subdivision 1; 171.12, subdivision 2a; 174.03, subdivision 8; 175.35; 237.411, subdivision 5; 244.08; 256.98, subdivision 7; 256B.04, subdivision 16; 256B.35, subdivision 1; 256J.30, subdivision 9; 256J.32, subdivision 4; 256J.42, subdivisions 5, 6; 256J.425, subdivisions 5, 6; 256J.46, subdivision 1; 256J.50, subdivision 1; 256J.521, subdivision 4; 256J.54, subdivision 5; 260B.235, subdivision 5; 260C.007, subdivision 6; 270.81, subdivision 1; 270.82, subdivision 1; 270.83, subdivision 3; 273.1398, subdivision 6; 275.065, subdivision 5a; 282.01, subdivision 1b; 289A.08, subdivision 7; 289A.63, subdivision 6; 290.0921, subdivision 3; 297A.70, subdivision 13; 298.282, subdivision 2; 300.15; 300.64, subdivision 4; 321.0108; 332.30; 352.03, subdivision 11; 352.119, subdivision 3; 354.07, subdivision 3; 354A.12, subdivisions 1, 2a; 356.30, subdivision 1; 356.65, subdivision 2; 386.015, subdivision 5; 422A.101, subdivision 2; 424A.02, subdivision 8a; 458D.18, subdivision 9; 469.153, subdivision 2; 480.182; 484.012; 501B.86, subdivision 2; 508A.22, subdivision 3; 518C.310; 550.04; 609.101, subdivision 3; 609.75, subdivision 1; 609B.121; 609B.164; 609B.265, subdivision 3; 609B.515; 611.272; Minnesota Statutes 2007 Supplement, sections 16C.03, subdivision 10; 103I.235, subdivision 1; 136A.127, subdivision 8; 144.121, subdivision 5b; 148.67, subdivision 1; 183.57, subdivision 2; 183.59; 216B.1637; 256.01, subdivision 23; 256.476, subdivision 4; 256B.0915, subdivisions 3a, 3e; 256B.49, subdivision 16a; 256J.49, subdivision 13; 256J.55, subdivision 1; 268.101, subdivision 2; 325E.386, subdivision 1; 326.91, subdivision 1; 352.01, subdivision 2b; 446A.051, subdivision 1; 446A.072, subdivision 5a; Laws 2007, chapter 147, article 19, section 3, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 609B; repealing Minnesota Statutes 2006, sections 35.701; 35.96, subdivision 5; 62Q.64; 216C.30, subdivision 4; 256E.21, subdivision 3; 289A.11, subdivision 2; 383D.47; 473.1551, subdivision 1; 473.553, subdivision 14; 473.616; 484.69, subdivision 1a; 525.091, subdivision 2; Laws 2006, chapter 270, article 2, section 13; Laws 2007, chapter 128, article 6, section 16; Laws 2007, chapter 134, article 1, section 8; Laws 2007, chapter 147, article 1, section 32.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Moua, Bakk and Limmer.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Olin moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3674. The motion prevailed.

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 3683.

S. F. No. 3683 was reported to the House.

Juhnke moved to amend S. F. No. 3683, the third engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3902, the third engrossment:

"ARTICLE 1

AGRICULTURE POLICY

Section 1. [17.118] LIVESTOCK INVESTMENT GRANT PROGRAM.

Subdivision 1. **Establishment.** The commissioner may award a livestock investment grant to a person who raises livestock in this state equal to ten percent of the first \$500,000 of qualifying expenditures, provided the person makes qualifying expenditures of at least \$4,000. The commissioner may award multiple livestock investment grants to a person over the life of the program as long as the cumulative amount does not exceed \$50,000.

Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Livestock" means beef cattle, dairy cattle, swine, poultry, goats, mules, farmed cervidae, ratitae, bison, sheep, and llamas.

(c) "Qualifying expenditures" means the amount spent for:

(1) the acquisition, construction, or improvement of buildings or facilities for the production of livestock or livestock products;

(2) the development of pasture for use by livestock including, but not limited to, the acquisition, development, or improvement of:

(i) raceways used by dairy cows returning from pasture to a central location for milking;

(ii) watering systems for livestock on pasture including water lines and booster pumps and well installations; and

(iii) livestock stream crossing stabilization; or

(3) the acquisition of equipment for livestock housing, confinement, feeding, and waste management including, but not limited to, the following:

(i) freestall barns;

(ii) watering facilities;

(iii) feed storage and handling equipment;

(iv) milking parlors;

(v) robotic equipment;

(vi) scales;

(vii) milk storage and cooling facilities;

(viii) bulk tanks;

(ix) computer hardware and software and associated equipment used to monitor the productivity and feeding of livestock;

(x) manure pumping and storage facilities;

(xi) swine farrowing facilities;

(xii) swine and cattle finishing barns;

(xiii) calving facilities;

(xiv) digesters;

(xv) equipment used to produce energy;

(xvi) on-farm processing facilities and equipment; and

(xvii) fences.

Except for qualifying pasture development expenditures under clause (2), qualifying expenditures only include amounts that are allowed to be capitalized and deducted under either section 167 or 179 of the Internal Revenue Code in computing federal taxable income. Qualifying expenditures do not include an amount paid to refinance existing debt.

(d) "Qualifying period" means, for a grant awarded during a fiscal year, that full calendar year of which the first six months precede the first day of the current fiscal year. For example, an eligible person who makes qualifying expenditures during calendar year 2008 is eligible to receive a livestock investment grant between July 1, 2008, and June 30, 2009.

Subd. 3. **Eligibility.** (a) To be eligible for a livestock investment grant, a person must:

(1) be a resident of Minnesota or an entity authorized to farm in this state under section 500.24, subdivision 3;

(2) be the principal operator of the farm;

(3) hold an appropriate feedlot registration; and

(4) apply to the commissioner on forms prescribed by the commissioner including a statement of the qualifying expenditures made during the qualifying period along with any proof or other documentation the commissioner may require.

(b) The \$50,000 maximum grant applies at the entity level for partnerships, S corporations, C corporations, trusts, and estates as well as at the individual level. In the case of married individuals, the grant is limited to \$50,000 for a married couple.

Subd. 4. **Process.** The commissioner shall review completed applications and award grants to eligible applicants in the order in which applications were received by the commissioner. The commissioner shall certify eligible applications up to the amount appropriated for a fiscal year. The commissioner must place any additional eligible applications on a waiting list and, notwithstanding subdivision 2, paragraph (c), give them priority during the next fiscal year. The commissioner shall notify in writing any applicant who applies for a grant and is ineligible under the provisions of this section as well as any applicant whose application is received or reviewed after the fiscal year funding limit has been reached.

Subd. 5. **Livestock investment grant account.** A livestock investment grant account is hereby established in the agricultural fund to receive general fund appropriations and money transferred from other accounts. Any interest earned on money in the account accrues to the account. Money in the account is appropriated to the commissioner for the purposes of the livestock investment grant program, including costs incurred to administer the program.

Sec. 2. Minnesota Statutes 2007 Supplement, section 18B.065, subdivision 1, is amended to read:

Subdivision 1. **Collection and disposal.** The commissioner of agriculture shall establish and operate a program to collect and dispose of waste pesticides. The program must be made available to ~~agriculture~~ agricultural and residential pesticide end users whose waste generating activity occurs in this state.

EFFECTIVE DATE. This section is effective July 1, 2008, and applies to all cooperative agreements entered into by the commissioner of agriculture and local units of government for waste pesticide collection and disposal after that date.

Sec. 3. Minnesota Statutes 2006, section 18B.065, subdivision 2, is amended to read:

Subd. 2. **Implementation.** (a) The commissioner may obtain a United States Environmental Protection Agency hazardous waste identification number to manage the waste pesticides collected.

(b) The commissioner may not limit the type and quantity of waste pesticides accepted for collection and may not assess pesticide end users for portions of the costs incurred.

Sec. 4. Minnesota Statutes 2007 Supplement, section 18B.065, subdivision 2a, is amended to read:

Subd. 2a. **Disposal site requirement.** (a) For agricultural waste pesticides, the commissioner must designate a place in each county of the state that is available at least every other year for persons to dispose of unused portions of agricultural pesticides in accordance with subdivision 1. The commissioner shall consult with the person responsible for solid waste management and disposal in each county to determine an appropriate location and to advertise each collection event.

(b) For residential waste pesticides, the commissioner must provide periodic disposal opportunities each year in each county. As provided under subdivision 7, the commissioner may enter into agreements with county or regional solid waste management entities to provide these collections and shall provide these entities with funding for all costs incurred including, but not limited to, related supplies, transportation, advertising, and disposal costs as well as reasonable overhead costs.

(c) The person responsible for waste pesticide collections under paragraphs (a) and (b) shall record information on each waste pesticide product collected including, but not limited to, the product name, active ingredient or ingredients, and the quantity. The person must submit this information to the commissioner at least annually.

EFFECTIVE DATE. This section is effective July 1, 2008, and applies to all cooperative agreements entered into by the commissioner of agriculture and local units of government for waste pesticide collection and disposal after that date.

Sec. 5. Minnesota Statutes 2006, section 18B.065, subdivision 7, is amended to read:

Subd. 7. **Cooperative agreements.** The commissioner may enter into cooperative agreements with state agencies and local units of government for administration of the waste pesticide collection program. The commissioner shall ensure that the program is carried out in all counties. If the commissioner cannot contract with another party to administer the program in a county, the commissioner shall perform collections according to the provisions of this section.

Sec. 6. Minnesota Statutes 2006, section 18B.07, subdivision 2, is amended to read:

Subd. 2. **Prohibited pesticide use.** (a) A person may not use, store, handle, distribute, or dispose of a pesticide, rinsate, pesticide container, or pesticide application equipment in a manner:

- (1) that is inconsistent with a label or labeling as defined by FIFRA;
- (2) that endangers humans, damages agricultural products, food, livestock, fish, or wildlife; or
- (3) that will cause unreasonable adverse effects on the environment.

(b) A person may not direct a pesticide onto property beyond the boundaries of the target site. A person may not apply a pesticide resulting in damage to adjacent property.

(c) A person may not directly apply a pesticide on a human by overspray or target site spray, except when:

- (1) the pesticide is intended for use on a human;
- (2) the pesticide application is for mosquito control operations;

(3) the pesticide application is for control of gypsy moth, forest tent caterpillar, or other pest species, as determined by the commissioner, and the pesticide used is a biological agent; or

(4) the pesticide application is for a public health risk, as determined by the commissioner of health, and the commissioner of health, in consultation with the commissioner of agriculture, determines that the application is warranted based on the commissioner's balancing of the public health risk with the risk that the pesticide application poses to the health of the general population, with special attention to the health of children.

(d) For pesticide applications under paragraph (c), clause (2), the following conditions apply:

(1) no practicable and effective alternative method of control exists;

(2) the pesticide is among the least toxic available for control of the target pest; and

(3) notification to residents in the area to be treated is provided at least 24 hours before application through direct notification, posting daily on the treating organization's Web site, if any, and by sending a broadcast e-mail to those persons who request notification of such, of those areas to be treated by adult mosquito control techniques during the next calendar day. For control operations related to human disease, notice under this paragraph may be given less than 24 hours in advance.

(e) For pesticide applications under paragraph (c), clauses (3) and (4), the following conditions apply:

(1) no practicable and effective alternative method of control exists;

(2) the pesticide is among the least toxic available for control of the target pest; and

(3) notification of residents in the area to be treated is provided by direct notification and through publication in a newspaper of general circulation within the affected area.

(f) For purposes of this subdivision, "direct notification" may include mailings, public meetings, posted placards, neighborhood newsletters, or other means of contact designed to reach as many residents as possible. Public meetings held to meet this requirement for adult mosquito control, under paragraph (d), must be held within each city or town where the pesticide treatments are to be made, at a time and location that is convenient for residents of the area where the treatments will occur.

(g) A person may not apply a pesticide in a manner so as to expose a worker in an immediately adjacent, open field.

(h) Except for public health purposes, it is a violation of this chapter to apply for hire a pesticide to the incorrect site or to a site where an application has not been requested, ordered, or contracted for by the property owner or lawful manager or property manager of the site, notwithstanding that the application is done in a manner consistent with the label or labeling.

Sec. 7. Minnesota Statutes 2007 Supplement, section 18B.26, subdivision 3, is amended to read:

Subd. 3. **Application fee.** (a) A registrant shall pay an annual application fee for each pesticide to be registered, and this fee is set at 0.4 percent of annual gross sales within the state and annual gross sales of pesticides used in the state, with a minimum nonrefundable fee of \$250. The registrant shall determine when and which pesticides are sold or used in this state. The registrant shall secure sufficient sales information of pesticides distributed into this state from distributors and dealers, regardless of distributor location, to make a determination. Sales of pesticides in this state and sales of pesticides for use in this state by out-of-state distributors are not exempt and must be included

in the registrant's annual report, as required under paragraph (c), and fees shall be paid by the registrant based upon those reported sales. Sales of pesticides in the state for use outside of the state are exempt from the application fee in this paragraph if the registrant properly documents the sale location and distributors. A registrant paying more than the minimum fee shall pay the balance due by March 1 based on the gross sales of the pesticide by the registrant for the preceding calendar year. The fee for disinfectants and sanitizers shall be the minimum. The minimum fee is due by December 31 preceding the year for which the application for registration is made. ~~The commissioner shall spend at least \$400,000, not including the commissioner's administrative costs, per fiscal year from the pesticide regulatory account for the purposes of the waste pesticide collection program.~~ In each fiscal year, the commissioner shall allocate from the pesticide regulatory account a sum sufficient to collect and dispose of waste pesticides under section 18B.065. However, notwithstanding section 18B.065, if at the end of any fiscal year the balance in the pesticide regulatory account is less than \$1,000,000, the commissioner may suspend waste pesticide collections or provide partial payment to a person for waste pesticide collection. The commissioner must notify as soon as possible and no later than August 1 a person under contract to collect waste pesticides of an anticipated suspension or payment reduction.

(b) An additional fee of \$100 must be paid by the applicant for each pesticide to be registered if the application is a renewal application that is submitted after December 31.

(c) A registrant must annually report to the commissioner the amount and type of each registered pesticide sold, offered for sale, or otherwise distributed in the state. The report shall be filed by March 1 for the previous year's registration. The commissioner shall specify the form of the report and require additional information deemed necessary to determine the amount and type of pesticides annually distributed in the state. The information required shall include the brand name, amount, and formulation of each pesticide sold, offered for sale, or otherwise distributed in the state, but the information collected, if made public, shall be reported in a manner which does not identify a specific brand name in the report.

(d) A registrant who is required to pay more than the minimum fee for any pesticide under paragraph (a) must pay a late fee penalty of \$100 for each pesticide application fee paid after March 1 in the year for which the license is to be issued.

EFFECTIVE DATE. This section is effective July 1, 2008, and applies to all cooperative agreements entered into by the commissioner of agriculture and local units of government for waste pesticide collection and disposal after that date.

Sec. 8. Minnesota Statutes 2006, section 18D.305, subdivision 2, is amended to read:

Subd. 2. **Revocation and suspension.** (a) The commissioner may, after written notice and hearing, revoke, suspend, or refuse to grant or renew a registration, permit, license, or certification if a person violates a provision of this chapter or has a history within the last three years of violations of this chapter.

(b) The commissioner may refuse to accept an application for a registration, permit, license, or certification, and may revoke or suspend a previously issued registration, permit, license, or certification of a person from another state if that person has:

(1) had a registration, permit, license, or certification denied, revoked, or suspended by another state for an offense reasonably related to the requirements, qualifications, or duties of a registration, permit, license, or certification issued under chapter 18B or 18C; or

(2) been convicted of a violation, had a history of violations, or been subject to a final order imposing civil penalties authorized under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended.

Sec. 9. Minnesota Statutes 2006, section 18E.04, subdivision 2, is amended to read:

Subd. 2. **Payment of corrective action costs.** (a) On request by an eligible person, the board may pay the eligible person for the reasonable and necessary cash disbursements for corrective action costs incurred by the eligible person as provided under subdivision 4 if the board determines:

(1) the eligible person pays the first \$1,000 of the corrective action costs;

(2) the eligible person provides the board with a sworn affidavit and other convincing evidence that the eligible person is unable to pay additional corrective action costs;

(3) the eligible person continues to assume responsibility for carrying out the requirements of corrective action orders issued to the eligible person or that are in effect;

(4) the incident was reported as required in chapters 18B, 18C, and 18D; and

(5) the eligible person submits an application for payment or reimbursement to the department, along with associated invoices, within three years of (i) ~~incurring eligible corrective action costs~~, performance of the eligible work, or (ii) approval of ~~a~~ the related corrective action design or plan for that work, whichever is later.

(b) The eligible person must submit an application for payment or reimbursement of eligible cost incurred prior to July 1, 2001, no later than June 1, 2004.

(c) An eligible person is not eligible for payment or reimbursement and must refund amounts paid or reimbursed by the board if false statements or misrepresentations are made in the affidavit or other evidence submitted to the commissioner to show an inability to pay corrective action costs.

(d) The board may pay the eligible person and one or more designees by multiparty check.

Sec. 10. Minnesota Statutes 2006, section 28A.03, is amended by adding a subdivision to read:

Subd. 10. **Vending machine.** "Vending machine" means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

Sec. 11. Minnesota Statutes 2006, section 28A.08, is amended to read:

28A.08 LICENSE FEES; PENALTIES.

Subdivision 1. **General.** License fees, penalties for late renewal of licenses, and penalties for not obtaining a license before conducting business in food handling that are set in this section apply to the sections named except as provided under section 28A.09. Except as specified herein, bonds and assessments based on number of units operated or volume handled or processed which are provided for in said laws shall not be affected, nor shall any penalties for late payment of said assessments, nor shall inspection fees, be affected by this chapter. The penalties may be waived by the commissioner. Fees for all new licenses must be based on the anticipated future gross annual food sales. If a firm is found to be operating for multiple years without paying license fees, the state may collect the appropriate fees and penalties for each year of operation.

Subd. 3. Fees effective July 1, 2003.

Type of food handler	Penalties		
	License Fee Effective July 1, 2003	Late Renewal	No License
1. Retail food handler			
(a) Having gross sales of only prepackaged nonperishable food of less than \$15,000 for the immediately previous license or fiscal year and filing a statement with the commissioner	\$50	\$17	\$33
(b) Having under \$15,000 gross sales <u>or service</u> including food preparation or having \$15,000 to \$50,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$77	\$25	\$51
(c) Having \$50,001 to \$250,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$155	\$51	\$102
(d) Having \$250,001 to \$1,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$276	\$91	\$182
(e) Having \$1,000,001 to \$5,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$799	\$264	\$527
(f) Having \$5,000,001 to \$10,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$1,162	\$383	\$767
(g) Having \$10,000,001 to \$15,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$1,376	\$454	\$908
(h) Having \$15,000,001 to \$20,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$1,607	\$530	\$1,061
(i) Having \$20,000,001 to \$25,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$1,847	\$610	\$1,219
(j) Having over \$25,000,001 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$2,001	\$660	\$1,321
2. Wholesale food handler			
(a) Having gross sales or service of less than \$25,000 for the immediately previous license or fiscal year	\$57	\$19	\$38
(b) Having \$25,001 to \$250,000 gross sales or service for the immediately previous license or fiscal year	\$284	\$94	\$187

(c) Having \$250,001 to \$1,000,000 gross sales or service from a mobile unit without a separate food facility for the immediately previous license or fiscal year	\$444	\$147	\$293
(d) Having \$250,001 to \$1,000,000 gross sales or service not covered under paragraph (c) for the immediately previous license or fiscal year	\$590	\$195	\$389
(e) Having \$1,000,001 to \$5,000,000 gross sales or service for the immediately previous license or fiscal year	\$769	\$254	\$508
(f) Having \$5,000,001 to \$10,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$920	\$304	\$607
(g) Having \$10,000,001 to \$15,000,000 gross sales or service for the immediately previous license or fiscal year	\$990	\$327	\$653
(h) Having \$15,000,001 to \$20,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,156	\$381	\$763
(i) Having \$20,000,001 to \$25,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,329	\$439	\$877
(j) Having over \$25,000,001 or more gross sales or service for the immediately previous license or fiscal year	\$1,502	\$496	\$991
3. Food broker	\$150	\$50	\$99
4. Wholesale food processor or manufacturer			
(a) Having gross sales <u>or service</u> of less than \$125,000 for the immediately previous license or fiscal year	\$169	\$56	\$112
(b) Having \$125,001 to \$250,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$392	\$129	\$259
(c) Having \$250,001 to \$1,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$590	\$195	\$389
(d) Having \$1,000,001 to \$5,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$769	\$254	\$508
(e) Having \$5,000,001 to \$10,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$920	\$304	\$607
(f) Having \$10,000,001 to \$15,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$1,377	\$454	\$909
(g) Having \$15,000,001 to \$20,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,608	\$531	\$1,061

(h) Having \$20,000,001 to \$25,000,000 gross sales or service for the immediately previous license or fiscal year	\$1,849	\$610	\$1,220
(i) Having \$25,000,001 to \$50,000,000 gross sales or service for the immediately previous license or fiscal year	\$2,090	\$690	\$1,379
(j) Having \$50,000,001 to \$100,000,000 gross sales or service for the immediately previous license or fiscal year	\$2,330	\$769	\$1,538
(k) Having \$100,000,000 or more gross sales or service for the immediately previous license or fiscal year	\$2,571	\$848	\$1,697
5. Wholesale food processor of meat or poultry products under supervision of the U.S. Department of Agriculture			
(a) Having gross sales <u>or service</u> of less than \$125,000 for the immediately previous license or fiscal year	\$112	\$37	\$74
(b) Having \$125,001 to \$250,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$214	\$71	\$141
(c) Having \$250,001 to \$1,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$333	\$110	\$220
(d) Having \$1,000,001 to \$5,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$425	\$140	\$281
(e) Having \$5,000,001 to \$10,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$521	\$172	\$344
(f) Having over \$10,000,001 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$765	\$252	\$505
(g) Having \$15,000,001 to \$20,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$893	\$295	\$589
(h) Having \$20,000,001 to \$25,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$1,027	\$339	\$678
(i) Having \$25,000,001 to \$50,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$1,161	\$383	\$766
(j) Having \$50,000,001 to \$100,000,000 gross sales <u>or service</u> for the immediately previous license or fiscal year	\$1,295	\$427	\$855
(k) Having \$100,000,001 or more gross sales <u>or service</u> for the immediately previous license or fiscal year	\$1,428	\$471	\$942
6. Wholesale food processor or manufacturer operating only at the State Fair			
	\$125	\$40	\$50

7. Wholesale food manufacturer having the permission of the commissioner to use the name Minnesota Farmstead cheese	\$30	\$10	\$ 15
8. Nonresident frozen dairy manufacturer	\$200	\$50	\$75
9. Wholesale food manufacturer processing less than 700,000 pounds per year of raw milk	\$30	\$10	\$15
10. A milk marketing organization without facilities for processing or manufacturing that purchases milk from milk producers for delivery to a licensed wholesale food processor or manufacturer	\$50	\$15	\$25

Sec. 12. Minnesota Statutes 2006, section 28A.082, is amended by adding a subdivision to read:

Subd. 3. **Disaster areas.** If the governor declares a disaster in an area of the state, the commissioner of agriculture may waive the plan review fee and direct agency personnel to expedite the plan review process.

Sec. 13. Minnesota Statutes 2006, section 28A.09, subdivision 1, is amended to read:

Subdivision 1. **Annual fee; exceptions.** Every ~~coin-operated~~ food vending machine is subject to an annual state inspection fee of \$25 for each nonexempt machine except nut vending machines which are subject to an annual state inspection fee of \$10 for each machine, provided that:

(a) Food vending machines may be inspected by either a home rule charter or statutory city, or a county, but not both, and if inspected by a home rule charter or statutory city, or a county they shall not be subject to the state inspection fee, but the home rule charter or statutory city, or the county may impose an inspection or license fee of no more than the state inspection fee. A home rule charter or statutory city or county that does not inspect food vending machines shall not impose a food vending machine inspection or license fee.

(b) Vending machines dispensing only gum balls, hard candy, unsorted candy, or ice manufactured and packaged by another ~~shall be, and water dispensing machines serviced by a cashier, are~~ exempt from the state inspection fee, but may be inspected by the state. A home rule charter or statutory city may impose by ordinance an inspection or license fee of no more than the state inspection fee for nonexempt machines on the vending machines and water dispensing machines described in this paragraph. A county may impose by ordinance an inspection or license fee of no more than the state inspection fee for nonexempt machines on the vending machines and water dispensing machines described in this paragraph which are not located in a home rule charter or statutory city.

(c) Vending machines dispensing only bottled or canned soft drinks are exempt from the state, home rule charter or statutory city, and county inspection fees, but may be inspected by the commissioner or the commissioner's designee.

Sec. 14. Minnesota Statutes 2006, section 29.23, is amended to read:

29.23 GRADING.

Subdivision 1. **Grades, weight classes and standards for quality.** All eggs purchased on the basis of grade by the first licensed buyer shall be graded in accordance with grade and weight classes established by the commissioner. The commissioner shall establish, by rule, and from time to time, may amend or revise, grades, weight classes, and standards for quality. When grades, weight classes, and standards for quality have been fixed by the secretary of the Department of Agriculture of the United States, they ~~may~~ must be accepted and published by the commissioner as definitions or standards for eggs in interstate and intrastate commerce.

Subd. 2. **Equipment.** The commissioner shall also by rule provide for minimum plant and equipment requirements for candling, grading, handling and storing eggs, and shall define candling. Equipment in use by a wholesale food handler before July 1, 1991, that does not meet the design and fabrication requirements of this chapter may remain in use if it is in good repair, capable of being maintained in a sanitary condition, and capable of maintaining a temperature of 45 degrees Fahrenheit (7 degrees Celsius) or less.

Subd. 3. **Egg temperature.** Eggs must be held at a temperature not to exceed 45 degrees Fahrenheit (7 degrees Celsius) after being received by the egg handler except for cleaning, sanitizing, grading, and further processing when they must immediately be placed under refrigeration that is maintained at 45 degrees Fahrenheit (7 degrees Celsius) or below. Eggs offered for ~~retail~~ sale by a retail food handler must be held at a temperature not to exceed ~~45~~ 41 degrees Fahrenheit (7 degrees Celsius). Equipment in use prior to August 1, 1991, is not subject to this requirement. Shell eggs that have been frozen must not be offered for sale except as approved by the commissioner.

Subd. 4. **Vehicle temperature.** A vehicle used ~~for the transportation of~~ to transport shell eggs from a warehouse, retail store, candling and grading facility, or egg holding facility must have an ambient air temperature of 45 degrees Fahrenheit (7 degrees Celsius) or below.

Sec. 15. Minnesota Statutes 2006, section 31.05, is amended to read:

31.05 EMBARGOES AND CONDEMNATIONS.

Subdivision 1. **Definitions.** As used in this section, "animals" means cattle; swine; sheep; goats; poultry; farmed cervidae, as defined in section 35.153, subdivision 3; llamas, as defined in section 17.455, subdivision 2; ratitae, as defined in section 17.453, subdivision 3; equines; and other large domesticated animals.

Subd. 1a. **Tag or notice.** A duly authorized agent of the commissioner who finds or has probable cause to believe that any food, animal, or consumer commodity is adulterated or so misbranded as to be dangerous or fraudulent, or is in violation of section 31.131 shall affix to such article or animal a tag or other appropriate marking giving notice that such article or animal is, or is suspected of being, adulterated or misbranded and has been detained or embargoed, and warning all persons not to remove or dispose of such article or animal by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or embargoed article or animal by sale or otherwise without such permission.

Subd. 2. **Action for condemnation.** When an article or animal detained or embargoed under subdivision 1 has been found by such agent to be adulterated, or misbranded, the agent shall petition the district court in the county in which the article or animal is detained or embargoed for an order and decree for the condemnation of such article or animal. Any such agent who has found that an article or animal so detained or embargoed is not adulterated or misbranded, shall remove the tag or other marking.

Subd. 3. **Remedies.** If the court finds that a detained or embargoed article or animal is adulterated or misbranded, such article or animal shall, after entry of the decree, be destroyed at the expense of the claimant thereof, under the supervision of such agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or animal or the claimant's agent; provided, that when the adulteration or misbranding can be corrected by proper labeling or processing of the article or animal, the court, after entry of the decree and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article or animal shall be so labeled or processed, has been executed, may by order direct that such article or animal be delivered to claimant thereof for such labeling or processing under the supervision of an agent of the commissioner. The expense of such supervision shall be paid by claimant. The article or animal shall be returned to the claimant and the bond shall be discharged on the representation to the court by the commissioner that the article or animal is no longer in violation and that the expenses of such supervision have been paid.

Subd. 4. **Duties of commissioner.** Whenever the commissioner or any of the commissioner's authorized agents shall find in any room, building, vehicle of transportation or other structure, any meat, seafood, poultry, vegetable, fruit, or other perishable articles of food which are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the commissioner, or the commissioner's authorized agent, shall forthwith condemn or destroy the same, or in any other manner render the same unsalable as human food, and no one shall have any cause of action against the commissioner or the commissioner's authorized agent on account of such action.

Subd. 5. **Emergency response.** In the event of an emergency declared by the governor's order under section 12.31, if the commissioner finds or has probable cause to believe that a livestock, food, or a consumer commodity within a specific area is likely to be adulterated because of the emergency or so misbranded as to be dangerous or fraudulent, or is in violation of section 31.131, subdivision 1, the commissioner may embargo a geographic area that is included in the declared emergency. The commissioner shall provide notice to the public and to those with custody of the product in as thorough a manner as is practical under the emergency circumstances.

Sec. 16. Minnesota Statutes 2006, section 31.171, is amended to read:

31.171 EMPLOYMENT OF DISEASED PERSON.

It shall be unlawful for any person to work in or about any place where any fruit or any food products are manufactured, packed, stored, deposited, collected, prepared, produced or sold, whose condition is such that disease may be spread to associates direct, or through the medium of milk, cream, butter, other food or food products, likely to be eaten without being cooked after handling, whether such condition be due to a contagious, or infectious, or ~~or~~ ~~venereal~~ disease, in its active or convalescent stage, or to the presence of disease germs, whether accompanied by, or without, any symptoms of the disease itself.

It shall be the duty of the commissioner, or the commissioner's assistant, inspector, or agent, to report to the state commissioner of health for investigation, any person suspected to be dangerous to the public health, as provided for in this section, and immediately to exclude such person from such employment pending investigation and during the period of infectiousness, if such person is certified by the state commissioner of health, or an authorized agent, to be dangerous to the public health.

Sec. 17. Minnesota Statutes 2007 Supplement, section 31.175, is amended to read:

31.175 WATER, PLUMBING, AND SEWAGE.

A person who is required by statutes administered by the Department of Agriculture, or by rules adopted pursuant to those statutes, to provide a suitable water supply, or plumbing or sewage disposal system, ~~may shall~~ not engage in the business of manufacturing, processing, selling, handling, or storing food at wholesale or retail unless the person's water supply is satisfactory under plumbing codes pursuant to rules adopted by the Department of Health, the person's plumbing is satisfactory pursuant to rules adopted by the Department of Labor and Industry, and the person's sewage disposal system satisfies the rules of the Pollution Control Agency.

Sec. 18. **[32.416] SOMATIC CELL COUNT, GOAT MILK.**

Notwithstanding any federal standard incorporated by reference in this chapter, the maximum allowable somatic cell count for raw goat milk is 1,500,000 cells per milliliter.

Sec. 19. Minnesota Statutes 2007 Supplement, section 35.244, is amended to read:

35.244 RULES FOR CONTROL OF BOVINE TUBERCULOSIS.

Subdivision 1. **Designation of zones.** The board has the authority to control tuberculosis and the movement of cattle, bison, goats, and farmed cervidae within and between tuberculosis zones in the state. Zones within the state may be designated as accreditation preparatory, modified accredited, modified accredited advanced, or accredited free as those terms are defined in Code of Federal Regulations, title 9, part 77.

Subd. 2. **Control within modified accredited zone.** In a modified accredited zone, the board has the authority to:

(1) require owners of cattle, bison, goats, or farmed cervidae to report personal contact information and location of livestock to the board;

(2) require a permit or movement certificates for all cattle, bison, goats, and farmed cervidae moving between premises within the zone or leaving or entering the zone;

(3) require official identification of all cattle, bison, goats, and farmed cervidae within the zone or leaving or entering the zone;

(4) require a negative tuberculosis test within 60 days prior to movement for any individual cattle, bison, goats, or farmed cervidae leaving the zone with the exception of cattle moving under permit directly to a slaughter facility under state or federal inspection;

(5) require a whole-herd tuberculosis test within 12 months prior to moving breeding cattle out of the zone;

(6) require annual herd inventories on all cattle, bison, goat, or farmed cervidae herds;

(7) require that a risk assessment be performed to evaluate the interaction of free-ranging deer with cattle, bison, goat, and farmed cervidae herds and require the owner to implement the recommendations of the risk assessment; and

(8) provide financial assistance to a person who fences a cattle feeding area.

Subd. 3. **Authority to adopt rules.** The board may adopt rules to provide for the control of tuberculosis in cattle. The rules may include provisions for quarantine, tests, and such other measures as the board deems appropriate. Federal regulations, as provided by Code of Federal Regulations, title 9, part 77, and the Bovine Tuberculosis Eradication Uniform Methods and Rules, are incorporated as part of the rules in this state.

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

Sec. 20. Minnesota Statutes 2007 Supplement, section 41A.105, subdivision 2, is amended to read:

Subd. 2. **NextGen Energy Board.** There is created a NextGen Energy Board consisting of the commissioners of agriculture, commerce, natural resources, the Pollution Control Agency, and employment and economic development; the chairs of the house and senate committees with jurisdiction over energy finance; the chairs of the house and senate committees with jurisdiction over agriculture finance; one member of the second largest political party in the house, as appointed by the chairs of the house committees with jurisdiction over agriculture finance and energy finance; one member of the second largest political party in the senate, as appointed by the chairs of the senate committees with jurisdiction over agriculture finance and energy finance; and the executive director of the

Agricultural Utilization Research Institute. In addition, the governor shall appoint ~~seven~~ eight members: two representing statewide agriculture organizations; two representing statewide environment and natural resource conservation organizations; one representing the University of Minnesota; one representing the Minnesota Institute for Sustainable Agriculture; ~~and one representing the Minnesota State Colleges and Universities system; and one representing the forest products industry.~~

Sec. 21. Minnesota Statutes 2006, section 41D.01, subdivision 4, is amended to read:

Subd. 4. **Expiration.** This section expires on June 30, ~~2008~~ 2013.

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

Sec. 22. Minnesota Statutes 2006, section 97A.028, subdivision 3, is amended to read:

Subd. 3. **Emergency deterrent materials assistance.** (a) For the purposes of this subdivision, "cooperative damage management agreement" means an agreement between a landowner or tenant and the commissioner that establishes a program for addressing the problem of destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, or destruction of agricultural crops by flightless Canada geese.

(b) A landowner or tenant may apply to the commissioner for emergency deterrent materials assistance in controlling destruction of the landowner's or tenant's specialty crops or stored forage crops by wild animals, or destruction of agricultural crops by flightless Canada geese. Subject to the availability of money appropriated for this purpose, the commissioner shall provide suitable deterrent materials when the commissioner determines that:

(1) immediate action is necessary to prevent significant damage from continuing ~~or to prevent the spread of bovine tuberculosis;~~ and

(2) a cooperative damage management agreement cannot be implemented immediately.

(c) A person may receive emergency deterrent materials assistance under this subdivision more than once, but the cumulative total value of deterrent materials provided to a person, or for use on a parcel, may not exceed \$3,000 for specialty crops, ~~\$5,000 for measures to prevent the spread of bovine tuberculosis within a five-mile radius of a cattle herd that is infected with bovine tuberculosis as determined by the Board of Animal Health,~~ \$750 for protecting stored forage crops, or \$500 for agricultural crops damaged by flightless Canada geese. If a person is a co-owner or cotenant with respect to the specialty crops for which the deterrent materials are provided, the deterrent materials are deemed to be "provided" to the person for the purposes of this paragraph.

(d) As a condition of receiving emergency deterrent materials assistance under this subdivision, a landowner or tenant shall enter into a cooperative damage management agreement with the commissioner. Deterrent materials provided by the commissioner may include repellents, fencing materials, or other materials recommended in the agreement to alleviate the damage problem. If requested by a landowner or tenant, any fencing materials provided must be capable of providing long-term protection of specialty crops. A landowner or tenant who receives emergency deterrent materials assistance under this subdivision shall comply with the terms of the cooperative damage management agreement.

Sec. 23. Minnesota Statutes 2006, section 148.01, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of sections 148.01 to 148.10;

(1) "chiropractic" is defined as the science of adjusting any abnormal articulations of the human body, especially those of the spinal column, for the purpose of giving freedom of action to impinged nerves that may cause pain or deranged function; and

(2) "animal chiropractic diagnosis and treatment" means treatment that includes, but is not limited to, identifying and resolving vertebral subluxation complexes, spinal manipulation, and manipulation of the extremity articulations of nonhuman vertebrates. Animal chiropractic diagnosis and treatment does not include:

(i) performing surgery;

(ii) dispensing or administering of medications; or

(iii) performing traditional veterinary care and diagnosis.

Sec. 24. Minnesota Statutes 2006, section 148.01, is amended by adding a subdivision to read:

Subd. 1a. **Animal chiropractic practice.** A licensed chiropractor may engage in the practice of animal chiropractic diagnosis and treatment if registered to do so by the board.

Sec. 25. Minnesota Statutes 2006, section 148.01, is amended by adding a subdivision to read:

Subd. 1b. **Scope of practice; animal chiropractic.** Criteria for registration to engage in the practice of animal chiropractic diagnosis and treatment must be set by the board, and must include, but are not limited to: active chiropractic license; education and training in the field of animal chiropractic from an American Veterinary Chiropractic Association, International Veterinary Chiropractic Association, or higher institution-approved course consisting of no less than 210 hours, meeting continuing education requirements; and other conditions and rules set by the board.

Sec. 26. Minnesota Statutes 2006, section 148.01, is amended by adding a subdivision to read:

Subd. 1c. **Titles.** Notwithstanding the limitations established in section 156.12, subdivision 4, a doctor of chiropractic properly registered to provide chiropractic care to animals in accordance with this chapter and rules of the board may use the title "animal chiropractor."

Sec. 27. Minnesota Statutes 2006, section 148.01, is amended by adding a subdivision to read:

Subd. 1d. **Provisional interim statute.** Upon approval by the board, a licensed chiropractor who has already taken and passed the education and training requirement set forth in subdivision 1b may engage in the practice of animal chiropractic during the time that the rules are being promulgated by the board. Enforcement actions may not be taken against persons who have completed the approved program of study by the American Veterinary Chiropractic Association or the International Veterinary Chiropractic Association until the rules have been adopted by the board.

Sec. 28. **[148.032] EDUCATIONAL CRITERIA FOR LICENSURE IN ANIMAL CHIROPRACTIC DIAGNOSIS AND TREATMENT; RECORDS; TREATMENT NOTES.**

(a) The following educational criteria must be applied to any licensed chiropractor who requests registration in animal chiropractic diagnosis and treatment. The criteria must include education and training in the following subjects:

(1) anatomy;

(2) anatomy laboratory;

(3) biomechanics and gait;

(4) chiropractic educational basics;

(5) animal chiropractic diversified adjusting technique, including:

(i) lecture cervical;

(ii) thoracic;

(iii) lumbosacral;

(iv) pelvic; and

(v) extremity;

(6) animal chiropractic diversified adjusting technique, including:

(i) laboratory cervical;

(ii) thoracic;

(iii) lumbosacral;

(iv) pelvic; and

(v) extremity;

(7) case management and case studies;

(8) chiropractic philosophy;

(9) ethics and legalities;

(10) neurology, neuroanatomy, and neurological conditions;

(11) pathology;

(12) radiology;

(13) research in current chiropractic and veterinary topics;

(14) rehabilitation, current topics, evaluation, and assessment;

(15) normal foot anatomy and normal foot care;

(16) saddle fit and evaluation, lecture, and laboratory;

(17) veterinary educational basics;

(18) vertebral subluxation complex; and

(19) zoonotic diseases.

(b) A licensed chiropractor requesting registration in animal chiropractic diagnosis and treatment must have completed and passed a course of study from an American Veterinary Chiropractic Association, International Veterinary Chiropractic Association, or higher institution-approved program, consisting of no less than 210 hours of education and training as set forth in paragraph (a).

(c) A licensed chiropractor engaged in the practice of animal chiropractic diagnosis and treatment must maintain complete and accurate records and patient files in the chiropractor's office for at least three years.

(d) A licensed chiropractor engaged in the practice of animal chiropractic diagnosis and treatment must make treatment notes and records available to the patient's owner upon request and must communicate their findings and treatment plan with the referring veterinarian, or the animal's veterinarian if the animal has not been referred by a veterinarian.

Sec. 29. **[148.033] ANIMAL CHIROPRACTIC CONTINUING EDUCATION HOURS.**

Any chiropractor engaged in the practice of animal chiropractic diagnosis and treatment applying for renewal of a registration related to animal chiropractic diagnosis and treatment must have completed a minimum of six hours annually of continuing education in animal chiropractic diagnosis and treatment, in addition to the required 20 hours annually of continuing education in human chiropractic under this chapter. The continuing education course attended for purposes of complying with this section must be approved by the board prior to attendance by the chiropractor.

Sec. 30. Laws 2007, chapter 45, article 1, section 3, subdivision 3, is amended to read:

Subd. 3. Agricultural Marketing and Development	8,547,000	5,157,000
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\$186,000 the first year and \$186,000 the second year are for transfer to the Minnesota grown account and may be used as grants for Minnesota grown promotion under Minnesota Statutes, section 17.102. Grants may be made for one year. Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered under contract on or before June 30, 2009, for Minnesota grown grants in this paragraph are available until June 30, 2011. \$50,000 of the appropriation in each year is for efforts that identify and promote Minnesota grown products in retail food

establishments including but not limited to restaurants, grocery stores, and convenience stores. The balance in the Minnesota grown matching account in the agricultural fund is canceled to the Minnesota grown account in the agricultural fund and the Minnesota grown matching account is abolished.

\$160,000 the first year and \$160,000 the second year are for grants to farmers for demonstration projects involving sustainable agriculture as authorized in Minnesota Statutes, section 17.116. Of the amount for grants, up to \$20,000 may be used for dissemination of information about the demonstration projects. Notwithstanding Minnesota Statutes, section 16A.28, the appropriations encumbered under contract on or before June 30, 2009, for sustainable agriculture grants in this paragraph are available until June 30, 2011.

\$100,000 the first year and \$100,000 the second year are to provide training and technical assistance to county and town officials relating to livestock siting issues and local zoning and land use planning, including a checklist template that would clarify the federal, state, and local government requirements for consideration of an animal agriculture modernization or expansion project. In developing the training and technical assistance program, the commissioner shall seek guidance, advice, and support of livestock producer organizations, general agricultural organizations, local government associations, academic institutions, other government agencies, and others with expertise in land use and agriculture.

\$103,000 the first year and \$106,000 the second year are for additional integrated pest management activities.

\$2,500,000 the first year is for the agricultural best management practices loan program. At least \$2,000,000 is available for pass-through to local governments and lenders for low-interest loans. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

\$1,000,000 the first year is for the agricultural best management practices loan program for capital equipment loans for persons using native, perennial cropping systems for energy or seed production. This appropriation is available until spent. * (The preceding text beginning "\$1,000,000 the first year" was indicated as vetoed by the governor.)

\$100,000 the first year and \$100,000 the second year are for annual cost-share payments to resident farmers or persons who sell, process, or package agricultural products in this state for the costs of organic certification. Annual cost-share payments per farmer must be two-thirds of the cost of the certification or \$350, whichever is less. In any year that a resident farmer or person who

sells, processes, or packages agricultural products in this state receives a federal organic certification cost-share payment, that resident farmer or person is not eligible for state cost-share payments. A certified farmer is eligible to receive annual certification cost-share payments for up to five years. \$15,000 each year is for organic market and program development. The commissioner may allocate any excess appropriation in either fiscal year for organic producer education efforts, assistance for persons transitioning from conventional to organic agriculture, or sustainable agriculture demonstration grants authorized under Minnesota Statutes, section 17.116, and pertaining to organic research or demonstration. Any unencumbered balance does not cancel at the end of the first year and is available for the second year.

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

Sec. 31. Laws 2007, chapter 45, article 1, section 3, subdivision 4, is amended to read:

Subd. 4. Bioenergy and Value-Added Agricultural Products	19,918,000	15,168,000
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\$15,168,000 the first year and \$15,168,000 the second year are for ethanol producer payments under Minnesota Statutes, section 41A.09. If the total amount for which all producers are eligible in a quarter exceeds the amount available for payments, the commissioner shall make payments on a pro rata basis. If the appropriation exceeds the total amount for which all producers are eligible in a fiscal year for scheduled payments and for deficiencies in payments during previous fiscal years, the balance in the appropriation is available to the commissioner for value-added agricultural programs including the value-added agricultural product processing and marketing grant program under Minnesota Statutes, section 17.101, subdivision 5. The appropriation remains available until spent.

\$3,000,000 the first year is for grants to bioenergy projects. The NextGen Energy Board shall make recommendations to the commissioner on grants for owners of Minnesota facilities producing bioenergy, organizations that provide for on-station, on-farm field scale research and outreach to develop and test the agronomic and economic requirements of diverse stands of prairie plants and other perennials for bioenergy systems, or certain nongovernmental entities. For the purposes of this paragraph, "bioenergy" includes transportation fuels derived from cellulosic material as well as the generation of energy for commercial heat, industrial process heat, or electrical power from cellulosic material via gasification or other processes. The board must give priority to a bioenergy facility that is at least 60 percent owned and controlled by farmers, as defined in Minnesota Statutes, section 500.24, subdivision 2, paragraph (n), or natural persons residing in the county or counties contiguous to where the facility is located.

Grants are limited to 50 percent of the cost of research, technical assistance, or equipment related to bioenergy production or \$500,000, whichever is less. Grants to nongovernmental entities for the development of business plans and structures related to community ownership of eligible bioenergy facilities together may not exceed \$150,000. The board shall make a good faith effort to select projects that have merit and when taken together represent a variety of bioenergy technologies, biomass feedstocks, and geographic regions of the state. Projects must have a qualified engineer certification on the technology and fuel source. Grantees shall provide reports at the request of the commissioner and must actively participate in the Agricultural Utilization Research Institute's Renewable Energy Roundtable. No later than February 1, 2009, the commissioner shall report on the projects funded under this appropriation to the house and senate committees with jurisdiction over agriculture finance. The commissioner's costs in administering the program may be paid from the appropriation. Any unencumbered balance does not cancel at the end of the first year and is available in the second year.

\$350,000 the first year is for grants to the Minnesota Institute for Sustainable Agriculture at the University of Minnesota to provide funds for on-station and on-farm field scale research and outreach to develop and test the agronomic and economic requirements of diverse stands of prairie plants and other perennials for bioenergy systems including, but not limited to, multiple species selection and establishment, ecological management between planting and harvest, harvest technologies, financial and agronomic risk management, farmer goal setting and adoption of technologies, integration of wildlife habitat into management approaches, evaluation of carbon and other benefits, and robust policies needed to induce farmer conversion on marginal lands. * (The preceding text beginning "\$350,000 the first year" was indicated as vetoed by the governor.)

\$200,000 the first year is for a grant to the Minnesota Turf Seed Council for basic and applied agronomic research on native plants, including plant breeding, nutrient management, pest management, disease management, yield, and viability. The grant recipient may subcontract with a qualified third party for some or all of the basic or applied research. The grant recipient must actively participate in the Agricultural Utilization Research Institute's Renewable Energy Roundtable and no later than February 1, 2009, must report to the house and senate committees with jurisdiction over agriculture finance. This is a onetime appropriation and is available until spent.

\$200,000 the first year is for a grant to a joint venture combined heat and power energy facility located in Scott or LeSueur County for the creation of a centrally located biomass fuel supply depot

with the capability of unloading, processing, testing, scaling, and storing renewable biomass fuels. The grant must be matched by at least \$3 of nonstate funds for every \$1 of state funds. The grant recipient must actively participate in the Agricultural Utilization Research Institute's Renewable Energy Roundtable and no later than February 1, 2009, must report to the house and senate committees with jurisdiction over agriculture finance. This is a onetime appropriation and is available until spent.

\$300,000 the first year is for a grant to the Bois Forte Band of Chippewa for a feasibility study of a renewable energy biofuels demonstration facility on the Bois Forte Reservation in St. Louis and Koochiching Counties. The grant shall be used by the Bois Forte Band to conduct a detailed feasibility study of the economic and technical viability of developing a multistream renewable energy biofuels demonstration facility on Bois Forte Reservation land to utilize existing forest resources, woody biomass, and cellulosic material to produce biofuels or bioenergy. The grant recipient must actively participate in the Agricultural Utilization Research Institute's Renewable Energy Roundtable and no later than February 1, 2009, must report to the house and senate committees with jurisdiction over agriculture finance. This is a onetime appropriation and is available until spent.

\$300,000 the first year is for a grant to the White Earth Band of Chippewa for a feasibility study of a renewable energy biofuels production, research, and production facility on the White Earth Reservation in Mahanomen County. The grant must be used by the White Earth Band and the University of Minnesota to conduct a detailed feasibility study of the economic and technical viability of (1) developing a multistream renewable energy biofuels demonstration facility on White Earth Reservation land to utilize existing forest resources, woody biomass, and cellulosic material to produce biofuels or bioenergy, and (2) developing, harvesting, and marketing native prairie plants and seeds for bioenergy production. The grant recipient must actively participate in the Agricultural Utilization Research Institute's Renewable Energy Roundtable and no later than February 1, 2009, must report to the house and senate committees with jurisdiction over agriculture finance. This is a onetime appropriation and is available until spent.

\$200,000 the first year is for a grant to the Elk River Economic Development Authority for upfront engineering and a feasibility study of the Elk River renewable fuels facility. The facility must use a plasma gasification process to convert primarily cellulosic material, but may also use plastics and other components from municipal solid waste, as feedstock for the production of methanol for use in biodiesel production facilities. Any unencumbered balance in fiscal year 2008 does not cancel but is available for fiscal year 2009. Notwithstanding Minnesota Statutes, section

16A.285, the agency must not transfer this appropriation. The grant recipient must actively participate in the Agricultural Utilization Research Institute's Renewable Energy Roundtable and no later than February 1, 2009, must report to the house and senate committees with jurisdiction over agriculture finance. This is a onetime appropriation and is available until spent.

\$200,000 the first year is for a grant to Chisago County to conduct a detailed feasibility study of the economic and technical viability of developing a multistream renewable energy biofuels demonstration facility in Chisago, Isanti, or Pine County to utilize existing forest resources, woody biomass, and cellulosic material to produce biofuels or bioenergy. Chisago County may expend funds to Isanti and Pine Counties and the University of Minnesota for any costs incurred as part of the study. The feasibility study must consider the capacity of: (1) the seed bank at Wild River State Park to expand the existing prairie grass, woody biomass, and cellulosic material resources in Chisago, Isanti, and Pine Counties; (2) willing and interested landowners in Chisago, Isanti, and Pine Counties to grow cellulosic materials; and (3) the Minnesota Conservation Corps, the sentence to serve program, and other existing workforce programs in east central Minnesota to contribute labor to these efforts. The grant recipient must actively participate in the Agricultural Utilization Research Institute's Renewable Energy Roundtable and no later than February 1, 2009, must report to the house and senate committees with jurisdiction over agriculture finance. This is a onetime appropriation and is available until spent.

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

Sec. 32. Laws 2007, chapter 45, article 1, section 3, subdivision 5, is amended to read:

Subd. 5. Administration and Financial Assistance	7,338,000	6,751,000
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\$1,005,000 the first year and \$1,005,000 the second year are for continuation of the dairy development and profitability enhancement and dairy business planning grant programs established under Laws 1997, chapter 216, section 7, subdivision 2, and Laws 2001, First Special Session chapter 2, section 9, subdivision 2. The commissioner may allocate the available sums among permissible activities, including efforts to improve the quality of milk produced in the state in the proportions that the commissioner deems most beneficial to Minnesota's dairy farmers. The commissioner must submit a work plan detailing plans for expenditures under this program to the chairs of the house and senate committees dealing with agricultural policy and budget on or before the start of each fiscal year. If significant changes are made to the plans in the course of the year, the commissioner must notify the chairs.

\$50,000 the first year and \$50,000 the second year are for the Northern Crops Institute. These appropriations may be spent to purchase equipment.

\$19,000 the first year and \$19,000 the second year are for a grant to the Minnesota Livestock Breeders Association.

\$250,000 the first year and \$250,000 the second year are for grants to the Minnesota Agricultural Education Leadership Council for programs of the council under Minnesota Statutes, chapter 41D.

\$600,000 the first year is for grants for fertilizer research as awarded by the Minnesota Agricultural Fertilizer Research and Education Council under Minnesota Statutes, section 18C.71. ~~No later than February 1, 2009, The amount available to the commissioner pursuant to Minnesota Statutes, section 18C.70, subdivision 2, for administration of this activity is available until February 1, 2009, by which time~~ the commissioner shall report to the house and senate committees with jurisdiction over agriculture finance. The report must include the progress and outcome of funded projects as well as the sentiment of the council concerning the need for additional research funded through an industry checkoff fee.

\$465,000 the first year and \$465,000 the second year are for payments to county and district agricultural societies and associations under Minnesota Statutes, section 38.02, subdivision 1. Aid payments to county and district agricultural societies and associations shall be disbursed not later than July 15 of each year. These payments are the amount of aid owed by the state for an annual fair held in the previous calendar year.

\$65,000 the first year and \$65,000 the second year are for annual grants to the Minnesota Turf Seed Council for basic and applied research on the improved production of forage and turf seed related to new and improved varieties. The grant recipient may subcontract with a qualified third party for some or all of the basic and applied research.

\$500,000 the first year and \$500,000 the second year are for grants to Second Harvest Heartland on behalf of Minnesota's six Second Harvest food banks for the purchase of milk for distribution to Minnesota's food shelves and other charitable organizations that are eligible to receive food from the food banks. Milk purchased under the grants must be acquired from Minnesota milk processors and based on low-cost bids. The milk must be allocated to each Second Harvest food bank serving Minnesota according to the formula used in the distribution of United States Department of Agriculture commodities under The Emergency Food Assistance Program (TEFAP). Second Harvest Heartland must submit quarterly reports to the commissioner on forms prescribed by the

commissioner. The reports must include, but are not limited to, information on the expenditure of funds, the amount of milk purchased, and the organizations to which the milk was distributed. Second Harvest Heartland may enter into contracts or agreements with food banks for shared funding or reimbursement of the direct purchase of milk. Each food bank receiving money from this appropriation may use up to two percent of the grant for administrative expenses.

\$100,000 the first year and \$100,000 the second year are for transfer to the Board of Trustees of the Minnesota State Colleges and Universities for mental health counseling support to farm families and business operators through farm business management programs at Central Lakes College and Ridgewater College.

\$18,000 the first year and \$18,000 the second year are for grants to the Minnesota Horticultural Society.

\$50,000 is for a grant to the University of Minnesota, Department of Horticultural Science, Enology Laboratory, to upgrade and purchase instrumentation to allow rapid and accurate measurement of enology components. This is a onetime appropriation and is available until expended.

Sec. 33. **2008 FAMILY MOTOR COACH ASSOCIATION EVENT.**

For the 2008 Family Motor Coach Association event held on the State Fair grounds, the fee the State Agricultural Society must obtain for expansion of the recreational camping area license, as required in Minnesota Statutes, section 327.15, shall be 50 percent of the primary license fee prescribed in Minnesota Rules, part 4630.2000.

Sec. 34. **INDUSTRIAL HEMP DEVELOPMENT AND REGULATION.**

(a) The Agricultural Utilization Research Institute, in consultation with the commissioner of agriculture shall create a detailed proposal for establishing industrial hemp as a cash crop option for Minnesota's agricultural producers. Commercial industrial hemp production would not be allowed and the commissioner would not promulgate any administrative rules until the United States Department of Justice, Drug Enforcement Administration, authorizes a person to commercially grow industrial hemp in the United States, at which time the commissioner shall evaluate industrial hemp laws in other states and propose a system of licensure and regulation that does not interfere with the strict regulation of controlled substances in this state.

(b) No later than January 15, 2009, the commissioner shall present the proposal in paragraph (a) to the house and senate committees with jurisdiction over agriculture and public safety policy and finance.

Sec. 35. **VIRAL HEMORRHAGIC SEPTICEMIA TESTING.**

The commissioners of agriculture, health, and natural resources shall form a work group and develop a plan for detecting and responding to the presence of the fish virus Viral Hemorrhagic Septicemia (VHS) in Minnesota. The plan must cover how the joint laboratory facility at the Departments of Agriculture and Health may be used to provide testing needed to diagnose and respond to VHS. No later than January 5, 2009, the commissioners shall present the plan to the chairs of the house and senate committees with jurisdiction over agriculture, health, and natural resources policy and finance.

Sec. 36. **REPEALER.**

Minnesota Statutes 2007 Supplement, section 41A.105, subdivision 5, is repealed.

ARTICLE 2

BIODIESEL FUEL CONTENT

Section 1. Minnesota Statutes 2006, section 239.77, as amended by Laws 2007, chapter 62, sections 3 and 4, is amended to read:

239.77 BIODIESEL CONTENT MANDATE.

Subdivision 1. **Biodiesel fuel.** "Biodiesel fuel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural or other plant oils or animal fats and; that meets American Society For Testing and Materials specification D6751-07 for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels; and that is manufactured by a person certified by the BQ-9000 National Biodiesel Accreditation Program.

Subd. 2. **Minimum content.** (a) Except as otherwise provided in this section, all diesel fuel sold or offered for sale in Minnesota for use in internal combustion engines must contain at least ~~2.0 percent~~ the stated percentage of biodiesel fuel oil by volume on and after the following dates:

- | | | |
|-----|---------------------------|-------------------|
| (1) | <u>September 29, 2005</u> | <u>2 percent</u> |
| (2) | <u>May 1, 2009</u> | <u>5 percent</u> |
| (3) | <u>May 1, 2012</u> | <u>10 percent</u> |
| (4) | <u>May 1, 2015</u> | <u>20 percent</u> |

The minimum content levels in clauses (3) and (4) are effective during the months of April, May, June, July, August, September, and October only. The minimum content for the remainder of the year is five percent. However, if the commissioners of agriculture, commerce, and the Pollution Control Agency determine, after consultation with the Biodiesel Task Force and other technical experts, that an American Society for Testing and Materials specification or equivalent federal standard exists for the specified biodiesel blend level in those clauses that adequately addresses technical issues associated with Minnesota's cold weather and publish a notice in the State Register to that effect, the commissioners may allow the specified biodiesel blend level in those clauses to be effective year round.

(b) The minimum content levels in paragraph (a), clauses (3) and (4), become effective on the date specified only if the commissioners of agriculture, commerce, and the Pollution Control Agency publish notice in the State Register and provide written notice to the chairs of the house of representatives and senate committees with jurisdiction over agriculture, commerce, and transportation policy and finance, at least 270 days prior to the date of each scheduled increase, that all of the following conditions have been met and the state is prepared to move to the next scheduled minimum content level:

(1) an American Society for Testing and Materials specification or equivalent federal standard exists for the next minimum diesel-biodiesel blend;

(2) a sufficient supply of biodiesel is available and the amount of biodiesel produced in this state is equal to at least 50 percent of anticipated demand at the next minimum content level; and

(3) adequate blending infrastructure and regulatory protocol are in place in order to promote biodiesel quality and avoid any potential economic disruption.

(c) The commissioners of agriculture, commerce, and the Pollution Control Agency must consult with the Biodiesel Task Force when assessing and certifying conditions in paragraph (b), and in general must seek the guidance of the Biodiesel Task Force regarding biodiesel labeling, enforcement, and other related issues.

(d) During a period of biodiesel fuel shortage or a problem with biodiesel quality that negatively affects the availability of biodiesel fuel, the commissioner of commerce may temporarily suspend the minimum content requirements in this subdivision until there is sufficient biodiesel fuel, as defined in subdivision 1, available to fulfill the minimum content requirements.

(e) By February 1, 2012, and periodically thereafter, the commissioner of commerce shall determine the wholesale diesel price at various pipeline and refinery terminals in the region, and the biodiesel price at biodiesel plants in the region after any applicable per gallon federal tax credit is subtracted. The commissioner shall report wholesale price differences to the governor who, after consultation with the commissioners of commerce and agriculture, may by executive order adjust the biodiesel mandate if a price disparity reported by the commissioner will cause economic hardship to retailers of diesel fuel in this state. Any adjustment must be for a specified period of time, after which the percentage of biodiesel fuel to be blended into diesel fuel returns to the amount required in this subdivision. The biodiesel mandate must not be adjusted to less than five percent.

Subd. 3. **Exceptions.** (a) The minimum content ~~requirement~~ requirements of subdivision 2 ~~does~~ do not apply to fuel used in the following equipment:

- (1) motors located at an electric generating plant regulated by the Nuclear Regulatory Commission;
- (2) railroad locomotives; ~~and~~
- (3) off-road taconite and copper mining equipment and machinery;
- (4) off-road logging equipment and machinery; and
- (5) vehicles and equipment used exclusively on an aircraft landing field.

(b) The exemption in paragraph (a), clause (1), expires 30 days after the Nuclear Regulatory Commission has approved the use of biodiesel fuel in motors at electric generating plants under its regulation.

(c) This subdivision expires on May 1, 2012.

Subd. 4. **Disclosure.** A refinery or terminal shall provide, at the time diesel fuel is sold or transferred from the refinery or terminal, a bill of lading or shipping manifest to the person who receives the fuel. For biodiesel-blended products, the bill of lading or shipping manifest must disclose biodiesel content, stating volume percentage, gallons of biodiesel per gallons of petroleum diesel base-stock, or an ASTM "Bxx" designation where "xx" denotes the volume percent biodiesel included in the blended product. This subdivision does not apply to sales or transfers of biodiesel blend stock between refineries, between terminals, or between a refinery and a terminal.

Subd. 5. **Annual report.** Beginning in 2009, the commissioner of agriculture must report by January 15 of each year to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over agriculture policy and finance regarding the implementation of the minimum content requirements in subdivision 2, including information about the price and supply of biodiesel fuel. The report must include any written comments received from members of the Biodiesel Fuel Task Force by January 1 of that year.

Sec. 2. Minnesota Statutes 2007 Supplement, section 296A.01, subdivision 8a, is amended to read:

Subd. 8a. **Biodiesel fuel.** "~~Biodiesel fuel~~" ~~means a renewable, biodegradable, mono-alkyl ester combustible liquid fuel derived from agricultural plant oils or animal fats and that meets American Society for Testing and Materials specification D6751-07 for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels~~ has the meaning given in section 239.77, subdivision 1.

Sec. 3. **PROPOSAL; PETROLEUM INSPECTION FEE REVENUE.**

The commissioners of finance, commerce, and the Pollution Control Agency must develop and submit to the legislature as part of their next biennial budget request a proposal for eliminating, to the extent feasible, redundant fuel inspections and dedicating, to the extent feasible, all revenue from the petroleum inspection fee levied on petroleum products under Minnesota Statutes, section 239.101, subdivision 3, to the Weights and Measures Division of the Department of Commerce. All additional funding appropriated to the Weights and Measures Division under this proposal must be used for increased and enhanced fuel quality assurance enforcement activities and equipment and for educational activities focused on the handling, distribution, and use of biodiesel fuel.

Sec. 4. **BIO-BASED DIESEL ALTERNATIVES.**

(a) By January 1, 2011, the commissioners of agriculture, commerce, and the Pollution Control Agency shall jointly review the technology, economics, and operational characteristics associated with bio-based diesel alternatives and shall make recommendations concerning their use in Minnesota to the governor and the chairs of the house of representatives and senate committees with jurisdiction over agriculture and energy finance.

(b) For the purposes of this section, "bio-based diesel alternatives" means alternatives to petroleum diesel fuel that are warranted for use in a standard diesel engine without modification and derived from a biological resource.

Sec. 5. **TECHNICAL COLD WEATHER ISSUES.**

The commissioners of agriculture and commerce shall convene technical stakeholders who are experts in cold weather biodiesel and petroleum diesel issues to consider and make recommendations regarding improvements in the production, blending, handling, and distribution of biodiesel blends to further ensure the performance of these fuels in cold weather. The commissioners shall issue a report on these issues by January 15, 2009, to the chairs of the house of representatives and senate committees with jurisdiction over agriculture and commerce policy and finance.

ARTICLE 3

VETERANS AFFAIRS POLICY

Section 1. Minnesota Statutes 2006, section 13.785, is amended by adding a subdivision to read:

Subd. 4. **Deceased veterans data.** Data relating to veterans deceased as a result of service-connected causes are classified under section 197.225.

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

Sec. 2. **[192.056] PROTECTION OF RESERVIST-OWNED BUSINESS DURING ACTIVE SERVICE.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Active service" has the meaning given in section 190.05, subdivision 5.

(c) "Business" means a business wholly owned by a qualified service member, or jointly by the member and the member's spouse, irrespective of whether the business is a sole proprietorship, corporation, limited liability company, partnership, limited partnership, or other type of business entity.

(d) "Qualified service member" means a Minnesota resident who is serving honorably as a member of the Minnesota National Guard or any other military reserve unit of the United States armed forces who has been ordered into active service for a period of 60 days or longer.

Subd. 2. **Protection provided.** (a) Notwithstanding any other law or rule to the contrary, the business of a qualified service member may be exempted from civil court proceedings for part or all of the period of the member's active military service and for up to 60 days thereafter, as provided in this section.

(b) If the business of a qualified service member is a defendant in a civil action, the court may, on its own motion, grant a stay in the proceedings for a minimum of 60 days. The court, on its own motion, may renew the stay as the court considers appropriate. If the qualified service member petitions the court in any manner for a stay, the court must grant a stay for a minimum of 60 days, provided that:

(1) the service member submits to the court a letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the service member's ability to appear or otherwise participate in the proceedings, and stating a date when the service member will be available to appear or otherwise participate in the proceedings; and

(2) the service member submits a letter or other communication from the service member's commanding officer stating that the service member's current military duty prevents appearance and that military leave is not authorized for the service member at the time of the letter.

(c) A service member's communication with the court requesting a stay does not constitute an appearance for jurisdictional purposes and does not constitute a waiver of any substantive or procedural defense, including a defense relating to lack of personal jurisdiction.

(d) A qualified service member who is granted a stay in the action or proceedings against the member's business may in any manner request from the court an additional stay, which the court may grant if the service member can show to the satisfaction of the court that the member's military requirements affect the member's ability to appear. However, the court is not obligated to grant the additional stay. If the court refuses to grant an additional stay, the court must provide the service member with information enabling the service member to acquire qualified legal counsel, at the service member's discretion, for defending the action.

(e) If a default judgment is entered in a civil action against the business of a qualified service member during the service member's period of active military service, or within 60 days following termination of or release from the active military service, the court entering the judgment must, upon application by or on behalf of the service member, reopen the judgment for the purpose of allowing the member to defend the action if it appears that:

(1) the service member was materially affected by reason of that military service in making a defense to the action; and

(2) the service member has a meritorious or legal defense to the action or some part of it.

EFFECTIVE DATE. This section is effective July 1, 2008, and applies to civil court actions pending or initiated on or after that date.

Sec. 3. Minnesota Statutes 2006, section 196.021, is amended to read:

196.021 DEPUTY COMMISSIONERS; DUTIES.

Subdivision 1. **Appointment.** ~~The commissioner shall appoint a deputy commissioner for veteran services as provided in subdivision 2, and the board of directors of the Minnesota Veterans Homes may appoint a deputy commissioner for veteran health care as provided in section 198.004. Both deputy commissioners serve in the unclassified service, the deputy for veteran services at the pleasure of the commissioner and the deputy for veteran health care at the pleasure of the board. Both deputies shall~~ must be residents of Minnesota, citizens of the United States, and veterans as defined in section 197.447.

Subd. 2. ~~**Deputy for veteran services; Powers and duties.** The deputy commissioner for veteran services has and the deputy commissioner for veteran health care have those powers delegated by the commissioner that have not otherwise been delegated to the deputy commissioner for veteran health care by the commissioner or assigned to that deputy commissioner by law. A delegation must be in writing, signed by the commissioner, and filed with the secretary of state.~~

Sec. 4. Minnesota Statutes 2006, section 196.03, is amended to read:

196.03 OFFICERS AND EMPLOYEES.

~~Except as provided in chapter 198, All officers and employees of the department shall be appointed by the commissioner and they shall perform such duties as may be assigned to them by the commissioner.~~

Sec. 5. **[196.30] VETERANS HEALTH CARE ADVISORY COUNCIL.**

Subdivision 1. **Creation.** The Veterans Health Care Advisory Council is established to provide the Department of Veterans Affairs with advice and recommendations on providing veterans with quality long-term care and the anticipated future needs of Minnesota veterans.

Subd. 2. **Membership.** (a) The council consists of nine public members appointed by the governor. The council members are:

(1) seven members with extensive expertise in health care delivery, long-term care, and veterans services;

(2) one licensed clinician who may be either a physician, physician's assistant, or a nurse practitioner; and

(3) one additional member.

(b) The governor shall designate a member to serve as the chair.

(c) The commissioner of veterans affairs, or the commissioner's designee, is an ex officio member of the council and shall provide necessary and appropriate administrative and technical support to the council.

(d) Membership terms, removal of members, and the filling of vacancies are as provided in section 15.059, subdivisions 2 and 4. Members shall not receive compensation or per diem payments, but may receive reimbursement for expenses pursuant to section 15.059, subdivision 3.

Subd. 3. **Duties.** The council is an advisory group with the responsibility of providing the commissioner of veterans affairs with information and professional expertise on the delivery of quality long-term care to veterans. The council's duties include:

(1) developing a new vision and strategic plan for the veterans homes that complements the Department of Veterans Affairs overall veterans service programs;

(2) providing recommendations and advice on matters including clinical performance, systemwide quality improvement efforts, culture and working environment of the veterans homes, and other operational and organizational functions of the veterans homes;

(3) studying and reviewing current issues and trends in the long-term care industry and the veterans community;

(4) providing recommendations to the commissioner on alternative options for the delivery of long-term care to veterans so that veterans and their families can determine appropriate services under models similar to those available in the community;

(5) establishing, as appropriate, subcommittees or ad hoc task forces of council members, stakeholders, and other individuals with expertise or experience to address specific issues; and

(6) reviewing and providing advice on any other matter at the request of the commissioner.

Subd. 4. **Continuation.** To ensure continued accountability and the active involvement of healthcare experts and stakeholders in the governance structure of the veterans homes, the governor may appoint a panel of experts to review the continuing effectiveness of the council. The commissioner may disband the council at any time.

Sec. 6. [197.225] LIST OF DECEASED MILITARY PERSONNEL.

(a) The commissioner of veterans affairs shall collect and maintain data about Minnesota residents who have died of service-connected causes while serving in the United States armed forces. The data may include deceased service members who are the immediate family members of Minnesota residents, but who themselves were not Minnesota residents at the time of death. The commissioner shall collect the following data: the individual's full name, military rank, branch of service, age at the time of death, and Minnesota hometown or if not a Minnesota resident at the time of death, the service member's home state.

(b) Data collected pursuant to this section are nonpublic data, but may be disseminated to the individual's next of kin, and for ceremonial or honorary purposes to veterans' organizations, civic organizations, the news media, and researchers. No other use or dissemination of the data is permitted.

(c) The next of kin of a veteran whose data is collected may request that the data not be disseminated for any purpose. Upon receiving such a request, the Department of Veterans Affairs must exclude the deceased veteran's data from any data disseminated for ceremonial or honorary purposes as permitted by paragraph (b).

(d) Data collected pursuant to this section shall not be indicative of any person's status with regard to qualification for veterans benefits or other benefits.

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

Sec. 7. Minnesota Statutes 2006, section 197.236, is amended to read:

197.236 VETERANS CEMETERY STATE VETERANS CEMETERIES.

Subd. 3. **Operation and maintenance.** The commissioner of veterans affairs shall supervise and control the veterans ~~cemetary~~ cemeteries established under this section. The cemeteries are to be maintained and operated in accordance with the operational standards and measures of the National Cemetery Administration. The commissioner may contract for the maintenance ~~and operation~~ of the ~~cemetary~~ cemeteries. All personnel, equipment, and support necessary for maintenance and operation of the ~~cemetary~~ cemeteries must be included in the department's budget.

Subd. 5. **Rules.** The commissioner of veterans affairs may adopt rules regarding the operation of the ~~cemetary~~ cemeteries. ~~If practicable,~~ The commissioner shall require that upright granite markers supplied by the United States Department of Veterans Affairs be used to mark all gravesites.

Subd. 6. **Permanent development and maintenance account.** A veterans cemetery development and maintenance account is established in the special revenue fund of the state treasury. Receipts for burial fees, ~~earnings from the veterans cemetery trust account~~ plot or interment allowance claims, designated appropriations, and any other cemetery receipts must be deposited into this account. The money in the account, including interest earned, is appropriated to the commissioner to be used for the development, operation, maintenance, and improvement of the ~~cemetary~~ cemeteries. To the extent practicable, the commissioner of veterans affairs must apply for available federal grants ~~for the development and operation of the cemetary~~ to establish, expand, or improve the cemeteries.

~~Subd. 7. **Permanent trust account.** A veterans cemetery trust account is established in the special revenue fund of the state treasury. All designated appropriations and monetary donations to the cemetery must be placed in this account. The principal of this account must be invested by the State Board of Investment and may not be spent. The income from this account must be transferred as directed by the account manager to the veterans cemetery development and maintenance account.~~

Subd. 8. **Eligibility.** ~~Any person who is eligible for burial in a national veterans cemetery is eligible for burial in the State Veterans Cemetery Cemeteries must be operated solely for the burial of service members who die on active duty, eligible veterans, and their spouses and dependent children, as defined in United States Code, title 38, section 101, paragraph (2).~~

Subd. 9. **Burial fees.** The commissioner of veterans affairs shall establish a fee schedule, which may be adjusted from time to time, for the interment of eligible ~~family members~~ spouses and dependent children. The fees shall cover as nearly as practicable the actual costs of interment, excluding the value of the plot. ~~The department may accept the Social Security burial allowance, if any, of the eligible family members in an amount not to exceed the actual cost of the interment.~~ The commissioner may waive the fee in the case of an indigent eligible person.

~~No plot or interment fees may be charged for the burial of eligible veterans, members of the National Guard, or military reservists, except that funds available from the Social Security or veterans burial allowances, if any, must be paid to the commissioner in an amount not to exceed the actual cost of the interment, excluding the value of the plot service members who die on active duty or eligible veterans, as defined in United States Code, title 38, section 101, paragraph (2).~~

~~Prior to the interment of an eligible person, the commissioner shall request the cooperation of the eligible person's next of kin in applying to the appropriate federal agencies for payment to the cemetery of any allowable interment allowance.~~

~~Subd. 10. **Allocation of plots.** A person, or survivor of a person, eligible for interment in the State Veterans Cemetery may apply for a burial plot for the eligible person by submitting a request to the commissioner of veterans affairs on a form supplied by the department. The department shall allot plots on a first come, first served basis. To the extent that it is practical, plots must be allocated in a manner permitting the burial of eligible family members above, below, or adjacent to the eligible veteran, member of the National Guard, or military reservist.~~

Subd. 11. **Plot allowance claims.** The commissioner of veterans affairs must apply to the Veterans Benefits Administration for a plot or interment allowance payable to the state for expenses incurred by the state in the burial of eligible veterans in cemeteries owned and operated by the state if the burial is performed at no cost to the veteran's next of kin.

Subd. 12. **No staff.** No staff may be hired for or allocated to any new veterans cemetery without explicit legislative approval.

Sec. 8. Minnesota Statutes 2007 Supplement, section 197.791, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of veterans affairs, unless otherwise specified.

(c) "Cost of attendance" for ~~both graduate and~~ undergraduate students has the meaning given in section 136A.121, subdivision 6, multiplied by a factor of ~~4-1~~ 1.2. The Cost of attendance for graduate students has the meaning given in section 136A.121, subdivision 6, multiplied by a factor of 1.2, using the tuition and fee maximum established by law for four-year programs shall be used to calculate the tuition and fee maximum under section 136A.121, subdivision 6, for a graduate student. For purposes of calculating the cost of attendance for graduate students, full time is eight credits or more per term or the equivalent.

(d) "Child" means a natural or adopted child of a person described in subdivision 4, paragraph (a), clause (1), item (i) or (ii).

(e) "Eligible institution" means a postsecondary institution under section 136A.101, subdivision 4, or a graduate school licensed or registered with the state of Minnesota serving only graduate students.

(f) "Program" means the Minnesota GI Bill program established in this section, unless otherwise specified.

(g) "Time of hostilities" means any action by the armed forces of the United States that is recognized by the issuance of a presidential proclamation or a presidential executive order in which the armed forces expeditionary medal or other campaign service medals are awarded according to presidential executive order, and any additional period or place that the commissioner determines and designates, after consultation with the United States Department of Defense, to be a period or place where the United States is in a conflict that places persons at such a risk that service in a foreign country during that period or in that place should be considered to be included.

(h) "Veteran" has the meaning given in section 197.447. Veteran also includes a service member who has received an honorable discharge after leaving each period of federal active duty service and has:

(1) served 90 days or more of federal active duty in a foreign country during a time of hostilities in that country;
or

(2) been awarded any of the following medals:

(i) Armed Forces Expeditionary Medal;

(ii) Kosovo Campaign Medal;

(iii) Afghanistan Campaign Medal;

(iv) Iraq Campaign Medal;

(v) Global War on Terrorism Expeditionary Medal; or

(vi) any other campaign medal authorized for service after September 11, 2001; or

~~(2)~~ (3) received a service-related medical discharge from any period of service in a foreign country during a time of hostilities in that country.

A service member who has fulfilled the requirements for being a veteran under this paragraph but is still serving actively in the United States armed forces is also a veteran for the purposes of this section.

Sec. 9. Minnesota Statutes 2007 Supplement, section 197.791, subdivision 4, is amended to read:

Subd. 4. **Eligibility.** (a) A person is eligible for educational assistance under this section if:

(1) the person is:

(i) a veteran who is serving or has served honorably in any branch or unit of the United States armed forces at any time on or after September 11, 2001;

(ii) a nonveteran who has served honorably for a total of five years or more cumulatively as a member of the Minnesota National Guard or any other active or reserve component of the United States armed forces, and any part of that service occurred on or after September 11, 2001;

(iii) the surviving spouse or child of a person who has served in the military at any time on or after September 11, 2001, and who has died as a direct result of that military service; or

(iv) the spouse or child of a person who has served in the military at any time on or after September 11, 2001, and who has a total and permanent service-connected disability as rated by the United States Veterans Administration;

~~(2) the person providing the military service described in clause (1), items (i) to (iv), was a Minnesota resident within six months of the time of the person's initial enlistment or any reenlistment in the United States armed forces;~~

~~(3)~~ (2) the person receiving the educational assistance is a Minnesota resident, as defined in section 136A.101, subdivision 8; and

~~(4)~~ (3) the person receiving the educational assistance:

(i) is an undergraduate or graduate student at an eligible institution;

(ii) is maintaining satisfactory academic progress as defined by the institution for students participating in federal Title IV programs;

(iii) is enrolled in an education program leading to a certificate, diploma, or degree at an eligible institution;

(iv) has applied for educational assistance under this section prior to the end of the academic term for which the assistance is being requested;

(v) is in compliance with child support payment requirements under section 136A.121, subdivision 2, clause (5); and

(vi) if an undergraduate student, has applied for the federal Pell Grant and the Minnesota State Grant has completed the Free Application for Federal Student Aid (FAFSA).

(b) A person's eligibility terminates when the person becomes eligible for benefits under section 135A.52.

(c) To determine eligibility, the commissioner may require official documentation, including the person's federal form DD-214 or other official military discharge papers; correspondence from the United States Veterans Administration; birth certificate; marriage certificate; proof of enrollment at an eligible institution; signed affidavits; proof of residency; proof of identity; or any other official documentation the commissioner considers necessary to determine eligibility.

(d) The commissioner may deny eligibility or terminate benefits under this section to any person who has not provided sufficient documentation to determine eligibility for the program. An applicant may appeal the commissioner's eligibility determination or termination of benefits in writing to the commissioner at any time. The commissioner must rule on any application or appeal within 30 days of receipt of all documentation that the commissioner requires. The decision of the commissioner regarding an appeal is final. However, an applicant whose appeal of an eligibility determination has been rejected by the commissioner may submit an additional appeal of that determination in writing to the commissioner at any time that the applicant is able to provide substantively significant additional information regarding the applicant's eligibility for the program. An approval of an applicant's eligibility by the commissioner following an appeal by the applicant is not retroactively effective for more than one year or the semester of the person's original application, whichever is later.

(e) Upon receiving an application with insufficient documentation to determine eligibility, the commissioner must notify the applicant within 30 days of receipt of the application that the application is being suspended pending receipt by the commissioner of sufficient documentation from the applicant to determine eligibility.

Sec. 10. Minnesota Statutes 2007 Supplement, section 197.791, subdivision 5, is amended to read:

Subd. 5. **Benefit amount.** (a) On approval by the commissioner of eligibility for the program, the applicant shall be awarded, on a funds-available basis, the educational assistance under the program for use at any time according to program rules at any eligible institution.

(b) The amount of educational assistance in any semester or term for an eligible person must be determined by subtracting from the eligible person's cost of attendance the amount the person received or was eligible to receive in that semester or term from:

(1) the federal Pell Grant;

(2) the state grant program under section 136A.121; and

(3) any federal military or veterans educational benefits including but not limited to the Montgomery GI Bill, GI Bill Kicker, the federal tuition assistance program, vocational rehabilitation benefits, and any other federal benefits associated with the person's status as a veteran, except veterans disability payments from the United States Veterans Administration.

(c) The amount of educational assistance for any eligible person who is a full-time student must not exceed the following:

- (1) \$1,000 per semester or term of enrollment;
- (2) ~~\$2,000~~ \$3,000 per state fiscal year; and
- (3) \$10,000 in a lifetime.

For a part-time student, the amount of educational assistance must not exceed \$500 per semester or term of enrollment. For the purpose of this paragraph, a part-time undergraduate student is a student taking fewer than 12 credits or the equivalent for a semester or term of enrollment and a part-time graduate student is a student considered part time by the eligible institution the graduate student is attending. The minimum award for undergraduate and graduate students is \$50 per term.

Sec. 11. Minnesota Statutes 2006, section 198.32, subdivision 1, is amended to read:

Subdivision 1. **Resident's rights.** A resident of a Minnesota veterans home has the right to complain and otherwise exercise freedom of expression and assembly which is guaranteed by amendment I of the United States Constitution. The administrator of the home shall inform each resident in writing at the time of admission of the right to complain to the administrator about home accommodations and services. A notice of the right to complain shall be posted in the home. The administrator shall also inform each resident of the right to complain to the ~~board or to the~~ commissioner of veterans affairs. Each resident of a home shall be encouraged and assisted, throughout the period of stay in the home, to understand and exercise the rights of freedom of expression and assembly as a resident and as a citizen, and, to this end, the resident may voice grievances and recommend changes in policies and services to home staff, other residents, and outside representatives of the resident's choice, free from restraint, interference, coercion, discrimination, or reprisal, including retaliatory eviction.

Sec. 12. Minnesota Statutes 2006, section 349.12, subdivision 3a, is amended to read:

Subd. 3a. **Allowable expense.** "Allowable expense" means the percentage of the total cost incurred by the organization in the purchase of any good, service, or other item which corresponds to the proportion of the total actual use of the good, service, or other item that is directly related to conduct of lawful gambling. Allowable expense includes the advertising of the conduct of lawful gambling, provided that the amount expended does not exceed five percent of the annual gross profits of the organization or \$5,000 per year per organization, whichever is less. A percentage of the cost of a newsletter of a veterans organization, as determined by the board, is an allowable expense if any portion of the newsletter is used to promote lawful gambling in Minnesota. The board may adopt rules to regulate the content of the advertising to ensure that the content is consistent with the public welfare.

Sec. 13. Minnesota Statutes 2006, section 609.115, is amended by adding a subdivision to read:

Subd. 10. **Veterans mental health status.** If a defendant convicted of a crime is currently serving in the military or is a veteran and has been diagnosed by a qualified psychiatrist or clinical psychologist or physician with a mental illness, the court may:

(1) order that the officer preparing the report under subdivision 1 consult with the United States Department of Veterans Affairs, Minnesota Department of Veterans Affairs, or another agency or person with suitable knowledge or experience, for the purpose of providing the court with information regarding treatment options available to the defendant including federal, state, and local programming; and

(2) consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant in imposing sentence.

Sec. 14. **RULES TRANSFER.**

Minnesota Rules, chapter 9050, is transferred from the Veterans Homes Board of Directors to the commissioner of veterans affairs. The commissioner shall administer and enforce those rules and may amend or repeal them.

Sec. 15. **APPOINTMENTS.**

Notwithstanding Minnesota Statutes, section 196.30, subdivision 2, paragraph (d), the governor may make the initial appointments to the Veterans Health Care Advisory Council under Executive Order 07-20 without complying with the appointment process in Minnesota Statutes, section 15.0597.

Sec. 16. **PARTNERING IN DELIVERY OF VETERANS SERVICES.**

The commissioner must seek input from a broad range of experienced nongovernmental social service and health care providers, including both secular and faith-based service organizations, from throughout the state regarding the feasibility of public-private collaboration in providing services to Minnesota Veterans. The services may include home health care, psychological counseling, life-skills rehabilitation counseling, home hospice care, respite care, and other types of home-based health care as judged necessary by the commissioner to enable veterans to recover from service-connected injuries, illnesses, and disabilities. The commissioner must report to the legislature by January 15, 2009, on its findings and recommendations for establishing such service-delivery partnerships.

Sec. 17. **VETERANS HOMES STRATEGIC PLANNING GROUP.**

Subdivision 1. **Creation.** An intergovernmental and veterans study group shall be appointed for the purpose of conducting strategic planning for existing and future state veterans homes, including in-depth strategic planning for the Minneapolis veterans home. This group is designated the "Veterans Homes Strategic Planning Group." The Veterans Homes Strategic Planning Group shall consist of the following 17 members:

(1) three senators, including two members of the majority party and one member of the minority party, at least one of whom represents a Minneapolis legislative district and one of whom represents a greater-Minnesota legislative district, appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the senate;

(2) three members of the house of representatives, including two members of the majority party and one member of the minority party, at least one of whom represents a Minneapolis legislative district and one of whom represents a greater-Minnesota legislative district, appointed by the speaker of the house;

(3) the commissioner and two deputy commissioners of the Minnesota Department of Veterans Affairs (MDVA), or the commissioner's designees;

(4) the president and legislative chair person of the Minnesota Association of County Veteran Service Officers (CVSOs), or the president's designees;

(5) the chair of the Commanders Task Force of Minnesota's congressionally-chartered veterans service organizations, or the chair's designee;

(6) the mayor of Minneapolis, or the mayor's designee, and one Minneapolis city planner designated by the mayor;

(7) the chair of the Twin Cities Metropolitan Council, or the chair's designee;

(8) one person from the Minnesota Inter-County Association (MICA), as designated by the association board; and

(9) one person from the Association of Minnesota Counties (AMC), as designated by the Association board.

Subd. 2. **Duties.** (a) The Veterans Homes Strategic Planning Group must meet periodically to conduct strategic planning for the state veterans homes, both existing and future, and with special focus on the current Minnesota veterans home in Minneapolis. The planning process must encompass a 25-year future time span, and must include:

(1) current and projected figures for the number of Minnesota veterans within broad age categories, by gender and geographic region of the state;

(2) current and projected needs of Minnesota veterans for skilled nursing care, domiciliary care and outpatient services, as being currently provided by the state veterans homes, and as may be needed in the future;

(3) current and projected capital expenditure, plant maintenance, and operational costs for each existing Minnesota veterans home, both per-facility and per-veteran-served, with discussion of factors determining cost differences among the homes;

(4) identification and discussion of the feasibility of alternative methods for meeting at least some of the various future needs of veterans, including:

(i) the possibility of partnering for home-based services for veterans with nongovernmental nonprofit or faith-based social service and healthcare delivery organizations, as a means of reducing some of the future needs of veterans for domiciliary or skilled nursing care in veterans homes;

(ii) reliance on private, veterans-only nursing homes for handling part or all of the future growth in veterans skilled nursing or domiciliary needs, possibly supplemented by some state-provided veterans services not currently available in private nursing homes; or

(iii) any other feasible alternative service delivery methods;

(5) current and projected capital expenditure, plant maintenance, and operational costs for meeting future veterans needs under:

(i) the veterans-homes-only model; and

(ii) the combined veterans-homes and home-based partnering model (or any other feasible service delivery model that the group identifies); and

(6) discussion and recommendations regarding:

(i) the types and levels of veterans home care judged feasible for the state to attempt to provide in the near-term and long-term future; and

(ii) the optimal locations and timing for construction of any future state veterans homes and other service delivery facilities in Minnesota.

(b) In addition to the duties described in paragraph (a), the Veterans Homes Strategic Planning Group must provide specific addition analysis of the projected capital, maintenance, and operating costs of the current Minnesota veterans home in Minneapolis, and must assess the feasibility of alternative operational models at that home or at locations within the seven-county metropolitan area. Discussion must include the feasibility, and estimation of any cost-savings from the razing or remodeling and converting of some of the infrastructure of the current campus for alternative uses and other pertinent items, such as:

(i) construction of rental housing for veterans and family members of veterans receiving medical care at the nearby US/VA Medical Center or other nearby medical institutions;

(ii) conducting a land use study including a highest and best use analysis for the existing site and all improvements;

(iii) investigating opportunities for public/private partnerships in strategic land use; and

(iv) any other purpose judged feasible by the strategic planning group.

Subd. 3. **Report required.** (a) By January 15, 2009, the Veterans Homes Strategic Planning Group must report its proposed recommendations to the chairs of the senate and house committees with jurisdiction over veterans affairs, state governmental operations, and local government affairs. The strategic planning group may suggest draft legislation for legislative consideration.

(b) The strategic planning group may continue its strategic planning activities and by January 15, 2010, may issue a second report to the same legislative chairs containing follow-up recommendations for legislative consideration.

Subd. 4. **Administrative provisions.** (a) The commissioner of veterans affairs, or the commissioner's designee, must convene the initial meeting of the Veterans Homes Strategic Planning Group. Upon request of the group, the commissioner must provide meeting space and administrative services for the group. The members of the group must elect a chair or co-chairs from the legislative members of the group at the initial meeting. Each subsequent meeting of the group is at the call of the chair or co-chairs.

(b) Public members of the strategic planning group serve without special compensation or special payment of expenses from the group.

(c) The strategic planning group expires on June 30, 2010, unless an extension is authorized by law by that date.

(d) In accordance with completed predesign documents, veterans population surveys, and department construction project priority listing, the commissioner shall continue to plan, develop, and pursue federal funding and other resources for the construction of a veterans long-term and domiciliary mental health facility in Kandiyohi County. The planning must include possible options for traumatic brain injury treatment.

Subd. 5. **Deadline for appointments and designations.** The appointments and designations authorized by this section must be completed by August 1, 2008. The strategic planning group must convene its initial meeting no later than September 1, 2008.

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

Sec. 18. **COUNTY VETERANS SERVICES WORKING GROUP.**

Subdivision 1. **Creation.** The County Veteran Services Working Group shall consist of the following 13 members:

(1) two senators, including one member from the majority party and one member from the minority party, appointed by the Subcommittee on Committees of the Committee on Rules and Administration of the senate;

(2) two members of the house of representatives, one member from the majority party and one member from the minority party, appointed by the speaker of the house;

(3) the commissioner and two deputy commissioners of the Minnesota Department of Veterans Affairs (MDVA), or the commissioner's designees;

(4) the president, vice president, and legislative chair person of the Minnesota Association of County Veteran Service Officers (CVSOs);

(5) the chair of the Commanders Task Force of Minnesota's congressionally-chartered veterans service organizations, or the chair's designee;

(6) one person from the Minnesota Inter-County Association (MICA), as designated by the association board; and

(7) one person from the Association of Minnesota Counties (AMC), as designated by the association board.

Subd. 2. **Duties.** The working group must meet periodically to review the findings and recommendations of the 2008 report of the Office of the Legislative Auditor (OLA) on Minnesota's county veterans service offices, and make written recommendations to the legislature regarding whether and how each of that report's recommendations should be implemented. The working group may also provide additional recommendations on how to enhance the current services provided by the county veteran service offices.

The working group may suggest draft legislation for legislative consideration. By January 15, 2009, the working group must report its proposed recommendations to the chairs of the senate and house committees with jurisdiction over veterans affairs, state governmental operations, and local government affairs.

Subd. 3. **Administrative provisions.** (a) The commissioner of veterans affairs, or the commissioner's designee, must convene the initial meeting of the working group. Upon request of the working group, the commissioner must provide meeting space and administrative services for the group. The members of the working group must elect a chair or co-chairs from the legislative members of the working group at the initial meeting. Each subsequent meeting is at the call of the chair or co-chairs.

(b) Public members of the working group serve without special compensation or special payment of expenses from the working group.

(c) The working group expires on June 30, 2009, unless an extension is authorized by law by that date.

Subd. 4. **Deadline for appointments and designations.** The appointments and designations authorized by this section must be completed by August 1, 2008. The working group must convene its initial meeting no later than September 1, 2008.

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

Sec. 19. **STUDY OF VETERANS EMPLOYMENT IN STATE GOVERNMENT.**

(a) By October 1, 2008, each hiring authority of the executive, legislative, and judicial branches of state government must report to the commissioner of finance on the incidence of employment, recruitment, retention, and retirement of veterans in their nonelected workforce for fiscal year 2008. The report must be made in a manner approved by the commissioner and must include analysis by age category. Each hiring authority must also report specific veteran employment data requested by the commissioner as of June 30, 2008, June 30, 2001, and an earlier date if judged feasible by the commissioner.

(b) By January 15, 2009, the commissioner must submit a report on the employment of veterans in state government to the chairs of the house and senate policy and finance committees having jurisdiction over veterans affairs. The report must present and analyze the data obtained in paragraph (a).

(c) For purposes of this section, "veteran" has the meaning given in Minnesota Statutes, section 197.447.

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

Sec. 20. **REVISOR'S INSTRUCTION.**

(a) The revisor shall change "board," "board of directors," or "Veterans Homes Board of Directors" to "commissioner" wherever it is used in Minnesota Statutes, sections 198.003; 198.005; 198.006; 198.007; 198.022; 198.03; 198.05; 198.065; 198.066; 198.16; 198.23; 198.261; 198.265; 198.266; 198.31; 198.33; 198.34; 198.35; 198.36; and 198.37; and shall change "board rules" to "rules adopted under this chapter" wherever it appears in Minnesota Statutes, sections 198.007 and 198.022.

(b) In Minnesota Rules, chapter 9050, the revisor shall:

(1) change the terms "executive director," "executive director of the board," "executive director of the Veterans Homes Board," "Minnesota Veterans Homes Board," and "board" to "commissioner of veterans affairs" except where the term "board" is used with a different meaning in Minnesota Rules, part 9050.0040, subpart 16;

(2) change the term "board-operated facility" to "facility operated by the commissioner of veterans affairs" and change the term "non-board-operated facility" to "facility not operated by the commissioner of veterans affairs";

(3) change the term "board-approved" to "approved by the commissioner of veterans affairs"; and

(4) eliminate the term "board" where it is used in the third paragraph of Minnesota Rules, part 9050.1070, subpart 9.

(c) The revisor shall change any of the terms in paragraph (a) or (b) to "commissioner of veterans affairs" if they are used to refer to the Veterans Homes Board of Directors or its executive director anywhere else in Minnesota Statutes or Minnesota Rules.

Sec. 21. **REPEALER.**

(a) Minnesota Statutes 2006, sections 197.236, subdivisions 7 and 10; 198.001, subdivisions 6 and 9; 198.002, subdivisions 1, 3, and 6; 198.003, subdivisions 5 and 6; and 198.004, subdivision 2, and Minnesota Statutes 2007 Supplement, sections 198.002, subdivision 2; and 198.004, subdivision 1, are repealed.

(b) Minnesota Rules, part 9050.0040, subpart 15, is repealed."

Delete the title and insert:

"A bill for an act relating to the operation of state government; making certain changes in agriculture, fuel, and veterans policy; establishing or changing certain programs, requirements, and procedures; regulating certain activities; establishing a planning group and a working group; appropriating money; amending Minnesota Statutes 2006, sections 13.785, by adding a subdivision; 18B.065, subdivisions 2, 7; 18B.07, subdivision 2; 18D.305, subdivision 2; 18E.04, subdivision 2; 28A.03, by adding a subdivision; 28A.08; 28A.082, by adding a subdivision; 28A.09, subdivision 1; 29.23; 31.05; 31.171; 41D.01, subdivision 4; 97A.028, subdivision 3; 148.01, subdivision 1, by adding subdivisions; 196.021; 196.03; 197.236; 198.32, subdivision 1; 239.77, as amended; 349.12, subdivision 3a; 609.115, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 18B.065, subdivisions 1, 2a; 18B.26, subdivision 3; 31.175; 35.244; 41A.105, subdivision 2; 197.791, subdivisions 1, 4, 5; 296A.01, subdivision 8a; Laws 2007, chapter 45, article 1, section 3, subdivisions 3, 4, 5; proposing coding for new law in Minnesota Statutes, chapters 17; 32; 148; 192; 196; 197; repealing Minnesota Statutes 2006, sections 197.236, subdivisions 7, 10; 198.001, subdivisions 6, 9; 198.002, subdivisions 1, 3, 6; 198.003, subdivisions 5, 6; 198.004, subdivision 2; Minnesota Statutes 2007 Supplement, sections 41A.105, subdivision 5; 198.002, subdivision 2; 198.004, subdivision 1; Minnesota Rules, part 9050.0040, subpart 15."

The motion prevailed and the amendment was adopted.

Juhnke moved to amend S. F. No. 3683, the third engrossment, as amended, as follows:

Page 2, line 4, before "and" insert "horses,"

Page 2, line 10, delete "raceways" and insert "lanes" and delete "dairy cows" and insert "livestock" and delete "for" and insert a semicolon

Page 2, delete line 11

Page 2, line 13, delete "and"

Page 2, line 14, delete "or" and insert "and"

Page 2, after line 14, insert:

"(iv) fences; or"

Page 2, line 33, delete "and"

Page 2, line 34, delete the period, and insert ": and"

Page 2, after line 34, insert:

"(xviii) livestock pens and corrals and sorting, restraining, and loading chutes."

Page 3, delete lines 29 to 34

Page 51, line 22, delete "17"

Page 52, after line 4, insert:

"(6) two members each from the Minnesota departments of the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans, as appointed by the respective state commander of each organization, provided that of each organization's appointees, at least one be a resident of rural Minnesota;"

Page 52, line 5, delete "(6)" and insert "(7)"

Page 52, line 7, delete "(7)" and insert "(8)"

Page 52, line 8, delete "(8)" and insert "(9)"

Page 52, line 10, delete "(9)" and insert "(10)"

Page 55, delete section 19 and insert:

"Sec. 19. **STUDY OF VETERANS EMPLOYMENT IN STATE GOVERNMENT.**

(a) By October 1, 2008, each appointing authority in the executive branch of state government, including the Minnesota State Colleges and Universities, must report to the commissioner of finance on the incidence of employment, recruitment, retention, and retirement of veterans in their nonelected workforce for fiscal year 2008. The report must be made in a manner approved by the commissioner, and for each separate hiring unit must include tabulation by age category and length of state employment in the executive branch, including the state college and university system. Each executive branch appointing authority must also report specific veteran employment data requested by the commissioner as of June 30, 2008, June 30, 2001, and an earlier date if judged feasible by the commissioner. By January 15, 2009, the commissioner must submit a report on the employment of veterans in the executive branch to the chairs of the house and senate policy and finance committees having jurisdiction over veterans affairs. The report must present and analyze the data obtained in this paragraph.

(b) By October 1, 2008, the judicial branch of state government must report to the chairs of the house and senate policy and finance committees having jurisdiction over veterans affairs the number of veterans employed in the judicial branch nonelective workforce on June 30, 2008, based on self-reporting of veteran status. For each separate hiring unit, the data must include tabulation by age category and length of state employment in the judicial branch.

(c) By October 1, 2008, the house of representatives, the senate, and the Legislative Coordinating Commission on behalf of joint legislative offices and commissions, must report to the chairs of the house and senate policy and finance committees having jurisdiction over veterans affairs the number of veterans employed in their nonelective workforce on June 30, 2008, based on self-reporting of veteran status. For each separate hiring unit, the data must include tabulation by age category and length of state employment in the legislative branch.

(d) For purposes of this section, "veteran" has the meaning given in Minnesota Statutes, section 197.447.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Winkler was excused between the hours of 10:30 a.m. and 12:20 p.m.

Koenen, Urdahl, Magnus and Juhnke offered an amendment to S. F. No. 3683, the third engrossment, as amended.

Faust requested a division of the Koenen et al amendment to S. F. No. 3683, the third engrossment, as amended.

Faust further requested that the second portion of the divided Koenen et al amendment be voted on first.

The second portion of the Koenen et al amendment to S. F. No. 3683, the third engrossment, as amended, reads as follows:

Page 22, after line 12, insert:

"Sec. 30. **[148.035] SEPARATE TREATMENT ROOM REQUIRED.**

A licensed chiropractor who provides animal chiropractic treatment in the same facility where human patients are treated, shall maintain a separate noncarpeted room for the purpose of adjusting animals. The table and equipment used for animals shall not be used for human patients."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the second portion of the Koenen et al amendment and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Gardner	Hosch	Lillie	Nornes
Anderson, B.	Dean	Garofalo	Howes	Loeffler	Norton
Anderson, S.	Demmer	Gottwalt	Huntley	Madore	Olin
Anzelc	Dettmer	Greiling	Jaros	Magnus	Olson
Atkins	Dill	Gunther	Johnson	Mahoney	Otremba
Benson	Dittrich	Hackbarth	Juhnke	Mariani	Ozment
Berns	Dominguez	Hamilton	Kahn	Marquart	Paulsen
Bigham	Doty	Hansen	Kalin	Masin	Paymar
Bly	Drazkowski	Hausman	Knuth	McFarlane	Pelowski
Brod	Eastlund	Haws	Koenen	McNamara	Peppin
Brown	Eken	Heidgerken	Kohls	Moe	Peterson, A.
Brynaert	Emmer	Hilstrom	Kranz	Morgan	Peterson, N.
Buesgens	Erhardt	Hilty	Laine	Morrow	Peterson, S.
Bunn	Erickson	Holberg	Lanning	Mullery	Poppe
Carlson	Faust	Hoppe	Lenczewski	Murphy, E.	Rukavina
Clark	Finstad	Hornstein	Liebling	Murphy, M.	Ruth
Cornish	Fritz	Hortman	Lieder	Nelson	Sailer

Scalze	Shimanski	Slocum	Thao	Wagenius	Westrom
Seifert	Simon	Smith	Tillberry	Ward	Wollschlager
Sertich	Simpson	Solberg	Tschumper	Wardlow	Zellers
Severson	Slawik	Swails	Urdahl	Welti	Spk. Kelliher

The motion prevailed and the second portion of the Koenen et al amendment was adopted.

The first portion of the Koenen et al amendment to S. F. No. 3683, the third engrossment, as amended, reads as follows:

Page 19, line 24, delete the comma

Page 19, line 25, delete "but is not limited to."

Page 19, line 34, before the period, insert ", and the animal has been referred to the chiropractor by a veterinarian"

Page 20, line 9, after the period, insert "The board shall consult with the State Board of Veterinary Medicine in preparing proposed rules on animal chiropractic."

Page 22, line 2, delete everything after the first "veterinarian" and insert "if requested by the patient's owner."

Page 22, delete line 3

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the first portion of the Koenen et al amendment and the roll was called. There were 113 yeas and 12 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Gottwalt	Jaros	Loeffler	Nelson
Anderson, B.	Demmer	Greiling	Johnson	Madore	Nornes
Anzelc	Dill	Gunther	Juhnke	Magnus	Norton
Atkins	Dittrich	Hamilton	Kahn	Mahoney	Olin
Benson	Dominguez	Hansen	Kalin	Mariani	Ozment
Berns	Doty	Hausman	Knuth	Marquart	Paulsen
Bigham	Drazkowski	Haws	Koenen	Masin	Paymar
Bly	Eken	Hilstrom	Kohls	McFarlane	Pelowski
Brod	Emmer	Hilty	Kranz	McNamara	Peppin
Brown	Erhardt	Hoppe	Laine	Moe	Peterson, A.
Brynaert	Erickson	Hornstein	Lanning	Morgan	Peterson, N.
Bunn	Finstad	Hortman	Lenczewski	Morrow	Peterson, S.
Carlson	Fritz	Hosch	Liebling	Mullery	Poppe
Clark	Gardner	Howes	Lieder	Murphy, E.	Rukavina
Cornish	Garofalo	Huntley	Lillie	Murphy, M.	Ruth

Sailer	Severson	Slawik	Thao	Ward	Wollschlager
Scalze	Shimanski	Smith	Tillberry	Wardlow	Zellers
Seifert	Simon	Solberg	Urdahl	Welti	Spk. Kelliher
Sertich	Simpson	Swails	Wagenius	Westrom	

Those who voted in the negative were:

Anderson, S.	Dean	Eastlund	Hackbarth	Olson	Slocum
Buesgens	Dettmer	Faust	Heidgerken	Otremba	Tschumper

The motion prevailed and the first portion of the Koenen et al amendment was adopted.

Haws and Dettmer moved to amend S. F. No. 3683, the third engrossment, as amended, as follows:

Page 41, after line 21, insert:

"Sec. 3. Minnesota Statutes 2006, section 192.32, is amended by adding a subdivision to read:

Subd. 2. Family of service member. It shall be unlawful for any employer to:

(1) discharge from employment or take adverse employment action against any employee because of the membership of that employee's spouse, parent, or child in the military forces of the United States, of this state, or any other state;

(2) discharge from employment, take adverse employment action against, or otherwise hinder an employee from attending the following kinds of events relating to the military service of the employee's spouse, parent, or child and to which the employee is invited or otherwise called upon to attend by proper military authorities:

(i) departure or return ceremonies for deploying or returning military personnel or units;

(ii) family training or readiness events sponsored or conducted by the military; and

(iii) events held as part of official military reintegration programs.

The employee must provide reasonable notice to the employer when requesting time off, and the employer must provide a reasonable amount of nonpaid time off for the employee, for the purposes enumerated in items (i) to (iii), not to exceed two consecutive days or six days in a calendar year. The employer must not compel the employee to use accumulated but unused vacation for these events.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to employer actions occurring on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Dettmer moved to amend S. F. No. 3683, the third engrossment, as amended, as follows:

Page 41, after line 21, insert:

"Sec. 3. Minnesota Statutes 2006, section 192.20, is amended to read:

192.20 BREVET RANK.

Subdivision 1. Personnel eligible for brevet promotion. (a) Officers, warrant officers, and enlisted persons of the National Guard who have, after ten years active service, resigned or retired for physical disability or otherwise, may in the discretion of the commander-in-chief, on the recommendation of the adjutant general, be commissioned by brevet, in the next higher grade than that held by them at the time of their resignation or retirement.

(b) Officers, warrant officers, or enlisted persons of the National Guard who die while in state or federal active service, as defined in section 190.05, or former officers, warrant officers, or enlisted persons of the National Guard who die as a result of injuries or other conditions incurred or aggravated while in such service may, in the discretion of the commander-in-chief, on the recommendation of the adjutant general, be commissioned by brevet, in the next higher grade than that held by them at the time of their death.

Subd. 2. Effect of brevet rank. Brevet rank shall be considered strictly honorary and shall confer no privilege of precedence or command, nor pay any emoluments. Brevet officers, warrant officers, and enlisted persons may wear the uniform of their brevet grade on occasions of ceremony."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Dettmer moved to amend S. F. No. 3683, the third engrossment, as amended, as follows:

Page 56, line 25, after "sections" insert "190.17;"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Pelowski to the Chair.

Paulsen was excused between the hours of 11:35 a.m. and 1:00 p.m.

Tschumper, Buesgens, Liebling, Wagenius, Paymar, Mariani, Hausman, Johnson, Peppin and Greiling moved to amend S. F. No. 3683, the third engrossment, as amended, as follows:

Page 36, delete section 1

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Tschumper, Liebling, Hausman, Paymar, Mariani, Johnson, Peppin and Greiling moved to amend S. F. No. 3683, the third engrossment, as amended, as follows:

Page 36, line 22, delete "2009" and insert "2012"

Page 36, line 23, delete "2012" and insert "2015"

Page 36, line 24, delete "2015" and insert "2018"

A roll call was requested and properly seconded.

The question was taken on the Tschumper et al amendment and the roll was called. There were 48 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Davnie	Emmer	Kahn	Mariani	Scalze
Anzelc	Dean	Erhardt	Knuth	Masin	Severson
Benson	DeLaForest	Gardner	Kohls	McFarlane	Slocum
Berns	Dettmer	Greiling	Laine	Moe	Smith
Buesgens	Dittrich	Hausman	Lenczewski	Mullery	Swails
Bunn	Dominguez	Holberg	Liebling	Olson	Tschumper
Carlson	Drazkowski	Hornstein	Loeffler	Paymar	Wagenius
Clark	Eastlund	Johnson	Madore	Peppin	Zellers

Those who voted in the negative were:

Anderson, S.	Doty	Hansen	Jaros	McNamara	Ozment
Atkins	Eken	Haws	Juhnke	Morgan	Pelowski
Bigham	Faust	Heidgerken	Kalin	Morrow	Peterson, A.
Bly	Finstad	Hilstrom	Koenen	Murphy, E.	Peterson, N.
Brod	Fritz	Hilty	Lanning	Murphy, M.	Peterson, S.
Brown	Garofalo	Hoppe	Lieder	Nelson	Poppe
Brynaert	Gottwalt	Hortman	Lillie	Nornes	Rukavina
Cornish	Gunther	Hosch	Magnus	Norton	Ruth
Demmer	Hackbarth	Howes	Mahoney	Olin	Ruud
Dill	Hamilton	Huntley	Marquart	Otremba	Sailer

Seifert
Sertich
Shimanski

Simon
Simpson
Slawik

Solberg
Thao
Tillberry

Urdahl
Ward
Wardlow

Welti
Westrom
Winkler

Wollschlager
Spk. Kelliher

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

Tschumper, Clark and Wagenius moved to amend S. F. No. 3683, the third engrossment, as amended, as follows:

Page 5, line 20, after the first period, insert "A pesticide application resulting in pesticide drift beyond the boundaries of the target site, whether intentional or not, is illegal."

The motion prevailed and the amendment was adopted.

Tschumper, Clark and Wagenius moved to amend S. F. No. 3683, the third engrossment, as amended, as follows:

Page 6, after line 29, insert:

"(i) Except for a pesticide application performed by a unit of government or its agent for maintenance purposes, it is illegal to apply a pesticide to a public right-of-way or to apply a pesticide on nearby property in a manner that results in the pesticide drifting onto a public right-of-way, whether the drift is intentional or not."

The motion prevailed and the amendment was adopted.

Peppin moved to amend S. F. No. 3683, the third engrossment, as amended, as follows:

Page 22, after line 3, insert:

"(e) A licensed chiropractor engaged in the practice of animal chiropractic diagnosis and treatment must post a conspicuous sign in the reception area of the chiropractor's place of business informing customers that nonhuman patients are treated on the premises."

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

Emmer moved to amend S. F. No. 3683, the third engrossment, as amended, as follows:

Page 22, after line 3, insert:

"(e) A licensed chiropractor engaged in the practice of animal chiropractic diagnosis and treatment must inform an animal owner who solicits or otherwise inquires about animal chiropractic diagnosis and treatment services that the chiropractor is not a licensed veterinarian and may only perform the services listed in section 148.01, subdivision 1, clause 2."

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

Westrom, Demmer, Nornes, Magnus and Gunther moved to amend S. F. No. 3683, the third engrossment, as amended, as follows:

Page 56, after line 29, insert:

"ARTICLE 4

ETHANOL BLENDING POLICY

Section 1. Minnesota Statutes 2006, section 239.051, subdivision 15, is amended to read:

Subd. 15. **Ethanol blender.** "Ethanol blender" means a person who blends and distributes, transports, sells, or offers to sell gasoline containing ~~ten percent~~ ethanol ~~by volume~~.

Sec. 2. Minnesota Statutes 2007 Supplement, section 239.761, subdivision 4, is amended to read:

Subd. 4. **Gasoline blended with ethanol; general.** (a) Gasoline may be blended with ~~up to ten percent, by volume~~, agriculturally derived, denatured ethanol that complies with the requirements of subdivision 5.

(b) A gasoline-ethanol blend must:

(1) comply with the volatility requirements in Code of Federal Regulations, title 40, part 80;

(2) comply with ASTM specification D4814-06, or the gasoline base stock from which a gasoline-ethanol blend was produced must comply with ASTM specification D4814-06; and

(3) not be blended with casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural gasoline after the gasoline-ethanol blend has been sold, transferred, or otherwise removed from a refinery or terminal.

Sec. 3. Minnesota Statutes 2007 Supplement, section 239.761, is amended by adding a subdivision to read:

Subd. 4a. **Gasoline blended with ethanol; standard combustion engines.** Gasoline combined with ethanol for use in standard combustion engines may be blended with up to ten percent agriculturally derived, denatured ethanol, by volume, or any percentage specifically authorized in a waiver granted by the United States Environmental Protection Agency under section 211(f)(4) of the Clean Air Act, United States Code, title 42, section 7545, subsection (f), paragraph (4). The gasoline-ethanol blend must comply with the general provisions in subdivision 4.

Sec. 4. Minnesota Statutes 2007 Supplement, section 239.761, is amended by adding a subdivision to read:

Subd. 4b. **Gasoline blended with ethanol; alternative fuel vehicles.** (a) Gasoline blended for use in an alternative fuel vehicle, as defined in section 296A.01, subdivision 5, may contain any percentage of agriculturally derived, denatured ethanol, by volume, not to exceed 85 percent. The gasoline-ethanol blend must comply with the general provisions in subdivision 4. The gasoline and ethanol may be blended by an ethanol blender or at the point of retail sale in an ethanol-blending fuel dispenser clearly labeled "FLEX-FUEL VEHICLES ONLY." If blended by an ethanol blender, the percentage of ethanol in the resulting gasoline-ethanol blend must be clearly identified.

(b) If a person responsible for the product utilizes an ethanol-blending fuel dispenser to dispense both gasoline blended with ethanol for use in alternative fuel vehicles and gasoline blended with ethanol for use in standard combustion engines, the person must ensure that the gasoline blended with ethanol for use in standard combustion engines is dispensed from a fuel-dispensing hose and nozzle or other conveyance dedicated solely to gasoline blended with ethanol for use in standard combustion engines and clearly labeled as such.

(c) A person responsible for the product who complies with the provisions in paragraph (b) is not responsible for a self-service fueling action taken by that person's retail fuel customer.

Sec. 5. Minnesota Statutes 2006, section 239.7911, subdivision 2, is amended to read:

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

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

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

(2) expanding the renewable-fuel options available to Minnesota consumers by obtaining federal approval for the use of E20 and additional blends that contain a greater percentage of ethanol, including but not limited to E30 and E50, as gasoline;

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

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

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

Sec. 6. Minnesota Statutes 2006, section 296A.01, subdivision 2, is amended to read:

Subd. 2. **Agricultural alcohol gasoline.** "Agricultural alcohol gasoline" means a gasoline-ethanol blend ~~of up to ten percent agriculturally derived fermentation satisfying the provisions of section 239.761, subdivision 4a or 4b, with ethanol derived from agricultural products, such as potatoes, cereal, grains, cheese whey, sugar beets, forest products, or other renewable resources, that:~~

~~(1) meets the specifications in ASTM specification D4806-04a; and~~

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

Sec. 7. Minnesota Statutes 2007 Supplement, section 296A.01, subdivision 25, is amended to read:

Subd. 25. **Gasoline blended with ethanol.** "Gasoline blended with ethanol" means ~~gasoline blended with up to 20 percent, by volume, agriculturally derived, denatured ethanol. The blend must comply with the volatility requirements in Code of Federal Regulations, title 40, part 80. The blend must also comply with ASTM~~

~~specification D4814-06, or the gasoline base stock from which a gasoline ethanol blend was produced must comply with ASTM specification D4814-06; and the gasoline ethanol blend must not be blended with casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural gasoline after the gasoline ethanol blend has been sold, transferred, or otherwise removed from a refinery or terminal. The blend need not comply with ASTM specification D4814-06 if it is subjected to a standard distillation test. For a distillation test, a gasoline ethanol blend is not required to comply with the temperature specification at the 50 percent liquid recovery point, if the gasoline from which the gasoline ethanol blend was produced complies with all of the distillation specifications a gasoline-ethanol blend satisfying the provisions of section 239.761, subdivision 4a or 4b."~~

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Slawik was excused between the hours of 12:40 p.m. and 2:10 p.m.

Buesgens offered an amendment to S. F. No. 3683, the third engrossment, as amended.

POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Buesgens amendment was not in order. Speaker pro tempore Pelowski ruled the point of order well taken and the Buesgens amendment out of order.

Buesgens appealed the decision of Speaker pro tempore Pelowski.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Pelowski stand as the judgment of the House?" and the roll was called. There were 98 yeas and 29 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hausman	Knuth	Marquart	Paymar
Anzelc	Dettmer	Haws	Koenen	Masin	Pelowski
Atkins	Dill	Hilstrom	Kohls	McNamara	Peterson, A.
Benson	Dominguez	Hilty	Kranz	Moe	Peterson, N.
Berns	Doty	Hornstein	Laine	Morgan	Peterson, S.
Bigham	Eken	Hortman	Lenczewski	Morrow	Poppe
Bly	Erhardt	Hosch	Liebling	Mullery	Rukavina
Brown	Faust	Howes	Lieder	Murphy, E.	Ruud
Brynaert	Finstad	Huntley	Lillie	Murphy, M.	Sailer
Bunn	Fritz	Jaros	Loeffler	Nelson	Scalze
Carlson	Gardner	Johnson	Madore	Norton	Seifert
Clark	Greiling	Juhnke	Magnus	Olin	Sertich
Cornish	Hamilton	Kahn	Mahoney	Otremba	Simon
Davnie	Hansen	Kalin	Mariani	Ozment	Simpson

Slocum	Swails	Tschumper	Ward	Wollschlager
Smith	Thao	Urdahl	Wolti	Spk. Kelliher
Solberg	Tillberry	Wagenius	Winkler	

Those who voted in the negative were:

Anderson, B.	Demmer	Erickson	Heidgerken	Nornes	Shimanski
Anderson, S.	Dittrich	Garofalo	Holberg	Olson	Wardlow
Brod	Drazkowski	Gottwalt	Hoppe	Peppin	Westrom
Buesgens	Eastlund	Gunther	Lanning	Ruth	Zellers
Dean	Emmer	Hackbarth	McFarlane	Severson	

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

Buesgens offered an amendment to S. F. No. 3683, the third engrossment, as amended.

POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Buesgens amendment was not in order. Speaker pro tempore Pelowski ruled the point of order well taken and the Buesgens amendment out of order.

Peppin moved to amend S. F. No. 3683, the third engrossment, as amended, as follows:

Page 22, after line 3, insert:

"(e) A licensed chiropractor who treats both animal and human patients in the same facility must post a conspicuous sign in the reception area of that facility informing customers that nonhuman patients are treated on the premises."

A roll call was requested and properly seconded.

The question was taken on the Peppin amendment and the roll was called. There were 71 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	DeLaForest	Garofalo	Laine	Norton	Simon
Anderson, S.	Demmer	Gottwalt	Lanning	Olson	Simpson
Benson	Dettmer	Gunther	Lenczewski	Paymar	Slocum
Berns	Dominguez	Hackbarth	Liebling	Peppin	Smith
Bigham	Doty	Hamilton	Lillie	Peterson, N.	Swails
Brod	Drazkowski	Hansen	Loeffler	Poppe	Tschumper
Brown	Eastlund	Haws	Magnus	Ruth	Wagenius
Buesgens	Emmer	Holberg	McFarlane	Sailer	Ward
Bunn	Erhardt	Hoppe	McNamara	Scalze	Wardlow
Clark	Erickson	Hortman	Morgan	Seifert	Westrom
Davnie	Faust	Knuth	Morrow	Severson	Zellers
Dean	Finstad	Kohls	Nornes	Shimanski	

Those who voted in the negative were:

Abeler	Fritz	Huntley	Mahoney	Otremba	Tillberry
Anzelc	Gardner	Jaros	Mariani	Ozment	Urdahl
Atkins	Greiling	Johnson	Marquart	Pelowski	Welti
Bly	Hausman	Juhnke	Masin	Peterson, A.	Winkler
Brynaert	Heidgerken	Kahn	Moe	Peterson, S.	Wollschlager
Carlson	Hilstrom	Kalin	Mullery	Rukavina	Spk. Kelliher
Cornish	Hilty	Koenen	Murphy, E.	Ruud	
Dill	Hornstein	Kranz	Murphy, M.	Sertich	
Dittrich	Hosch	Lieder	Nelson	Solberg	
Eken	Howes	Madore	Olin	Thao	

The motion prevailed and the amendment was adopted.

Shimanski moved to amend S. F. No. 3683, the third engrossment, as amended, as follows:

Page 50, line 12, delete "A percentage of"

Page 50, line 13, delete ", as determined by the board."

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

S. F. No. 3683, A bill for an act relating to the operation of state government; changing certain provisions and programs related to agriculture; creating a livestock investment grant program; modifying pesticide and fertilizer regulation; changing certain payment provisions for certain agricultural chemical corrective action costs; changing certain food sanitary provisions; changing certain fee provisions; defining certain terms; regulating egg sales and handling; increasing the somatic cell count limit for goat milk; providing for control of bovine tuberculosis; adding a member to the NextGen Energy Board; modifying the expiration date for the NextGen Energy Board; modifying the expiration date for the Minnesota Agriculture Education Leadership Council; establishing requirements for practicing animal chiropractic care; recognizing a Program for the Assessment of Veterinary Education Equivalence certification; limiting use of certain drugs; changing certain requirements; regulating prescription of veterinary drugs; modifying definition of biodiesel; increasing minimum biodiesel content; creating a tiered biodiesel content goal; requiring counties to consider natural heritage data in adopting or amending comprehensive plans; requiring local governments to consider comprehensive plans to limit development on agricultural, forest, wildlife, and open space land; regulating certain racetracks; modifying 2007 appropriation language; creating the Veterans Health Care Advisory Council; changing certain provisions and programs related to veterans; providing for certain medallions; authorizing the placement of a plaque in the court of honor on the Capitol grounds by Minnesota's Mexican-American veterans to honor all Minnesota veterans who have served at any time in the United States armed forces; appropriating money; amending Minnesota Statutes 2006, sections 18B.07, subdivision 2; 18D.305, subdivision 2; 18E.04, subdivision 2; 28A.03, by adding a subdivision; 28A.08; 28A.082, by adding a subdivision; 28A.09, subdivision 1; 29.23; 31.05; 31.171; 41D.01, subdivision 4; 148.01, subdivision 1, by adding subdivisions; 156.001, by adding a subdivision; 156.02, subdivisions 1, 2; 156.04; 156.072, subdivision 2; 156.073; 156.12, subdivisions 2, 4, 6; 156.15, subdivision 2; 156.16, subdivisions 3, 10; 156.18, subdivisions 1, 2; 156.19; 168.1255, subdivisions 1, 3, by adding subdivisions; 196.021; 196.03; 197.236; 198.32, subdivision 1; 239.77, as amended; 240.06, subdivision 5a, by adding a subdivision; 240.13, subdivision 6; 394.232, subdivision 6; 462.355, subdivision 1;

462.357, by adding subdivisions; Minnesota Statutes 2007 Supplement, sections 31.175; 35.244; 41A.105; 296A.01, subdivision 8a; 394.23; Laws 2007, chapter 45, article 1, section 3, subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapters 17; 18C; 32; 148; 196; 394; repealing Minnesota Statutes 2006, sections 198.001, subdivisions 6, 9; 198.002, subdivisions 1, 3, 6; 198.003, subdivisions 5, 6; 198.004, subdivision 2; Minnesota Statutes 2007 Supplement, sections 198.002, subdivision 2; 198.004, subdivision 1; Minnesota Rules, part 9050.0040, subpart 15.

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 121 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Heidgerken	Liebling	Olin	Slocum
Anderson, B.	Dittrich	Hilstrom	Lieder	Otremba	Smith
Anderson, S.	Dominguez	Hilty	Lillie	Ozment	Solberg
Anzelc	Doty	Hoppe	Loeffler	Paulsen	Swails
Atkins	Drazkowski	Hornstein	Madore	Paymar	Thao
Benson	Eastlund	Hortman	Magnus	Pelowski	Tillberry
Berns	Eken	Hosch	Mahoney	Peterson, A.	Tschumper
Bigham	Erhardt	Howes	Mariani	Peterson, N.	Urdahl
Bly	Erickson	Huntley	Marquart	Peterson, S.	Ward
Brod	Faust	Jaros	Masin	Poppe	Wardlow
Brown	Finstad	Johnson	McFarlane	Rukavina	Welti
Brynaert	Fritz	Juhnke	McNamara	Ruth	Westrom
Bunn	Gardner	Kahn	Moe	Ruud	Winkler
Carlson	Garofalo	Kalin	Morgan	Sailer	Wollschlager
Clark	Gottwalt	Knuth	Morrow	Scalze	Zellers
Cornish	Gunther	Koenen	Mullery	Seifert	Spk. Kelliher
Davnie	Hackbarth	Kohls	Murphy, E.	Sertich	
Dean	Hamilton	Kranz	Murphy, M.	Severson	
DeLaForest	Hansen	Laine	Nelson	Shimanski	
Demmer	Hausman	Lanning	Nornes	Simon	
Dettmer	Haws	Lenczewski	Norton	Simpson	

Those who voted in the negative were:

Buesgens	Greiling	Olson	Wagenius
Emmer	Holberg	Peppin	

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

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 3034.

H. F. No. 3034 was reported to the House.

Mahoney, Moe, McNamara and Gunther moved to amend H. F. No. 3034, the second engrossment, as follows:

Page 48, line 6, after "326.2411;" insert "326.37, subdivision 4;"

Page 48, after line 8, insert:

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

The motion prevailed and the amendment was adopted.

H. F. No. 3034, A bill for an act relating to construction professions; modifying provisions relating to the electrical, plumbing, water conditioning, boiler, and high-pressure piping professions; amending Minnesota Statutes 2006, sections 299F.011, subdivision 3; 326.244, subdivision 1; 327.32, subdivision 1; 327.33, by adding subdivisions; 327A.04, subdivision 2; 327A.07; 327B.06, subdivision 1; Minnesota Statutes 2007 Supplement, sections 16B.64, subdivision 8; 181.723, subdivision 2; 183.60, subdivision 2; 326.01, subdivisions 4b, 5; 326.2415, subdivisions 2, 6; 326.242, subdivisions 2, 3d, 5, 12, by adding subdivisions; 326.244, subdivision 5; 326.37, subdivision 1a; 326.3705, subdivision 1; 326.40, subdivisions 2, 3, by adding a subdivision; 326.47, subdivision 2; 326.48, subdivisions 1, 2, 2a, 2b, 5; 326.50; 326.505, subdivisions 1, 2, 8; 326.62; 326.84, subdivision 1; 326.841; 326.86, subdivision 1; 326.87, subdivision 5; 326.93, subdivision 4; 326.94, subdivision 2; 326.97, subdivision 1a; 326B.082, subdivisions 8, 10, 11, 12, 13; 326B.083, subdivision 3; 326B.42, by adding a subdivision; 326B.89, subdivisions 5, 6, 12, 14; 327B.04, subdivision 4; Laws 2007, chapter 140, article 4, section 12; repealing Minnesota Statutes 2006, section 16B.69; Minnesota Statutes 2007 Supplement, sections 326.2411; 326.37, subdivision 4; 326.372; 326.471; Laws 2007, chapter 9, section 1; Laws 2007, chapter 135, article 4, sections 2; 8; article 6, section 3; Laws 2007, chapter 140, article 12, section 9; Minnesota Rules, part 3800.3510.

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 119 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Fritz	Hornstein	Lanning	Morgan
Anderson, B.	DeLaForest	Gardner	Hortman	Lenczewski	Morrow
Anderson, S.	Demmer	Garofalo	Hosch	Liebling	Mullery
Anzelc	Dettmer	Gottwalt	Howes	Lieder	Murphy, E.
Atkins	Dill	Greiling	Huntley	Lillie	Murphy, M.
Benson	Dittrich	Gunther	Jaros	Loeffler	Nelson
Bigham	Dominguez	Hackbarth	Johnson	Madore	Nornes
Bly	Doty	Hamilton	Juhnke	Magnus	Norton
Brown	Drazkowski	Hansen	Kahn	Mahoney	Olin
Brynaert	Eastlund	Hausman	Kalin	Mariani	Otremba
Bunn	Eken	Haws	Knuth	Marquart	Ozment
Carlson	Erhardt	Hilstrom	Koenen	Masin	Paymar
Clark	Erickson	Hilty	Kohls	McFarlane	Pelowski
Cornish	Faust	Holberg	Kranz	McNamara	Peterson, A.
Davnie	Finstad	Hoppe	Laine	Moe	Peterson, N.

Peterson, S.	Sailer	Simon	Swails	Wagenius	Winkler
Poppe	Scalze	Simpson	Thao	Ward	Wollschlager
Rukavina	Sertich	Slocum	Tillberry	Wardlow	Zellers
Ruth	Severson	Smith	Tschumper	Welti	Spk. Kelliher
Ruud	Shimanski	Solberg	Urdahl	Westrom	

Those who voted in the negative were:

Berns	Buesgens	Heidgerken	Paulsen	Seifert
Brod	Emmer	Olson	Peppin	

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

CALENDAR FOR THE DAY

S. F. No. 2500, A bill for an act relating to horse racing; providing for sharing of purse set-aside and breeder's fund revenue; modifying certain restrictions on simulcasting; amending Minnesota Statutes 2006, sections 240.06, subdivision 5a, by adding a subdivision; 240.13, subdivision 6.

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 101 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Laine	Olin	Shimanski
Anderson, B.	Dill	Heidgerken	Lanning	Otremba	Simon
Anderson, S.	Dittrich	Hilstrom	Lillie	Ozment	Simpson
Anzelc	Dominguez	Hilty	Loeffler	Paulsen	Slocum
Benson	Doty	Hoppe	Madore	Pelowski	Smith
Berns	Eken	Hortman	Magnus	Peppin	Solberg
Bly	Emmer	Hosch	Mahoney	Peterson, A.	Swails
Brod	Erickson	Howes	Marquart	Peterson, S.	Tillberry
Brown	Faust	Huntley	Masin	Poppe	Urdahl
Brynaert	Finstad	Jaros	McFarlane	Rukavina	Ward
Buesgens	Fritz	Juhnke	McNamara	Ruth	Wardlow
Carlson	Garofalo	Kahn	Moe	Ruud	Welti
Clark	Gottwalt	Kalin	Morgan	Sailer	Westrom
Cornish	Gunther	Knuth	Morrow	Scalze	Winkler
Dean	Hackbarth	Koenen	Murphy, E.	Seifert	Wollschlager
DeLaForest	Hamilton	Kohls	Murphy, M.	Sertich	Zellers
Demmer	Hansen	Kranz	Nornes	Severson	

Those who voted in the negative were:

Atkins	Eastlund	Holberg	Lieder	Olson	Wagenius
Bigham	Erhardt	Hornstein	Mariani	Paymar	Spk. Kelliher
Bunn	Gardner	Johnson	Mullery	Peterson, N.	
Davnie	Greiling	Lenczewski	Nelson	Thao	
Drazkowski	Hausman	Liebling	Norton	Tschumper	

The bill was passed and its title agreed to.

H. F. No. 3800 was reported to the House.

Hornstein moved to amend H. F. No. 3800, the second engrossment, as follows:

Page 58, delete section 6

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Erhardt moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 39, after line 32, insert:

"Sec. 61. Minnesota Statutes 2006, section 221.031, subdivision 1, is amended to read:

Subdivision 1. **Powers, duties, reports, limitations.** (a) This subdivision applies to motor carriers engaged in intrastate commerce.

(b) The commissioner shall prescribe rules for the operation of motor carriers, including their facilities; accounts; leasing of vehicles and drivers; service; safe operation of vehicles; equipment, parts, and accessories; hours of service of drivers; driver qualifications; accident reporting; identification of vehicles; installation of safety devices; inspection, repair, and maintenance; and proper automatic speed regulators if, in the opinion of the commissioner, there is a need for the rules.

(c) The commissioner shall direct the repair and reconstruction or replacement of an inadequate or unsafe motor carrier vehicle or facility. The commissioner may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms, and accommodations or shelters in a city in this state or at a point on the highway traversed which the commissioner, after investigation by the department, may deem just and proper for the protection of passengers or property.

(d) The commissioner shall require holders of household goods mover permits to file ~~annual and other reports including annual accounts of motor carriers~~, schedules of rates and charges, or other data by motor carriers, regulate motor carriers in matters affecting the relationship between them and the traveling and shipping public, and prescribe other rules as may be necessary to carry out the provisions of this chapter.

~~(e) A motor carrier subject to paragraph (d) but having gross revenues from for hire transportation in a calendar year of less than \$200,000 may, at the discretion of the commissioner, be exempted from the filing of an annual report, if instead the motor carrier files an abbreviated annual report, in a form as may be prescribed by the commissioner, attesting that the motor carrier's gross revenues did not exceed \$200,000 in the previous calendar year. Motor carrier gross revenues from for hire transportation, for the purposes of this subdivision only, do not include gross revenues received from the operation of school buses as defined in section 169.01, subdivision 6.~~

(⊕) The commissioner shall enforce sections 169.781 to 169.783."

Page 41, after line 5, insert:

"Sec. 63. Minnesota Statutes 2006, section 221.121, subdivision 1, is amended to read:

Subdivision 1. **Petition; notice and hearing; scope.** (a) A person desiring to operate as a permit carrier, except as provided in subdivision 5 or section 221.296, shall file a petition with the commissioner specifying the kind of permit desired, the name and address of the petitioner and the names and addresses of the officers, if a corporation, and other information as the commissioner may require. Letters of shipper support must be filed with the petition. No person shall knowingly make a false or misleading statement in a petition.

(b) The commissioner, ~~after notice to interested parties and a hearing,~~ shall issue the permit upon compliance with the laws and rules relating to it, if it finds that petitioner is fit and able to conduct the proposed operations, that petitioner's vehicles meet the safety standards established by the department, ~~that the area to be served has a need for the transportation services requested in the petition, and that existing permit and certificated carriers in the area to be served have failed to demonstrate that they offer sufficient transportation services to meet fully and adequately those needs,~~ provided that no person who holds a permit at the time sections 221.011 to 221.291 take effect may be denied a renewal of the permit upon compliance with other provisions of sections 221.011 to 221.291.

(c) A permit once granted continues in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with the applicable provisions of law and the rules of the commissioner governing permit carriers.

(d) No permit may be issued to a common carrier by rail permitting the common carrier to operate trucks for hire within this state, nor may a common carrier by rail be permitted to own, lease, operate, control, or have an interest in a permit carrier by truck, either by stock ownership or otherwise, directly, indirectly, through a holding company, or by stockholders or directors in common, or in any other manner. Nothing in sections 221.011 to 221.291 prevents the commissioner from issuing a permit to a common carrier by rail authorizing the carrier to operate trucks wholly within the limits of a municipality or within adjacent or contiguous municipalities or a common rate point served by the railroad and only as a service supplementary to the rail service now established by the carriers.

Sec. 64. Minnesota Statutes 2006, section 221.121, subdivision 6a, is amended to read:

Subd. 6a. **Household goods carrier.** A person who desires to hold out or to operate as a carrier of household goods shall ~~follow the procedure established in subdivision 1, and shall specifically request a household goods mover permit. The permit granted by the commissioner to a person who meets the criteria established in this subdivision and subdivision 1 shall authorize the person to hold out and to operate as a household goods mover. A person who provides or offers to provide household goods packing services and who makes any arrangement directly or indirectly by lease, rental, referral, or by other means to provide or to obtain drivers, vehicles, or transportation service for moving household goods, must have a household goods mover permit~~ file an application with the commissioner on a form the commissioner prescribes. Notwithstanding this or any other section or rule to the contrary, the commissioner must not provide public notice or hearing when reviewing the application or before granting the requested operating authority. All permits granted to household goods carriers must allow statewide operation. Notwithstanding any geographical restrictions imposed upon a permit at the time it was granted or any section or rule to the contrary, the holder of a household goods permit may operate statewide.

Sec. 65. Minnesota Statutes 2006, section 221.151, subdivision 1, is amended to read:

Subdivision 1. **Petition.** (a) Permits, except livestock permits, issued under section 221.121 may be assigned or transferred but only upon the order of the commissioner approving the transfer or assignment after notice and hearing.

(b) The proposed seller and buyer or lessor and lessee of a permit, except for livestock carrier permits, shall file a joint notarized petition with the commissioner setting forth the name and address of the parties, the identifying number of the permit, and the description of the authority which the parties seek to sell or lease, a short statement of the reasons for the proposed sale or lease, a statement of outstanding claims of creditors which are directly attributable to the operation to be conducted under the permit, a copy of the contract of sale or lease, and a financial statement with a balance sheet and an income statement, if existent, of the buyer or lessee. If it appears to the commissioner, ~~after notice to interested parties and a hearing, from the contents of the petition, from the evidence produced at the hearing,~~ and from the department's records, files, and investigation that the approval of the sale or lease of the permit will not adversely affect the rights of the users of the service ~~and will not have an adverse effect upon other competing carriers,~~ the commissioner may make an order granting the sale or lease. Provided, however, that the commissioner shall make no order granting the sale or lease of a permit to a person or corporation or association which holds a certificate or permit other than local cartage carrier permit from the commissioner under this chapter or to a common carrier by rail.

~~Provided further that the commissioner shall make no order approving the sale or lease of a permit if the commissioner finds that the price paid for the sale or lease of a permit is disproportionate to the reasonable value of the permit considering the assets and goodwill involved. The commissioner shall approve the sale or lease of a permit only after a finding that the transferee is fit and able to conduct the operations authorized under the permit and that the vehicles the transferee proposes to use in conducting the operations meet the safety standards of the commissioner. In determining the extent of the operating authority to be conducted by the transferee under the sale or lease of the permit, the past operations of the transferor within the two year period immediately preceding the transfer must be considered. Only such operating authority may be granted to the transferee as was actually exercised by the transferor under the transferor's authority within the two year period immediately preceding the transfer as evidenced by bills of lading, company records, operation records, or other relevant evidence. For purposes of determining the two year period, the date of divesting of interest or control is the date of the sale.~~

(c) The commissioner shall look to the substance of the transaction rather than the form. An agreement for the transfer or sale of a permit must be reported and filed with the commissioner within 30 days of the agreement.

(d) If an authority to operate as a permit carrier is held by a corporation, a sale, assignment, pledge, or other transfer of the stock interest in the corporation which will accomplish a substantial or material change or transfer of the majority ownership of the corporation, as exercised through its stockholders, must be reported in the manner prescribed in the rules of the commissioner within 30 days after the sale, assignment, pledge, or other transfer of stock. The commissioner shall then make a finding whether or not the stock transfer does, in fact, constitute a sale, lease, or other transfer of the permit of the corporation to a new party or parties and, if they so find, then the continuance of the permit issued to the corporation may only be upon the corporation's complying with the standards and procedures otherwise imposed by this section."

Page 49, delete section 77 and insert:

"Sec. 77. **REPEALER.**

(a) Minnesota Statutes 2006, sections 168B.087, subdivision 2; and 169.145, are repealed.

(b) Minnesota Statutes 2006, section 221.121, subdivision 4, is repealed."

Page 61, delete article 4

Page 65, delete article 5

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hackbarth, Gottwalt, Severson, Magnus and Ruth moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 10, delete sections 13 to 19

Page 49, delete section 77 and insert:

"Sec. 77. **REPEALER.**

Minnesota Statutes 2006, section 169.145, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Hackbarth et al amendment and the roll was called. There were 51 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Garofalo	Howes	Olson	Simpson
Anderson, S.	Dettmer	Gottwalt	Kohls	Ozment	Smith
Benson	Dittrich	Gunther	Kranz	Paulsen	Wardlow
Berns	Doty	Hackbarth	Lanning	Peppin	Westrom
Brod	Drazkowski	Hamilton	Magnus	Ruth	Wollschlager
Buesgens	Eastlund	Haws	Marquart	Scalze	Zellers
Cornish	Emmer	Heidgerken	McFarlane	Seifert	
Dean	Erickson	Hoppe	McNamara	Severson	
DeLaForest	Finstad	Hosch	Nornes	Shimanski	

Those who voted in the negative were:

Abeler	Bunn	Erhardt	Hilty	Juhnke	Liebling
Anzelc	Carlson	Faust	Holberg	Kahn	Lieder
Atkins	Clark	Fritz	Hornstein	Kalin	Lillie
Bigham	Davnie	Gardner	Hortman	Knuth	Loeffler
Bly	Dill	Greiling	Huntley	Koenen	Madore
Brown	Dominguez	Hansen	Jaros	Laine	Mahoney
Brynaert	Eken	Hausman	Johnson	Lenczewski	Mariani

Masin	Murphy, M.	Pelowski	Ruud	Solberg	Wagenius
Moe	Nelson	Peterson, A.	Sailer	Swails	Ward
Morgan	Norton	Peterson, N.	Sertich	Thao	Welti
Morrow	Olin	Peterson, S.	Simon	Tillberry	Winkler
Mullery	Otremba	Poppe	Slawik	Tschumper	Spk. Kelliher
Murphy, E.	Paymar	Rukavina	Slocum	Urdahl	

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

Urdahl; Wardlow; Anderson, B.; Cornish; Otremba; Kohls; Heidgerken; Shimanski; McNamara; Gunther; Nornes; Erickson; Severson; Koenen; Eastlund; Ruth; Seifert; Simpson and Hamilton moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 2, delete section 2

Page 3, delete section 3

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Urdahl et al amendment and the roll was called. There were 63 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Garofalo	Magnus	Pelowski	Smith
Anderson, S.	Dill	Gottwalt	Marquart	Peppin	Urdahl
Berns	Doty	Gunther	McFarlane	Peterson, A.	Ward
Brod	Drazkowski	Hackbarth	McNamara	Peterson, N.	Wardlow
Brown	Eastlund	Hamilton	Moe	Poppe	Welti
Buesgens	Eken	Heidgerken	Nornes	Ruth	Westrom
Bunn	Emmer	Holberg	Olin	Sailer	Wollschlager
Cornish	Erhardt	Hoppe	Olson	Seifert	Zellers
Dean	Erickson	Koenen	Otremba	Severson	
DeLaForest	Finstad	Kohls	Ozment	Shimanski	
Demmer	Gardner	Lanning	Paulsen	Simpson	

Those who voted in the negative were:

Abeler	Clark	Hausman	Huntley	Laine	Mariani
Anzelc	Davnie	Haws	Jaros	Lenczewski	Masin
Atkins	Dittrich	Hilstrom	Johnson	Liebling	Morgan
Benson	Dominguez	Hilty	Juhnke	Lieder	Morrow
Bigham	Faust	Hornstein	Kahn	Lillie	Mullery
Bly	Fritz	Hortman	Kalin	Loeffler	Murphy, E.
Brynaert	Greiling	Hosch	Knuth	Madore	Murphy, M.
Carlson	Hansen	Howes	Kranz	Mahoney	Nelson

Norton	Rukavina	Sertich	Slocum	Thao	Wagenius
Paymar	Ruud	Simon	Solberg	Tillberry	Winkler
Peterson, S.	Scalze	Slawik	Swails	Tschumper	Spk. Kelliher

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

Urdahl moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 2, delete section 2

Page 3, delete section 3 and insert:

"Sec. 2. Minnesota Statutes 2006, section 123B.88, subdivision 3, is amended to read:

Subd. 3. **Transportation services contracts; requirements.** (a) The board may contract for the furnishing of authorized transportation under section 123B.52, and may purchase gasoline and furnish same to a contract carrier for use in the performance of a contract with the school district for transportation of school children to and from school.

(b) An initial transportation service contract shall include by contract language, addendum, or supplementary information terms addressing:

(1) a summary of school bus driver training requirements, including the minimum number of preservice training hours and the minimum number of inservice training hours;

(2) a driver recruitment and retention plan;

(3) the reporting to the local school district of all school bus accidents;

(4) the reporting to the local school district of all school bus driver reported traffic convictions, based upon the requirement of commercial drivers to report traffic convictions to their employer under Federal Motor Carrier Safety Administration, rule 383.31;

(5) the reporting within one week to the local school district the results of any Minnesota Highway Patrol inspection of school buses being regularly utilized for the transportation under the transportation contract; and

(6) the date of hire of the employer's current employees identified by their job classification that may include any relevant prior experience. Summer and other regular school breaks should not be considered interruptions to employment.

(c) Notwithstanding section 123B.52, a school district may award a transportation contract in the interest of student safety and cost effectiveness.

EFFECTIVE DATE. This section is effective July 1, 2008."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Urdahl amendment and the roll was called. There were 63 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Garofalo	Lanning	Paulsen	Simpson
Anderson, B.	Dettmer	Gottwalt	Magnus	Pelowski	Smith
Anderson, S.	Dill	Gunther	Marquart	Peppin	Urdahl
Berns	Doty	Hackbarth	McFarlane	Peterson, A.	Ward
Brod	Drazkowski	Hamilton	McNamara	Peterson, N.	Wardlow
Brown	Eastlund	Heidgerken	Moe	Poppe	Welti
Buesgens	Eken	Holberg	Nornes	Ruth	Westrom
Bunn	Emmer	Hoppe	Olin	Sailer	Zellers
Cornish	Erhardt	Howes	Olson	Seifert	
Dean	Erickson	Koenen	Otremba	Severson	
DeLaForest	Finstad	Kohls	Ozment	Shimanski	

Those who voted in the negative were:

Anzels	Faust	Hosch	Liebling	Murphy, E.	Slawik
Atkins	Fritz	Huntley	Lieder	Murphy, M.	Slocum
Benson	Gardner	Jaros	Lillie	Nelson	Solberg
Bigham	Greiling	Johnson	Loeffler	Norton	Swails
Bly	Hansen	Juhnke	Madore	Paymar	Thao
Brynaert	Hausman	Kahn	Mahoney	Peterson, S.	Tillberry
Carlson	Haws	Kalin	Mariani	Rukavina	Tschumper
Clark	Hilstrom	Knuth	Masin	Ruud	Wagenius
Davnie	Hilty	Kranz	Morgan	Scalze	Winkler
Dittrich	Hornstein	Laine	Morrow	Sertich	Wollschlager
Dominguez	Hortman	Lenczewski	Mullery	Simon	Spk. Kelliher

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

Morrow moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 37, delete section 56 and insert:

"Sec. 56. Minnesota Statutes 2006, section 174.02, subdivision 2, is amended to read:

Subd. 2. **Unclassified positions.** The commissioner shall appoint a deputy commissioner/chief engineer. The deputy commissioner/chief engineer must be licensed as a professional engineer under Minnesota Statutes, section 326.02. The commissioner may establish ~~four~~ three other positions in the unclassified service at the deputy and assistant commissioner, assistant to commissioner, or personal secretary levels. No more than two of these positions shall be at the deputy commissioner level."

The motion prevailed and the amendment was adopted.

Smith moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 15, line 1, delete "including" and insert "or"

The motion prevailed and the amendment was adopted.

Heidgerken, Solberg, Urdahl, Koenen, Lieder and Juhnke moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 35, after line 23, insert:

"Sec. 51. Minnesota Statutes 2006, section 171.12, subdivision 6, is amended to read:

Subd. 6. **Certain convictions not recorded.** (a) Except as provided in paragraph (b), the department shall not keep on the record of a driver any conviction for a violation of a speed limit of 55 or 60 miles per hour unless the violation consisted of a speed greater than ten miles per hour in excess of a 55 miles per hour speed limit, or more than ~~five~~ ten miles per hour in excess of a 60 miles per hour speed limit.

(b) This subdivision does not apply to (1) a violation that occurs in a commercial motor vehicle, or (2) a violation committed by a holder of a class A, B, or C commercial driver's license, without regard to whether the violation was committed in a commercial motor vehicle or another vehicle."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Heidgerken et al amendment and the roll was called. There were 107 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hamilton	Lieder	Ozment	Simpson
Anderson, B.	Dettmer	Hansen	Lillie	Paulsen	Slawik
Anderson, S.	Dill	Haws	Madore	Pelowski	Slocum
Anzelc	Dittrich	Heidgerken	Magnus	Peppin	Smith
Atkins	Doty	Hilstrom	Mahoney	Peterson, A.	Solberg
Benson	Drazkowski	Holberg	Mariani	Peterson, N.	Swails
Berns	Eastlund	Hoppe	Marquart	Peterson, S.	Thao
Bigham	Eken	Hortman	McFarlane	Poppe	Tillberry
Bly	Emmer	Hosch	McNamara	Rukavina	Urdahl
Brod	Erhardt	Howes	Moe	Ruth	Ward
Brown	Erickson	Huntley	Morgan	Ruud	Wardlow
Buesgens	Faust	Juhnke	Morrow	Sailer	Welti
Bunn	Finstad	Koenen	Mullery	Scalze	Westrom
Carlson	Fritz	Kohls	Murphy, M.	Seifert	Winkler
Clark	Gottwalt	Kranz	Nelson	Sertich	Wollschlager
Davnie	Greiling	Laine	Nornes	Severson	Zellers
Dean	Gunther	Lanning	Olson	Shimanski	Spk. Kelliher
DeLaForest	Hackbarth	Lenczewski	Otremba	Simon	

Those who voted in the negative were:

Brynaert	Garofalo	Jaros	Knuth	Murphy, E.	Wagenius
Cornish	Hausman	Johnson	Liebling	Norton	
Dominguez	Hilty	Kahn	Loeffler	Paymar	
Gardner	Hornstein	Kalin	Masin	Tschumper	

The motion prevailed and the amendment was adopted.

Olson moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 44, after line 9, insert:

"Sec. 67. Minnesota Statutes 2006, section 473.399, is amended by adding a subdivision to read:

Subd. 5. Availability of light rail transit information. The Metropolitan Council shall maintain in a centralized location on an Internet Web site, for each light rail transit line operated by the council and for each year of operation of the line: (1) financial data, including revenue by source and operating and capital expenses; and (2) ridership information, including ridership and passenger miles."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Juhnke to the Chair.

Holberg moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 45, line 12, after the semicolon, insert "and"

Page 45, line 14, delete "; and" and insert a period

Page 45, delete lines 15 to 22

A roll call was requested and properly seconded.

The question was taken on the Holberg amendment and the roll was called. There were 40 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Gottwalt	Kohls	Paulsen	Smith
Anderson, S.	Dettmer	Gunther	Lanning	Peppin	Urdahl
Berns	Drazkowski	Hackbarth	Magnus	Ruth	Wardlow
Brod	Eastlund	Hamilton	McFarlane	Seifert	Westrom
Buesgens	Emmer	Heidgerken	McNamara	Severson	Zellers
Cornish	Erickson	Holberg	Nornes	Shimanski	
DeLaForest	Garofalo	Hoppe	Olson	Simpson	

Those who voted in the negative were:

Abeler	Benson	Brown	Carlson	Dean	Dominguez
Anzelc	Bigham	Brynaert	Clark	Dill	Doty
Atkins	Bly	Bunn	Davnie	Dittrich	Eken

Erhardt	Hosch	Lenczewski	Morrow	Peterson, N.	Swails
Faust	Howes	Liebling	Mullery	Peterson, S.	Thao
Fritz	Huntley	Lieder	Murphy, E.	Poppe	Tillberry
Gardner	Jaros	Lillie	Murphy, M.	Rukavina	Tschumper
Greiling	Johnson	Loeffler	Nelson	Ruud	Wagenius
Hansen	Juhnke	Madore	Norton	Sailer	Ward
Hausman	Kahn	Mahoney	Olin	Scalze	Welti
Haws	Kalin	Mariani	Otremba	Sertich	Winkler
Hilstrom	Knuth	Marquart	Ozment	Simon	Spk. Kelliher
Hilty	Koenen	Masin	Paymar	Slawik	
Hornstein	Kranz	Moe	Pelowski	Slocum	
Hortman	Laine	Morgan	Peterson, A.	Solberg	

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

The Speaker resumed the Chair.

Westrom offered an amendment to H. F. No. 3800, the second engrossment, as amended.

Dill requested a division of the Westrom amendment to H. F. No. 3800, the second engrossment, as amended.

The first portion of the Westrom amendment to H. F. No. 3800, the second engrossment, as amended, reads as follows:

Page 33, line 22, delete the new language and reinstate the stricken language

Page 33, delete lines 34 to 36

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the first portion of the Westrom amendment and the roll was called. There were 55 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeler	Eastlund	Hilstrom	Magnus	Peterson, A.	Solberg
Anderson, B.	Eken	Holberg	McFarlane	Peterson, N.	Urdahl
Anderson, S.	Emmer	Hoppe	McNamara	Poppe	Welti
Buesgens	Erickson	Hortman	Moe	Rukavina	Westrom
Cornish	Finstad	Howes	Mullery	Ruth	Zellers
Dean	Gunther	Juhnke	Nornes	Seifert	
DeLaForest	Hackbarth	Koenen	Olson	Sertich	
Demmer	Hamilton	Kohls	Otremba	Shimanski	
Dettmer	Hansen	Laine	Pelowski	Simpson	
Drazkowski	Heidgerken	Lanning	Peppin	Slocum	

Those who voted in the negative were:

Anzelc	Dill	Hilty	Lillie	Olin	Thao
Atkins	Dittrich	Hornstein	Loeffler	Ozment	Tillberry
Benson	Dominguez	Hosch	Madore	Paulsen	Tschumper
Berns	Doty	Huntley	Mahoney	Paymar	Wagenius
Bigham	Erhardt	Jaros	Mariani	Peterson, S.	Ward
Bly	Faust	Johnson	Marquart	Ruud	Wardlow
Brod	Fritz	Kahn	Masin	Sailer	Winkler
Brown	Gardner	Kalin	Morgan	Scalze	Wollschlager
Brynaert	Garofalo	Knuth	Morrow	Severson	Spk. Kelliher
Bunn	Gottwalt	Kranz	Murphy, E.	Simon	
Carlson	Greiling	Lenczewski	Murphy, M.	Slawik	
Clark	Hausman	Liebling	Nelson	Smith	
Davnie	Haws	Lieder	Norton	Swails	

The motion did not prevail and the first portion of the Westrom amendment was not adopted.

The second portion of the Westrom amendment to H. F. No. 3800, the second engrossment, as amended, reads as follows:

Page 34, delete section 49

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the second portion of the Westrom amendment and the roll was called. There were 59 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Hackbarth	Magnus	Otremba	Shimanski
Anderson, S.	Dill	Hamilton	McFarlane	Ozment	Simpson
Atkins	Doty	Hansen	McNamara	Peterson, A.	Smith
Bly	Drazkowski	Heidgerken	Moe	Peterson, N.	Solberg
Brod	Eastlund	Hilstrom	Mullery	Rukavina	Thao
Buesgens	Eken	Holberg	Murphy, M.	Ruth	Urdahl
Cornish	Emmer	Howes	Nelson	Sailer	Welti
Dean	Erickson	Juhnke	Nornes	Seifert	Westrom
DeLaForest	Finstad	Koenen	Olin	Sertich	Zellers
Demmer	Gunther	Lanning	Olson	Severson	

Those who voted in the negative were:

Abeler	Berns	Brynaert	Clark	Dominguez	Fritz
Anzelc	Bigham	Bunn	Davnie	Erhardt	Gardner
Benson	Brown	Carlson	Dittrich	Faust	Garofalo

Gottwalt	Huntley	Liebling	Morgan	Poppe	Wagenius
Greiling	Jaros	Lieder	Morrow	Ruud	Ward
Hausman	Johnson	Lillie	Murphy, E.	Scalze	Wardlow
Haws	Kahn	Loeffler	Norton	Simon	Winkler
Hilty	Kalin	Madore	Paulsen	Slawik	Wollschlager
Hoppe	Knuth	Mahoney	Paymar	Slocum	Spk. Kelliher
Hornstein	Kohls	Mariani	Pelowski	Swails	
Hortman	Laine	Marquart	Peppin	Tillberry	
Hosch	Lenczewski	Masin	Peterson, S.	Tschumper	

The motion did not prevail and the second portion of the Westrom amendment was not adopted.

Mariani and Hansen moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 49, after line 4, insert:

"Sec. 76. **LAFAYETTE BRIDGE.**

The commissioner of transportation shall ensure that design, construction, and environmental documentation of the reconstruction of the Lafayette Bridge segment of U.S. Highway 52 include bridge footings that will accommodate future implementation of transit."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Drazkowski offered an amendment to H. F. No. 3800, the second engrossment, as amended.

POINT OF ORDER

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

Eastlund; Severson; Anderson, B.; Gottwalt; Shimanski and Hackbarth moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 11, delete section 16 and insert:

"Sec. 16. Minnesota Statutes 2006, section 168B.07, is amended by adding a subdivision to read:

Subd. 3. Retrieval of contents. (a) For purposes of this subdivision, "contents" does not include any permanently affixed mechanical or nonmechanical automobile parts; automobile body parts; or automobile accessories, including audio or video players.

(b) At any time before the expiration of the waiting periods provided in section 168B.051, a registered owner may retrieve vehicle contents by providing the following to the impound lot operator:

(1) the vehicle title;

(2) a signed affidavit that states the registered owner relinquishes title to the vehicle if the impound fees are not paid within five days of retrieving the contents; and

(3) a set of keys to the vehicle."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Eastlund et al amendment and the roll was called. There were 41 yeas and 86 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Garofalo	Kohls	Ozment	Simpson
Anderson, S.	Dettmer	Gottwalt	Lanning	Paulsen	Smith
Berns	Drazkowski	Gunther	Magnus	Peppin	Urdahl
Brod	Eastlund	Hackbarth	McFarlane	Ruth	Wardlow
Buesgens	Emmer	Hamilton	McNamara	Seifert	Westrom
Dean	Erickson	Heidgerken	Nornes	Severson	Zellers
DeLaForest	Finstad	Hoppe	Olson	Shimanski	

Those who voted in the negative were:

Abeler	Dominguez	Hosch	Loeffler	Otremba	Solberg
Anzelc	Doty	Howes	Madore	Paymar	Swails
Atkins	Eken	Huntley	Mahoney	Pelowski	Thao
Benson	Erhardt	Jaros	Mariani	Peterson, A.	Tillberry
Bigham	Faust	Johnson	Marquart	Peterson, N.	Tschumper
Bly	Fritz	Juhnke	Masin	Peterson, S.	Wagenius
Brown	Gardner	Kahn	Moe	Poppe	Ward
Brynaert	Greiling	Kalin	Morgan	Rukavina	Welti
Bunn	Hansen	Knuth	Morrow	Ruud	Winkler
Carlson	Hausman	Koenen	Mullery	Sailer	Wollschlager
Clark	Haws	Laine	Murphy, E.	Scalze	Spk. Kelliher
Cornish	Hilty	Lenczewski	Murphy, M.	Sertich	
Davnie	Holberg	Liebling	Nelson	Simon	
Dill	Hornstein	Lieder	Norton	Slawik	
Dittrich	Hortman	Lillie	Olin	Slocum	

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

Thao was excused between the hours of 4:55 p.m. and 7:15 p.m.

Berns, Morrow and Kalin moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 1, line 5 of the Morrow amendment, adopted earlier today, delete "The" and insert "If the commissioner is not a licensed professional engineer under section 326.02, the"

The motion prevailed and the amendment was adopted.

Berns moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 18, line 27, delete "or a part of traffic"

A roll call was requested and properly seconded.

The question was taken on the Berns amendment and the roll was called. There were 49 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Holberg	Magnus	Peterson, S.	Wardlow
Anderson, S.	Dittrich	Hoppe	McFarlane	Rukavina	Westrom
Berns	Drazkowski	Hosch	McNamara	Ruth	Winkler
Brod	Eastlund	Howes	Moe	Seifert	Zellers
Buesgens	Emmer	Juhnke	Nornes	Sertich	
Cornish	Erickson	Kalin	Olson	Shimanski	
Dean	Finstad	Koenen	Ozment	Simon	
DeLaForest	Hackbarth	Kohls	Paulsen	Simpson	
Demmer	Heidgerken	Lanning	Peppin	Smith	

Those who voted in the negative were:

Abeler	Dominguez	Hausman	Liebling	Murphy, M.	Severson
Anzelc	Doty	Haws	Lieder	Nelson	Slawik
Atkins	Eken	Hilstrom	Lillie	Norton	Slocum
Benson	Erhardt	Hilty	Loeffler	Olin	Solberg
Bigham	Faust	Hornstein	Madore	Otremba	Swails
Bly	Fritz	Hortman	Mahoney	Paymar	Tillberry
Brown	Gardner	Huntley	Mariani	Pelowski	Tschumper
Brynaert	Garofalo	Jaros	Marquart	Peterson, A.	Urdahl
Bunn	Gottwalt	Johnson	Masin	Peterson, N.	Wagenius
Carlson	Greiling	Kahn	Morgan	Poppe	Ward
Clark	Gunther	Knuth	Morrow	Ruud	Welti
Davnie	Hamilton	Laine	Mullery	Sailer	Wollschlager
Dill	Hansen	Lenczewski	Murphy, E.	Scalze	Spk. Kelliher

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

Berns moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 18, line 26, delete ", read,"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Magnus moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 38, delete section 58

Page 39, delete section 59

Page 43, delete section 65

Page 44, delete sections 67 and 68

Page 47, delete section 72

Page 60, delete section 9

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Paulsen moved to amend H. F. No. 3800, the second engrossment, as amended, as follows:

Page 49, after line 4, insert:

"Sec. 76. **WATER QUALITY AND ROAD DEICING STUDY.**

By January 15, 2009, the commissioner of transportation, in consultation with the commissioner of the Pollution Control Agency shall submit a report to the legislature, in compliance with Minnesota Statutes, sections 3.195 and 3.197, that includes the impacts of different methods of applying road salt and other deicing methods on the state's streams, rivers, and lakes, and recommendations including best management practices designed to minimize the impact of deicing on the state's waters."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 3800, A bill for an act relating to transportation; modifying or adding provisions relating to highways, motor vehicles, traffic regulations, drivers' licenses and records, transit, railroads, motor carriers, and other transportation-related programs or activities; imposing penalties; requiring reports; making technical and clarifying corrections; amending Minnesota Statutes 2006, sections 86B.825, subdivision 5; 123B.88, subdivision 3; 161.081, subdivision 3, as amended, by adding subdivisions; 168.011, subdivision 7; 168.012, subdivision 1; 168.021, subdivisions 1, 2; 168.09, subdivision 7; 168.185; 168A.03, subdivision 1; 168A.05, subdivision 9; 168B.051, subdivision 2; 168B.06, subdivisions 1, 3; 168B.07, by adding subdivisions; 168B.08, subdivision 1; 168B.087, subdivision 1; 169.01, subdivisions 55, 76, by adding subdivisions; 169.18, subdivisions 1, 5, by adding a subdivision; 169.224; 169.67, subdivision 3; 169.781, subdivisions 1, 2, 5; 169.79; 169.801; 169.82, subdivision 3; 169.826, subdivision 1a; 169.85, subdivision 1; 169.86, by adding a subdivision; 169A.03, subdivision 23; 171.01, subdivisions 35, 46; 171.02, by adding a subdivision; 171.03; 171.055, subdivisions 1, 2; 171.0701; 171.12, subdivision 6; 171.13, by adding a subdivision; 171.165, subdivision 2; 171.321, subdivision 1; 174.02, subdivision 2; 174.03, subdivision 1; 174.24, by adding a subdivision; 221.011, by adding a subdivision; 221.031, subdivision 1; 221.036, subdivisions 1, 3; 221.121, subdivisions 1, 6a; 221.151, subdivision 1; 299D.03, subdivision 1; 299D.06; 473.1465, by adding a subdivision; 473.388, subdivision 2; 473.399, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 168.017, subdivision 3; 169.443, subdivision 9; 171.02, subdivision 2; Laws 2002, chapter 393, section 85; Laws 2008, chapter 152, article 2, sections 1; 3, subdivision 2; article 3, sections 6; 8; article 6, section 7; proposing coding for new law in Minnesota Statutes, chapters 123B; 169; 171; 174; 219; repealing Minnesota Statutes 2006, sections 168B.087, subdivision 2; 169.145; 221.121, subdivision 4.

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 82 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Abeler	Dominguez	Hosch	Lillie	Olin	Simon
Anzelc	Doty	Howes	Loeffler	Otremba	Slawik
Atkins	Eken	Huntley	Madore	Ozment	Slocum
Benson	Erhardt	Jaros	Mahoney	Paymar	Solberg
Bigham	Faust	Johnson	Mariani	Pelowski	Swails
Bly	Fritz	Juhnke	Marquart	Peterson, A.	Tillberry
Brown	Gardner	Kahn	Masin	Peterson, N.	Tschumper
Brynaert	Greiling	Kalin	Moe	Peterson, S.	Wagenius
Bunn	Hansen	Knuth	Morgan	Poppe	Ward
Carlson	Hausman	Koenen	Morrow	Rukavina	Winkler
Clark	Haws	Laine	Murphy, E.	Ruud	Wollschlager
Davnie	Hilty	Lenczewski	Murphy, M.	Sailer	Spk. Kelliher
Dill	Hornstein	Liebling	Nelson	Scalze	
Dittrich	Hortman	Lieder	Norton	Sertich	

Those who voted in the negative were:

Anderson, B.	Cornish	Drazkowski	Garofalo	Hilstrom	Magnus
Anderson, S.	Dean	Eastlund	Gottwalt	Holberg	McFarlane
Berns	DeLaForest	Emmer	Gutther	Hoppe	McNamara
Brod	Demmer	Erickson	Hackbarth	Kohls	Mullery
Buesgens	Dettmer	Finstad	Hamilton	Lanning	Nornes

Olson	Ruth	Shimanski	Urdahl	Westrom
Paulsen	Seifert	Simpson	Wardlow	Zellers
Peppin	Severson	Smith	Welti	

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2379:

Dill, Thao and McNamara.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2605:

Peterson, S.; Bunn and Peterson, N.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2876:

Paymar, Hornstein and Erhardt.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2881:

Davnie, Mahoney and Peterson, N.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3303:

Loeffler, Mullery and Gunther.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3492:

Hosch, Haws and Heidgerken.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3563:

Norton, Fritz and Hamilton.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3674:

Olin, Sertich and Berns.

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

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Pelowski.

Hilstrom was excused between the hours of 6:45 p.m. to 7:55 p.m.

CALENDAR FOR THE DAY, Continued

S. F. No. 3218 was reported to the House.

Heidgerken moved to amend S. F. No. 3218, the second engrossment, as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 2006, section 79.251, subdivision 1, is amended to read:

Subdivision 1. **General duties of commissioner.** (a)(1) The commissioner shall have all the usual powers and authorities necessary for the discharge of the commissioner's duties under this section and may contract with individuals in discharge of those duties. The commissioner shall audit the reserves established (a) for individual cases arising under policies and contracts of coverage issued under subdivision 4 and (b) for the total book of business issued under subdivision 4. If the commissioner determines on the basis of an audit that there is an excess surplus in the assigned risk plan, the commissioner must ~~notify the commissioner of finance who shall transfer assets of the plan equal to the excess surplus to the budget reserve account in the general fund.~~ notify the Workers' Compensation Advisory Council who must then develop and implement a plan to distribute the surplus to employers insured through the plan on an equitable basis to reimburse those employers for premiums paid to the plan for coverage.

(2) The commissioner shall monitor the operations of section 79.252 and this section and shall periodically make recommendations to the governor and legislature when appropriate, for improvement in the operation of those sections.

(3) All insurers and self-insurance administrators issuing policies or contracts under subdivision 4 shall pay to the commissioner a .25 percent assessment on premiums for policies and contracts of coverage issued under subdivision 4 for the purpose of defraying the costs of performing the duties under clauses (1) and (2). Proceeds of the assessment shall be deposited in the state treasury and credited to the general fund.

(4) The assigned risk plan shall not be deemed a state agency.

(5) The commissioner shall monitor and have jurisdiction over all reserves maintained for assigned risk plan losses.

(b) As used in this subdivision, "excess surplus" means the amount of assigned risk plan assets in excess of the amount needed to pay all current liabilities of the plan, including, but not limited to:

(1) administrative expenses;

(2) benefit claims; and

(3) if the assigned risk plan is dissolved under subdivision 8, the amounts that would be due insurers who have paid assessments to the plan."

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

Solberg was excused between the hours of 7:20 p.m. and 9:15 p.m.

S. F. No. 3218, A bill for an act relating to workers' compensation; adopting recommendations of the Workers' Compensation Advisory Council; amending Minnesota Statutes 2006, sections 176.011, subdivision 9; 176.041, subdivision 1; 176.101, subdivision 1; 176.102, subdivisions 2, 11; 176.135, by adding a subdivision; 176.136, subdivisions 1a, 1b; 176.1812, subdivision 1; 176.183, subdivision 1; 176.185, subdivision 8a; 176.231, subdivision 10; 176.245; 176.275, subdivision 1; 176.285; 176.83, subdivision 7; repealing Minnesota Statutes 2006, sections 176.1041; 176.669.

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 123 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hausman	Liebling	Olin	Simpson
Anderson, B.	Dill	Haws	Lieder	Otremba	Slawik
Anderson, S.	Dittrich	Hilty	Lillie	Ozment	Slocum
Anzelc	Dominguez	Holberg	Loeffler	Paulsen	Smith
Atkins	Doty	Hoppe	Madore	Paymar	Swails
Benson	Drazkowski	Hornstein	Magnus	Pelowski	Thao
Berns	Eastlund	Hortman	Mahoney	Peppin	Tillberry
Bigham	Eken	Hosch	Mariani	Peterson, A.	Tschumper
Bly	Erhardt	Howes	Marquart	Peterson, N.	Urdahl
Brod	Erickson	Huntley	Masin	Peterson, S.	Wagenius
Brown	Faust	Jaros	McFarlane	Poppe	Ward
Brynaert	Finstad	Johnson	McNamara	Rukavina	Wardlow
Buesgens	Fritz	Juhnke	Moe	Ruth	Welti
Bunn	Gardner	Kahn	Morgan	Ruud	Westrom
Carlson	Garofalo	Kalin	Morrow	Sailer	Winkler
Clark	Gottwalt	Knuth	Mullery	Scalze	Wollschlager
Cornish	Greiling	Koenen	Murphy, E.	Seifert	Zellers
Davnie	Gunther	Kohls	Murphy, M.	Sertich	Spk. Kelliher
Dean	Hackbarth	Laine	Nelson	Severson	
DeLaForest	Hamilton	Lanning	Nornes	Shimanski	
Demmer	Hansen	Lenczewski	Norton	Simon	

Those who voted in the negative were:

Emmer Heidgerken Olson

The bill was passed and its title agreed to.

S. F. No. 2919 was reported to the House.

Simon moved to amend S. F. No. 2919, the first engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 253B.08, subdivision 1, is amended to read:

Subdivision 1. **Time for commitment hearing.** The hearing on the commitment petition shall be held within 14 days from the date of the filing of the petition, except that the hearing on a commitment petition pursuant to section 253B.185 shall be held within 90 days from the date of the filing of the petition. For good cause shown, the court may extend the time of hearing up to an additional 30 days. The proceeding shall be dismissed if the proposed patient has not had a hearing on a commitment petition within the allowed time. The proposed patient, or the head of the treatment facility in which the person is held, may demand in writing at any time that the hearing be held immediately. Unless the hearing is held within five days of the date of the demand, exclusive of Saturdays, Sundays and legal holidays, the petition shall be automatically discharged if the patient is being held in a treatment facility pursuant to court order. For good cause shown, the court may extend the time of hearing on the demand for an additional ten days. This subdivision does not apply to a commitment petition brought under section 253B.18 or 253B.185.

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

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2919, A bill for an act relating to civil commitments; modifying and clarifying time requirements for hearings; providing an exception from prehearing discharge for commitment petitions involving persons alleged to be mentally ill and dangerous or a sexual psychopathic personality or sexually dangerous person; amending Minnesota Statutes 2006, section 253B.08, subdivision 1.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anzelc	Berns	Brod	Buesgens	Clark
Anderson, B.	Atkins	Bigham	Brown	Bunn	Cornish
Anderson, S.	Benson	Bly	Brynaert	Carlson	Davnie

Dean	Garofalo	Jaros	Mariani	Paulsen	Simpson
DeLaForest	Gottwalt	Johnson	Marquart	Paymar	Slawik
Demmer	Greiling	Juhnke	Masin	Pelowski	Slocum
Dettmer	Gunther	Kahn	McFarlane	Peppin	Smith
Dill	Hackbarth	Kalin	McNamara	Peterson, A.	Swails
Dittrich	Hamilton	Knuth	Moe	Peterson, N.	Thao
Dominguez	Hansen	Koenen	Morgan	Peterson, S.	Tillberry
Doty	Hausman	Kohls	Morrow	Poppe	Tschumper
Drazkowski	Haws	Laine	Mullery	Rukavina	Urdahl
Eastlund	Heidgerken	Lanning	Murphy, E.	Ruth	Wagenius
Eken	Hilty	Lenczewski	Murphy, M.	Ruud	Ward
Emmer	Holberg	Liebling	Nelson	Sailer	Wardlow
Erhardt	Hoppe	Lieder	Nornes	Scalze	Welti
Erickson	Hornstein	Lillie	Norton	Seifert	Westrom
Faust	Hortman	Loeffler	Olin	Sertich	Winkler
Finstad	Hosch	Madore	Olson	Severson	Wollschlager
Fritz	Howes	Magnus	Otremba	Shimanski	Zellers
Gardner	Huntley	Mahoney	Ozment	Simon	Spk. Kelliher

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

H. F. No. 3332 was reported to the House.

Dill moved to amend H. F. No. 3332 as follows:

Page 1, line 12, delete the new language

Page 1, delete lines 13 to 15

Page 1, line 16, delete the new language

Page 1, line 19, delete "(d)" and insert "(c)"

Page 1, line 21, delete "(e)" and insert "(d)"

The motion prevailed and the amendment was adopted.

H. F. No. 3332, A bill for an act relating to commerce; regulating surcharges on credit cards; amending Minnesota Statutes 2006, section 325G.051, subdivision 1.

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 119 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Abeler	Anzelc	Berns	Brod	Buesgens	Cornish
Anderson, B.	Atkins	Bigham	Brown	Bunn	Davnie
Anderson, S.	Benson	Bly	Brynaert	Carlson	Dean

DeLaForest	Gottwalt	Jaros	Mariani	Paulsen	Simpson
Demmer	Greiling	Johnson	Marquart	Paymar	Slawik
Dettmer	Gunther	Juhnke	Masin	Pelowski	Slocum
Dill	Hackbarth	Kahn	McFarlane	Peppin	Smith
Dittrich	Hamilton	Kalin	McNamara	Peterson, A.	Swails
Dominguez	Hansen	Knuth	Moe	Peterson, N.	Tillberry
Doty	Hausman	Koenen	Morgan	Peterson, S.	Tschumper
Drazkowski	Haws	Kohls	Morrow	Poppe	Urdahl
Eastlund	Heidgerken	Laine	Mullery	Ruth	Wagenius
Eken	Hilty	Lanning	Murphy, E.	Ruud	Ward
Erhardt	Holberg	Lenczewski	Murphy, M.	Sailer	Wardlow
Erickson	Hoppe	Lieder	Nelson	Scalze	Welti
Faust	Hornstein	Lillie	Nornes	Seifert	Winkler
Finstad	Hortman	Loeffler	Olin	Sertich	Wollschlager
Fritz	Hosch	Madore	Olson	Severson	Zellers
Gardner	Howes	Magnus	Otremba	Shimanski	Spk. Kelliher
Garofalo	Huntley	Mahoney	Ozment	Simon	

Those who voted in the negative were:

Clark	Liebling	Rukavina	Westrom
Emmer	Norton	Thao	

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

S. F. No. 2775 was reported to the House.

Nornes moved to amend S. F. No. 2775, the third engrossment, as follows:

Page 1, after line 20, insert:

"A city provided notice under this section must provide the information on disconnection to the police and fire departments of the city within three business days of receipt of the notice."

The motion prevailed and the amendment was adopted.

S. F. No. 2775, A bill for an act relating to utilities; requiring notice to city when customer's heat source disconnected; amending Minnesota Statutes 2006, section 13.681, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

The question was taken on the passage of the bill and the roll was called. There were 123 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Abeler	Anzenc	Berns	Brown	Carlson	Davnie
Anderson, B.	Atkins	Bigham	Brynaert	Clark	Dean
Anderson, S.	Benson	Bly	Bunn	Cornish	DeLaForest

Demmer	Gunther	Kahn	McFarlane	Peppin	Smith
Dettmer	Hackbarth	Kalin	McNamara	Peterson, A.	Swails
Dill	Hamilton	Knuth	Moe	Peterson, N.	Thao
Dittrich	Hansen	Koenen	Morgan	Peterson, S.	Tillberry
Dominguez	Hausman	Kohls	Morrow	Poppe	Tschumper
Doty	Haws	Laine	Mullery	Rukavina	Urdahl
Drazkowski	Heidgerken	Lanning	Murphy, E.	Ruth	Wagenius
Eastlund	Hilty	Lenczewski	Murphy, M.	Ruud	Ward
Eken	Holberg	Liebling	Nelson	Sailer	Wardlow
Erhardt	Hoppe	Lieder	Nornes	Scalze	Welti
Erickson	Hornstein	Lillie	Norton	Seifert	Westrom
Faust	Hortman	Loeffler	Olin	Sertich	Winkler
Finstad	Hosch	Madore	Olson	Severson	Wollschlager
Fritz	Howes	Magnus	Otremba	Shimanski	Zellers
Gardner	Huntley	Mahoney	Ozment	Simon	Spk. Kelliher
Garofalo	Jaros	Mariani	Paulsen	Simpson	
Gottwalt	Johnson	Marquart	Paymar	Slawik	
Greiling	Juhnke	Masin	Pelowski	Slocum	

Those who voted in the negative were:

Brod Buesgens Emmer

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

S. F. No. 2942 was reported to the House.

Rukavina moved to amend S. F. No. 2942, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3349, as introduced:

Section 1. Minnesota Statutes 2007 Supplement, section 136A.121, subdivision 7a, is amended to read:

Subd. 7a. **Surplus appropriation.** If the amount appropriated is determined by the office to be more than sufficient to fund projected grant demand in the second year of the biennium, the office may increase the living and miscellaneous expense allowance in the second year of the biennium by up to an amount that retains sufficient appropriations to fund the projected grant demand. The adjustment may be made one or more times. In making the determination that there are more than sufficient funds, the office shall balance the need for sufficient resources to meet the projected demand for grants with the goal of fully allocating the appropriation for state grants. An increase in the living and miscellaneous expense allowance under this subdivision does not carry forward into a subsequent biennium. ~~This subdivision expires June 30, 2009.~~"

Delete the title and insert:

"A bill for an act relating to higher education; removing a surplus appropriation sunset provision; amending Minnesota Statutes 2007 Supplement, section 136A.121, subdivision 7a."

The motion prevailed and the amendment was adopted.

S. F. No. 2942, A bill for an act relating to higher education; establishing a P-20 education partnership; modifying various scholarship programs; modifying private school regulation; authorizing oral health practitioners to practice; authorizing rulemaking; establishing an oral practitioner work group; requiring a report; amending Minnesota Statutes 2006, sections 13.32, by adding a subdivision; 141.25, by adding a subdivision; Minnesota Statutes 2007 Supplement, sections 136A.126; 136A.127; 136A.65, subdivisions 1, 3, 5, 6, 7; 136A.66; 136A.67; 136A.69; 141.25, subdivision 5; 141.28, subdivision 1; 141.35; 197.791, subdivisions 1, 4, 5; proposing coding for new law in Minnesota Statutes, chapters 136F; 150A.

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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hansen	Lanning	Nornes	Severson
Anderson, B.	Dill	Hausman	Lenczewski	Norton	Shimanski
Anderson, S.	Dittrich	Haws	Liebling	Olin	Simon
Anzelc	Dominguez	Heidgerken	Lieder	Olson	Simpson
Atkins	Doty	Hilty	Lillie	Otremba	Slawik
Benson	Drazkowski	Holberg	Loeffler	Ozment	Slocum
Berns	Eastlund	Hoppe	Madore	Paulsen	Smith
Bigham	Eken	Hornstein	Magnus	Paymar	Swails
Bly	Emmer	Hortman	Mahoney	Pelowski	Thao
Brod	Erhardt	Hosch	Mariani	Peppin	Tillberry
Brown	Erickson	Howes	Marquart	Peterson, A.	Tschumper
Brynaert	Faust	Huntley	Masin	Peterson, N.	Urdahl
Buesgens	Finstad	Jaros	McFarlane	Peterson, S.	Wagenius
Bunn	Fritz	Johnson	McNamara	Poppe	Ward
Carlson	Gardner	Juhnke	Moe	Rukavina	Wardlow
Clark	Garofalo	Kahn	Morgan	Ruth	Welti
Cornish	Gottwalt	Kalin	Morrow	Ruud	Westrom
Davnie	Greiling	Knuth	Mullery	Sailer	Winkler
Dean	Gunther	Koenen	Murphy, E.	Scalze	Wollschlager
DeLaForest	Hackbarth	Kohls	Murphy, M.	Seifert	Zellers
Demmer	Hamilton	Laine	Nelson	Sertich	Spk. Kelliher

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

S. F. No. 3069, A bill for an act relating to motor vehicles; requiring commissioner of public safety to issue special 2008 U.S. Women's Open temporary permits.

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 125 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Anzelc	Berns	Brod	Bunn	Cornish
Anderson, B.	Atkins	Bigham	Brown	Carlson	Davnie
Anderson, S.	Benson	Bly	Brynaert	Clark	Dean

DeLaForest	Gottwalt	Johnson	Marquart	Paymar	Slawik
Demmer	Greiling	Juhnke	Masin	Pelowski	Slocum
Dettmer	Gunther	Kahn	McFarlane	Peppin	Smith
Dill	Hackbarth	Kalin	McNamara	Peterson, A.	Swails
Dittrich	Hamilton	Knuth	Moe	Peterson, N.	Thao
Dominguez	Hansen	Koenen	Morgan	Peterson, S.	Tillberry
Doty	Hausman	Kohls	Morrow	Poppe	Tschumper
Drazkowski	Haws	Laine	Mullery	Rukavina	Urdahl
Eastlund	Heidgerken	Lanning	Murphy, E.	Ruth	Wagenius
Eken	Hilty	Lenczewski	Murphy, M.	Ruud	Ward
Emmer	Holberg	Liebling	Nelson	Sailer	Wardlow
Erhardt	Hoppe	Lieder	Nornes	Scalze	Welti
Erickson	Hornstein	Lillie	Norton	Seifert	Westrom
Faust	Hortman	Loeffler	Olin	Sertich	Winkler
Finstad	Hosch	Madore	Olson	Severson	Wollschlager
Fritz	Howes	Magnus	Otremba	Shimanski	Zellers
Gardner	Huntley	Mahoney	Ozment	Simon	Spk. Kelliher
Garofalo	Jaros	Mariani	Paulsen	Simpson	

Those who voted in the negative were:

Buesgens

The bill was passed and its title agreed to.

S. F. No. 3775 was reported to the House.

Sailer moved to amend S. F. No. 3775, the second engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. **PAINT STEWARDSHIP PILOT PROGRAM.**

Subdivision 1. **Definitions.** For purposes of sections 1 to 3, the following terms have the meanings given.

(a) "Architectural paint" means interior and exterior architectural coatings, including paints and stains purchased for commercial or homeowner use, but does not include architectural coatings purchased for industrial or original equipment manufacturer use.

(b) "Commissioner" means the commissioner of the Pollution Control Agency.

(c) "Consumer-based cost recovery system" means a system whereby the costs of the paint stewardship pilot program are passed on to consumers through the purchase price of the product.

(d) "Consumer paint stewardship fee" means the fee charged by the retailer or distributor on each purchase of architectural paint sold in the state.

(e) "Distributor" means a company that has a contractual relationship with one or more manufacturers to market and sell architectural paint to retailers in this state.

(f) "Manufacturer" means a manufacturer of architectural paint.

(g) "Paint stewardship fee" means the fee paid by each manufacturer that is equal to the amount of the consumer paint stewardship fee for architectural paint the manufacturer sells in this state.

(h) "Postconsumer paint" means architectural paint not used by the purchaser.

(i) "Retailer" means a person who sells architectural paint at retail in this state.

Subd. 2. **Purpose.** The purpose of the paint stewardship pilot program established under this section is to allow paint manufacturers to develop and implement a program to collect, transport, and process postconsumer paint to reduce the costs and environmental impacts of the disposal of postconsumer paint in Minnesota.

Subd. 3. **Plan.** (a) Starting July 1, 2008, manufacturers of architectural paint sold at retail in this state must, through a representative organization, implement a pilot stewardship program to undertake responsibility for the development and implementation of strategies to reduce the generation of postconsumer paint, promote the reuse of postconsumer paint, and collect, transport, and process the end-of-life management of postconsumer paint. A consumer-based cost recovery system must be established to collect a fee assessed on all architectural paint sold in this state to recover from consumers the cost of collecting, storing, transporting and reusing or disposing of postconsumer paint in an environmentally sound fashion. The consumer-based cost recovery system shall fund the pilot stewardship program in the following manner:

(1) each architectural paint manufacturer shall pay a paint stewardship fee to the representative organization implementing the paint stewardship pilot program based on the amount of architectural paint it sells in this state;

(2) each Minnesota retailer or distributor of architectural paint shall include a consumer paint stewardship fee in the price of all architectural paint it sells in this state; and

(3) an architectural paint manufacturer shall recover the paint stewardship fees by invoicing each of its Minnesota retailers or distributors of architectural paint, who shall remit payment for the fees to the architectural paint manufacturer. The funds used by retailers and distributors to pay such invoices shall be derived from the consumer paint stewardship fee attached to the sale of architectural paints by retailers and distributors.

(b) To ensure that the consumer cost recovery mechanism is equitable and sustainable, a uniform consumer paint stewardship fee is established for all architectural paint sold in this state. The assessed consumer paint stewardship fee must be reviewed by the commissioner and must be sufficient to recover the costs of the program and shall not exceed \$.50 per gallon or per container.

(c) Material shall be provided to the consumer by the manufacturer or representative of the manufacturer in a manner designed to ensure that consumers are made aware that a consumer paint stewardship fee is included in the final sales price of the architectural paint.

Subd. 4. **Nonpublic data.** Data reported to the commissioner by a manufacturer or organization of manufacturers is classified as nonpublic data, as defined in Minnesota Statutes, section 13.02, subdivision 9, except that the commissioner may release the data in summary form in which individual manufacturers or retailers are not identified and from which neither their identities nor any other characteristics that could uniquely identify an individual manufacturer or retailer is ascertainable.

Sec. 2. **ANTICOMPETITIVE CONDUCT.**

A manufacturer or organization of manufacturers that organizes collection, transport, and processing of postconsumer paint under section 1 may engage in anticompetitive conduct to the extent necessary to plan and implement its chosen organized collection or recycling system and is immune from liability under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

Sec. 3. **REPORTS.**

(a) Beginning July 1, 2009, and each year thereafter, manufacturers of architectural paint sold at retail in this state must, through a representative organization, submit a report to the commissioner describing the paint stewardship pilot program. At a minimum, the report must contain:

(1) a description of methods used to collect, transport, and process postconsumer paint in all regions of Minnesota;

(2) the total cost of implementing the pilot program;

(3) an evaluation of how the pilot program's funding mechanism operated;

(4) examples of educational materials that were provided to consumers of architectural paint and an evaluation of those methods; and

(5) an analysis of the environmental costs and benefits of collecting and recycling latex paint.

(b) By January 1, 2011, the commissioner shall submit a report to the chairs and ranking minority members of the committees in the senate and house of representatives that have primary jurisdiction over solid waste policy describing the results of the paint stewardship pilot program and recommending whether it should be made permanent and any modifications to improve the functioning and efficiency of the program.

Sec. 4. **EXPIRATION.**

Sections 1 to 3 expire January 31, 2011.

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective the day following final enactment."

A roll call was requested and properly seconded.

Abeler moved to amend the Sailer amendment to S. F. No. 3775, the second engrossment, as follows:

Page 2, line 25, delete "\$.50" and insert "\$.30"

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

Simpson moved that S. F. No. 3775 be re-referred to the Committee on Taxes.

A roll call was requested and properly seconded.

The question was taken on the Simpson motion and the roll was called. There were 60 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Finstad	Howes	Norton	Shimanski
Anderson, S.	Dettmer	Fritz	Jaros	Olson	Simpson
Benson	Dittrich	Garofalo	Kalin	Paulsen	Smith
Berns	Doty	Gottwalt	Kohls	Peppin	Swails
Brod	Drazkowski	Gunther	Lanning	Peterson, N.	Urdahl
Brown	Eastlund	Hackbarth	Madore	Rukavina	Wardlow
Buesgens	Emmer	Hamilton	Magnus	Ruth	Welti
Cornish	Erhardt	Heidgerken	McFarlane	Ruud	Westrom
Dean	Erickson	Holberg	McNamara	Seifert	Wollschlager
DeLaForest	Faust	Hoppe	Nornes	Severson	Zellers

Those who voted in the negative were:

Abeler	Eken	Johnson	Mariani	Ozment	Thao
Anzelc	Gardner	Juhnke	Marquart	Paymar	Tillberry
Atkins	Greiling	Kahn	Masin	Pelowski	Tschumper
Bigham	Hansen	Knuth	Moe	Peterson, A.	Wagenius
Bly	Hausman	Koenen	Morgan	Peterson, S.	Ward
Brynaert	Haws	Laine	Morrow	Poppe	Winkler
Bunn	Hilstrom	Lenczewski	Mullery	Sailer	Spk. Kelliher
Carlson	Hilty	Liebling	Murphy, E.	Scalze	
Clark	Hornstein	Lieder	Murphy, M.	Sertich	
Davnie	Hortman	Lillie	Nelson	Simon	
Dill	Hosch	Loeffler	Olin	Slawik	
Dominguez	Huntley	Mahoney	Otremba	Slocum	

The motion did not prevail.

The question recurred on the Sailer amendment, as amended, and the roll was called. There were 71 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark	Hausman	Johnson	Lillie	Mullery
Anzelc	Davnie	Heidgerken	Juhnke	Loeffler	Murphy, E.
Atkins	Dill	Hilstrom	Kahn	Mahoney	Murphy, M.
Bigham	Dominguez	Hilty	Knuth	Mariani	Nelson
Bly	Eken	Hornstein	Koenen	Marquart	Olin
Brown	Erhardt	Hortman	Laine	Masin	Otremba
Brynaert	Gardner	Howes	Lenczewski	Moe	Ozment
Bunn	Greiling	Huntley	Liebling	Morgan	Paymar
Carlson	Hansen	Jaros	Lieder	Morrow	Pelowski

Peterson, A.	Rukavina	Sertich	Slocum	Tschumper	Winkler
Peterson, S.	Sailer	Simon	Thao	Wagenius	Spk. Kelliher
Poppe	Scalze	Slawik	Tillberry	Ward	

Those who voted in the negative were:

Anderson, B.	Dettmer	Garofalo	Kohls	Peppin	Urdahl
Anderson, S.	Dittrich	Gottwalt	Lanning	Peterson, N.	Wardlow
Benson	Doty	Gunther	Madore	Ruth	Welti
Berns	Drazkowski	Hackbarth	Magnus	Ruud	Westrom
Brod	Eastlund	Hamilton	McFarlane	Seifert	Wollschlager
Buesgens	Emmer	Haws	McNamara	Severson	Zellers
Cornish	Erickson	Holberg	Nornes	Shimanski	
Dean	Faust	Hoppe	Norton	Simpson	
DeLaForest	Finstad	Hosch	Olson	Smith	
Demmer	Fritz	Kalin	Paulsen	Swails	

The motion prevailed and the amendment, as amended, was adopted.

Hackbarth moved to amend S. F. No. 3775, the second engrossment, as amended, as follows:

Page 2, after line 28, insert:

"(d) The commissioner of the Pollution Control Agency may appoint an independent auditor to review the paint stewardship pilot program."

The motion prevailed and the amendment was adopted.

Erickson moved to amend S. F. No. 3775, the second engrossment, as amended, as follows:

Page 3, line 16, delete the second "and"

Page 3, line 18, after "paint" insert ": and"

"(6) an evaluation of the feasibility of donating useable postconsumer paint to charitable organizations, nonprofit organizations, and K-12 schools"

The motion prevailed and the amendment was adopted.

Hoppe moved to amend S. F. No. 3775, the second engrossment, as amended, as follows:

Page 3, line 5, after the period, insert "Until the expiration date of this section, no political subdivision of the state shall implement or operate a paint recycling program."

A roll call was requested and properly seconded.

The question was taken on the Hoppe amendment and the roll was called. There were 53 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Faust	Heidgerken	Morgan	Shimanski
Anderson, S.	Dettmer	Finstad	Holberg	Nornes	Simpson
Benson	Dittrich	Fritz	Hoppe	Olson	Smith
Berns	Doty	Garofalo	Howes	Paulsen	Wardlow
Brod	Drazkowski	Gottwalt	Kalin	Peppin	Welti
Buesgens	Eastlund	Gunther	Kohls	Peterson, N.	Westrom
Cornish	Emmer	Hackbarth	Magnus	Ruth	Wollschlager
Dean	Erhardt	Hamilton	McFarlane	Seifert	Zellers
DeLaForest	Erickson	Haws	McNamara	Severson	

Those who voted in the negative were:

Abeler	Eken	Juhnke	Mariani	Paymar	Swails
Anzelc	Gardner	Kahn	Marquart	Pelowski	Thao
Atkins	Greiling	Knuth	Masin	Peterson, A.	Tillberry
Bigham	Hansen	Koenen	Moe	Peterson, S.	Tschumper
Bly	Hausman	Laine	Morrow	Poppe	Urdahl
Brown	Hilstrom	Lanning	Mullery	Rukavina	Wagenius
Brynaert	Hilty	Lenczewski	Murphy, E.	Ruud	Ward
Bunn	Hornstein	Liebling	Murphy, M.	Sailer	Winkler
Carlson	Hortman	Lieder	Nelson	Scalze	Spk. Kelliher
Clark	Hosch	Lillie	Norton	Sertich	
Davnie	Huntley	Loeffler	Olin	Simon	
Dill	Jaros	Madore	Otremba	Slawik	
Dominguez	Johnson	Mahoney	Ozment	Slocum	

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

Demmer moved to amend S. F. No. 3775, the second engrossment, as amended, as follows:

Page 2, after line 28, insert:

"(d) Architectural paint purchased by a public or private educational institution, for painting a building used primarily for educational or related administrative activities, is exempt from the paint stewardship fee established under this subdivision. The educational institution shall provide documentation, as required by the commissioner, as to the use of the paint. Retailers and distributors shall retain the documentation of the amount of paint sold exempt under this paragraph, and this paint will be excluded from calculating the fee and remittances under paragraph (a), clauses (1) and (3)."

A roll call was requested and properly seconded.

The question was taken on the Demmer amendment and the roll was called. There were 67 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Garofalo	Kohls	Paulsen	Tschumper
Anderson, B.	Demmer	Gottwalt	Lanning	Peppin	Urdahl
Anderson, S.	Dettmer	Gunther	Liebling	Peterson, S.	Wardlow
Benson	Dittrich	Hackbarth	Madore	Poppe	Welti
Berns	Doty	Hamilton	Magnus	Ruth	Westrom
Bigham	Drazkowski	Haws	Masin	Ruud	Wollschlager
Brod	Eastlund	Heidgerken	McFarlane	Seifert	Zellers
Brown	Emmer	Holberg	McNamara	Severson	
Buesgens	Erickson	Hoppe	Morgan	Shimanski	
Bunn	Faust	Hosch	Nornes	Simpson	
Cornish	Finstad	Howes	Norton	Smith	
Dean	Fritz	Kalin	Olson	Swails	

Those who voted in the negative were:

Anzenc	Gardner	Juhnke	Marquart	Pelowski	Thao
Atkins	Greiling	Kahn	Moe	Peterson, A.	Tillberry
Bly	Hansen	Knuth	Morrow	Peterson, N.	Wagenius
Brynaert	Hausman	Koenen	Mullery	Rukavina	Ward
Carlson	Hilstrom	Laine	Murphy, E.	Sailer	Winkler
Clark	Hilty	Lenczewski	Murphy, M.	Scalze	Spk. Kelliher
Davnie	Hornstein	Lieder	Nelson	Sertich	
Dill	Hortman	Lillie	Olin	Simon	
Dominguez	Huntley	Loeffler	Otremba	Slawik	
Eken	Jaros	Mahoney	Ozment	Slocum	
Erhardt	Johnson	Mariani	Paymar	Solberg	

The motion prevailed and the amendment was adopted.

Kohls moved that S. F. No. 3775, as amended, be re-referred to the Committee on Public Safety and Civil Justice.

A roll call was requested and properly seconded.

The question was taken on the Kohls motion and the roll was called. There were 52 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Fritz	Lanning	Olson	Swails
Anderson, S.	Dittrich	Garofalo	Madore	Paulsen	Urdahl
Berns	Doty	Gottwalt	Magnus	Peppin	Wardlow
Brod	Drazkowski	Hackbarth	Masin	Ruth	Welti
Buesgens	Eastlund	Hamilton	McFarlane	Seifert	Westrom
Cornish	Emmer	Heidgerken	McNamara	Severson	Wollschlager
Dean	Erickson	Hoppe	Morrow	Shimanski	Zellers
DeLaForest	Faust	Howes	Nornes	Simpson	
Demmer	Finstad	Kohls	Norton	Smith	

Those who voted in the negative were:

Abeler	Dominguez	Hosch	Lillie	Ozment	Slawik
Anzelc	Eken	Huntley	Loeffler	Paymar	Slocum
Atkins	Erhardt	Jaros	Mahoney	Pelowski	Solberg
Benson	Gardner	Johnson	Mariani	Peterson, A.	Thao
Bigham	Greiling	Juhnke	Marquart	Peterson, N.	Tillberry
Bly	Gunther	Kahn	Moe	Peterson, S.	Tschumper
Brown	Hansen	Kalin	Morgan	Poppe	Wagenius
Brynaert	Hausman	Knuth	Mullery	Rukavina	Ward
Bunn	Haws	Koenen	Murphy, E.	Ruud	Winkler
Carlson	Hilstrom	Laine	Murphy, M.	Sailer	Spk. Kelliher
Clark	Hilty	Lenczewski	Nelson	Scalze	
Davnie	Hornstein	Liebling	Olin	Sertich	
Dill	Hortman	Lieder	Otremba	Simon	

The motion did not prevail.

Kohls moved to amend S. F. No. 3775, the second engrossment, as amended, as follows:

Page 1, line 4, delete "3" and insert "4"

Page 3, after line 23, insert:

"Sec. 4. **IMPLEMENTATION REPORT.**

The commissioner shall submit a report to the legislature by January 15, 2009, regarding the implementation of sections 1 to 3. No provision of sections 1 to 3 is effective until the legislature acts affirmatively to adopt them after reviewing the report under this section.

EFFECTIVE DATE. This section is effective immediately."

Page 3, delete lines 26 and 27

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Kohls amendment and the roll was called. There were 43 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Cornish	Draskowski	Finstad	Holberg	Magnus
Anderson, S.	Dean	Eastlund	Garofalo	Hoppe	Masin
Berns	DeLaForest	Emmer	Gottwalt	Howes	McFarlane
Brod	Demmer	Erickson	Hackbarth	Kohls	McNamara
Buesgens	Dettmer	Faust	Hamilton	Lanning	Nornes

Norton	Peppin	Severson	Smith	Zellers
Olson	Ruth	Shimanski	Wardlow	
Paulsen	Seifert	Simpson	Westrom	

Those who voted in the negative were:

Abeler	Doty	Hosch	Madore	Pelowski	Thao
Anzelc	Eken	Huntley	Mahoney	Peterson, A.	Tillberry
Atkins	Erhardt	Jaros	Mariani	Peterson, N.	Tschumper
Benson	Fritz	Johnson	Marquart	Peterson, S.	Urdahl
Bigham	Gardner	Juhnke	Moe	Poppe	Wagenius
Bly	Greiling	Kahn	Morgan	Rukavina	Ward
Brown	Gunther	Kalin	Morrow	Ruud	Welti
Brynaert	Hansen	Knuth	Mullery	Sailer	Winkler
Bunn	Hausman	Koenen	Murphy, E.	Scalze	Wollschlager
Carlson	Haws	Laine	Murphy, M.	Sertich	Spk. Kelliher
Clark	Heidgerken	Lenczewski	Nelson	Simon	
Davnie	Hilstrom	Liebling	Olin	Slawik	
Dill	Hilty	Lieder	Otremba	Slocum	
Dittrich	Hornstein	Lillie	Ozment	Solberg	
Dominguez	Hortman	Loeffler	Paymar	Swails	

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

Brod moved to amend S. F. No. 3775, the second engrossment, as amended, as follows:

Page 2, after line 34, insert:

"Subd. 5. **Exemption.** Architectural paint used in Minnesota nursing homes is not subject to the consumer paint stewardship fee."

A roll call was requested and properly seconded.

The question was taken on the Brod amendment and the roll was called. There were 49 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Garofalo	Kohls	Peppin	Welti
Anderson, S.	Doty	Gottwalt	Lanning	Ruth	Westrom
Berns	Drazkowski	Gunther	Madore	Seifert	Wollschlager
Brod	Eastlund	Hackbarth	Magnus	Severson	Zellers
Buesgens	Emmer	Hamilton	McFarlane	Shimanski	
Cornish	Erickson	Heidgerken	McNamara	Simpson	
Dean	Faust	Holberg	Nornes	Smith	
DeLaForest	Finstad	Hoppe	Olson	Urdahl	
Demmer	Fritz	Howes	Paulsen	Wardlow	

Those who voted in the negative were:

Abeler	Benson	Brown	Carlson	Dill	Eken
Anzelc	Bigham	Brynaert	Clark	Dittrich	Erhardt
Atkins	Bly	Bunn	Davnie	Dominguez	Gardner

Greiling	Jaros	Lillie	Murphy, E.	Peterson, N.	Slocum
Hansen	Johnson	Loeffler	Murphy, M.	Peterson, S.	Solberg
Hausman	Juhnke	Mahoney	Nelson	Poppe	Swails
Haws	Kahn	Mariani	Norton	Rukavina	Thao
Hilstrom	Knuth	Marquart	Olin	Ruud	Tillberry
Hilty	Koenen	Masin	Otremba	Sailer	Tschumper
Hornstein	Laine	Moe	Ozment	Scalze	Wagenius
Hortman	Lenczewski	Morgan	Paymar	Sertich	Ward
Hosch	Liebling	Morrow	Pelowski	Simon	Winkler
Huntley	Lieder	Mullery	Peterson, A.	Slawik	Spk. Kelliher

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

MOTION TO LAY ON THE TABLE

McNamara moved that S. F. No. 3775, as amended, be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the McNamara motion and the roll was called. There were 49 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Garofalo	Madore	Ruth	Welti
Anderson, S.	Dittrich	Gottwalt	Magnus	Seifert	Westrom
Berns	Doty	Gunther	McFarlane	Severson	Wollschlager
Brod	Drazkowski	Hackbarth	McNamara	Shimanski	Zellers
Buesgens	Eastlund	Hamilton	Nornes	Simpson	
Cornish	Emmer	Hoppe	Norton	Smith	
Dean	Erickson	Howes	Olson	Swails	
DeLaForest	Faust	Kohls	Paulsen	Urdahl	
Demmer	Finstad	Lanning	Peppin	Wardlow	

Those who voted in the negative were:

Abeler	Eken	Hosch	Loeffler	Ozment	Slocum
Anzelc	Erhardt	Huntley	Mahoney	Paymar	Solberg
Atkins	Fritz	Jaros	Mariani	Pelowski	Thao
Benson	Gardner	Johnson	Marquart	Peterson, A.	Tillberry
Bigham	Greiling	Juhnke	Masin	Peterson, N.	Tschumper
Bly	Hansen	Kahn	Moe	Peterson, S.	Wagenius
Brown	Hausman	Kalin	Morgan	Poppe	Ward
Brynaert	Haws	Knuth	Morrow	Rukavina	Winkler
Bunn	Heidgerken	Koenen	Mullery	Ruud	Spk. Kelliher
Carlson	Hilstrom	Laine	Murphy, E.	Sailer	
Clark	Hilty	Lenczewski	Murphy, M.	Scalze	
Davnie	Holberg	Liebling	Nelson	Sertich	
Dill	Hornstein	Lieder	Olin	Simon	
Dominguez	Hortman	Lillie	Otremba	Slawik	

The motion did not prevail.

Gottwalt moved to amend S. F. No. 3775, the second engrossment, as amended, as follows:

Page 2, after line 34, insert:

"Subd. 5. **Exemption.** Architectural paint used for state funded projects is not subject to the consumer paint stewardship fee."

A roll call was requested and properly seconded.

The question was taken on the Gottwalt amendment and the roll was called. There were 46 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Finstad	Howes	Paulsen	Urdahl
Anderson, S.	Dettmer	Fritz	Kohls	Peppin	Wardlow
Berns	Doty	Garofalo	Lanning	Ruth	Welti
Brod	Drazkowski	Gottwalt	Magnus	Seifert	Westrom
Buesgens	Eastlund	Hackbarth	McFarlane	Severson	Wollschlager
Cornish	Emmer	Hamilton	McNamara	Shimanski	Zellers
Dean	Erickson	Holberg	Nornes	Simpson	
DeLaForest	Faust	Hoppe	Olson	Smith	

Those who voted in the negative were:

Abeler	Dominguez	Hosch	Mahoney	Ozment	Slocum
Anzelc	Eken	Huntley	Mariani	Paymar	Solberg
Atkins	Erhardt	Jaros	Marquart	Pelowski	Swails
Benson	Gardner	Johnson	Masin	Peterson, A.	Thao
Bigham	Greiling	Kahn	Moe	Peterson, N.	Tillberry
Bly	Gunther	Knuth	Morgan	Peterson, S.	Tschumper
Brown	Hansen	Koenen	Morrow	Poppe	Wagenius
Brynaert	Hausman	Laine	Mullery	Rukavina	Ward
Bunn	Haws	Lenczewski	Murphy, E.	Ruud	Winkler
Carlson	Heidgerken	Liebling	Murphy, M.	Sailer	Spk. Kelliher
Clark	Hilstrom	Lieder	Nelson	Scalze	
Davnie	Hilty	Lillie	Norton	Sertich	
Dill	Hornstein	Loeffler	Olin	Simon	
Dittrich	Hortman	Madore	Otremba	Slawik	

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

Garofalo was excused for the remainder of today's session.

Anderson, S., moved to amend S. F. No. 3775, the second engrossment, as amended, as follows:

Page 2, after line 34, insert:

"Subd. 5. **Exemption.** Architectural paint used in, including paint donated for, the Metro Paint-A-Thon sponsored by the Greater Minneapolis Council of Churches is not subject to the consumer paint stewardship fee."

The motion prevailed and the amendment was adopted.

Gottwalt moved to amend S. F. No. 3775, the second engrossment, as amended, as follows:

Page 2, after line 34, insert:

"Subd. 5. **Exemption.** Upon presentation to a retailer or distributor of documentation showing participation in any of the following relief programs, an individual is not subject to the consumer paint stewardship fee:

- (1) MFIP and Diversionary Work Program;
- (2) medical assistance, general assistance, or general assistance medical care;
- (3) emergency general assistance;
- (4) Minnesota supplemental aid (MSA);
- (5) MSA-emergency assistance;
- (6) MinnesotaCare;
- (7) Supplemental Security Income;
- (8) energy assistance;
- (9) emergency assistance;
- (10) Food Stamps;
- (11) earned income tax credit; or
- (12) Minnesota working family tax credit."

A roll call was requested and properly seconded.

The question was taken on the Gottwalt amendment and the roll was called. There were 44 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Doty	Gottwalt	Magnus	Ruth	Wardlow
Anderson, S.	Drazkowski	Gunther	McFarlane	Seifert	Welti
Berns	Eastlund	Hackbarth	McNamara	Severson	Westrom
Brod	Emmer	Hamilton	Nornes	Shimanski	Zellers
Buesgens	Erickson	Hoppe	Norton	Simpson	
Cornish	Faust	Howes	Olson	Slawik	
DeLaForest	Finstad	Kohls	Paulsen	Smith	
Dettmer	Fritz	Lanning	Peppin	Urdahl	

Those who voted in the negative were:

Abeler	Benson	Brown	Carlson	Dean	Dittrich
Anzelc	Bigham	Brynaert	Clark	Demmer	Dominguez
Atkins	Bly	Bunn	Davnie	Dill	Eken

Erhardt	Hortman	Lenczewski	Morgan	Peterson, A.	Solberg
Gardner	Hosch	Liebling	Morrow	Peterson, N.	Swails
Greiling	Huntley	Lieder	Mullery	Peterson, S.	Thao
Hansen	Jaros	Lillie	Murphy, E.	Poppe	Tillberry
Hausman	Johnson	Loeffler	Murphy, M.	Rukavina	Tschumper
Haws	Juhnke	Madore	Nelson	Ruud	Wagenius
Heidgerken	Kahn	Mahoney	Olin	Sailer	Ward
Hilstrom	Kalin	Mariani	Otremba	Scalze	Winkler
Hilty	Knuth	Marquart	Ozment	Sertich	Wollschlager
Holberg	Koenen	Masin	Paymar	Simon	Spk. Kelliher
Hornstein	Laine	Moe	Pelowski	Slocum	

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

S. F. No. 3775, A bill for an act relating to solid waste; establishing a pilot program to collect and process used paint; requiring reports.

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 73 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Abeler	Eken	Johnson	Mariani	Paymar	Solberg
Anzelc	Erhardt	Juhnke	Marquart	Pelowski	Thao
Atkins	Gardner	Kahn	Masin	Peterson, A.	Tillberry
Benson	Greiling	Kalin	Moe	Peterson, N.	Tschumper
Bigham	Hansen	Knuth	Morgan	Peterson, S.	Wagenius
Bly	Hausman	Koenen	Morrow	Poppe	Ward
Brown	Hilstrom	Laine	Mullery	Ruud	Winkler
Brynaert	Hilty	Lenczewski	Murphy, E.	Sailer	Spk. Kelliher
Bunn	Hornstein	Liebling	Murphy, M.	Scalze	
Carlson	Hortman	Lieder	Nelson	Sertich	
Clark	Howes	Lillie	Olin	Simon	
Davnie	Huntley	Loeffler	Otremba	Slawik	
Dominguez	Jaros	Mahoney	Ozment	Slocum	

Those who voted in the negative were:

Anderson, B.	Dettmer	Finstad	Hoppe	Norton	Simpson
Anderson, S.	Dill	Fritz	Hosch	Olson	Smith
Berns	Dirtrich	Gottwalt	Kohls	Paulsen	Swails
Brod	Doty	Gunther	Lanning	Peppin	Urdahl
Buesgens	Drazkowski	Hackbarth	Madore	Rukavina	Wardlow
Cornish	Eastlund	Hamilton	Magnus	Ruth	Welti
Dean	Emmer	Haws	McFarlane	Seifert	Westrom
DeLaForest	Erickson	Heidgerken	McNamara	Severson	Wollschlager
Demmer	Faust	Holberg	Nornes	Shimanski	Zellers

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

The Speaker resumed the Chair.

S. F. No. 3441 was reported to the House.

Paymar moved to amend S. F. No. 3441, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3850, the first engrossment:

"Section 1. Minnesota Statutes 2007 Supplement, section 595.02, subdivision 1, is amended to read:

Subdivision 1. **Competency of witnesses.** Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision:

(a) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either or against a child under the care of either spouse, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for nonsupport, neglect, dependency, or termination of parental rights.

(b) An attorney cannot, without the consent of the attorney's client, be examined as to any communication made by the client to the attorney or the attorney's advice given thereon in the course of professional duty; nor can any employee of the attorney be examined as to the communication or advice, without the client's consent.

(c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person.

(d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of the patient, be allowed to disclose any information or any opinion based thereon which the professional acquired in attending the patient in a professional capacity, and which was necessary to enable the professional to act in that capacity; after the decease of the patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of the deceased person for the purpose of waiving this privilege, and no oral or written waiver of the privilege shall have any binding force or effect except when made upon the trial or examination where the evidence is offered or received.

(e) A public officer shall not be allowed to disclose communications made to the officer in official confidence when the public interest would suffer by the disclosure.

(f) Persons of unsound mind and persons intoxicated at the time of their production for examination are not competent witnesses if they lack capacity to remember or to relate truthfully facts respecting which they are examined.

(g) A registered nurse, psychologist, consulting psychologist, or licensed social worker engaged in a psychological or social assessment or treatment of an individual at the individual's request shall not, without the consent of the professional's client, be allowed to disclose any information or opinion based thereon which the professional has acquired in attending the client in a professional capacity, and which was necessary to enable the professional to act in that capacity. Nothing in this clause exempts licensed social workers from compliance with the provisions of sections 626.556 and 626.557.

(h) An interpreter for a person disabled in communication shall not, without the consent of the person, be allowed to disclose any communication if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person disabled in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which the person is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

(i) Licensed chemical dependency counselors shall not disclose information or an opinion based on the information which they acquire from persons consulting them in their professional capacities, and which was necessary to enable them to act in that capacity, except that they may do so:

(1) when informed consent has been obtained in writing, except in those circumstances in which not to do so would violate the law or would result in clear and imminent danger to the client or others;

(2) when the communications reveal the contemplation or ongoing commission of a crime; or

(3) when the consulting person waives the privilege by bringing suit or filing charges against the licensed professional whom that person consulted.

(j) A parent or the parent's minor child may not be examined as to any communication made in confidence by the minor to the minor's parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of an alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport by a parent.

(k) Sexual assault counselors may not be allowed to disclose any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections 626.556 and 626.557.

"Sexual assault counselor" for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.

(l) A domestic abuse advocate may not be compelled to disclose any opinion or information received from or about the victim without the consent of the victim unless ordered by the court. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the relationship between the victim and domestic abuse advocate, and the services if disclosure occurs. Nothing in this paragraph exempts domestic abuse advocates from compliance with the provisions of sections 626.556 and 626.557.

For the purposes of this section, "domestic abuse advocate" means an employee or supervised volunteer from a community-based battered women's shelter and domestic abuse program eligible to receive grants under section 611A.32; that provides information, advocacy, crisis intervention, emergency shelter, or support to victims of domestic abuse and who is not employed by or under the direct supervision of a law enforcement agency, a prosecutor's office, or by a city, county, or state agency.

~~(h)~~ (m) A person cannot be examined as to any communication or document, including worknotes, made or used in the course of or because of mediation pursuant to an agreement to mediate. This does not apply to the parties in the dispute in an application to a court by a party to have a mediated settlement agreement set aside or reformed. A communication or document otherwise not privileged does not become privileged because of this paragraph. This paragraph is not intended to limit the privilege accorded to communication during mediation by the common law.

~~(m)~~ (n) A child under ten years of age is a competent witness unless the court finds that the child lacks the capacity to remember or to relate truthfully facts respecting which the child is examined. A child describing any act or event may use language appropriate for a child of that age.

~~(n)~~ (o) A communication assistant for a telecommunications relay system for communication-impaired persons shall not, without the consent of the person making the communication, be allowed to disclose communications made to the communication assistant for the purpose of relaying."

The motion prevailed and the amendment was adopted.

S. F. No. 3441, A bill for an act relating to courts; limiting testimony of domestic abuse advocates without consent of victims; amending Minnesota Statutes 2007 Supplement, section 595.02, subdivision 1.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bly	Cornish	Dominguez	Faust	Hamilton
Anderson, B.	Brod	Davnie	Doty	Finstad	Hansen
Anderson, S.	Brown	Dean	Drazkowski	Fritz	Hausman
Anzelc	Brynaert	DeLaForest	Eastlund	Gardner	Haws
Atkins	Buesgens	Demmer	Eken	Gottwalt	Heidgerken
Benson	Bunn	Dettmer	Emmer	Greiling	Hilstrom
Berns	Carlson	Dill	Erhardt	Gunther	Hilty
Bigham	Clark	Dittrich	Erickson	Hackbarth	Holberg

Hoppe	Laine	McNamara	Paulsen	Sertich	Wagenius
Hornstein	Lanning	Moe	Paymar	Severson	Ward
Hortman	Lenczewski	Morgan	Pelowski	Shimanski	Wardlow
Hosch	Liebling	Morrow	Peppin	Simon	Welti
Howes	Lieder	Mullery	Peterson, A.	Simpson	Westrom
Huntley	Lillie	Murphy, E.	Peterson, N.	Slawik	Winkler
Jaros	Loeffler	Murphy, M.	Peterson, S.	Slocum	Wollschlager
Johnson	Madore	Nelson	Poppe	Smith	Zellers
Juhnke	Magnus	Nornes	Rukavina	Solberg	Spk. Kelliher
Kahn	Mahoney	Norton	Ruth	Swails	
Kalin	Mariani	Olin	Ruud	Thao	
Knuth	Marquart	Olson	Sailer	Tillberry	
Koenen	Masin	Otremba	Scalze	Tschumper	
Kohls	McFarlane	Ozment	Seifert	Urdahl	

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

S. F. No. 2511 was reported to the House.

Buesgens moved to amend S. F. No. 2511 as follows:

Page 1, delete section 2

Page 2, delete sections 3 and 4

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 37 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Gunther	Magnus	Ruth	Westrom
Berns	Drazkowski	Hackbarth	McNamara	Seifert	Zellers
Brod	Eastlund	Hamilton	Nornes	Severson	
Buesgens	Emmer	Holberg	Olson	Shimanski	
Dean	Erickson	Hoppe	Ozment	Simpson	
DeLaForest	Finstad	Howes	Paulsen	Smith	
Demmer	Gottwalt	Kohls	Peppin	Wardlow	

Those who voted in the negative were:

Abeler	Bigham	Carlson	Dittrich	Faust	Hausman
Anderson, S.	Bly	Clark	Dominguez	Fritz	Haws
Anzels	Brown	Cornish	Doty	Gardner	Heidgerken
Atkins	Brynaert	Davnie	Eken	Greiling	Hilstrom
Benson	Bunn	Dill	Erhardt	Hansen	Hilty

Hornstein	Koenen	Mariani	Nelson	Rukavina	Thao
Hortman	Laine	Marquart	Norton	Ruud	Tillberry
Hosch	Lanning	Masin	Olin	Sailer	Tschumper
Huntley	Lenczewski	McFarlane	Otremba	Scalze	Urdahl
Jaros	Liebling	Moe	Paymar	Sertich	Wagenius
Johnson	Lieder	Morgan	Pelowski	Simon	Ward
Juhnke	Lillie	Morrow	Peterson, A.	Slawik	Welti
Kahn	Loeffler	Mullery	Peterson, N.	Slocum	Winkler
Kalin	Madore	Murphy, E.	Peterson, S.	Solberg	Wollschlager
Knuth	Mahoney	Murphy, M.	Poppe	Swails	Spk. Kelliher

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

S. F. No. 2511, A bill for an act relating to state government; reestablishing the Health Care Peer Review Committee relating to quality of care and treatment of offenders; reestablishing advisory committees for the Minnesota Breeders fund; amending Minnesota Statutes 2006, section 241.021, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 240.18, subdivision 4; Laws 2007, chapter 133, article 2, section 13.

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 123 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Heidgerken	Liebling	Olin	Simpson
Anderson, B.	Dittrich	Hilstrom	Lieder	Otremba	Slawik
Anderson, S.	Dominguez	Hilty	Lillie	Ozment	Slocum
Anzels	Doty	Holberg	Loeffler	Paulsen	Smith
Atkins	Drazkowski	Hoppe	Madore	Paymar	Solberg
Benson	Eastlund	Hornstein	Magnus	Pelowski	Swails
Berns	Eken	Hortman	Mahoney	Peppin	Thao
Bigham	Erhardt	Hosch	Mariani	Peterson, A.	Tillberry
Bly	Erickson	Howes	Marquart	Peterson, N.	Tschumper
Brod	Faust	Huntley	Masin	Peterson, S.	Urdahl
Brown	Finstad	Jaros	McFarlane	Poppe	Wagenius
Brynaert	Fritz	Johnson	McNamara	Rukavina	Ward
Bunn	Gardner	Juhnke	Moe	Ruth	Wardlow
Carlson	Gottwalt	Kahn	Morgan	Ruud	Welti
Clark	Greiling	Kalin	Morrow	Sailer	Winkler
Cornish	Gunther	Knuth	Mullery	Scalze	Wollschlager
Davnie	Hackbarth	Koenen	Murphy, E.	Seifert	Zellers
Dean	Hamilton	Kohls	Murphy, M.	Sertich	Spk. Kelliher
DeLaForest	Hansen	Laine	Nelson	Severson	
Demmer	Hausman	Lanning	Nornes	Shimanski	
Dettmer	Haws	Lenczewski	Norton	Simon	

Those who voted in the negative were:

Buesgens	Emmer	Olson	Westrom
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The bill was passed and its title agreed to.

S. F. No. 3364 was reported to the House.

Kalin moved that S. F. No. 3364 be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 3493 was reported to the House.

Drazkowski moved to amend H. F. No. 3493 as follows:

Page 3, after line 26, insert:

"Sec. 3. **DISTRIBUTION OF ECONOMIC DEVELOPMENT AND HOUSING CHALLENGE APPROPRIATION.**

Notwithstanding any contrary provisions in law or rule, any balance of the appropriation made to the Minnesota Housing Finance Agency by Laws 2007, First Special Session chapter 2, section 9, subdivision 2, that remains unencumbered as of the effective date of this act, together with any funds that may be transferred to the Minnesota Housing Finance Agency by interagency agreement pursuant to Laws 2007, First Special Session chapter 2, section 2, subdivision 1, shall be used for disaster housing assistance grants for flood damaged owner-occupied single family homes located in the area of southeast Minnesota designated under Presidential Declaration of Major Disaster, DR-1717. Housing assistance grants made under this section shall be made without regard to a homeowner's income, assets, or any other form of financial qualification. These disaster assistance housing grants shall be made in proportion to the homeowners' relative levels of disaster-related damage, less any Federal Emergency Management Agency grants that a homeowner may have received. Federal Small Business Administration (SBA) loans, private loans, or other loans obtained by a homeowner shall not affect a homeowner's qualification for these grants. No grants under this section shall be made to homeowners who have already received forgivable loans through the Minnesota Housing Finance Agency's Quick-Start program. Grant payments for homeowners who hold SBA disaster loans shall be made directly to the SBA in repayment of such loans. Any balance remaining after such loans are paid in full will be paid to the homeowner.

Sec. 4. **EFFECTIVE DATE.**

Section 3 is effective the day following final enactment."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Drazkowski amendment and the roll was called. There were 51 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Dettmer	Erickson	Hamilton	Kohls
Anderson, B.	Cornish	Drazkowski	Finstad	Hansen	Lanning
Anderson, S.	Dean	Eastlund	Gottwalt	Heidgerken	Liebling
Berns	DeLaForest	Emmer	Gunther	Holberg	Magnus
Brod	Demmer	Erhardt	Hackbarth	Hoppe	McNamara

Nornes	Pelowski	Ruth	Simpson	Wardlow	Zellers
Norton	Peppin	Seifert	Slawik	Walti	
Ozment	Peterson, N.	Severson	Smith	Westrom	
Paulsen	Poppe	Shimanski	Urdahl	Wollschlager	

Those who voted in the negative were:

Anzelc	Dominguez	Hosch	Lillie	Murphy, M.	Simon
Atkins	Doty	Howes	Loeffler	Nelson	Slocum
Benson	Eken	Huntley	Madore	Olin	Solberg
Bigham	Faust	Jaros	Mahoney	Olson	Swails
Bly	Fritz	Johnson	Mariani	Otremba	Thao
Brown	Gardner	Juhnke	Marquart	Paymar	Tillberry
Brynaert	Greiling	Kahn	Masin	Peterson, A.	Tschumper
Bunn	Hausman	Kalin	McFarlane	Peterson, S.	Wagenius
Carlson	Haws	Knuth	Moe	Rukavina	Ward
Clark	Hilstrom	Koenen	Morgan	Ruud	Winkler
Davnie	Hilty	Laine	Morrow	Sailer	Spk. Kelliher
Dill	Hornstein	Lenczewski	Mullery	Scalze	
Dittrich	Hortman	Lieder	Murphy, E.	Sertich	

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

H. F. No. 3493, A bill for an act relating to state government finance; disaster relief appropriations; providing for reimbursement to the state under certain conditions; amending Laws 2007, First Special Session chapter 2, article 1, sections 2; 4, 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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Gunther	Kahn	McNamara	Peterson, N.
Anderson, B.	Demmer	Hackbarth	Kalin	Moe	Peterson, S.
Anderson, S.	Dettmer	Hamilton	Knuth	Morgan	Poppe
Anzelc	Dill	Hansen	Koenen	Morrow	Rukavina
Atkins	Dittrich	Hausman	Kohls	Mullery	Ruth
Benson	Dominguez	Haws	Laine	Murphy, E.	Ruud
Berns	Doty	Heidgerken	Lanning	Murphy, M.	Sailer
Bigham	Drazkowski	Hilstrom	Lenczewski	Nelson	Scalze
Bly	Eastlund	Hilty	Liebling	Nornes	Seifert
Brod	Eken	Holberg	Lieder	Norton	Sertich
Brown	Emmer	Hoppe	Lillie	Olin	Severson
Brynaert	Erhardt	Hornstein	Loeffler	Olson	Shimanski
Buesgens	Erickson	Hortman	Madore	Otremba	Simon
Bunn	Faust	Hosch	Magnus	Ozment	Simpson
Carlson	Finstad	Howes	Mahoney	Paulsen	Slawik
Clark	Fritz	Huntley	Mariani	Paymar	Slocum
Cornish	Gardner	Jaros	Marquart	Pelowski	Smith
Davnie	Gottwalt	Johnson	Masin	Peppin	Solberg
Dean	Greiling	Juhnke	McFarlane	Peterson, A.	Swails

Thao	Urdahl	Wardlow	Winkler	Spk. Kelliher
Tillberry	Wagenius	Wolti	Wollschlager	
Tschumper	Ward	Westrom	Zellers	

The bill was passed and its title agreed to.

H. F. No. 2996 was reported to the House.

Paymar moved to amend H. F. No. 2996, the second engrossment, as follows:

Page 6, line 6, delete "By July 1, 2008, the chair" and insert "The speaker of the house of representatives and the Subcommittee on Committees of the Committee on Rules and Administration of the senate"

Page 6, delete line 7

Page 6, line 8, delete "Budget Division"

Page 6, line 27, delete "outstate" and insert "greater"

The motion prevailed and the amendment was adopted.

Bigham, Hilstrom, Simon, Smith and Mullery moved to amend H. F. No. 2996, the second engrossment, as amended, as follows:

Page 1, after line 18, insert:

"Sec. 2. Minnesota Statutes 2006, section 243.166, subdivision 1a, is amended to read:

Subd. 1a. **Definitions.** (a) As used in this section, unless the context clearly indicates otherwise, the following terms have the meanings given them.

(b) "Bureau" means the Bureau of Criminal Apprehension.

(c) "Dwelling" means the building where the person lives under a formal or informal agreement to do so.

(d) "Incarceration" and "confinement" do not include electronic home monitoring.

(e) "Law enforcement authority" or "authority" means, with respect to a home rule charter or statutory city, the chief of police, and with respect to an unincorporated area, the county sheriff.

(f) "Motor vehicle" has the meaning given in section 169.01, subdivision 2.

(g) "Primary address" means the mailing address of the person's dwelling. If the mailing address is different from the actual location of the dwelling, primary address also includes the physical location of the dwelling described with as much specificity as possible.

(h) "School" includes any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education, that the person is enrolled in on a full-time or part-time basis.

(i) "Secondary address" means the mailing address of any place where the person regularly or occasionally stays overnight when not staying at the person's primary address. If the mailing address is different from the actual location of the place, secondary address also includes the physical location of the place described with as much specificity as possible.

(j) "Treatment facility" means a residential facility, as defined in section 244.052, subdivision 1, and residential chemical dependency treatment programs and halfway houses licensed under chapter 245A, including, but not limited to, those facilities directly or indirectly assisted by any department or agency of the United States.

(k) "Work" includes employment that is full time or part time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

(l) "Social networking Web site" means an Internet Web site that allows users to create Web pages or profiles that provide information about themselves and are available publicly or to other users and that offers a mechanism for communication with other users, such as a forum, chat room, electronic mail, or instant messaging.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to predatory offenders who are required to register before, on, or after that date.

Sec. 3. Minnesota Statutes 2006, section 243.166, subdivision 4, is amended to read:

Subd. 4. **Contents of registration.** (a) The registration provided to the corrections agent or law enforcement authority, must consist of a statement in writing signed by the person, giving information required by the bureau, a fingerprint card, and photograph of the person taken at the time of the person's release from incarceration or, if the person was not incarcerated, at the time the person initially registered under this section. The registration information also must include a written consent form signed by the person allowing a treatment facility or residential housing unit or shelter to release information to a law enforcement officer about the person's admission to, or residence in, a treatment facility or residential housing unit or shelter. Registration information on adults and juveniles may be maintained together notwithstanding section 260B.171, subdivision 3.

(b) For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States, in addition to other information required by this section, the registration provided to the corrections agent or law enforcement authority must include the person's offense history and documentation of treatment received during the person's commitment. This documentation is limited to a statement of how far the person progressed in treatment during commitment.

(c) Within three days of receipt, the corrections agent or law enforcement authority shall forward the registration information to the bureau. The bureau shall ascertain whether the person has registered with the law enforcement authority in the area of the person's primary address, if any, or if the person lacks a primary address, where the person is staying, as required by subdivision 3a. If the person has not registered with the law enforcement authority, the bureau shall send one copy to that authority.

(d) The corrections agent or law enforcement authority may require that a person required to register under this section appear before the agent or authority to be photographed. The agent or authority shall forward the photograph to the bureau.

(1) Except as provided in clause (2), the agent or authority shall require a person required to register under this section who is classified as a level III offender under section 244.052 to appear before the agent or authority at least every six months to be photographed.

(2) The requirements of this paragraph shall not apply during any period where the person to be photographed is: (i) committed to the commissioner of corrections and incarcerated, (ii) incarcerated in a regional jail or county jail, or (iii) committed to the commissioner of human services and receiving treatment in a secure treatment facility.

(e) During the period a person is required to register under this section, the following provisions apply:

(1) Except for persons registering under subdivision 3a, the bureau shall mail a verification form to the person's last reported primary address. This verification form must provide notice to the offender that, if the offender does not return the verification form as required, information about the offender may be made available to the public through electronic, computerized, or other accessible means. For persons who are registered under subdivision 3a, the bureau shall mail an annual verification form to the law enforcement authority where the offender most recently reported. The authority shall provide the verification form to the person at the next weekly meeting and ensure that the person completes and signs the form and returns it to the bureau.

(2) The person shall mail the signed verification form back to the bureau within ten days after receipt of the form, stating on the form the current and last address of the person's residence and the other information required under subdivision 4a.

(3) In addition to the requirements listed in this section, a person who is assigned to risk level II or III under section 244.052, and who is no longer under correctional supervision for a registration offense, or a failure to register offense, but who resides, works, or attends school in Minnesota, shall have an annual in-person contact with a law enforcement authority as provided in this section. If the person resides in Minnesota, the annual in-person contact shall be with the law enforcement authority that has jurisdiction over the person's primary address or, if the person has no address, the location where the person is staying. If the person does not reside in Minnesota but works or attends school in this state, the person shall have an annual in-person contact with the law enforcement authority or authorities with jurisdiction over the person's school or workplace. During the month of the person's birth date, the person shall report to the authority to verify the accuracy of the registration information and to be photographed. Within three days of this contact, the authority shall enter information as required by the bureau into the predatory offender registration database and submit an updated photograph of the person to the bureau's predatory offender registration unit.

(4) If the person fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form, or if the person fails to report to the law enforcement authority during the month of the person's birth date, the person is in violation of this section.

(5) For any person who fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form and who has been determined to be a risk level III offender under section 244.052, the bureau shall immediately investigate and notify local law enforcement authorities to investigate the person's location and to ensure compliance with this section. The bureau also shall immediately give notice of the person's violation of this section to the law enforcement authority having jurisdiction over the person's last registered address or addresses.

(6) Persons required to register under this section shall not access, or create or maintain a personal Web page or profile on a social networking Web site that (i) has a primary purpose of facilitating the social interaction between two or more persons for the purposes of friendship, meeting other persons, or information exchanges, and (ii) permits persons under the age of 18 to become a member or to create or maintain a personal Web page.

For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States, the bureau shall comply with clause (1) at least four times each year. For persons who, under section 244.052, are assigned to risk level III and who are no longer under correctional supervision for a registration offense or a failure to register offense, the bureau shall comply with clause (1) at least two times each year. For all other persons required to register under this section, the bureau shall comply with clause (1) each year within 30 days of the anniversary date of the person's initial registration.

(f) When sending out a verification form, the bureau shall determine whether the person to whom the verification form is being sent has signed a written consent form as provided for in paragraph (a). If the person has not signed such a consent form, the bureau shall send a written consent form to the person along with the verification form. A person who receives this written consent form shall sign and return it to the bureau at the same time as the verification form.

EFFECTIVE DATE. Paragraph (e), clause (6), of this section is effective August 1, 2009, and applies to predatory offenders who are required to register before, on, or after that date.

Sec. 4. Minnesota Statutes 2006, section 244.05, subdivision 6, is amended to read:

Subd. 6. **Intensive supervised release.** The commissioner may order that an inmate be placed on intensive supervised release for all or part of the inmate's supervised release or parole term if the commissioner determines that the action will further the goals described in section 244.14, subdivision 1, clauses (2), (3), and (4). In addition, the commissioner may order that an inmate be placed on intensive supervised release for all of the inmate's conditional or supervised release term if the inmate was convicted of a sex offense under section 609.342, 609.343, 609.344, 609.345, or 609.3453 or was sentenced under the provisions of section 609.3455, subdivision 3a. The commissioner shall order that all level III predatory offenders be placed on intensive supervised release for the entire supervised release, conditional release, or parole term. The commissioner may impose appropriate conditions of release on the inmate including but not limited to unannounced searches of the inmate's person, vehicle, ~~or~~ premises, computer, or other electronic devices capable of accessing the Internet by an intensive supervision agent; compliance with court-ordered restitution, if any; random drug testing; house arrest; daily curfews; frequent face-to-face contacts with an assigned intensive supervision agent; work, education, or treatment requirements; and electronic surveillance. In addition, any sex offender placed on intensive supervised release may be ordered to participate in an appropriate sex offender program as a condition of release. If the inmate violates the conditions of the intensive supervised release, the commissioner shall impose sanctions as provided in subdivision 3 and section 609.3455.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to predatory offenders who are required to register before, on, or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Bigham, Hilstrom, Cornish and Mullery moved to amend H. F. No. 2996, the second engrossment, as amended, as follows:

Page 1, after line 18, insert:

"Sec. 2. Minnesota Statutes 2006, section 243.166, subdivision 3a, is amended to read:

Subd. 3a. **Registration procedure when person lacks primary address.** (a) If a person leaves a primary address and does not have a new primary address, the person shall register with the law enforcement authority that has jurisdiction in the area where the person is staying within 24 hours of the time the person no longer has a primary address.

(b) Notwithstanding the time period for registration in paragraphs (a) and (c), a person with a primary address of a correctional facility who is scheduled to be released from the facility and who does not have a new primary address shall register with the law enforcement authority that has jurisdiction in the area where the person will be staying at least five days before the person is released from the correctional facility.

(c) A person who lacks a primary address shall register with the law enforcement authority that has jurisdiction in the area where the person is staying within 24 hours after entering the jurisdiction. Each time a person who lacks a primary address moves to a new jurisdiction without acquiring a new primary address, the person shall register with the law enforcement authority that has jurisdiction in the area where the person is staying within 24 hours after entering the jurisdiction.

~~(e)~~ (d) Upon registering under this subdivision, the person shall provide the law enforcement authority with all of the information the individual is required to provide under subdivision 4a. However, instead of reporting the person's primary address, the person shall describe the location of where the person is staying with as much specificity as possible.

~~(d)~~ (e) Except as otherwise provided in paragraph ~~(e)~~ (f), if a person continues to lack a primary address, the person shall report in person on a weekly basis to the law enforcement authority with jurisdiction in the area where the person is staying. This weekly report shall occur between the hours of 9:00 a.m. and 5:00 p.m. The person is not required to provide the registration information required under subdivision 4a each time the offender reports to an authority, but the person shall inform the authority of changes to any information provided under this subdivision or subdivision 4a and shall otherwise comply with this subdivision.

~~(e)~~ (f) If the law enforcement authority determines that it is impractical, due to the person's unique circumstances, to require a person lacking a primary address to report weekly and in person as required under paragraph ~~(d)~~ (e), the authority may authorize the person to follow an alternative reporting procedure. The authority shall consult with the person's corrections agent, if the person has one, in establishing the specific criteria of this alternative procedure, subject to the following requirements:

(1) the authority shall document, in the person's registration record, the specific reasons why the weekly in-person reporting process is impractical for the person to follow;

(2) the authority shall explain how the alternative reporting procedure furthers the public safety objectives of this section;

(3) the authority shall require the person lacking a primary address to report in person at least monthly to the authority or the person's corrections agent and shall specify the location where the person shall report. If the authority determines it would be more practical and would further public safety for the person to report to another law enforcement authority with jurisdiction where the person is staying, it may, after consulting with the other law enforcement authority, include this requirement in the person's alternative reporting process;

(4) the authority shall require the person to comply with the weekly, in-person reporting process required under paragraph ~~(d)~~ (e), if the person moves to a new area where this process would be practical;

(5) the authority shall require the person to report any changes to the registration information provided under subdivision 4a and to comply with the periodic registration requirements specified under paragraph ~~(f)~~ (g); and

(6) the authority shall require the person to comply with the requirements of subdivision 3, paragraphs (b) and (c), if the person moves to a primary address.

~~(f)~~ (g) If a person continues to lack a primary address and continues to report to the same law enforcement authority, the person shall provide the authority with all of the information the individual is required to provide under this subdivision and subdivision 4a at least annually, unless the person is required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States. If the person is required to register under subdivision 1b, paragraph (c), the person shall provide the law enforcement authority with all of the information the individual is required to report under this subdivision and subdivision 4a at least once every three months.

~~(g)~~ (h) A law enforcement authority receiving information under this subdivision shall forward registration information and changes to that information to the bureau within two business days of receipt of the information.

~~(h)~~ (i) For purposes of this subdivision, a person who fails to report a primary address will be deemed to be a person who lacks a primary address, and the person shall comply with the requirements for a person who lacks a primary address.

Sec. 3. Minnesota Statutes 2006, section 243.166, subdivision 4, is amended to read:

Subd. 4. **Contents of registration.** (a) The registration provided to the corrections agent or law enforcement authority, must consist of a statement in writing signed by the person, giving information required by the bureau, a fingerprint card, and photograph of the person taken at the time of the person's release from incarceration or, if the person was not incarcerated, at the time the person initially registered under this section. The registration information also must include a written consent form signed by the person allowing a treatment facility or residential housing unit or shelter to release information to a law enforcement officer about the person's admission to, or residence in, a treatment facility or residential housing unit or shelter. Registration information on adults and juveniles may be maintained together notwithstanding section 260B.171, subdivision 3.

(b) For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States, in addition to other information required by this section, the registration provided to the corrections agent or law enforcement authority must include the person's offense history and documentation of treatment received during the person's commitment. This documentation is limited to a statement of how far the person progressed in treatment during commitment.

(c) Within three days of receipt, the corrections agent or law enforcement authority shall forward the registration information to the bureau. The bureau shall ascertain whether the person has registered with the law enforcement authority in the area of the person's primary address, if any, or if the person lacks a primary address, where the person is staying, as required by subdivision 3a. If the person has not registered with the law enforcement authority, the bureau shall send one copy to that authority.

(d) The corrections agent or law enforcement authority may require that a person required to register under this section appear before the agent or authority to be photographed. The agent or authority shall forward the photograph to the bureau.

(1) Except as provided in clause (2), the agent or authority shall require a person required to register under this section who is classified as a level III offender under section 244.052 to appear before the agent or authority at least every six months to be photographed.

(2) The requirements of this paragraph shall not apply during any period where the person to be photographed is: (i) committed to the commissioner of corrections and incarcerated, (ii) incarcerated in a regional jail or county jail, or (iii) committed to the commissioner of human services and receiving treatment in a secure treatment facility.

(e) During the period a person is required to register under this section, the following provisions apply:

(1) Except for persons registering under subdivision 3a, the bureau shall mail a verification form to the person's last reported primary address. This verification form must provide notice to the offender that, if the offender does not return the verification form as required, information about the offender may be made available to the public through electronic, computerized, or other accessible means. For persons who are registered under subdivision 3a, the bureau shall mail an annual verification form to the law enforcement authority where the offender most recently reported. The authority shall provide the verification form to the person at the next weekly meeting and ensure that the person completes and signs the form and returns it to the bureau. Notice is sufficient under this paragraph, if the verification form is sent by first class mail to the person's last reported primary address, or for persons registered under subdivision 3a, to the law enforcement authority where the offender most recently reported.

(2) The person shall mail the signed verification form back to the bureau within ten days after receipt of the form, stating on the form the current and last address of the person's residence and the other information required under subdivision 4a.

(3) In addition to the requirements listed in this section, a person who is assigned to risk level II or III under section 244.052, and who is no longer under correctional supervision for a registration offense, or a failure to register offense, but who resides, works, or attends school in Minnesota, shall have an annual in-person contact with a law enforcement authority as provided in this section. If the person resides in Minnesota, the annual in-person contact shall be with the law enforcement authority that has jurisdiction over the person's primary address or, if the person has no address, the location where the person is staying. If the person does not reside in Minnesota but works or attends school in this state, the person shall have an annual in-person contact with the law enforcement authority or authorities with jurisdiction over the person's school or workplace. During the month of the person's birth date, the person shall report to the authority to verify the accuracy of the registration information and to be photographed. Within three days of this contact, the authority shall enter information as required by the bureau into the predatory offender registration database and submit an updated photograph of the person to the bureau's predatory offender registration unit.

(4) If the person fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form, or if the person fails to report to the law enforcement authority during the month of the person's birth date, the person is in violation of this section.

(5) For any person who fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form and who has been determined to be a risk level III offender under section 244.052, the bureau shall immediately investigate and notify local law enforcement authorities to investigate the person's location and to ensure compliance with this section. The bureau also shall immediately give notice of the person's violation of this section to the law enforcement authority having jurisdiction over the person's last registered address or addresses.

For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States, the bureau shall comply with clause (1) at least four times each year. For persons who, under section 244.052, are assigned to risk level III and who are no longer under correctional supervision for a registration offense or a failure to register offense, the bureau shall comply with clause (1) at least two times each year. For all other persons required to register under this section, the bureau shall comply with clause (1) each year within 30 days of the anniversary date of the person's initial registration.

(f) When sending out a verification form, the bureau shall determine whether the person to whom the verification form is being sent has signed a written consent form as provided for in paragraph (a). If the person has not signed such a consent form, the bureau shall send a written consent form to the person along with the verification form. A person who receives this written consent form shall sign and return it to the bureau at the same time as the verification form.

Sec. 4. Minnesota Statutes 2006, section 243.167, subdivision 2, is amended to read:

Subd. 2. **When required.** (a) In addition to the requirements of section 243.166, a person also shall register under section 243.166 if:

(1) the person is convicted of a crime against the person; and

(2) the person was previously convicted of or adjudicated delinquent for an offense listed in section 243.166, or a comparable offense in another state, but was not required to register for the offense because the registration requirements of that section did not apply to the person at the time the offense was committed or at the time the person was released from imprisonment.

(b) A person who was previously required to register in any state and who has completed the registration requirements of that state shall again register under section 243.166 if the person commits a crime against the person."

Page 6, after line 3, insert:

"Sec. 11. Minnesota Statutes 2006, section 641.05, is amended to read:

641.05 RECORD OF INMATES; ~~RETURN TO COURT~~; BUREAU OF CRIMINAL APPREHENSION.

(a) Every sheriff shall, at the expense of the county, maintain a permanent record of all persons committed to any jail under the sheriff's charge. It shall contain the name of every person committed, by what authority, residence, date of commitment, and, if for a criminal offense, a description of the person, when and by what authority liberated, and, in case of escape, the time and manner thereof. At the opening of each term of district court the sheriff shall make a certified transcript ~~therefrom~~ from the record to ~~such~~ the court, showing all cases ~~therein~~ not previously disposed of.

(b) Upon intake into the jail facility, the name of the committed person shall be checked against the Bureau of Criminal Apprehension predatory offender registration database to determine whether the person is a registered predatory offender. In the event that the person is registered, the sheriff or designee shall notify the bureau of the person's admission into the jail facility. At the time of discharge from the facility, the sheriff or designee shall provide the person with a change of information form for the purposes of reporting the address where the person will be living upon release from the facility.

(c) Every sheriff who intentionally neglects or refuses to report under paragraph (a) or (b) shall be guilty of a gross misdemeanor."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Holberg, Hilstrom and Paymar moved to amend H. F. No. 2996, the second engrossment, as amended, as follows:

Page 5, after line 23, insert:

"Sec. 8. 2008 S. F. No. 3342, section 3, if enacted, is amended to read:

Sec. 3. [299C.41] E-CHARGING.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Auditing data" means data in e-charging that document:

- (1) who took a particular action;
- (2) when the action took place;
- (3) the Internet Protocol address of the computer used to take the action;
- (4) the identification number of the organization employing the individual taking action;
- (5) what action was taken;
- (6) the unique identification for the document against which the action was taken;
- (7) the purpose for taking the action;
- (8) the date and time the request was received by the e-charging system; and
- (9) the identification number of the system from which the request originated.

(c) "Credentialed individual" means an individual who has provided credentialing data to a government entity or a court and has been authorized to use e-charging.

(d) "Credentialing data" means data in e-charging that document for an individual who is or was authorized to use e-charging:

- (1) user identification;
- (2) password; and
- (3) jurisdiction identification.

For law enforcement officers, credentialing data also includes a biometric identifier. For notaries public, credentialing data also includes an e-notary digital certificate.

(e) "E-charging" means a service operated by the Bureau of Criminal Apprehension to provide communication and workflow tools for law enforcement, prosecutors, and the courts to use during the process of charging a person with a crime.

(f) "Government entity" has the meaning given in section 13.02, subdivision 7a.

- (g) "Individual" has the meaning given in section 13.02, subdivision 8.
- (h) "Workflow and routing data" means data in e-charging that document:
 - (1) the assignment or reassignment of a document to a person or place;
 - (2) any deadline for the action on the assignment; and
 - (3) validation that the needed action has been completed.

Subd. 2. **Data classification.** (a) Credentialing data held by a government entity are classified as private data on individuals as defined in section 13.02, subdivision 12, or nonpublic data as defined in section 13.02, subdivision 9.

(b) Auditing data and workflow and routing data maintained by the Bureau of Criminal Apprehension are classified as confidential data on individuals as defined in section 13.02, subdivision 3, or protected nonpublic data as defined in section 13.02, subdivision 13, until the investigation is inactive as defined in section 13.82, subdivision 7. Once the investigation is inactive, and the recipient of the data authorizes release to the data subject, the auditing data and workflow and routing data maintained by the Bureau of Criminal Apprehension are classified as private data on individuals as defined in section 13.02, subdivision 12, or nonpublic data as defined in section 13.02, subdivision 9. The same data maintained by any other government entity are classified as provided by other law.

Subd. 3. **Data sharing authorized.** (a) Auditing data, workflow and routing data, or credentialing data must be disclosed to a credentialed individual to resolve issues about the integrity of data at issue in a pending criminal matter. No use outside the pending criminal matter is authorized and no recipient can redisclose the data that are received. To the extent that court rules make the data accessible to the public, they are accessible in the court records.

(b) Auditing, workflow and routing data, or credentialing data must be disclosed to a defendant in a pending criminal matter when the data are relevant to the individual's defense as defined in the Rules of Criminal Procedure. Relevance must be determined by the court using the standard set in Rules of Criminal Procedure, rule 9.01, subdivision 2(1). If the data are found to be relevant, the court must issue an order directing disclosure and send it to the Bureau of Criminal Apprehension. Disclosure cannot be made unless the court's order provides the full name and date of birth of the defendant, the law enforcement agency number, the law enforcement case number connected to the charge, the specific data to be disclosed, and that the recipient must not redisclose the data. The bureau shall provide the data to the defendant's attorney and the prosecutor. The data may not be used outside the pending criminal matter and a recipient may not redisclose the data that are received. To the extent that court rules make the data accessible to the public, they are accessible in the court records.

(c) Auditing data, workflow and routing data, or credentialing data may be disclosed to an employee of a government entity or court who has been accused of inappropriate access to, or use of data in, e-charging and to the employee's employer. The data may not be used outside the pending employee disciplining case and a recipient may not redisclose the data that are received. To the extent that section 13.43 or court rules require the disclosure of the data as part of the final disposition of discipline against an employee, the data are public.

(d) Auditing data, workflow and routing data, or credentialing data may be disclosed as part of a criminal or civil matter against a person for unauthorized access to, or use of data in, e-charging. The data may not be used outside the civil or criminal case and a recipient may not redisclose the data that are received. To the extent that the rules of public access to records of the judicial branch make the data accessible to the public, they are accessible in the court records.

~~Subd. 4. **Responding to data requests.** When the Bureau of Criminal Apprehension receives a request under chapter 13 for access to data in e charging that are not auditing data, credentialing data, or workflow and routing data held by the Bureau of Criminal Apprehension, the Bureau of Criminal Apprehension shall direct the requester to all government entities that have created the requested data. As part of its response, the Bureau of Criminal Apprehension shall provide the requester with the name, address, and telephone number for the responsible authority for the government entity."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Mahoney, Bunn, Hausman, Paymar, Eastlund and Dittrich moved to amend H. F. No. 2996, the second engrossment, as amended, as follows:

Page 6, after line 3, insert:

"Sec. 8. **JOINT PHYSICAL CUSTODY; STUDY GROUP.**

(a) The state court administrator shall convene a study group of 12 members to consider the impacts of a presumption of joint physical custody in Minnesota. The evaluation shall consider the positive and negative impact on parents and children of adopting a presumption of joint physical custody, the fiscal impact of adopting this presumption, and the experiences of other states that have adopted a presumption of joint physical custody. The study must consider data and information from academic and research professionals.

(b) In appointing members to the study group, the state court administrator must ensure that the viewpoint of parent advocacy groups, citizen members who are not associated with a parent advocacy group, academics and policy analysts, judges, court administrators, attorneys, domestic violence advocates, and other interested parties are represented. The state court administrator must consult with the chairs of the house public safety finance division and the senate public safety budget division on the composition of the working group. The state court administrator shall report to the legislature on the evaluation of presumption of joint physical custody, the experiences of other states, and recommendations made by the study group no later than January 15, 2009.

Sec. 9. **COMPREHENSIVE FAMILY COURT PROCESS; STUDY.**

The state court administrator shall report on a plan to conduct a multidisciplinary, comprehensive study on family law to the chairs of the budget and policy committees in the house and senate with jurisdiction over family law no later than January 15, 2009."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Emmer offered an amendment to H. F. No. 2996, the second engrossment, as amended.

POINT OF ORDER

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

Seifert appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 66 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Anzelc	Doty	Huntley	Lillie	Murphy, E.	Simon
Atkins	Eken	Jaros	Loeffler	Murphy, M.	Slawik
Benson	Fritz	Johnson	Madore	Nelson	Slocum
Bigham	Gardner	Juhnke	Mahoney	Norton	Solberg
Brynaert	Greiling	Kahn	Mariani	Paymar	Thao
Bunn	Hansen	Kalin	Marquart	Peterson, A.	Tillberry
Carlson	Hausman	Knuth	Masin	Rukavina	Wagenius
Clark	Hilstrom	Laine	Moe	Ruud	Ward
Davnie	Hilty	Lenczewski	Morgan	Sailer	Winkler
Dill	Hornstein	Liebling	Morrow	Scalze	Wollschlager
Dominguez	Hortman	Lieder	Mullery	Sertich	Spk. Kelliher

Those who voted in the negative were:

Abeler	Demmer	Gottwalt	Koenen	Ozment	Shimanski
Anderson, B.	Dettmer	Gunther	Kohls	Paulsen	Simpson
Anderson, S.	Dittrich	Hackbarth	Lanning	Pelowski	Smith
Berns	Drazkowski	Hamilton	Magnus	Peppin	Swails
Brod	Eastlund	Haws	McFarlane	Peterson, N.	Tschumper
Brown	Emmer	Heidgerken	McNamara	Peterson, S.	Urdahl
Buesgens	Erhardt	Holberg	Nornes	Poppe	Wardlow
Cornish	Erickson	Hoppe	Olin	Ruth	Welti
Dean	Faust	Hosch	Olson	Seifert	Westrom
DeLaForest	Finstad	Howes	Otremba	Severson	Zellers

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

Pursuant to rule 1.50, Sertich moved that the House be allowed to continue in session after 12:00 midnight.

A roll call was requested and properly seconded.

The question was taken on the Sertich motion and the roll was called. There were 85 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Anzelc	Eken	Howes	Madore	Paymar	Swails
Atkins	Erhardt	Huntley	Mahoney	Pelowski	Thao
Benson	Faust	Jaros	Mariani	Peterson, A.	Tillberry
Bigham	Fritz	Johnson	Marquart	Peterson, N.	Tschumper
Bly	Gardner	Juhnke	Masin	Peterson, S.	Wagenius
Brown	Greiling	Kahn	Moe	Poppe	Ward
Brynaert	Hackbarth	Kalin	Morgan	Rukavina	Welti
Bunn	Hansen	Knuth	Morrow	Ruud	Winkler
Carlson	Hausman	Koenen	Mullery	Sailer	Wollschlager
Clark	Haws	Laine	Murphy, E.	Scalze	Spk. Kelliher
Davnie	Hilstrom	Lenczewski	Murphy, M.	Sertich	
Dill	Hilty	Liebling	Nelson	Simon	
Dittrich	Hornstein	Lieder	Norton	Slawik	
Dominguez	Hortman	Lillie	Olin	Slocum	
Doty	Hosch	Loeffler	Ozment	Solberg	

Those who voted in the negative were:

Abeler	Dean	Erickson	Hoppe	Olson	Shimanski
Anderson, B.	DeLaForest	Finstad	Kohls	Otremba	Simpson
Anderson, S.	Demmer	Gottwalt	Lanning	Paulsen	Smith
Berns	Dettmer	Gunther	Magnus	Peppin	Urdahl
Brod	Drazkowski	Hamilton	McFarlane	Ruth	Wardlow
Buesgens	Eastlund	Heidgerken	McNamara	Seifert	Westrom
Cornish	Emmer	Holberg	Nornes	Severson	Zellers

The motion prevailed.

Hackbarth moved to amend H. F. No. 2996, the second engrossment, as amended, as follows:

Page 6, after line 3, insert:

"Sec. 8. Minnesota Statutes 2006, section 624.20, subdivision 1, is amended to read:

Subdivision 1. **Regulation.** (a) As used in sections 624.20 to 624.25, the term "fireworks" means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrocketes, Roman candles, daygo bombs, sparklers other than those specified in paragraph (c), or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks.

(b) The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture.

(c) The term also does not include wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of ~~200~~ 500 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture. The use of items listed in this paragraph is not permitted on public property. This paragraph does not authorize the purchase of items listed in it by persons younger than 18 years of age. The age of a purchaser of items listed in this paragraph must be verified by photographic identification.

(d) A local unit of government may impose an annual license fee for the retail sale of items authorized under paragraph (c). The annual license fee of each retail seller that is in the business of selling only the items authorized under paragraph (c) may not exceed \$350, and the annual license of each other retail seller may not exceed \$100. A local unit of government may not:

(1) impose any fee or charge, other than the fee authorized by this paragraph, on the retail sale of items authorized under paragraph (c);

(2) prohibit or restrict the display of items for permanent or temporary retail sale authorized under paragraph (c) that comply with National Fire Protection Association Standard 1124 (2003 edition); or

(3) impose on a retail seller any financial guarantee requirements, including bonding or insurance provisions, containing restrictions or conditions not imposed on the same basis on all other business licensees.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Westrom and Nornes moved to amend H. F. No. 2996, the second engrossment, as amended, as follows:

Page 6, after line 3, insert:

"Sec. 8. **DEPARTMENT MUST CONSIDER PRIVATE OPTIONS.**

Before entering into any plans or contracts for a new prison facility, the department must do a request for proposals from private contractors as to whether a more affordable option is available."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Hilstrom and Smith moved to amend the Westrom and Nornes amendment to H. F. No. 2996, the second engrossment, as amended, as follows:

Page 1, line 3, after "MUST" insert "NOT"

Page 1, delete lines 4 to 6 and insert:

"The department must not use private prisons."

A roll call was requested and properly seconded.

The Speaker called Juhnke to the Chair.

The question was taken on the amendment to the amendment and the roll was called. There were 79 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Abeler	Eken	Huntley	Mahoney	Ozment	Thao
Anzelc	Erhardt	Jaros	Mariani	Paymar	Tillberry
Atkins	Fritz	Johnson	Marquart	Peterson, N.	Tschumper
Benson	Gardner	Juhnke	Masin	Peterson, S.	Wagenius
Bigham	Greiling	Kahn	Moe	Rukavina	Ward
Bly	Hansen	Kalin	Morgan	Ruud	Welti
Brynaert	Hausman	Knuth	Morrow	Sailer	Winkler
Carlson	Haws	Laine	Mullery	Scalze	Wollschlager
Clark	Hilstrom	Lenczewski	Murphy, E.	Sertich	Spk. Kelliher
Davnie	Hilty	Liebling	Murphy, M.	Slawik	
Dill	Hornstein	Lieder	Nelson	Slocum	
Dittrich	Hortman	Lillie	Norton	Smith	
Dominguez	Hosch	Loeffler	Olin	Solberg	
Doty	Howes	Madore	Otremba	Swails	

Those who voted in the negative were:

Anderson, B.	Dean	Faust	Hoppe	Olson	Severson
Anderson, S.	DeLaForest	Finstad	Koenen	Paulsen	Shimanski
Berns	Demmer	Gottwalt	Kohls	Pelowski	Simon
Brod	Dettmer	Gunther	Lanning	Peppin	Simpson
Brown	Drazkowski	Hackbarth	Magnus	Peterson, A.	Urdahl
Buesgens	Eastlund	Hamilton	McFarlane	Poppe	Wardlow
Bunn	Emmer	Heidgerken	McNamara	Ruth	Westrom
Cornish	Erickson	Holberg	Nornes	Seifert	Zellers

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

POINT OF ORDER

Seifert raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that the Westrom and Nornes amendment, as amended, was not in order. Speaker pro tempore Juhnke ruled the point of order well taken and the Westrom and Nornes amendment, as amended, out of order.

The Speaker resumed the Chair.

Emmer offered an amendment to H. F. No. 2996, the second engrossment, as amended.

POINT OF ORDER

Solberg raised a point of order pursuant to rule 4.03 relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that the Emmer amendment was not in order. The Speaker ruled the point of order well taken and the Emmer amendment out of order.

Olson offered an amendment to H. F. No. 2996, the second engrossment, as amended.

POINT OF ORDER

Paymar raised a point of order pursuant to rule 4.03 relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that the Olson amendment was not in order. The Speaker ruled the point of order well taken and the Olson amendment out of order.

Olson appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 71 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Anzelc	Eken	Huntley	Loeffler	Nelson	Slocum
Atkins	Fritz	Jaros	Madore	Norton	Solberg
Benson	Gardner	Johnson	Mahoney	Paymar	Swails
Bigham	Greiling	Juhnke	Mariani	Pelowski	Thao
Bly	Hansen	Kahn	Marquart	Peterson, A.	Tillberry
Brynaert	Hausman	Kalin	Masin	Rukavina	Tschumper
Bunn	Haws	Knuth	Moe	Ruud	Wagenius
Carlson	Hilstrom	Laine	Morgan	Sailer	Ward
Clark	Hilty	Lenczewski	Morrow	Scalze	Winkler
Davnie	Hornstein	Liebling	Mullery	Sertich	Wollschlager
Dominguez	Hortman	Lieder	Murphy, E.	Simon	Spk. Kelliher
Doty	Howes	Lillie	Murphy, M.	Slawik	

Those who voted in the negative were:

Abeler	Demmer	Finstad	Kohls	Paulsen	Smith
Anderson, B.	Dettmer	Gottwalt	Lanning	Peppin	Urdahl
Anderson, S.	Dill	Gunther	Magnus	Peterson, N.	Wardlow
Berns	Dittrich	Hackbarth	McFarlane	Peterson, S.	Welti
Brod	Drazkowski	Hamilton	McNamara	Poppe	Westrom
Brown	Eastlund	Heidgerken	Nornes	Ruth	Zellers
Buesgens	Emmer	Holberg	Olin	Seifert	
Cornish	Erhardt	Hoppe	Olson	Severson	
Dean	Erickson	Hosch	Otremba	Shimanski	
DeLaForest	Faust	Koenen	Ozment	Simpson	

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

Nornes and Westrom offered an amendment to H. F. No. 2996, the second engrossment, as amended.

POINT OF ORDER

Solberg raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that the Nornes and Westrom amendment was not in order. The Speaker ruled the point of order well taken and the Nornes and Westrom amendment out of order.

H. F. No. 2996, A bill for an act relating to public safety; allowing persons facing civil commitment as sexually dangerous persons or sexual psychopathic personalities to choose to be confined in correctional facilities while the petition is being adjudicated; addressing the cost of care for persons facing civil commitment; addressing access to certain data; modifying intensive supervised release provisions; modifying fireworks provisions; modifying registration requirements for predatory offenders; establishing a working group to review, assess, and make recommendations regarding the modification and application of controlled substance laws; providing for a report; requiring studies; amending Minnesota Statutes 2006, sections 13.851, by adding a subdivision; 243.166, subdivisions 1a, 3a, 4; 243.167, subdivision 2; 244.05, subdivision 6; 253B.045, subdivisions 1, 2, by adding a subdivision; 253B.185, subdivision 5; 299C.41, as added if enacted; 609.115, by adding a subdivision; 624.20, subdivision 1; 641.05; Minnesota Statutes 2007 Supplement, section 253B.185, subdivision 1b.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Brown	Demmer	Erhardt	Hamilton	Hortman
Anderson, B.	Brynaert	Dettmer	Erickson	Hansen	Hosch
Anderson, S.	Buesgens	Dill	Faust	Hausman	Howes
Anzelc	Bunn	Dittrich	Finstad	Haws	Huntley
Atkins	Carlson	Dominguez	Fritz	Heidgerken	Jaros
Benson	Clark	Doty	Gardner	Hilstrom	Johnson
Berns	Cornish	Drazkowski	Gottwalt	Hilty	Juhnke
Bigham	Davnie	Eastlund	Greiling	Holberg	Kahn
Bly	Dean	Eken	Gunther	Hoppe	Kalin
Brod	DeLaForest	Emmer	Hackbarth	Hornstein	Knuth

Koenen	Mariani	Nornes	Peterson, S.	Simpson	Wardlow
Kohls	Marquart	Norton	Poppe	Slawik	Walti
Laine	Masin	Olin	Rukavina	Slocum	Westrom
Lanning	McFarlane	Olson	Ruth	Smith	Winkler
Lenczewski	McNamara	Otremba	Ruud	Solberg	Wollschlager
Liebling	Moe	Ozment	Sailer	Swails	Zellers
Lieder	Morgan	Paulsen	Scalze	Thao	Spk. Kelliher
Lillie	Morrow	Paymar	Seifert	Tillberry	
Loeffler	Mullery	Pelowski	Sertich	Tschumper	
Madore	Murphy, E.	Peppin	Severson	Urdahl	
Magnus	Murphy, M.	Peterson, A.	Shimanski	Wagenius	
Mahoney	Nelson	Peterson, N.	Simon	Ward	

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

Sertich 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 Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3683, A bill for an act relating to the operation of state government; changing certain provisions and programs related to agriculture; creating a livestock investment grant program; modifying pesticide and fertilizer regulation; changing certain payment provisions for certain agricultural chemical corrective action costs; changing certain food sanitary provisions; changing certain fee provisions; defining certain terms; regulating egg sales and handling; increasing the somatic cell count limit for goat milk; providing for control of bovine tuberculosis; adding a member to the NextGen Energy Board; modifying the expiration date for the NextGen Energy Board; modifying the expiration date for the Minnesota Agriculture Education Leadership Council; establishing requirements for practicing animal chiropractic care; recognizing a Program for the Assessment of Veterinary Education Equivalence certification; limiting use of certain drugs; changing certain requirements; regulating prescription of veterinary drugs; modifying definition of biodiesel; increasing minimum biodiesel content; creating a tiered biodiesel content goal; requiring counties to consider natural heritage data in adopting or amending comprehensive plans; requiring local governments to consider comprehensive plans to limit development on agricultural, forest, wildlife, and open space land; regulating certain racetracks; modifying 2007 appropriation language; creating the Veterans Health Care Advisory Council; changing certain provisions and programs related to veterans; providing for certain medallions; authorizing the placement of a plaque in the court of honor on the Capitol grounds by Minnesota's Mexican-American veterans to honor all Minnesota veterans who have served at any time in the United States armed forces; appropriating money; amending Minnesota Statutes 2006, sections 18B.07, subdivision 2; 18D.305, subdivision 2; 18E.04, subdivision 2; 28A.03, by adding a subdivision; 28A.08; 28A.082, by adding a subdivision; 28A.09, subdivision 1; 29.23; 31.05; 31.171; 41D.01, subdivision 4; 148.01, subdivision 1, by adding subdivisions; 156.001, by adding a subdivision; 156.02, subdivisions 1, 2; 156.04; 156.072, subdivision 2; 156.073; 156.12, subdivisions 2,

4, 6; 156.15, subdivision 2; 156.16, subdivisions 3, 10; 156.18, subdivisions 1, 2; 156.19; 168.1255, subdivisions 1, 3, by adding subdivisions; 196.021; 196.03; 197.236; 198.32, subdivision 1; 239.77, as amended; 240.06, subdivision 5a, by adding a subdivision; 240.13, subdivision 6; 394.232, subdivision 6; 462.355, subdivision 1; 462.357, by adding subdivisions; Minnesota Statutes 2007 Supplement, sections 31.175; 35.244; 41A.105; 296A.01, subdivision 8a; 394.23; Laws 2007, chapter 45, article 1, section 3, subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapters 17; 18C; 32; 148; 196; 394; repealing Minnesota Statutes 2006, sections 198.001, subdivisions 6, 9; 198.002, subdivisions 1, 3, 6; 198.003, subdivisions 5, 6; 198.004, subdivision 2; Minnesota Statutes 2007 Supplement, sections 198.002, subdivision 2; 198.004, subdivision 1; Minnesota Rules, part 9050.0040, subpart 15.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Vickerman, Skogen, Dille, Murphy, and Erickson Ropes.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Juhnke moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3683. The motion prevailed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3683:

Juhnke, Otremba, Koenen, Hamilton and Bigham.

MOTIONS AND RESOLUTIONS

Kranz moved that the name of Masin be added as an author on H. F. No. 1975. The motion prevailed.

Clark moved that the name of Masin be added as an author on H. F. No. 2100. The motion prevailed.

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

Morgan moved that the name of Masin be added as an author on H. F. No. 2539. The motion prevailed.

Morgan moved that the name of Masin be added as an author on H. F. No. 3030. The motion prevailed.

Peterson, N., moved that the name of Masin be added as an author on H. F. No. 3103. The motion prevailed.

Mullery moved that the name of Masin be added as an author on H. F. No. 3132. The motion prevailed.

Koenen moved that the name of Masin be added as an author on H. F. No. 3557. The motion prevailed.

Solberg moved that the names of Simon, Loeffler, Norton, Scalze, Hortman and Brynaert be added as authors on H. F. No. 3587. The motion prevailed.

Swails moved that the name of Fritz be added as an author on H. F. No. 3633. The motion prevailed.

Hortman moved that the name of Masin be added as an author on H. F. No. 3807. The motion prevailed.

Hornstein moved that the name of Masin be added as an author on H. F. No. 4015. The motion prevailed.

Hansen moved that the names of Bly, Atkins and Murphy, E., be added as authors on H. F. No. 4185. The motion prevailed.

Atkins moved that the names of Bigham and Madore be added as authors on H. F. No. 4207. The motion prevailed.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:30 p.m., Monday, April 28, 2008. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:30 p.m., Monday, April 28, 2008.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

